

MAYWOOD PLANNING BOARD
MINUTES
April 25, 2024

A regular meeting of the Maywood Planning Board was held on Thursday, April 25, 2024 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 December 7, 2023. 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:

Chairperson Charlotte Panny
Vice Chairperson Anthony Klymenko
Secretary Gary Neumann
Cynthia Petersen
John Gargagliano
Harry Hillenius
Douglas Herrick
Thomas Lindenau
Thomas Anzevino
Rick DeHeer
Farhana Hassan Choudhury
Board Attorney John Ferraro
Board Engineer Gregory Polyniak

Legal Counsel Professional Appointment

John Gargagliano made a motion to appoint John Ferraro & Robert Ferraro (Bruno & Ferraro) as Legal Counsel.

Rick DeHeer seconded the motion.

All eligible members present voted in favor of the motion.

Bills

Cynthia Petersen made a motion to accept payment of the bills.

Douglas Herrick seconded the motion.

All eligible members present voted in favor of the motion.

Correspondence

1. 4/1/24 letter from Eric V. Timsak of Bergen County Department of Planning & Engineering Re: Tesla 1 Bergen Town Center Site Plan Exemption

Variances:

- (1) From Section 209-40.P(2) to allow for the installation of a “Spring Valley Dental Care” branded, internally illuminated wall sign with dental practice telephone number on the eastern building façade that faces the parking area, where the sign is required to face the street frontage along West Spring Valley Avenue
- (2) From Section 287-17.E.(10)(b) to allow for a curb width of 6 inches, where 9 inches (bottom) and 8 inches (top) is required
- (3) From Section 209-39.B.(2) to permit 15 off-street parking spaces (including 1 ADA space and 1 electric vehicle charging space), where a total of 17 off-street parking spaces (factoring in the 1-space electric vehicle parking space credit) are required
- (4) From Section 209-39.D.(4)(a) to permit 1 ADA space, where a minimum of 2 ADA spaces are required
- (5) From Section 209, Attachment 1, Schedule A-1, to permit a 3-story building as a pre-existing nonconforming / previously approved condition to continue, where a 2.5-story building is permitted in the PC Zone
- (6) From Section 209, Attachment 1, Schedule A-1, to permit a front yard setback of 15.16’, where 25’ is required

From the Applicant:

Attorney Frank Vitolo of Sills, Cummis & Gross

Applicant Dr. John Mady

Civil Engineer and Professional Planner Anthony Facchino of Casey & Keller

Architect Jim O’Brien of Jim O’Brien Architects

From the Board:

Board Attorney John Ferraro

Board Engineer Gregory Polyniak

Exhibit List:

Exhibit A-1 Site Plan Dated 9/15/23, Revised 1/24/24

Exhibit A-2 Architectural Plan Dated 11/7/23, Revised 1/24/24

Frank Vitolo represents the Applicant Mady Properties, LLC. He summarized the application:

- Existing office building for a dental practice in the P-C Professional and Commercial Offices District
- Proposing to add an elevator and an ADA concrete ramp, and utilize the second floor for patients
- Seeking a parking variance for 1 parking space (16 spaces required vs. 15 spaces proposed)
- Seeking signage relief to relocate the monument sign and install an internally illuminated wall sign
- Addition will add 380 square feet gross floor area
- Notice of the hearing was properly serviced
- Acknowledged receipt of the following documents:

- 12/4/23 letter from Board Engineer Gregory Polyniak Re: Mady Properties 930 Spring Valley Road Completeness, Planning and Engineering Review
- 2/21/24 letter from Board Engineer Gregory Polyniak Re: Mady Properties 930 Spring Valley Road Completeness, Planning and Engineering Review
- 2/22/24 letter from Shade Tree Commission Re: Mady Properties 930 Spring Valley Road Shade Tree Commission Review
- 2/29/24 letter from Fire Official Thomas Tuttle Re: Mady Properties 930 Spring Valley Road Fire Prevention Bureau Review

Mr. Vitolo called his first witness, applicant Dr. John Mady who was sworn in. Dr. Mady is the principal and authorized representative of Mady Properties, LLC and owner and sole proprietor of Spring Valley Dental Care:

- Provided background of the property and the practice
- The practice is for general dentistry and is open Monday-Thursday 8am-6pm
- If the application is approved, he would like to add another dentist and stagger the hours to be more convenient for patients
- The practice currently has 8 employees including him but they are not all on-site at the same time (2 assistants, 2 clerical assistants, 2 dental hygienists, office manager and himself)
- The practice has 5 operatories (rooms where patients receive treatment) which are not used all at the same time, usually 3 are active
- He can control the number of patients scheduled and he typically sees one patient per hour and the hygienist would also see one patient per hour
- His office staggers patients to minimize wait times
- His current second floor tenant is leaving and he would like to grow the practice into that space which is why he is proposing ADA access
- The second-floor tenant is allocated 7 parking spaces and once the tenant leaves, all 15 parking spaces will be dedicated to the dental practice
- They are requesting a variance for 1 parking space and he does not anticipate a problem with the provided parking
- Families often schedule appointments together and travel together
- Some patients utilize medical transportation, public transport and rideshare services
- Dental waste and sharps are collected by a company that specializes in this type of collection which would not change
- Deliveries of office supplies are typically weekly and medical supplies are monthly

Chairperson Charlotte Panny invited the Board to ask questions of Dr. Mady:

- Secretary Gary Neumann asked where the employees would park and Dr. Mady answered that 2 parking spaces are allocated to employees as they are encouraged to carpool or park off-site but he may allocate a few more parking spaces to staff
- Cythia Petersen confirmed that his office would occupy the first and second floors. Dr. Mady added that the basement is used for storage and utility only
- Chairperson Panny confirmed that the elevator would go to the basement
- Chairperson Panny inquired if the Borough Fire Official was aware of the oxygen and other gas storage and Dr. Mady said that the Fire Official inspects his office annually

- Chairperson Panny questioned if teeth and dentures are not made on-site and Dr. Mady replied that they are not made on-site currently but he is researching a machine that could do so. He added that all new equipment would be located on the second floor
- Rick DeHeer asked if the medical gas cylinders are delivered during patient hours and Dr. Mady answered that they are delivered at 10am and the process takes about 10 minutes

Chairperson Panny invited Board Engineer Greg Polyniak to ask questions of Dr. Mady:

- Board Engineer Polyniak questioned which floor the second dentist would work on and Dr. Mady said that the new dentist would work on the first floor and he would work on the second floor with the new equipment
- Board Engineer Polyniak asked if another 7 parking spaces would be needed for staff and Dr. Mady answered that the existing support staff would support the new dentist so they would not hire additional staff. He added that the new dentist would be working later in the day during the week and Fridays/Saturdays. Dr. Mady said that there would be some overlap but he prefers to work earlier in day during the week
- Board Engineer Polyniak inquired what the maximum number of employees that would be on-site at one time and Dr. Mady responded that he would expect 13 employees. Board Engineer Polyniak questioned if 15 parking spaces would be sufficient and Dr. Mady replied that patient appointments and doctor hours are staggered. He said that he would not want his patients to be upset about parking
- Board Engineer Polyniak confirmed that the illuminated wall sign would be on a timer and Dr. Mady specified that the timer would be set for 6pm-6am
- Mr. Vitolo confirmed that there are currently 2 parking spaces allocated to employees and Dr. Mady would allocate 2 more for 4 parking spaces in total allocated to employees. Dr. Mady said that he would enforce that employees would not be permitted to park in the office parking lot other than those 4 designated parking spaces
- Chairperson Panny confirmed that Dr. Mady does not treat patient orthodontically
- Farhana Hassan Choudhury asked about requesting 1 ADA parking space where 2 ADA parking spaces are required and Mr. Vitolo said that the Planner would testify on that variance

Chairperson Charlotte Panny invited the public to ask questions of Dr. Mady but no one came forward.

Mr. Vitolo called his next witness, Civil Engineer and Professional Planner Anthony Facchino of Casey & Keller who was sworn in, qualified and accepted:

- Mr. Facchino's office prepared the plans and he reviewed the Borough master plan and zoning ordinance
- Board Attorney John Ferraro marked the Site Plan Dated 9/15/23, Revised 1/24/24 as Exhibit A-1
- Mr. Facchino described the surrounding uses and existing conditions of the site
- He summarized the proposed changes to the site; adding an elevator, replacing stairs with an ADA concrete ramp and utilizing the second floor for patients
- He explained how adding the elevator triggers the front yard setback variance
- He discussed the ADA concrete ramp, and the lighting plan and stormwater plan for the ramp

- He clarified that there are no changes to the number or location of the 15 existing parking spaces but an EV parking space will be added
- He explained how adding the elevator increases the building size, thereby increasing the number of required parking spaces to 17 spaces. He noted that adding the EV parking space permits 1 parking space credit which reduces the parking variance to 1 parking space
- Given the existing conditions, Mr. Facchino considers it a hardship to add an additional parking space and requested relief from the Board
- Additionally, he stated that the Borough code requires 2 ADA parking spaces but the existing conditions do not allow a second ADA parking space without removing a parking space which he referred to it as a hardship
- He noted that the Shade Tree Commission has approved the landscaping plan and detailed what landscaping was proposed
- He described the new location for the monument sign as the proposed ramp would be in the existing location
- Regarding the additional wall sign, he said that it would face the parking area, but the Borough code requires it to face the street frontage along West Spring Valley Avenue which triggers a variance. He noted that in all other ways, the sign conforms to the Borough code. He believes that this sign location will help patients find the location
- He stated that the utilities are not proposed to change

Board Engineer Gregory Polyniak was sworn in. Chairperson Charlotte Panny invited him to ask questions of Mr. Facchino:

- Board Engineer Polyniak requested testimony regarding the curb width deviation and Mr. Facchino answered that they are proposing to replace the deficient curbing so the variance would not be required
- Board Engineer Polyniak confirmed that shrubbery will be planted along the ramp wall
- Board Engineer Polyniak confirmed that the proposed ADA parking space will not be van accessible. Mr. Facchino referenced the hardship with accommodating a van accessible space given the existing conditions. Board Engineer Polyniak believes that the accessibility would be required if the building was built after 1987. Dr. Mady thinks that the business opened at the building in 1988. Discussion ensued. Mr. Vitolo suggested finding out when the building was built and accommodating the van accessible parking space, if required, as a condition of approval. He noted that this may require losing 1 parking space and changing the parking variance to 2 parking spaces
- Chairperson Panny confirmed that the EV parking space is required by the State and the Borough
- Rick DeHeer asked if the existing utilities would be sufficient and Board Engineer Polyniak answered that the Applicant would provide calculations that they adequate sewer capacity
- Mr. DeHeer believes that the illuminated sign hours should not be overnight and Cynthia Petersen cited the Borough code that does not permit illumination 12am-7am. Mr. Facchino agreed to the adjust the timer to shut off at 12am as a condition of approval

Chairperson Charlotte Panny invited the Board to ask questions of Mr. Facchino:

- John Gargagliano asked that the Fire Official review letter be read into the record. Mr. Vitolo said that their architect would address the letter

Chairperson Charlotte Panny invited the public to ask questions of Mr. Facchino but no one came forward.

Chairperson Panny asked that Mr. Facchino provide his planning testimony:

- The use is permitted in the P-C Professional and Commercial Offices District
- Seeking a C2 relief and granting the variance deviations would advance the purposes of planning as outlined in the Municipal Land Use Law (MLUL) specifically to promote health, safety and general welfare; provide adequate light, air and open space; promote a desirable visual environment through creative development techniques and good civic design and arrangement; promote the free flow of traffic; benefit the citizens of New Jersey with a variety of commercial and industrial uses and the benefits would substantially outweigh the detriments
- Regarding the signage variances, the signage will provide visitors and first responders clear visibility to the site location and allow safe and easy entrance to the property
- Considers the signage attractive and helps identify the building use promoting economic viability
- Noted that the surrounding commercial properties have signage
- Regarding the front setback variance, the addition will be attractive and blend in with the surrounding area. The variance can be granted without substantial detriment to the public good
- The addition is small and brings the building into compliance with ADA accessibility and there is no sustainable impairment to the surrounding uses
- Regarding the potential loss of one parking space to allow for a van accessible ADA parking space, his testimony would not change and he feels there is sufficient parking on the site for the Applicant's needs
- Mr. Vitolo offered to do a 6-month look back parking count and return to the Board, if needed, as a condition of approval
- Should the EV space need to be eliminated, Mr. Facchino does not see any substantial negative impact in doing so

Chairperson Charlotte Panny invited the Board and public to ask questions of Mr. Facchino regarding his planning testimony but no one came forward.

Mr. Vitolo announced that he had learned that the building was constructed before 1987 but there was an application before the Board in 1987 for an addition on the building. He admitted that it was a bit confusing but agreed to work with the Board Professionals as a condition of approval.

Mr. Vitolo called his final witness, Architect Jim O'Brien of Jim O'Brien Architects who was sworn in, qualified and accepted:

- He prepared the architectural plan and reviewed the other application materials
- He displayed the Architectural Plan Dated 11/7/23, Revised 1/24/24 which was marked as Exhibit A-2
- He summarized the proposed changes to the site in order to utilize the second floor for patients and make the building ADA accessible by adding an elevator and an ADA concrete ramp
- He described the layout of each floor and the exterior elevations of the building
- The materials will match the existing building

- Mr. Vitolo read the 2/29/24 letter from Fire Official Thomas Tuttle Re: Mady Properties 930 Spring Valley Road Fire Prevention Bureau Review into the record:
 - After reviewing the set of drawings labeled: “Alterations for A Dental Office Fit-up” dated 1/24/24 I have the following comments:
 - On Sheet C-1 The notes refer to the occupancy egress loading of the building using the NJ-IBC Section 104 for a total of 42 occupants while the plans show available seating of 58.
 - On Sheet A-1.1 the First-Floor plans show replacing the double exit doors with a proposed elevator. This will remove the secondary means of egress for the first-floor office area.
 - The newly revised NJ Fire Code due to be released in March will require that dental offices now be classified as a “Life Hazard Use” due to the use of sedation. In the event of a fire the sedation will leave some patients impaired and unable to self-evacuate. This will require extra personnel to assist in the evacuation leaving the single stairway more congested and impeding the egress of all occupants.
 - I strongly suggest keeping the secondary means of egress on the 1st floor and adding a secondary means by way of a stairway to the 2nd floor.
- Mr. O’Brien noted that the building is code compliant with 1 means of egress per floor. He has discussed the letter with Fire Official Tuttle and they came to the agreement to add fire sprinklers to the entire building which Fire Official Tuttle was satisfied with

Chairperson Charlotte Panny invited the Board to ask questions of Mr. O’Brien:

- Rick DeHeer confirmed that the rear stair well would provide access as well as the elevator. When asked about the rear stairwell being locked for security reasons, Mr. O’Brien said that the building code would not permit it to be locked for egress

Chairperson Charlotte Panny invited the public to ask questions of Mr. O’Brien but no one came forward.

Mr. Vitolo said that they will ask for the parking variance for 2 parking spaces and will submit a revised parking plan to the Board professionals, if needed. He will also review the EV ordinance and date of the building construction. He summarized the application and testimony and thanked the Board for their time.

Chairperson Charlotte Panny invited the public to comment on the application but no one came forward.

Board Attorney Ferraro summarized the agreed upon conditions of approval:

1. The Applicant shall insure that lighting is installed and shrubs are planted along the entry ramp to the building
2. The Applicant shall insure the storm water design follows the recommendations of Board Engineer Polyniak
3. The Applicant shall insure the signage is only illuminated between the hours of 6pm and 12am, to be adjusted for daylight savings time
4. The Applicant agrees to conduct and report to the Board the results of a 6 month look back study regarding usage of the parking on the site

5. The Applicant shall insure that fire sprinklers are installed on all floors throughout the building
6. The Applicant shall insure that all curbs are 9 inches wide at the bottom and 8 inches wide at the top

Harry Hillenius made a motion to approve the application with conditions listed above.
Thomas Anzevino seconded the motion.
All eligible members voted in favor of the motion.

Douglas Herrick rejoined the dais.

Informal Hearing None

Old Business None

New Business

- Distribution of Calendar #2024-03 Katherine Bennin & Rohit Gupta 730 Grant Avenue Variance Application
- Distribution of Calendar #2024-04 Timothy J. Coe 181 Roosevelt Place Variance Application
- Cancellation of 5/2/24 Meeting
 - Harry Hillenius made the motion to cancel the 5/2/24 meeting
 - Cynthia Petersen seconded the motion
 - All eligible members voted in favor of the motion

Open Meeting to the Public

Closed Session None

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius.
Thomas Lindenau seconded the motion.
All eligible members present voted in favor of the motion.
The meeting was adjourned at 9:22pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary