

MAYWOOD PLANNING BOARD
MINUTES
July 25, 2024

A regular meeting of the Maywood Planning Board was held on Thursday, July 25, 2024 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 December 7, 2023. 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:

Mayor’s Designee Jacqueline DeMuro

Councilperson Ryan Ullman

Chairperson Charlotte Panny

Secretary Gary Neumann

Cynthia Petersen

John Gargagliano

Harry Hillenius

Douglas Herrick

Thomas Lindenau

Thomas Anzevino

Rick DeHeer

Farhana Hassan Choudhury

Board Attorney John Ferraro

Board Engineer Gregory Polyniak

Approval of Minutes

Douglas Herrick made a motion to accept the minutes from the March 7, 2024 meeting.

Cynthia Petersen seconded the motion.

All eligible members present voted in favor of the motion.

Thomas Lindenau made a motion to accept the minutes from the March 28, 2024 meeting.

Douglas Herrick seconded the motion.

All eligible members present voted in favor of the motion.

Cynthia Petersen made a motion to accept the minutes from the April 25, 2024 meeting.

Chairperson Charlotte Panny seconded the motion.

All eligible members present voted in favor of the motion.

Bills

John Gargagliano made a motion to approve payment of the bills.

Rick DeHeer seconded the motion.

All eligible members present voted in favor of the motion.

Correspondence

1. 6/26/24 letter from Alexander Lomei of Bohler Engineering Re: Duke Realty 149-151 Maywood Avenue Engineering Response
2. 6/28/24 letter from Board Engineer Gregory Polyniak Re: Timothy J. Coe 181 Roosevelt Place Completeness and Engineering Review
3. 7/8/24 letter from Board Engineer Gregory Polyniak Re: Duke Realty 149-151 Maywood Avenue Interim Grading Plan Review
4. 7/10/24 letter from Board Engineer Gregory Polyniak Re: Kine Buds Maywood 113 East Passaic Street Resolution Compliance Review
5. 7/10/24 letter from Fire Official Thomas Tuttle Re: JW Congregation Support 439 Maywood Avenue Fire Prevention Review
6. 7/15/24 letter from Board Recording Secretary Tara Grunstra Re: Timothy Coe 181 Roosevelt Place Application Hearing Date 9/26/24
7. 7/22/22 letter from Matthew G. Capizzi, Esq. Re: Filip Kristani 44 Parkway Hearing Adjournment to 9/5/24 Meeting
8. 7/22/24 letter from Board Engineer Gregory Polyniak Re: Filip Kristani 44 Parkway Completeness and Engineering Review
9. 7/23/24 letter from Board Engineer Gregory Polyniak Re: Duke Realty 149-151 Maywood Avenue Soil Movement Permit Review
10. 7/23/24 letter from Eric V. Timsak of Bergen County Department of Planning & Engineering Re: Kine Buds Maywood 113 East Passaic Street Site Plan Application
11. 7/24/24 letter from Board Recording Secretary Tara Grunstra Re: Acct #9807 Bryan Goldsman 157 Thoma Avenue Escrow Shortage Letter
12. 7/24/24 letter from Eric V. Timsak of Bergen County Department of Planning & Engineering Re: Kine Buds Maywood 113 East Passaic Street Exemption Granted
13. 7/24/24 letter from Eric V. Timsak of Bergen County Department of Planning & Engineering Re: TRB Associates 145 West Passaic Street Exemption Granted

Resolution #1**Kine Buds Maywood, LLC**

113 East Passaic Street

Block 77, Lot 20

Calendar #2023-10A**Amended Site Plan Application**

Amendment of a resolution of approval of an application for a minor site plan permitting its operation as a class 5 cannabis retailer, to remove a condition requiring the installation of a solar-powered crossing signal

John Gargagliano made a motion to memorialize the resolution.

Councilperson Ryan Ullman seconded the motion.

All eligible members voted in favor of the motion except Thomas Lindenau who abstained.

Resolution #2

New Look Home Design, LLC
341 Maywood Avenue
Block 121, Lot 25
Calendar #2023-07
Minor Subdivision Application
Permit creation of three (3) conforming lots

Harry Hillenius made a motion to memorialize the resolution.
Councilperson Ryan Ullman seconded the motion.
All eligible members voted in favor of the motion except Thomas Anzevino and Rick DeHeer who voted against the motion.

Completeness Hearing None

Mayor’s Designee Jacqueline DeMuro and Douglas Herrick recused themselves and left the dais.

Application Hearing

Katherine Bennin & Rohit Gupta
730 Grant Avenue
Block 37, Lot 4
Calendar #2024-03
Variance Application
Minimum Front Yard Setback (25’ required vs. 20.7’ proposed)
Maximum Lot Coverage (30% required vs. 53.4% proposed)

From the Applicant:
Applicant Katherine Bennin

From the Board:
Board Attorney John Ferraro
Board Engineer Gregory Polyniak

Katherine Bennin is the Applicant and she was sworn in. She summarized the application:

- She and her husband are adding a second floor to their home
- As part of the renovation, they would like to enclose their front stoop to make a covered entryway which triggers the front yard setback variance
- She said that the front walkway would be shifted to meet the new front steps
- By enclosing the stoop and shifting the walkway, they would be adding approximately 16 square feet which represents 0.3% increase in coverage as their existing coverage is 53.1%

Chairperson Panny invited Board Engineer Polyniak to ask questions of Ms. Bennin:

- He confirmed that no drainage would be directing to any adjoining properties
- He asked the width of the walkway and Ms. Bennin answered that it would be 3’ wide
- He confirmed that there would be no changes to exterior lighting or landscaping
- He inquired if the addition would match the existing home and Mr. Bennin replied that they are recladding the entire house but will keep the existing brick face

Chairperson Panny invited the Board to ask questions of Ms. Bennin:

- Rick DeHeer questioned if the new masonry stoop would be extending further to the property line and Ms. Bennin said that the footprint wouldn't change at all
 - Board Engineer Polyniak noted once a roof is added to the stoop, the square footage is included in the coverage calculation

Chairperson Panny invited the public to ask questions of Ms. Bennin or comment on the application but no one came forward.

Gary Neumann made a motion to approve the application.

John Gargagliano seconded the motion.

All eligible members voted in favor of the motion.

Ms. Bennin suggested changing the number of copies of the application and plans that the Board requires as it becomes costly for Applicants. She added that the notice requirement was also costly although she took advantage of the personal delivery option available to owner-occupied one- and two-family properties. Chairperson Panny advised that the Board was considering changing some of the application requirements. Board Attorney Ferraro noted that the notice requirement is mandated by the State.

Chairperson Panny asked Board Engineer Polyniak if he needed hard copies of site plans or if he could accept a digital copy. He answered that a digital copy would be acceptable. Cynthia Petersen confirmed with Board Engineer Polyniak that engineers could provide digital seals.

Douglas Herrick rejoined the dais.

Informal Hearing None

Old Business

- Updated Land Use Fees
 - Chairperson Panny noted that a change will be made to Application Fees for commercial properties to reflect "having a land size up to including 10,000 square feet"

Mayor's Designee Jacqueline DeMuro rejoined the dais.

- Chairperson Panny asked Board Attorney Ferraro when the Board would waive a site plan application
 - He answered that the Board could choose to waive the site plan application if it was a minor site plan
- Chairperson Panny cited Rick DeHeer's suggestion to amend the Site Plan Application Fees to reflect smaller lot sizes in Maywood
 - Gary Neumann asked how this would affect large developments
 - Cynthia Petersen suggested reviewing the fee ordinance for Hackensack or the Oranges as there is large developments in those municipalities
 - Board Attorney Ferraro offered to review those ordinances
- Chairperson Panny noted that the Resolution Publication Fee is deducted from the Applicant's escrow
- Board Engineer Polyniak identified several Hourly Fees under Escrow Accounts that would not be charged:
 - Office work (design/drafting) \$50. to \$65. per hour

- Field inspection and supervision \$65. per hour
- Technical steno and typing \$35. per hour
 - He recommended removing these fees
- Board Recording Secretary Grunstra referenced the 6/6/24 meeting when the Board discussed removing the fees from the ordinance and creating an appendix to the application
 - Board Attorney Ferraro does not believe that it should be removed from the ordinance but agreed that it could be an appendix to the application
- Chairperson Panny asked when an Initial Escrow Deposit Site Plan Concept Plan with Input and Advice from Board’s Professional Advisors would be applied
 - She asked if this was the same as an informal hearing
 - Board Recording Secretary Grunstra said that there is an Informal Review Fee of \$300 under Miscellaneous Fees
 - Board Engineer Polyniak has seen this fee applied on larger projects in other municipalities
 - Douglas Herrick asked what the \$300 Informal Review Fee equated to and Board Recording Secretary Grunstra said that they had calculated that it translated to approximately 30 minutes in front of the Board
 - Board Attorney Ferraro believes the Site Plan Concept Plan would be for more in-depth consultation with Board professionals
 - Cynthia Petersen has experience where developers would consult with Board professionals prior to submitting an application
 - Board Engineer Polyniak recommended keeping the Initial Escrow Deposit Site Plan Concept Plan with Input and Advice from Board’s Professional Advisors for larger development projects
 - He added that whatever funds are not used would be refunded
- Chairperson Panny noted that the word “prorated” would be removed from Initial Escrow Deposit Final Site Plan Either Residential or Nonresidential and all members agreed
- Regarding the Initial Escrow Deposit Final Site Plan Both Residential and Nonresidential, Chairperson Panny asked what the collective technical review fee would be
 - Board Engineer Polyniak believes that it represents the Initial Escrow Deposit for the Preliminary Site Plan
 - He added that Both Residential and Nonresidential would be applied for mixed use development
 - He suggested changing the wording to “Equal to half the preliminary site plan review fee for the residential and nonresidential parts of the site plan”
- Chairperson Panny noted that there is an Initial Escrow Deposit Subdivision Concept Plan with Input and Advice from Board’s Professional Advisors
 - Board Engineer Polyniak noted that subdivisions are typically less complicated than site plan applications which may explain why the initial escrow deposit is less
- Chairperson Panny said that the Subdivision Minor Subdivision or Re-subdivision and Preliminary Plat of Major Subdivision have the same Initial Escrow Deposit and Rick DeHeer recommended changing the wording to “\$200.00 for each lot within the proposed subdivision, \$750.00 minimum”
- Chairperson Panny explained that Board Attorney Ferraro will summarize the changes then forward the Board recommendation to the Mayor and Council

- Cynthia Petersen reminded the Board that they will review the Hackensack and East Orange ordinances
- Chairperson Panny suggested that the Board review digital vs. hard copies of applications
 - Mayor's Designee Jacqueline DeMuro noted that the TVs have not been installed in Council Chambers yet and offered to follow-up with Borough Administrator Adrian Febre on the project status
 - Douglas Herrick suggested polling the Board members to see who would prefer digital copies vs. hard copies of applications
 - Chairperson Panny noted that applications and plans are posted to the Planning Board page of the Borough website
 - Board Attorney Ferraro instructed Board Recording Secretary Grunstra to poll the Board on their preference
 - Cynthia Petersen suggested getting digital copies of meeting materials but Board members were not prepared to bring their laptops to the meetings
 - Gary Neumann believes having the TVs in Council Chambers would help with this

New Business

- Distribution of additional materials for Calendar # 2024-01 Tesla 1 Bergen Town Center Variance & Site Plan Application

Open Meeting to the Public

Closed Session None

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius.
 Councilperson Ryan Ullman seconded the motion.
 All eligible members present voted in favor of the motion.
 The meeting was adjourned at 8:29pm.

Respectfully submitted,

Tara Grunstra
 Planning Board Recording Secretary