

**MAYWOOD PLANNING BOARD**  
**MINUTES**  
**July 22, 2021**

A regular meeting of the Maywood Planning Board was held on Thursday, July 22, 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 7:32pm with the following members present: Chairman Frank Lichtenberger, Vice Chairperson Charlotte Panny, Mayor Richard Bolan, Gary Neumann, Paul Kuhn, John Montel, Harry Hillenius and Geoffrey Smith. Board Attorney Kara Kaczynski and Board Engineer Gregory Polyniak were also present.

**Approval of Minutes**

Paul Kuhn made a motion to accept the minutes from the June 24, 2021 meeting. Vice Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

**Bills**

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

**Correspondence**

- 7/1/21 letter from Borough of Paramus Clerk Annemarie Krusznis Re: Ordinance #2021-28 Pertaining to Signage and Facades
- 7/2/21 letter from City of Hackensack Clerk Allison Saabye Re: Ordinance #30-2021 Amending Chapter 175 Zoning with Respect to Businesses Authorized and Prohibited Under the “New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act”
- 7/7/21 letter from Jason Li Re: Helian Wang 203 Prospect Avenue Request for Waiver for Item 11 of the Neglia Engineering Review Revised 6/29/21

- 7/8/21 letter from Borough of Maywood Clerk Barbara Dispoto Re: Ordinance #12-21 Creating Chapter 107 to Permit Cannabis Industries as Defined by the “New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act”
  - Board Attorney Kara Kaczynski confirmed with Mayor Richard Bolan that the ordinance has been introduced and has been sent to the Board for review and recommendation
  - She advised that the Board must determine if the ordinance is consistent with the Borough master plan and if the Board has any recommended changes
  - Mayor Bolan advised that the Borough is permitting manufacture, growing and wholesale in the Limited Light Industrial (LL) zone and retail in the Restricted Commercial (RC) zone on Essex Street and Spring Valley Road
    - He noted that retail is not permitted in the RC zones on West Pleasant Avenue and Maywood Avenue
  - Board Attorney Kaczynski explained that the state is requiring municipalities to adopt ordinances by 8/18/21 detailing what is permitted and not permitted regarding the “New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act”
  - Paul Kuhn made a motion to advise the Mayor and Council that the ordinance is consistent with the Borough master plan
    - Harry Hillenius seconded the motion
    - All eligible members present voted in favor of the motion except for John Montel who voted against the motion
- 7/9/21 letter from Po Wu Re: Helian Wang 203 Prospect Avenue Lot Coverage Calculation
- 7/12/21 letter from Gloria Duby Re: Maywood Sherwood Village, LLC 11 West Passaic Street Revised Plans
- 7/12/21 letter from Matrix New World Re: Wetlands Letter of Interpretation Application for Duke Realty Limited Partnership 149-151 Maywood Avenue (Block 124, Lot 30)
- 7/14/21 letter from Bergen County Planning & Engineering Re: Maybrook Garden Apartments Block 135, Lot 1 Conditional Approval
- 7/14/21 letter from Bergen County Planning & Engineering Re: Maybrook Garden Apartments Block 131, Lot 10 Conditional Approval
- 7/15/21 letter from Board Engineer Gregory J. Polyniak Re: Helian Wang 203 Prospect Avenue Completeness, Planning and Engineering Review
- 7/15/21 letter from Board Recording Secretary Tara Grunstra Re: Helian Wang 203 Prospect Avenue Application Hearing Date 8/5/21
- 7/16/21 letter from Board Engineer Gregory J. Polyniak Re: Maywood Sherwood Village, LLC 11 West Passaic Street Completeness, Planning and Engineering Review
- 7/16/21 letter from Maywood Fire Official Thomas J. Tuttle Re: Maybrook Gardens Proposed Fire Hydrant Location
- 7/16/21 memorandum from Maywood Police Lieutenant Darryl Wuhrl Re: Maywood Sherwood Village, LLC 11 West Passaic Street Review
- 7/20/21 letter from Matthew G. Capizzi, Esq. Re: Maywood Sherwood Village, LLC 11 West Passaic Street Request to Reschedule 7/22/21 Hearing to 9/2/21
- 7/21/21 letter from Board Attorney Kara A. Kaczynski Re: Maywood Planning Board Zoning Recommendations to the Mayor and Council

- 7/22/21 letter from Borough Zoning Officer James Mazzer Re: Filip Kristani 44 Parkway Revised Denial Letter

**Resolution** None

**Completeness Hearing** None

**Application Hearing #1** **Filip Kristani**  
44 Parkway  
Block 62, Lot 4  
**Calendar #2021-02**  
**Variance Application**

Board Attorney Kaczynski announced to the Board and public that the hearing is adjourned without need for additional notice to the Thursday, 8/5/21 meeting which will remain virtual.

**Application Hearing #2** **Maywood Sherwood Village, LLC**  
11 West Passaic Street  
Block 79, Lots 1 & 2  
**Calendar #2020-14**  
**Variance & Site Plan Applications**

Board Attorney Kaczynski announced to the Board and public that the hearing is adjourned without need for additional notice to the Thursday, 9/2/21 meeting which will be in-person.

**Application Hearing #3** **Marseppe, LLC**  
687 Elm Street  
Block 56, Lot 19  
**Calendar #2021-05**  
**Subdivision Application**

Andrew M. Cimiluca represents the Applicant, Marseppe, LLC. He identified the Applicant Onofrio “Fred” Arrigo and engineer Tom Stearns.

Board Attorney Kara Kaczynski confirmed with Board Recording Secretary Grunstra that the Applicant noticed the hearing properly and the Board has jurisdiction. She then marked the following exhibits:

- A-1 Application and all supporting documents
- A-2 Affidavit of notice and all proofs
- PB-1 Review Letter from Neglia Engineering Associates, dated 5/20/21, last revised 6/28/21

She swore in Mr. Arrigo, Mr. Stearns and Board Engineer Greg Polyniak.

Mr. Cimiluca described the subdivision application, property location and layout. He explained that the property will be split almost down the middle and the existing brick ranch dwelling will be rotated 90° clockwise and relocated on the southern parcel (Lot 19.02). He noted that the

subdivision will not require any variances. Tom Stearns displayed exhibit A-1 boundary survey and minor subdivision plan dated 2/21/21, revised 6/10/21. The first witness was Onofrio “Fred” Arrigo and he resides in Paramus. He is a member of Marseppe, LLC which consists of himself, his parents and his sister. He stated that the property was purchased by Marseppe in 2009 and has been rented out since then. It has been vacant since 12/31/20 in anticipation of this project. He intends for his parents to move into the proposed relocated ranch home as they currently live in a 3-story home which is challenging as they get older. He described the proposed subdivision and rotation and moving of the existing dwelling. The existing enclosed porch will be removed and a front entrance created. The current front door will be closed off leaving two entrances in the front and rear. Tom Stearns displayed exhibit A-1 Puzio Architects basement and foundation plan dated 2/18/21, revised 4/6/21 and pointed out the existing entrances. Mr. Arrigo said that the existing dwelling has a basement and the proposed relocated dwelling will also have a basement. He repeated that the no variances are required.

The next witness was the Applicant’s engineer Tom Stearns. He was qualified and accepted. He prepared exhibit A-1 boundary survey and minor subdivision plan dated 2/21/21, revised 6/10/21. He believes that he has accommodated all of Board Engineer Polyniak’s comments raised in exhibit PB-1 Review Letter from Neglia Engineering Associates, dated 5/20/21, last revised 6/28/21. Mr. Stearns then detailed the property location, size, topography and existing dwelling. He noted that the existing macadam 1-car driveway will be removed and a new 2-car driveway and walkway to the front entry will be constructed. The existing 11’ curb cut will be widened to 18’. Utilities will be relocated and he described the connections. The newly subdivided northerly parcel (Lot 19.01) will have a new dwelling but is not part of this application. Mr. Stearns summarized the zoning table on exhibit A-1 boundary survey and minor subdivision plan dated 2/21/21, revised 6/10/21. He identified a typo for the front yard coverage of Lot 19.02 which was listed as 14.81% but is actually 50% which complies with Borough code. He promised to correct the typo on the amended plan. He clarified that the Applicant intends for the dwelling on Lot 19.01 to comply with Borough code but plans have not been created yet. He described how the existing dwelling will be raised, rotated, moved and placed upon the new foundation. He believes that he has satisfied all of the comments from exhibit PB-1 Review Letter from Neglia Engineering Associates, dated 5/20/21, last revised 6/28/21 including replacing the sewer line with Schedule 40 PVC and adding a note to the plan reflecting that there are no easements on the property. Board Attorney Kaczynski advised that a site plan application will not be required for the new dwelling on Lot 19.01 as it will comply with Borough codes.

Board Engineer Polyniak asked how many bedrooms are in the existing house. Mr. Arrigo answered that there are 3 bedrooms. Board Engineer Polyniak believes that there is sufficient parking proposed. He then asked where the roof leaders will be located as he does not want the roof leaders directed to the adjoining lot. Mr. Stearns identified on the plan the swale proposed between the relocated dwelling and the neighbor to the south. He believes that there will be one leader at each corner of the dwelling and pointed out item 12 regarding drainage on the plan. Board Engineer Polyniak requested spot grades be depicted on the swale plan and Mr. Stearns agreed. Board Engineer Polyniak believes that Mr. Stearns transposed the sanitary sewer line specs as he requested SDR35 instead of Schedule 40 PVC and Mr. Stearns concurred. Board Engineer Polyniak asked that the Applicant confirm the new lot designations with the Borough Tax Assessor and Mr. Stearns agreed. Board Engineer Polyniak requested a copy of the deed

memorializing the subdivision should the Board approve the application and Mr. Stearns agreed to this condition. Board Engineer Polyniak confirmed that a note will be added to the plan that there are no easements on the property.

Mr. Cimiluca asked Mr. Arrigo where the leaders and gutters are located on the existing dwelling. Mr. Arrigo believes that the leaders are located at each corner and gutters along the front and rear of the property. Mr. Cimiluca confirmed with Mr. Arrigo that the leaders will remain once the property is rotated and moved.

Chairman Lichtenberger invited the Board and public to ask questions of the Applicant or his engineer or comment on the application. Mayor Bolan believes that there is a leader in the corner on the south side of the existing structure which left unchanged would discharge toward the adjoining property. Chairman Lichtenberger appreciates that the subdivided properties will comply with the Borough codes. Paul Kuhn believes that item 12 regarding drainage should be included as a condition of approval. Board Attorney Kaczynski summarized the conditions of approval:

- Comply with all requirements of exhibit PB-1 Review Letter from Neglia Engineering Associates, dated 5/20/21, last revised 6/28/21
- Obtain any curb cut relief from the Mayor and Council for the widening of the curb cut
- Revise plans to reflect the correct front yard coverage of 50% for proposed Lot 19.02
- Showing the spot grades on the swale plan
- Any draft subdivision deed with metes and bounds must be provided to the Board professionals for their review and approval

Chairman Lichtenberger again invited the public to comment on the application but no one came forward.

Paul Kuhn made a motion to approve the subdivision as presented. Mayor Richard Bolan seconded the motion. All eligible members present voted in favor of the motion.

**Informal Hearing**                      None

**Old Business**                        None

**New Business**                      None

**Open Meeting to the Public**

**Closed Session**

Chairman Frank Lichtenberger made a motion to go into Closed Session. Mayor Richard Bolan seconded the motion. All eligible members present voted in favor of the motion.

**BOROUGH OF MAYWOOD PLANNING BOARD**  
**Closed Session Resolution # 2021-08**

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

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
- (X) 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  
( ) Will return to open session after this meeting.  
(X) Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 7/22/21 Time: 8:32pm

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary