

## MAYWOOD PLANNING BOARD

### MINUTES

May 7, 2015

A regular meeting of the Maywood Planning Board was held on Thursday, May 7, 2015 in the Council Chambers of the John A. Steuert, Jr. Municipal Complex, 15 Park Avenue, Maywood, New Jersey at 7:30 P.M. “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 11, 2014. 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 7:30pm with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Councilman Rick DeHeer, John Montel, Charles Goebel, John McManus (left at 8:15pm) and Anthony Klymenko. Also present were Zoning Officer James Mazzer and Board Attorney Kara Kaczynski.

**Approval of Minutes:** Vice Chairman Paul Kuhn made a motion to accept the minutes from the April 23, 2015 meeting. Secretary Charlotte Panny seconded the motion. All members present voted in favor of the motion.

**Bills:** Secretary Panny made a motion to accept payment of the bills. Vice Chairman Kuhn seconded the motion. All members present voted in favor of the motion.

#### **Correspondence:**

- 4/22/15 Notice that Reduce Construction Corp. is applying to the NJDEP Division of Land Use Regulation (DLUR) for Flood Hazard Area (FHA) Verification and Individual Permit (IP)/Hardship Exception for 22 Temple Avenue (Block 524, Lots 4 & 5)
  - Board Attorney Kara Kaczynski suspects that the Board was notified because the Borough owns a small parcel of property with 200 feet of the applicant’s property
- 5/1/15 email from NJLM about a Webinar on “Preparing for Your Next Steps on Affordable Housing” on Friday, May 29, 2015 @ 11am-12:15pm

**Resolutions:** None

**Hearing:** **Lisa Petrigliano**  
33 West Magnolia Avenue  
Block 121, Lot 28  
**Calendar # 2015-05**  
**Variance Application**

Chairman Lichtenberger explained that the Board Engineer was unable to attend so the hearing will be adjourned until the next meeting on May 28, 2015. However, he suggested that the applicant give a small overview of the application to help the Board better understand the situation. Kevin Kelly of Kelly, Kelly, Marotta & Lafferty, LLC counsel on behalf of the Petrigliano Family explained that Lisa Petrigliano is the applicant's maiden name. Her married name is Lisa Montany. The application for 33 West Magnolia Avenue is for a use variance. The applicant is proposing an expansion of an existing two family home in a one family zone making it nonconforming. He explained that the structure existed before the area was zoned as a one family zone sometime in the 1960s.

Lisa Petrigliano Montany of 33 West Magnolia Avenue was sworn in. She gave a short history of the home. It was built as a one family and was converted into a two family prior to her parents buying the property in 1969. It was purchased as a two family and has been taxed as a two family since the purchase. Shortly after buying the home, this property along with several others on the block were challenged by the Zoning Board as to whether they should be designated as a one or two family homes. Ultimately, the Zoning Board approved it to be a two family house. Mrs. Petrigliano-Montany will look for supporting documentation.

Mrs. Montany is pursuing the application in order to have her elderly parents move in with her family on the first floor of the property while her sister will continue to live in the second floor unit. The proposed renovation will focus primarily on the first floor by expanding the back and both sides to add a bedroom, great room, and two bathrooms. All work will be ADA compliant in order to allow her parents with mobility limitations free access to move around the first floor. The basement is currently partitioned with a kitchen, bathroom, bedroom, living room and den, but the proposed renovation will removed all partitions and fixtures making it suitable for only mechanicals and storage. Having lived in the home since she was five years old, Mrs. Montany is invested in the community. The renovations are not for the purpose of selling the home but rather making it a true family home for three generations.

Chairman Lichtenberger asked about the basement apartment that Mrs. Montany used when her parents visited. She doesn't know the origins of when it was constructed and her attorney explained that it would be removed. Zoning Officer James Mazzer was sworn in. He suspects the basement apartment has been in place for a long time and agrees that it should be removed. Chairman Lichtenberger asked to clarify if the proposed plan would be for a three family as there would be three floors occupied. Board Attorney Kaczynski clarified that the basement and first floor are considered one unit while the second and third floors are considered the second unit. The first floor has access to the basement and the second floor. The entrance on the first floor has a vestibule with two doors. One door is for the first floor unit and the other door is for a stairwell leading to the second floor. Mrs. Montany's family mainly uses a side door while her sister, Cheryl, uses the front door to access the second floor unit. Board Attorney Kaczynski asked if the proposed expansion requires that the first floor unit have direct access to the basement. Mrs. Montany explained that the plan will be to close off the direct access and have basement access only from outside.

The Board Engineer will provide his report on the submitted application. The hearing was carried until the next meeting on May 28, 2015 without need for further notice or publication.

**Informal Hearing:** None

**Old Business:**

- During a meeting between Chairman Lichtenberger, Zoning Officer Mazzer and Mayor Febre, there was a suggestion that the Taxation and the Building Department confer with one another.
  - When the Taxation Department reevaluates a home, prior to it being designated as a two family, the Building Department should be notified.
  - Board Attorney Kaczynski clarified that paying taxes on a two-family home does not designate it as a legal two family.

Short break at 8:03pm and the meeting resumed at 8:21pm with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Councilman Rick DeHeer, John Montel, Charles Goebel and Anthony Klymenko.

- 4/21/15 memo from Kara Kaczynski to Maywood Planning Board amended 5/7/15 based on comments from the 4/23/15 Planning Board meeting – Re: Potential Amendments to Chapter 209 of the Borough of Maywood Land Use Ordinance.
  - At the 4/23/15 Planning Board meeting, there was debate amongst the Board members on how best to define building height and several options were presented in Exhibit A.
  - It was determined that the Board would recommend the following definition for building height to the Council:
    - The vertical distance of a building measured from the top of the highest point of a structure to the average finished grade taken six feet from the building foundation, at the midpoint of each building wall and at a point measured diagonally at forty-five degrees from each corner.
    - Where new grades are proposed, the grade measurement cannot exceed a height established at more than one foot six inches above the existing grade.
    - Maximum height of flat roofs shall be 28 feet.
    - Maximum height of the ridge beam for a sloped roof shall be 35 feet.
  - At the previous Planning Board meeting, there was discussion amongst the Board members on how best to define story and several options were presented in Exhibit A.
  - It was determined that the Board would recommend the following definition for story to the Council:
    - Any story having its finished floor surface entirely above pre-disturbed natural grade, except that a basement shall be considered as a story where the finished surface of the floor above the basement is more than six feet above the grade plane, more than six feet above the pre-disturbed natural

- grade level for more than 50% of the total building perimeter, or more than 12 feet above the finished ground level at any point.
- Story, half: A space under a sloping roof with a stairway access that is intended for occupancy or storage, which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with the headroom of five feet or less occupies at least 40% of the total floor areas of the story directly beneath.
- Board Attorney Kaczynski will clarify the language in the section that pertains to the permitted hours of operation for retail businesses with the exception for restaurants.
  - The section on signage was tabled to the next meeting on May 28, 2015.
    - Board Attorney Kaczynski emphasized the need for Sign Applications (Without Variance) to be completely filled out before being deemed complete.
  - Board Attorney Kaczynski will confer with the Board Secretary on the notification requirements that need to be satisfied prior to an applicant appearing before the Board.
  - Board Member Charles Goebel asked about the planned Streetscapes project for the Maywood Avenue retail area south of Central Avenue be consistent with the possible Beech Street access gateway to the Hackensack Fitness & Wellness Center.
    - Having both projects similarly designed would provide continuity.
  - Board Attorney Kaczynski and Board Engineer Tom Lemanowicz are collaborating on recommendations for Schedule C, 209-54 and the site plan checklist provided with the application package because the three documents are contradictory.
  - There was an additional suggestion from Board Attorney Kaczynski that there be amendments added to the Streetscapes grant for the Maywood Avenue retail area south of Central Avenue.
    - Chairman Lichtenberger felt that the Board should not add amendments as the previous Streetscapes project on Pleasant Avenue was so well done.
  - Board Attorney Kaczynski asked why no less than four (4) affirmative votes may approve an application (other than Use Variance application) but five (5) members constitutes a quorum.
    - The reason that this was established was because the Board felt that approving an application with just 3 votes because of shallow attendance would not reflect the Board's position.
    - Board Attorney Kaczynski will research to see if this is allowed since it is not consistent with Land Use law.
  - Chairman Lichtenberger requested that Board Attorney Kaczynski provide a summary of the recommendations that had been approved.

**New Business:** None

**Open to the Public:** None

**Adjournment:** A motion to adjourn was made by Vice Chairman Paul Kuhn. Charles Goebel seconded the motion. The meeting was adjourned at 9:14pm.

Respectfully submitted,

Tara Grunstra  
Secretary