

**MAYWOOD PLANNING BOARD
MINUTES
May 4, 2023**

A regular meeting of the Maywood Planning Board was held on Thursday, May 4, 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: Councilperson Ryan Ullman (left @ 7:38pm), Chairperson Charlotte Panny, Vice Chairperson Anthony Klymenko, Secretary Gary Neumann, John Gargagliano, Derek Eisenberg, 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 April 27, 2023 meeting. Rick DeHeer 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. Secretary Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Correspondence

1. 4/26/23 letter from City of Hackensack Deputy City Clerk Allison Saabye Re: Adopted Ordinance #12-2023 Amending Chapter 175 Zoning
2. 4/26/23 letter from City of Hackensack Deputy City Clerk Allison Saabye Re: Adopted Ordinance #19-2023 Adopting 251 Railroad Avenue Redevelopment Plan Within the Redevelopment Area Consisting of Block 356, Lot 1
3. 4/26/23 letter from Board Engineer Gregory J. Polyniak Re: Hackensack Meridian Ambulatory Care, Inc. 65 West Hunter Avenue Completeness & Engineering Review
4. 5/1/23 letter from Board Engineer Gregory J. Polyniak Re: New Look Home Design, LLC 341 Maywood Avenue Completeness, Subdivision & Engineering Review
5. 5/2/23 letter from Maywood Police Chief Terence Kenny Re: Kine Buds Maywood, LLC Maywood Police Department Review

Resolution None

New Business

- Cancellation of 5/25/23 Maywood Planning Board Meeting and Adjournment of Calendar #2023-06 Hackensack Meridian Ambulatory Care 65 West Hunter Avenue Variance Application to the 6/1/23 meeting
 - Thomas Anzevino made a motion to cancel the 5/25/23 Maywood Planning Board meeting and adjourn Calendar #2023-06 Hackensack Meridian Ambulatory Care 65 West Hunter Avenue Variance Application to the 6/1/23 meeting
 - Derek Eisenberg seconded the motion
 - All eligible members present voted in favor of the motion except Councilperson Ryan Ullman who abstained

Councilperson Ryan Ullman left the meeting at 7:38pm.

Completeness Hearing

Dario & Gema Campillo

20 Orchard Place

Block 128, Lot 32

Calendar #2023-03

Variance Application

Expansion of a pre-existing non-conforming use

Stephen Sinisi represented the Applicant, Dario and Gema Campillo. He introduced the Applicant’s daughter Marisol Campillo and the Applicant’s professionals; architect Po Yi Wu and planner Bridget Bogart. He emphasized that the expansion of the pre-existing non-conforming use would be limited to the existing footprint of the dwelling. Board Attorney Kara Kaczynski confirmed with Board Engineer Gregory Polyniak that he recommended that the Board deem the application complete. Chairperson Charlotte Panny made a motion to deem the application complete and Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

Application Hearing

Dario & Gema Campillo

20 Orchard Place

Block 128, Lot 32

Calendar #2023-03

Variance Application

Expansion of a pre-existing non-conforming use

Board Attorney Kaczynski marked the application and supporting documents as Exhibit A-1, the notice and publication as Exhibit A-2 and Board Engineer Polyniak’s 3/29/23 review letter as Exhibit PB-1. Board Attorney Kaczynski suggested swearing in all the witnesses at one time and proceeded to do so. Mr. Sinisi called his first witness Marisol Campillo who lives at 20 Orchard Place. She explained that she is the Applicant’s daughter and has been helping them with the application. She has lived at the home since 1993 when her parents purchased the property. She added that her parents and her two adult twin sons also live there. She described the residence as a two-family home with a two-bedroom unit on the first floor and a one-bedroom unit on the second floor. She explained that her parents wish to construct a second-floor addition of two additional bedrooms with closets. She considers the addition to be vertical as it would be above the existing first floor and the existing dwelling footprint would not be expanded. Regarding on-site parking, Ms. Campillo stated that all 5 occupants are drivers and that there is sufficient parking for five cars; one long driveway fits four cars and there is a separate pad for one car. She explained that she and her family wish to reside together as she can look after her parents and her

two adult sons would be more comfortable with their own bedrooms. She emphasized how much they love their home and living in Maywood. She added that she works as a Special Education teacher at South Bergen Jointure in Maywood for the past 16 years.

Chairperson Panny invited Board Engineer Polyniak to ask questions of Ms. Campillo but he did not have any questions. She then invited the Board to ask questions of Ms. Campillo. John Gargagliano confirmed that the home was being used as a two-family prior to her parents purchasing in 1993. She noted that there was an existing tenant in 1993. He then inquired if there is a separate entrance for the second-floor unit and she confirmed that there was a separate entrance on the side of the dwelling. He asked how the basement was accessed and she answered that only the first-floor unit has basement access. Chairperson Panny asked if the Applicant anticipated adding cars to the property and Ms. Campillo responded that no cars will be added. Derek Eisenberg asked if the home was a one-family, would there be a need for an application. Mr. Sinisi asked to defer that question to the planner Bridget Bogart.

Chairperson Panny invited the public to ask questions of Ms. Campillo. Donna Lynch-Sheridan of 18 Orchard Place began to comment on the application but Board Attorney Kaczynski advised that this was the time to ask questions of the witness and comments on the application would occur later in the hearing.

Mr. Sinisi called his next witness architect Po Yi Wu who was qualified and accepted. Mr. Wu displayed the architectural plans dated 2/14/23 that he created which were submitted with the application as part of Exhibit A-1. He designed the second-floor addition of two bedrooms with closets, no additional bathrooms are proposed. As part of the process, he visited the neighborhood and the home so that the design would fit in with the surrounding properties. Mr. Wu described sheet 1 of the architectural plans as providing zoning table, survey, existing/proposed first-floor plan and existing and proposed second-floor plan. He added that sheet 2 of the architectural plans provided existing and proposed elevations. He noted that there are no changes proposed to the basement, first-floor unit or the dwelling footprint. He showed how the first-floor unit would access the basement. Mr. Wu noted that the proposed addition would not trigger a height variance. He explained that he planned the addition to match the existing home and believes it is a better aesthetic design. He will try to match the existing vinyl siding in a light green color and the asphalt roof shingle color will match the existing roof. Mr. Wu provided a color rendering of the rear of the property dated 2/14/23 which was marked as Exhibit A-3. When asked by Mr. Sinisi, Mr. Wu confirmed that the proposed addition is good civic design and arrangement for what is existing in this zoning district. He added that since the addition is in the back of the dwelling, most people would not be able to see it from the front of the property. He considers the proposed design to be consistent with the neighborhood.

Chairperson Panny invited Board Engineer Polyniak to ask questions of Mr. Wu. Board Engineer Polyniak confirmed that should he stand directly in front of the home; he would not be able to see the proposed rear addition. He asked how Mr. Wu would match the color of the rear addition materials to what is existing. Mr. Wu explained that siding companies often change their colors annually so he would do his best to match the existing materials but they may not be an exact match. Board Engineer Polyniak asked that the Applicant replace any curbing, sidewalk or driveway that may be damaged by heavy equipment during construction and Mr. Wu agreed to this condition. Board Engineer Polyniak asked that any trees or greenbelt in the right-of-way (ROW) be protected from damage during construction or repaired if damaged and Mr. Wu agreed to this condition. Board Engineer Polyniak confirmed that the roof leaders for the proposed rear addition would not change any stormwater drainage

patterns. He asked for a note on the final plan to that effect and Mr. Wu agreed to this condition. Board Engineer Polyniak clarified that the existing utilities will be reused and no new connections are proposed. He confirmed that no new lighting or landscaping is proposed.

Chairperson Panny invited the Board to ask questions of Mr. Wu. Vice Chairperson Anthony Klymenko asked if the proposed rear addition would conform to the Borough code regarding setback distances and Mr. Wu reviewed the zoning table and answered that no setback variances would be triggered by the proposed addition. Derek Eisenberg asked if the footprint will not be expanded, the existing dwelling falls within the Borough code regarding setbacks. Mr. Sinisi asked that planner Bridget Bogart discuss the pre-existing non-conformities as part of her testimony. Mr. Wu confirmed that the proposed rear addition would comply with the Borough setback requirements. Board Engineer Polyniak summarized the pre-existing non-conformities:

- Minimum lot area of 4,500 square feet where 5,000 is required
- Maximum lot coverage of 32% where 30% is required
- Minimum front yard setback of 17.61' where 25' is required
- Western side yard setback of 1.55' where 5' is required

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

Mr. Sinisi called his next witness planner Bridget Bogart who was qualified and accepted. Ms. Bogart explained that she helped prepare the application and reviewed the Borough Master Plan and zoning ordinances in preparation of her testimony. She summarized the proposed addition and pre-existing non-conformities associated with the property. She considers the proposed addition to be an aesthetic improvement, reflect similar design to the neighborhood homes and a more functional use of the property for the owner-occupants. She noted that the property is zoned A-1 One-Family but is an existing two-family home which requires a D(2) use variance. She stated that the Applicant must satisfy the positive and negative criteria. For the positive criteria, she explained that there are special reasons for the Board to approve the application. In the context of this application, she said that the application furthers the purposes of the Municipal Land Use Law (MLUL) and the goals of the Borough Master Plan. For the negative criteria, she explained that there are two prongs required for Board approval; no substantial detriment to the public good and no substantial impairment to the Borough Master Plan or zoning ordinance. She summarized three purposes of the MLUL that this application furthers:

- Purpose C-To provide adequate light, air and open space
 - As the addition is on the second story, she believes that it will have minimal impact to light, air and open space and is very similar to the adjacent residences
- Purpose E-To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment
 - She noted that the property has existed as a two-family dwelling without impact to the surrounding area and provides sufficient parking
- Purpose I-To promote a desirable visual environment through creative development techniques and good civic design and arrangement
 - She referenced Exhibit A-3 proposed addition rendering and considers it an aesthetic improvement over the existing condition

Ms. Bogart cited case law (*Burbridge V. Minehill Township*) that aesthetic improvements alone can be a special reason that justifies D(2) variance approval. She believes that this application supports three the goals and objectives of the Borough Master Plan:

- Maintain and enhance the quality of established neighborhoods in Maywood including the protection of the residential character and prevailing densities of the community
- Assist in the rehabilitation of areas in need of improvement and upgrade including utilization of assistance programs, where applicable, as well as private efforts
- Provide housing opportunities and a variety of housing for various income levels of the population including senior housing

Referencing Board Engineer Polyniak's questioning of architect Po Yi Wu, Ms. Bogart believes that there is no negative impact in the Board granting the approval as the proposed rear addition cannot be seen from the front of the property and it would not trigger any additional variances.

Chairperson Panny invited Board Engineer Polyniak and Board to ask questions of Ms. Bogart. Board Engineer Polyniak confirmed that Ms. Bogart provided adequate testimony regarding the positive and negative criteria. Rick DeHeer confirmed that Board Engineer Polyniak was satisfied that the parking provided is sufficient. Board Engineer Polyniak further stated that the Borough ordinance requires 4 parking spaces for a two-family home and the Applicant is providing 5 parking spaces. He has visited the site and considers the parking configuration acceptable. Board Engineer Polyniak has a professional planning license in New Jersey and has acted as such for municipal Boards and Applicants. Derek Eisenberg asked Board Engineer Polyniak if the fifth parking space contributed to the pre-existing lot coverage non-conformity and Board Engineer Polyniak agreed that it can be considered that way. Mr. Eisenberg then asked Ms. Bogart if the home was a one-family, would there be a need for an application and she answered that the application would not be required if the home was a one-family in the A-1 One-Family zone. John Gargagliano clarified that the application was required for the proposed addition because the two-family use is not permitted in the A-1 One-Family zone. Chairperson Panny confirmed that the on-site parking was sufficient for a two-family dwelling. Ms. Campillo was recalled and answered that the fifth parking space is paved and is adjacent to the long driveway. Board Engineer Polyniak clarified that no new impervious coverage is proposed.

Chairperson Panny invited the public to ask questions of Ms. Bogart or Ms. Campillo. Donna Lynch-Sheridan of 18 Orchard Place asked if the home would become a mother-daughter house. Ms. Campillo answered that they are proposing adding two bedrooms to the rear of the second-floor unit. Mrs. Lynch-Sheridan asked if any staircases would be opened and Ms. Campillo answered that they would not. Mrs. Lynch-Sheridan began to ask Board Attorney Kaczynski a question but she was redirected to ask questions of Ms. Bogart or Ms. Campillo. There was some discussion regarding whether the home was a two-family structure. Gary Neumann confirmed with Ms. Campillo that there are two sets of utilities which determines that the dwelling is a two-family residence.

Board Attorney Kaczynski summarized that the Board can determine that Applicant has proven that the two-family use is a pre-existing non-conformity. Additionally, she explained that the Board approval would be for the expansion of the pre-existing non-conforming use and the continued pre-existing non-conforming bulk variances.

Chairperson Panny invited the public to comment on the application. Vicky Cowan of 19 Orchard Place spoke on behalf of the Applicant stating that they are good neighbors that want to stay in Maywood as a multi-generational household.

Board Attorney Kaczynski summarized the conditions of approval:

1. The Applicant will try to match the color of the siding vinyl and roof shingles to what is existing

2. The Applicant will repair any curbing, sidewalks, driveways and trees that may be damaged during construction
3. The Applicant will ensure that there are no changes to the roof leaders and stormwater drainage which will be noted on the plans
4. The Applicant will address any comments from Exhibit PB-1 Board Engineer Polyniak's 3/29/23 review letter

Secretary Anthony Klymenko made a motion to approve the application with the conditions listed by Board Attorney Kaczynski and John Gargagliano seconded the motion. All eligible members present voted in favor of the motion.

Informal Hearing None

Closed Session None

Old Business None

New Business (cont'd)

- Distribution of Calendar #2023-10 Kine Buds Maywood, LLC 113 East Passaic Street Site Plan Application

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Rick DeHeer. Chairperson Panny seconded the motion. All eligible members present voted in favor of the motion. The meeting was adjourned at 8:43pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary