

**MAYWOOD PLANNING BOARD
MINUTES
June 1, 2017**

A regular meeting of the Maywood Planning Board was held on Thursday, June 1, 2017 in the Council Chambers of the John A. Steuert, Jr. Municipal Complex, 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 23, 2016. 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 the same pursuant to said act.”

Flag Salute

Call to Order

The meeting was called to order at 7:25pm with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Councilman Rick DeHeer, Gary Neumann, John Montel, Harry Hillenius, John McManus, Ken Terzo, Anthony Klymenko and Daniel Nemecek. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer David Gleassey of Remington Vernick (left at 7:31pm) were also present.

Approval of Minutes

Harry Hillenius made a motion to accept the minutes from the May 4, 2017 meeting. Secretary Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

Bills

None

Correspondence

- 5/11/17 letter from John M. Muscarelle Re: Municipal Land Use Law N.J.S.A. 40:55D-12
- 5/24/17 Public Notice for 156 & 160 Route 17 North, Rochelle Park, New Jersey
- 5/26/17 letter from Priscilla J. Triolo counsel for Maywood Veterinary Clinic Re: Request for 6/22/17 Hearing
 - Board Attorney Kara Kaczynski provided background on the complicated application
 - On 6/1/17, she sent the applicant a list of relief required and recommended that the Board deem the application complete thereby scheduling the hearing at the next meeting date on 6/22/17
 - Chairman Frank Lichtenberger made a motion that the application for Maywood Veterinary Clinic, LLC 125 East Passaic Street Block 77, Lot 19 be deemed complete
 - Vice Chairman Paul Kuhn seconded the motion
 - All members present voted in favor of the motion
- 5/30/17 email from Dolan & Dolan Re: Mandatory Training Saturday, 6/24/17

- 5/31/17 letter from Board Attorney Kara Kaczynski Re: 561 Elm Street Escrow Release Follow-up
 - Board Attorney Kaczynski had not heard back from the applicant’s attorney Charles Sarlo after sending out a letter on 4/27/17
 - Mr. Sarlo will contact his client and get back to the Board
 - New owner will need to replace the escrow amounts before applicant’s escrow can be released

Resolution None

Hearing #1 **George Hodosh Associates/Jason Healy**
 204 Loughlin Place
 Block 23, Lot 3
Calendar #2017-05
Variance Application

The applicants, Jonathan Hodosh and Jason Healy, were sworn in. Board Attorney Kaczynski noted that there was an issue with regards to notice. One of the envelopes was addressed incorrectly and was not delivered. The applicant used an affidavit of service by personal delivery to acknowledge that the proximity property owner (Eduardo & Dianella Sison) did not receive the required ten-day notice but consented to the hearing.

Jonathan Hodosh is Mr. Healy’s architect and explained that they are proposing a second-floor addition which would match the first-floor footprint. This would violate an existing side yard setback nonconformity of 4.6’ where 5’ is required. Additionally, they are proposing to roof the front porch creating a portico which would violate the front yard setback of 21.7’ where 25’ is required. Mr. Hodosh passed out two photos of the applicant’s property and the next-door neighbor’s property which has a similar front entrance to what is proposed. The next-door neighbor has an enclosed portico and the applicant just wants to extend the roof but not enclose. The photos were marked as Exhibits A-1 and A-2 which were downloaded from Google Street View earlier in the day and represents the existing conditions of the properties. Mr. Hodosh does not believe that granting the relief required will negatively impact the surrounding area. Board Attorney Kaczynski confirmed that the front stairs are not included in the setback calculation. Lastly, they would like to enclose a side entrance to create a mudroom which would not violate the setback requirement.

The second-floor addition would contain four bedrooms, two baths and a linen closet. Chairman Lichtenberger confirmed that the house would remain a one-family home. Anthony Klymenko added that the Borough does not have total side yard setback requirements which the applicant provided data for. Ken Terzo asked about the deck requiring a rear yard setback variance although it is existing. Board Attorney Kaczynski agreed that the pre-existing nonconforming deck be included. There is no existing shed and no shed is proposed. Vice Chairman Paul Kuhn asked for more information on the enclosing the western side entrance. Mr. Hodosh explained that this is the entrance most often used by the homeowner. The entry door currently hits the basement stairwell when opened. The enclosure will create a small mudroom allowing for more

space when entering. A one-story kitchen addition at the back of the house was added during a previous renovation.

No members of the public came forward to comment on the application.

Vice Chairman Kuhn made a motion to approve the application with the variances outlined above. Ken Terzo seconded the motion. All members present voted in favor of the motion.

Hearing #2
Janet Castellano
146 Cedar Avenue
Block 6, Lot 10
Calendar #2017-07
Variance Application

Harry Hillenius lives within 200' of the subject property and, as such, recused himself from the hearing by leaving the dais.

The applicant, Janet Castellano, was sworn in. She would like to erect a wood deck in her backyard which would violate the rear yard setback requirement (24.5' proposed where 30' required). There is an existing set of stairs leading to a cement slab which would be converted to a deck. There is no existing shed and no shed is proposed. Zoning Officer Mazzer believes the application is a simple back yard setback variance. He noted that her next-door neighbor has the same style home as they were built by the same developer. The neighbor received approval for similar deck several years ago. Ken Terzo asked if the deck would be all one level and Ms. Castellano answered that there would be two steps in the center making the deck two levels. The deck would not be two-stories. Chairman Lichtenberger confirmed that the deck would run the length of the rear of the home. Board Attorney Kaczynski asked if lighting would be added and Ms. Castellano replied that there is existing lighting and additional lighting is not proposed. Councilman Rick DeHeer confirmed that the steps to grade are off the east side of the deck although page two of the hand drawn sketch incorrectly shows the steps at the deck rear.

Diane Szymanski and Kathleen Szymanski of 145 East Spring Valley Avenue were sworn in. They live directly behind the applicant and are concerned that the noise from the deck will disturb them and storm water runoff may flood their yard. Ken Terzo explained that the deck is not considered an impervious surface and storm water runoff will not be affected by the construction. Chairman Lichtenberger explained that the Planning Board does not enforce the noise ordinance.

Councilman DeHeer made a motion to approve the rear yard setback variance of 24.5' where 30' is required. Ken Terzo seconded the motion. All members present voted in favor of the motion.

Harry Hillenius rejoined the Board.

Informal Hearing None

New Business None

Open Meeting to the Public None

Closed Session

Chairman Lichtenberger made a motion to go into Closed Session. Vice Chairman Kuhn seconded the motion. All members present voted in favor of the motion.

**BOROUGH OF MAYWOOD PLANNING BOARD
Closed Session Resolution # 2017-09**

BE IT RESOLVED by the Planning Board of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Maywood Planning Board met in closed session to discuss the following subject matter(s): Pending litigation and personnel matters.

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof
- Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest
- Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law
- Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof

() Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Planning Board of the Borough of Maywood
(X) Will return to open session after this meeting.
() Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 5/4/17 Time: 8:13pm

Ken Terzo made a motion to return to the regular order of business. Vice Chairman Paul Kuhn seconded the motion. All members present voted in favor of the motion.

Old Business 191 West Central Avenue Status

- Summons letter issued by Zoning Officer Mazzer on 5/3/17 with fines beginning 5/8/17
- Revised application submitted on 5/5/17
- Awaiting Board Engineer's completeness review

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. Councilman DeHeer seconded the motion. The meeting was adjourned at 9:14pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary