

**MAYWOOD PLANNING BOARD  
MINUTES  
July 1, 2021**

A regular meeting of the Maywood Planning Board was held on Thursday, July 1, 2021 via the “Zoom” online meeting platform at 7:30pm. “This Virtual Meeting is called pursuant to the provisions of the Open Public Meetings Act. Both adequate and electronic notice of this virtual meeting has been provided by way of publication in the Our Town and The Record newspapers on or about May 24, 2021. In addition, notice of the meeting was posted on the door of the Maywood Municipal Building located at 15 Park Avenue and any handicapped-accessible entrances thereto; posted on the municipal website; provided to the municipal Clerk and distributed to all persons, if any, requesting copies of same. 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. The public commenting policy for electronic public meetings will also be followed as noted on the Borough website ([www.maywoodnj.com](http://www.maywoodnj.com)).”

**Flag Salute**

**Call to Order**

The meeting was called to order at 7:30pm with the following members present: Chairman Frank Lichtenberger (arrived @ 7:44pm), Councilperson Ryan Ullman, Gary Neumann, Paul Kuhn, Harry Hillenius, Secretary Anthony Klymenko and Geoffrey Smith. Board Attorney Kara Kaczynski and Board Engineer Gregory Polyniak were also present.

**Approval of Minutes**                      None

**Bills**

Paul Kuhn made a motion to accept payment of the bills. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 6/28/21 letter from Board Engineer Gregory J. Polyniak Re: Marseppe, LLC 687 Elm Street Subdivision and Engineering Review
- 6/29/21 letter from Board Engineer Gregory J. Polyniak Re: Helian Wang 203 Prospect Avenue Completeness, Planning and Engineering Review
- 6/30/21 letter from Board Recording Secretary Tara Grunstra Re: Marseppe, LLC 687 Elm Street Application Hearing Date 7/22/21

**Resolution**

**Arya Realty Holdings, Inc.**  
138-140 West Pleasant Avenue  
Block 83, Lots 3 & 4  
**Calendar #2020-16**  
**Variance & Site Plan Applications**

Harry Hillenius made a motion to memorialize the resolution and Gary Neuman seconded the motion. All eligible members present voted in favor of the motion.

**Completeness Hearing**            None

Chairman Frank Lichtenberger joined the meeting at 7:44pm.

**Application Hearing**            **Filip Kristani**  
44 Parkway  
Block 62, Lot 4  
**Calendar #2021-02**  
**Variance Application**

Board Attorney Kara Kaczynski marked the following exhibits:

- A-1 application and plans
- A-2 hearing public notice and publication
- PB-1 Neglia Engineering Associates review dated 1/22/21, revised 5/26/21

She then swore in both Applicant Filip Kristani and Board Engineer Greg Polyniak. Mr. Kristani would like to raze the existing dwelling and build a family home. The proposed house would be 4,300 square feet. Board Attorney Kaczynski displayed the architectural plans dated 5/6/21 which was marked as exhibit A-1. Mr. Kristani believes that the proposed dwelling would be an improvement over the derelict existing house. He believes that the proposed home would require four variances:

- Minimum side yard setback 5' required vs. 1.6' proposed
- Maximum curb cut 18' required vs. 39.4' proposed
  - To accommodate 4 cars
- Minimum front yard setback 25' required vs. 18.7' proposed
- Maximum lot coverage 30% required vs. 37.5% proposed

Board Attorney Kaczynski displayed the survey, drainage calculations, plot plan, and the grading/drainage/utility and erosion control plan which were also marked as exhibit A-1. Mr. Kristani noted that he is required to provide stormwater seepage pits. He then described the layout of the proposed house. The ground floor has the garage, mechanicals, storage room, manually operated elevator and basement area. The first floor has an exterior porch, dining room, living room, storage room, elevator, pantry, kitchen, family room and office. The second floor has four bedrooms, four bathrooms and two balconies. The attic will be open space and may need to include the HVAC system. The backyard will include a deck with access from the kitchen.

Board Engineer Greg Polyniak believes that there is an additional variance not listed by the Applicant for a rear yard setback as the proposed deck is 21.1' from the rear property line where 30' minimum is required. He then cited Zoning Officer James Mazzer's 5/20/21 denial letter specifically regarding the number of stories of the proposed building. Zoning Officer Mazzer believes that the proposed home is 3 ½ stories where 2 ½ stories maximum are permitted. However, Board Engineer Polyniak agrees with the Applicant that the proposed dwelling is 2 ½ stories. He then confirmed that Mr. Kristani is not requesting hardship for a C(1) variance. Board Attorney Kaczynski explained the type of variances and their required proofs. Board Engineer Polyniak then asked Mr. Kristani questions to verify if the variance would be for a flexible/C(2) variance. Mr. Kristani stated that the building cannot be any smaller. He then offered to remove the balconies which would eliminate the front yard setback deviation. Board Engineer Polyniak questioned if the variances would advance the purposes of the Municipal Land Use Law (MLUL). Mr. Kristani answered that the variances would advance the MLUL purposes since the existing dwelling is in such disrepair. Board Engineer Polyniak replied that the

Board would consider the current state of the property but it is not an MLUL purpose. He listed the purposes of the MLUL. He then asked if the benefits of granting the variances substantially outweigh the detriment. Board Attorney Kaczynski provided Mr. Kristani with a summary of MLUL law as it relates to the criteria that must be met to grant variances. She advised that a professional planner can provide testimony that satisfy these criteria.

Board Engineer Polyniak referenced the 5/20/21 Maywood Police Department review letter and asked Mr. Kristani to address the concerns raised. Mr. Kristani did not have a copy of the letter. Board Attorney Kaczynski marked the 5/20/21 Maywood Police Department Chief Terrence R. Kenny review letter as exhibit PB-2 and read the letter into the record:

I reviewed the construction plans for 44 Parkway and make the following suggestions for the Board to consider:

1. The plans call for a driveway apron wide enough for four vehicles to exit onto Palmer Ave. The driveway apron may be too close to the stop sign on the corner of Palmer/Parkway. In reviewing the plans, there are no exact measurements from the apron edge to the corner of the property.
2. Will the proposed seepage pit #2 located on the northwest corner of the property cause any water to drain out into the intersection?

If you have any questions or concerns, feel free to contact me.

Mr. Kristani stated that the proposed driveway apron is 45' from the curb. Board Engineer Polyniak reviewed the site plan provided by the Applicant and believes that the distance is approximately 15'. Board Attorney Kaczynski displayed the site plan. Board Engineer Polyniak suggested that should Mr. Kristani return to the Board, this dimension should be added to the site plan. He explained that the Police Department is concerned that cars backing out of the driveway may not be visible to cars turning onto Palmer Avenue. He added that driveways of this size are generally not permitted as it takes away from available on-street parking. Regarding the two proposed seepage pits, Board Engineer Polyniak explained that the roof leaders will be connected to the seepage pits and are adequately sized per the analysis conducted by the Applicant's engineer. As such, he does not believe that there will be drainage spilling onto the roadway. Board Engineer Polyniak confirmed that the Applicant proposes to utilize the existing sanitary sewer lateral. He then reminded Mr. Kristani that any walls over 4' need to be designed by an engineer. Board Engineer Polyniak noted that while the drainage plan is acceptable assuming the soils are in good condition, the Applicant would need to remedy any stormwater issues if there is flooding. Mr. Kristani agreed but believes that the grade on the property is lower than what is typical in the neighborhood. Board Engineer Polyniak confirmed that Mr. Kristani will construct the utilities below grade. He has more technical comments that could be addressed by a subsequent submission if the Applicant chooses so.

Board Attorney Kaczynski invited Mr. Kristani to continue with his testimony or call other witnesses. Mr. Kristani stated that he had no additional testimony.

Chairman Lichtenberger invited the Board to ask questions of Mr. Kristani. Harry Hillenius said that there is no on-street parking permitted within 50' of a stop sign.

Chairman Lichtenberger invited the public to ask questions of Mr. Kristani. Jeff Isaacs lives at 624 Palmer Avenue and confirmed with Board Engineer Polyniak that the proposed dwelling is 2 ½ stories as the ground floor is 3' beneath the ground. Gina Debartolo-Gastelu lives at 34 Parkway next door to the subject property. She disputed the Applicant's earlier statement that the neighbors don't object to this development. She asked him if he showed copies of the plans to her and her husband and he

answered that he didn't. Karla Hendrick lives at 623 Palmer Avenue and had two questions; why Mr. Kristani selected this lot to build on and what his anticipated timing for construction would be. Mr. Kristani believes that the construction would take 3-5 months to complete and this lot was selected as it was the first available. Mary Ellen Cleveland lives at 607 Palmer Avenue and asked what the total square footage of the proposed dwelling. He answered that the total square footage is 4,280. Andrea Calabro lives at 633 Palmer Avenue and had two questions; if the driveway and dwelling setback would interfere with visibility in the intersection and if there was any green space proposed. Mr. Kristani believes that there will be sufficient green space. He acknowledged that the proposed home is 13' closer to Palmer Avenue than what is existing but believes that the visibility will be improved. Chairman Lichtenberger explained that the Police Department have similar concerns. While waiting for a member of the public having trouble with their mic to type a question in the chat box, Board Attorney Kaczynski asked Board Engineer Polyniak to clarify the lot coverage calculation. He explained that he has determined that the coverage is 37.5% after his analysis which is in agreement with the site plan prepared by Allison Engineering and Land Surveying, LLC dated 4/14/21. Board Attorney Kaczynski read the question from Erica Geoghegan (619 Palmer Avenue):

What is the square footage of the property vs. the square footage of the building?

Mr. Kristani answered that the square footage of the property is 7,500 square feet and the building foundation is 2,400 square feet. Karla Hendrick was confused about the difference between building foundation square footage vs. the total building square footage. Mr. Kristani explained the difference between the two numbers.

Chairman Lichtenberger invited the Board to again ask questions of Mr. Kristani but no one came forward. He then asked Board Engineer Polyniak if he had additional questions. Board Engineer Polyniak referenced his previous testimony summarizing the proofs for a C(1) and C(2) variances. While Mr. Kristani has provided testimony regarding the size and the orientation of the proposed dwelling, Board Engineer Polyniak does not believe that he has satisfied the proofs required. In respect to the overall application, Board Engineer Polyniak has concerns with the safety of the driveway location. He has more technical comments that could be addressed by the Applicant as a condition of approval. He noted that Mr. Kristani has agreed to a number of comments raised in exhibit PB-1 Neglia Engineering Associates review dated 1/22/21, revised 5/26/21.

Chairman Lichtenberger asked the public if they had additional questions for Mr. Kristani but no one came forward. He then asked if the Board or public had questions of Board Engineer Polyniak but no one came forward. Geoffrey Smith asked about side yard setback variances for previous applications. Board Engineer Polyniak explained that the granting of such a variance depends on the specific piece of property and the surrounding properties to determine if the benefits outweigh the detriments. Board Attorney Kaczynski advised that each application should be judged on its own merit and testimony provided. Mr. Smith confirmed that the Applicant is requesting a side yard setback of 1.6' where 5' is required. Paul Kuhn answered that there is a driveway on the neighbor's property adjacent to the requested 1.6' side yard setback. Chairman Lichtenberger added that the setback requirements take into consideration emergency services access. Mr. Smith asked for the distance between the proposed dwelling and the neighboring home. Board Engineer Polyniak stated that the dimension is not listed on the plan but approximated that if there is a 10' driveway on the neighbor's property, the estimated distance could be 12'.

Chairman Lichtenberger invited the public to comment on the application. Erica Geoghegan of 619 Palmer Avenue agreed with Board Engineer Polyniak's assessment. She does not believe that the requested variances are needed and does not believe that Mr. Kristani provided adequate proofs that the

variances are needed. Joan Rivera of 57 Parkway feels that the proposed dwelling would change the look of the neighborhood as it will dwarf the neighboring houses. She does not believe that the variances are justified. Gina Debartolo-Gastelu of 34 Parkway is next door to the subject property on the 1.6' side yard setback side. She is concerned that the proposed dwelling will be too close to her property line which could mean that the roof run-off could go on to her property and fire could spread to her home if the proposed dwelling caught fire. She believes the proposed house is too big for the property and asked Mr. Kristani to downsize it. Gary Gastelu also of 34 Parkway believes that having a building which is essentially a 30' wall 1.6' from his property is not desirable. Jeff Isaacs of 624 Palmer Avenue considers the proposed house size to be too big. The existing landscape absorbs the stormwater and once it is removed, he worries that there may be flooding problems. He is also concerned that the proposed dwelling's height increase will cast a shadow on his garden. He thinks that the proposed home will stand out amongst the existing smaller homes in the neighborhood and worries about vehicle visibility with a driveway so close to a stop sign. Mr. Kristani replied that he is moving the proposed dwelling back 4'. Mr. Isaacs confirmed with Mr. Kristani that the driveway to the garage will slope down since the ground floor is 3.5' below grade. Mr. Isaacs described a car backing out of the driveway not being able to see other vehicles in the intersection. Andrea Calabro of 633 Palmer Avenue is concerned about the safety of a 4-car driveway so close to an intersection and the loss of on-street parking because of the 40' curb cut. Carolyn McLoughlin at 61 Parkway has similar concerns as her neighbors regarding the proposed dwelling not matching the neighborhood and stormwater drainage since Parkway has existing flooding issues. Board Engineer Polyniak explained that the Applicant is proposing several underground storage tanks that should permit the roof runoff to be infiltrated into the ground based on calculations provided by the Applicant and his own analysis. This ensures that the proposed development will not contribute to an existing flooding condition. Jeff Isaacs of 624 Palmer Avenue asked what happens if the application is approved and the area flooding becomes worse. Board Engineer Polyniak stated that his review and calculations reflects the removal of existing vegetation. The proposed stormwater system should offset the proposed vegetation changes. Geoffrey Smith asked if the driveway drain is piped to the stormwater storage tanks. Board Engineer Polyniak answered that the driveway drain is piped directly to the catch basin at the corner. Karla Hendrick of 623 Palmer Avenue believes the zoning ordinances in place help preserve the charming nature of Maywood. She considers the number of variances requested to be excessive. She has concerns about the construction noise as she works from home. Mary Ellen Cleveland of 607 Palmer Avenue agrees with her neighbors. There were issues with her mic so she typed the following comment in the chat box which was read into the record by Board Attorney Kaczynski:

I agree with all the comments previously made particularly Gary and Gina (Gastelu)'s comments hit home. I moved here from North Bergen 16 years ago to get away from crowded neighborhood and houses on top of houses. Ours is a charming neighborhood of small homes. I feel very strongly that building a home of this size will negatively impact the character of our neighborhood. I have heard no good reason to allow the zoning laws to be waived other than the property owner's desire to build what he wants rather than what is in keeping with the neighborhood. Allowing a structure of this size will open the door for others to do the same and ultimately destroy the open atmosphere we all enjoy.

Thank you.

Board Attorney Kaczynski also read into the record a chat box comment from Shoshana Kleper of 37 Parkway:

I am concerned about the style of the exterior which doesn't blend with the rest of the neighborhood.

Paul Kuhn asked if the Board has the authority to approve curb cuts. Board Attorney Kaczynski advised that the Applicant would need approval of the governing body for the curb cut which would be a

condition of approval. She added that the Board may grant a variance for the size but the Mayor and Council approves curb cuts. She then confirmed that the existing curb cut would be widened so the Applicant may not technically need governing body approval but she would include in the resolution that the Board was granting the variance on driveway size and width and it is up to the Borough as to whether governing body approval was needed as well. Gina Debartolo-Gastelu of 34 Parkway asked if future Planning Board meetings will be virtual or in-person. Board Attorney Kaczynski answered that the Applicant has not decided to adjourn the hearing. Erica Geoghegan of 619 Palmer Avenue asked if the point of the hearing was for Mr. Kristani to prove that the variances were needed for this specific property so that the Board could grant the variances, she does not believe that he has done that. Jeff Isaacs of 624 Palmer Avenue asked Mr. Kristani if he would revise his plans to address his neighbors' concerns. Mr. Kristani replied that the existing building is small and dilapidated. He is proposing a new building that is larger which he considers an improvement. He is considering removing the front yard setback variance but needs the 4-car driveway curb cut. Karla Hendrick of 623 Palmer Avenue feels that the current plan is not designed to respect character of the neighborhood and agrees that it opens the door for future development of this type.

Board Attorney Kaczynski believes that the Applicant has 3 options:

1. Sum up his testimony and the Board will make a determination tonight
2. Return to the Board with an amended plan
3. Hire a planner to testify to the variances

She explained that if he wished to return to the Board, she would announce at this public hearing that he was adjourning the hearing to the next meeting of the Board which is Thursday, 7/22/21 and he would not be required to re-notice. She added that the 7/22/21 Planning Board meeting will be virtual. Mr. Kristani agreed to return to the Board at the 7/22/21 meeting and will amend his plans. He advised that he needs the 4-car driveway curb cut but is open to suggested changes from the Board. Secretary Anthony Klymenko summarized the variances being sought and suggested a smaller garage with a larger driveway. He proposed looking at what the house would be with no variances and building to setback requirements. Mr. Kristani agreed to eliminate the deck to remove the rear yard setback variance. He agreed to take away the balconies to remove the front yard setback variance. He offered to make the garage 3-car instead of 4-car. He can make the side yard setback 4' from 1.6' proposed (5' minimum required). Chairman Lichtenberger recommended that he speak with his architect. Board Attorney Kaczynski advised that reducing the number of variances would be a significant improvement. She agreed with his earlier statement that if the project had no variances, he would not be before the Board. Chairman Lichtenberger suggested that Mr. Kristani listen to the feedback of his neighbors. Geoffrey Smith recommended starting the curb cut further away from the intersection and removing the side yard setback variance. Chairman Lichtenberger summarized that the Applicant is going to return to the Board with a revised plan. Mr. Kristani concurred and is considering hiring a planner. Board Attorney Kaczynski formally announced that the hearing was adjourned, without need for further notice, to the 7/22/21 Maywood Planning Board virtual meeting. The meeting link is posted on the Borough website. Chairman Lichtenberger thanked the public for their participation. Joan Rivera of 57 Parkway asked when the public could view the new plans. Board attorney Kaczynski advised that any new plans would need to be provided to the Board Secretary 10 days prior to the hearing.

<b>Informal Hearing</b>	None
<b>Closed Session</b>	None
<b>Old Business</b>	None

**New Business**                      None

**Open Meeting to the Public**

**Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. Paul Kuhn seconded the motion. All members present voted in favor of the motion. The meeting was adjourned at 9:31pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary