

**MAYWOOD PLANNING BOARD
MINUTES
April 6, 2023**

A regular meeting of the Maywood Planning Board was held on Thursday, April 6, 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 7:30pm with the following members present: Chairperson Charlotte Panny, Vice Chairperson Anthony Klymenko, Secretary Gary Neumann, John Gargagliano, Harry Hillenius, 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 March 23, 2023 meeting. Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

Bills

Rick DeHeer made a motion to accept payment of the bills. John Gargagliano seconded the motion. All eligible members present voted in favor of the motion.

Correspondence

1. 3/27/23 Adopted Borough Ordinance #4-23 Amending Chapter 140A-2(5) Cannabis Class 5 Locations
2. 3/27/23 Adopted Borough Resolution #83-23 Appointing Adrian Febre as Municipal Housing Liaison
3. 3/27/23 Adopted Borough Resolution #98-23 Appointing Triad Associates as Affordable Housing Consultant
4. 3/27/23 Executed Triad Associates Contract
5. 3/27/23 Adopted Borough Resolution #99-23 Awarding GIS Service Contract to Neglia Engineering Associates
6. 3/27/23 letter from Zoning Enforcement Officer Dina Lynch Re: 65 West Hunter Avenue Denial Letter
7. 3/29/23 letter from City of Hackensack Deputy City Clerk Allison Saabye Re: Introduced Ordinance #19-2023 Adopting 251 Railroad Avenue Redevelopment Plan Within the Redevelopment Area Consisting of Block 356, Lot 1
8. 3/29/23 Court Order Extending Interim Immunity to the Borough of Maywood and Scheduling Compliance Hearing

Chairperson Charlotte Panny invited the Board to ask questions of Mr. Capo. Board Engineer Greg Polyniak confirmed that the entire house would receive new siding and roofing.

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

Vice Chairperson Anthony Klymenko asked about basement access. Mr. Capo answered that there is an interior staircase between the basement and first floor. He added that the second floor does not have basement access and there are no exterior doors on the basement level. Rick DeHeer clarified that the basement will be finished with a half bath but no kitchen. Harry Hillenius recalled reading in the application that family members would be occupying both units. Board Attorney Kaczynski asked that Mr. Gonzales Andrade testify later in the hearing.

Mr. Sarlo called engineer Thomas Donahue. Mr. Donahue was qualified and accepted. He confirmed that he prepared the site plan that was submitted with the application. He described the proposed addition, backyard improvements and entrance enhancements. He emphasized that no bulk variances would be triggered by the project. He noted that there are existing accessory building (detached garage) nonconformities for side yard setback (4.5' existing where 5' minimum is permitted) and for height (16.3' existing where 15' maximum is permitted). He added that the floor area ratio (FAR) complies with the Borough code for the A-2 One and Two-Family zone although the property is located in the A-1 One-Family zone.

Chairperson Charlotte Panny invited the Board to ask questions of Mr. Donahue. Board Engineer Greg Polyniak confirmed that there were no easements, encumbrances or covenants that would interfere with the project. He also confirmed that Mr. Donahue will submit a copy of the plans to Bergen County Planning and Engineering. Board Engineer Polyniak verified that concrete pads would be installed for the HVAC units and the units would be screened by landscaping. Board Engineer Polyniak reminded Mr. Donahue that the gate for the fence surrounding the pool must be self-locking. Mr. Donahue confirmed that the fence and gate would comply with State and Borough code. Board Engineer Polyniak asked if the pool drain would be tied into the sanitary sewer lateral. Discussion ensued regarding how the pool would be drained. Board Attorney Kaczynski suggested including a condition of approval that the method of pool drainage be acceptable to Board Engineer Polyniak. Board Engineer Polyniak inquired about landscaping around the pool. Mr. Donahue responded that there is no landscaping proposed around the pool.

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

Mr. Sarlo called Applicant Henry Gonzales Andrade and he was sworn in. He explained that he will be occupying first-floor unit and will be renting out the second-floor unit. He elaborated that his children will occupy the second-floor unit when they are older. Board Attorney Kaczynski inquired when Mr. Gonzales Andrade purchased the home and he answered about six months ago. She then confirmed that the property was being used as a two-family home at the time of purchase and has been used as a two-family since the purchase. John Gargagliano believes that the property has been gutted in advance of the proposed addition. Mr. Gonzales Andrade agreed.

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

Mr. Sarlo summarized that the Applicant is seeking to expand a preexisting nonconforming use. He believes that there is no substantial detriment to the character of the neighborhood and referenced the generous side yard setbacks on the oversized property and that the addition cannot be seen from the street. Referencing Exhibits A-3 and A-4, he stated that this is the largest property in the neighborhood and noted that some of the neighboring properties that are significantly smaller also have rear additions. He thinks that there would be no substantial negative impairment of the zone plan since this property is an existing two-family. Additionally, he cited that one of the 2020 Master Plan Reexamination goals is to maintain and enhance the quality of established neighborhoods including the protection of residential character and prevailing densities of the community. He noted that the Borough is mostly comprised of one-family residential homes but the next largest category, according the Master Plan, is two-family homes at 12% of the housing stock. He considers the proposed addition an improvement that enhances the neighborhood while maintaining the density. He feels that the proposed addition advances the Master Plan goals.

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

Board Attorney Kaczynski summarized that the Applicant is seeking a D(2) variance for expansion of a preexisting nonconforming use and variances for the two preexisting accessory building nonconformities. 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 1/18/23, Revised 3/16/23, all roofing and siding will be replaced, no third unit in the basement, the application will be reviewed by the Fire Official for fire compliance, the plan will be filed with Bergen County Planning and Engineering, landscape screening will be planted around the HVAC units, a mechanism to drain the pool will be provided to the satisfaction of Board Engineer Polyniak and the ½ story attic space shall not be habitable. Thomas Anzevino 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.

Informal Hearing None

Closed Session None

Old Business

- Review of Application Requirements Checklist (Schedule C)
 - Board Attorney Kaczynski advised that she will provide a draft soon

New Business

- Distribution of Calendar #2022-03 TRB Associates 145 West Passaic Street Revised Minor Site Plan and Revised Existing and Proposed Zoning Conditions
- Distribution of Calendar #2023-04 Deo's Garden 946 Spring Valley Road Site Plan Application

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. Chairperson Panny seconded the motion. All eligible members present voted in favor of the motion. The meeting was adjourned at 8:29pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary