

MAYWOOD PLANNING BOARD
MINUTES
August 5, 2021

A regular meeting of the Maywood Planning Board was held on Thursday, August 5, 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).”

Flag Salute

Call to Order

The meeting was called to order at 7:30pm with the following members present: Chairman Frank Lichtenberger, Vice Chairperson Charlotte Panny, Mayor Richard Bolan, Councilperson Ryan Ullman, Gary Neumann, Paul Kuhn, Harry Hillenius, Peter Cicarelli and Geoffrey Smith. Special Counsel Patrick McNamara, Board Engineer Gregory Polyniak, Board Planner Michael Kauker and Board Attorney Kara Kaczynski (arrived @ 9:23pm) were also present.

Approval of Minutes

Paul Kuhn noted that there is a typo in the web address. Special Counsel Patrick McNamara offered to notify Board Recording Secretary Tara Grunstra. Harry Hillenius made a motion to accept the minutes from the July 1, 2021 meeting. Paul Kuhn seconded the motion. All eligible members present voted in favor of the motion.

Paul Kuhn noted that there is the same typo in the web address. Special Counsel McNamara offered to notify Board Recording Secretary Grunstra of this typo as well. Paul Kuhn made a motion to accept the minutes from the July 22, 2021 meeting. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

Bills

None

Correspondence

- 7/20/21 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” Adopted 7/19/21

- 8/2/21 letter from Board Engineer Gregory J. Polyniak Re: Filip Kristani 44 Parkway Engineering Review
- 8/3/21 letter from Board Engineer Gregory J. Polyniak Re: Arya Realty Holdings, LLC 138-140 West Pleasant Avenue Deed Review

Resolution	None
Completeness Hearing	None
Application Hearing #1	Filip Kristani 44 Parkway Block 62, Lot 4 Calendar #2021-02 Variance Application

Peter Cicarelli recused himself from the hearing.

Special Counsel McNamara reminded Mr. Kristani that he remains under oath. Mr. Kristani introduced his planner Alexander Dougherty of John McDonough Associates who was sworn in, qualified and accepted. Special Counsel McNamara reminded Board Engineer Greg Polyniak that he remains under oath.

Mr. Dougherty displayed the architectural plans by Coppa Montalbano Architects dated 7/21/21. Mr. Kristani explained that the feedback he received at the 7/1/21 hearing from the Board and his neighbors was conveyed to his architect. He believes that the revised plans mostly comply with the Borough code. The side yard setback on the eastern side of the dwelling is in compliance at 5'. He consulted with Police Chief Kenny and the curb cut will begin 25' from the corner. He stated that the current dwelling is in disrepair. He has lived in Maywood for 30 years. His children are driving so he needs a 4-car garage. He considers it a hardship that the property is located on the corner as it limits on-street parking. He believes that the 4-car garage is his only option. He stated that the proposed dwelling is more in compliance with the Borough code in regards to setbacks than the existing building. He explained that the house has not been maintained and the vegetation is overgrown. Mr. Kristani said that the existing dwelling cannot be repaired so it must be razed.

Special Counsel McNamara asked Chairman Lichtenberger to invite the Board to ask questions of Mr. Kristani. Chairman Lichtenberger had questions. He confirmed that Mr. Kristani currently owns the subject property. Chairman Lichtenberger asked how the property has gotten so overgrown. Mr. Kristani answered that the house was in this condition when he purchased the property. Harry Hillenius understands that the house was neglected but questioned the overgrown vegetation. Mr. Kristani answered that he cuts the grass but doesn't trim the bushes. Chairman Lichtenberger asked if Mr. Kristani has received property maintenance violations. Mr. Kristani stated that he cuts the grass and asked who would give him permission to cut down the trees and other vegetation.

Chairman Lichtenberger invited the public to ask questions of Mr. Kristani but no one came forward.

The next witness was the Applicant's planner Alexander Dougherty. He displayed a 9-page exhibit comprised of the following:

- Page 1: Parcel map showing subject site outlined in orange
 - Mr. Dougherty summarized the existing conditions
 - Page 2: Street view of existing home – engulfed by overgrown vegetation
 - Mr. Dougherty noted that the overgrown vegetation is trees and bushes
- Special Counsel McNamara asked if any of the photographs presented or will be presented have been photoshopped, altered or manipulated in any way, shape or form. Mr. Dougherty replied that the photographs have not been altered in any way.
- Page 3: Street view of existing home on adjacent Lot 5 – setback of new home will conform on this side
 - Mr. Dougherty noted the well-maintained nature of the property as compared to Mr. Kristani's overgrown property
 - Page 4: Street view of existing home on adjacent Lot 3 with no buffer from subject site – driveway on subject site will be eliminated, improving the buffer
 - Mr. Dougherty identified the overgrown vegetation on Mr. Kristani's property
 - Page 5: Grading/Draining/Utility & Erosion Control Plan by Allison Engineering and Land Surveying, LLC dated 4/14/21 revised 7/16/21
 - Page 6: Plot Plan by Allison Engineering and Land Surveying, LLC dated 4/14/21 revised 7/16/21
 - Page 7: Architectural plans by Coppa Montalbano Architects dated 7/21/21
 - Page 8: Google Street view of the subject property from the corner of Parkway and Palmer Avenue
 - Page 9: Google Street view of the subject property from the corner of Parkway and Palmer Avenue
 - Mr. Dougherty pointed out the overgrown vegetation

Mr. Dougherty continued his testimony. He reminded the Board that the subject property is located in the A-1 zone. He explained that the proposed dwelling is a permitted use and considers the relief requests as minimal. He stated that the proposed dwelling will conform in height, front yard setback, eastern side yard setback and impervious coverage. He summarized the variances that are requested:

- Minimum corner side yard setback 15' required vs. 12.6' proposed
 - Existing is 10.8'
- Minimum rear yard setback 30' required vs. 27.9' proposed
- Maximum lot coverage 30% required vs. 36.4% proposed
- Maximum curb cut 20' required vs. 37.7' proposed

Mr. Dougherty believes that the benefits of approving the application outweigh the detriments. He considers the proposed dwelling to be more in line with the zone plan than the existing dwelling. He believes that the compatible housing stock will replace aging stock. He considers the proposed dwelling to be attractive and will improve the value and quality of the area advancing purposes A, G, I and M of the Municipal Land Use Law (MLUL). He believes that

the requested reliefs will have minimal impact as it maintains adequate light and air for the neighbors. He stated that the building coverage is mitigated by the lot coverage conformance. He believes that the linear arrangement of parking is a better alternative and design and a wider curb cut allows for side-by-side parking. He considers the proposed dwelling to be a positive reinvestment to the site and neighborhood. He stated that relief can be granted without substantial impact to the zone and statutory criteria for granting approval has been met.

Special Counsel McNamara asked Chairman Lichtenberger to invite the Board to ask questions of Mr. Dougherty. Mayor Richard Bolan believes that the proposed dwelling is overly large for the neighborhood. He believes that the Applicant could avoid the variances if the proposed home were smaller. He asked if there was an element of the building that requires it to be this size. Mr. Dougherty answered that the proposed home is compatible with the height requirement. Additionally, he believes that the 4-car garage is a safe option for the Applicant's children as they are new drivers. He said that the proposed building coverage is 37.5% and the zone permits 30% maximum. He noted that the building coverage includes the deck and the porch. He added that the eastern side yard setback is in compliance at 5'. Mr. Dougherty explained that the proposed rear yard setback is 27.9' and the zone permits 30' minimum only a 2.1' difference. He believes that the positives outweigh the negatives. Mayor Bolan repeated his question asking if there was an element of the building that requires it to be proposed size. He asked if Mr. Dougherty reviewed the sizes of homes in the neighborhood. Mr. Dougherty displayed Page 1 of his exhibit (Parcel map showing subject site outlined in orange). Mayor Bolan asked since Mr. Dougherty described the setback and lot coverage nonconformities as de minimis, could the proposed house be smaller to conform to the Borough code. Mr. Dougherty thinks that the reliefs requested could be eliminated if the building was smaller but he believes that the house would still appear large. He believes that the proposed curb cut is the safest option. He suggested that the Board may make a condition of approval that the proposed building footprint would be reduced to comply with the Borough code but he still thinks that visually it will appear large. He repeated that the reliefs being sought are de minimis. Referring to Page 1 of his exhibit (Parcel map showing subject site outlined in orange), he stated that the proposed dwelling will be larger but feels that it will be an improvement to the site and the neighborhood.

Chairman Lichtenberger cited the 7/22/21 denial letter from Zoning Officer James Mazzer and summarized the variances being sought. Specifically, he noted that the proposed rear yard setback is 18.6'. Mr. Dougherty believes that the denial letter was for the previous set of plans and not what is currently being proposed. Chairman Lichtenberger disagreed as there was a 5/20/21 denial letter based off the previous plans.

Mayor Bolan feels that Mr. Dougherty's claim that a couple feet don't make a difference doesn't apply. He believes that the 7% lot coverage difference between what is proposed versus what is permitted translates to 500 square feet which he doesn't consider de minimis. Mr. Dougherty noted that the lot coverage calculation includes the deck and porch. If the deck and porch were not included, he believes that the proposed lot coverage would comply with the Borough code. Mayor Bolan repeated his question asking if there was a reason that the proposed building could not be designed to comply with the Borough code requirements. Mr. Dougherty could not answer the question and deferred to the Applicant's architect who was not present.

Chairman Lichtenberger referenced the architectural plans by Coppa Montalbano Architects dated 7/21/21. He feels that the elevations depicted make the proposed home appear to be 3-1/2 stories. Mr. Dougherty believes that the concerns raised are more architectural than planning. As a planner, he is concerned about the positive and negative impacts associated with the proposed development. He feels that proposed dwelling is more in compliance with the Borough code than the existing dwelling.

Geoffrey Smith questioned the zoning table on the architectural plans by Coppa Montalbano Architects dated 7/21/21. He asked Mr. Dougherty to confirm the lot coverage percentage as the table lists the proposed at 36.4% but Mr. Dougherty testified that it was 37.5%. Mr. Smith noted that there were other inconsistencies between the zoning table and testimony. Mr. Dougherty wasn't sure if the zoning table was correct. He repeated that the coverage calculation includes the deck and porch which may be the source of the discrepancy.

Chairman Lichtenberger invited Board Engineer Greg Polyniak to ask questions of Mr. Dougherty. Special Counsel McNamara confirmed that Board Attorney Polyniak was sworn in at the 7/1/21 meeting in connection with this application hearing. Board Engineer Polyniak referenced his 8/2/21 engineering review letter. He had minor technical comments as it relates to the drawings and testimony as it relates to planning. He asked about the proposed wall and fencing depicted on the architectural plans by Coppa Montalbano Architects dated 7/21/21. He confirmed that the wall and fence combination proposed will not exceed 6' in height. Mr. Dougherty deferred to the Applicant's architect but believes that the wall/fence would comply with Borough code since the Applicant did not request a variance for it. Board Engineer Polyniak noted that the catch basin has a higher grate elevation than the trench drain elevation. If there is any capacity issue in the Borough storm drain during a storm, he is concerned that stormwater will back up into the Applicant's property and potentially flood the partially sunken garage and basement. Mr. Dougherty believes that the Applicant is taking steps to mitigate this potential problem with his engineer and deferred drainage questions to the Applicant's engineer. Board Engineer Polyniak does not believe that the proposed drainage design will work. Mr. Dougherty suggested adding a Board sanctioned stormwater design as a condition of approval.

Board Engineer Polyniak visited the site and the neighborhood. He did not observe any houses that were similarly sized as what is proposed and questioned if the proposed dwelling would fit the character of the neighborhood. He believes that the proposed dwelling is substantially larger than the other homes in the neighborhood. He asked for clarification on Mr. Dougherty's testimony that the benefits of the proposed development outweighing the detriments. Mr. Dougherty replied that the neighborhood is a healthy mix of newer and older homes. He explained that the setback reliefs being requested are for less than 4' and the coverage includes the deck and porch. He believes that adding a newer home would benefit the neighborhood as it adds value to the site and neighborhood. He considers the proposed dwelling to be an improvement over the existing dwelling. If the Board recommends reducing the building footprint, he suggested that the Applicant can bring that information to his architect. Mr. Dougherty believes that the proposed dwelling has adequate light and air. Board Engineer Polyniak agreed that new housing stock benefits the neighborhood but feels that new housing

stock that doesn't fit the context and character of the neighborhood does not. Board Engineer Polyniak asked if there was anything specific to the property that creates the need for the proposed variances. He understands that the subject property is a corner lot but asked what specifically about the property that requires the lot coverage variance. Mr. Dougherty believes the building coverage includes the deck and porch. He suggested removing the proposed deck and reducing the porch size so as to not trigger this variance. He again deferred to the Applicant's architect. Regarding the negative impact of this proposed development, Mr. Dougherty listed possible concerns such as grading and flooding, a shadowing effect on the neighbors' properties and a reduction in light and air. He believes that the proposed dwelling could be properly designed to avoid these issues. Board Engineer Polyniak asked if the Applicant was willing to remove the deck and reduce the size of the porch. Mr. Dougherty repeated the question to Mr. Kristani who was present. Mr. Kristani answered that he has already revised the plans and does not wish to make the rooms in the dwelling smaller. If he were to make the changes proposed, he questioned why go before the Board. Board Engineer Polyniak confirmed that the Applicant revised the plans by moving the home closer to Palmer Avenue to eliminate the eastern side yard setback but triggered a western side yard setback deviation. Mr. Kristani added that the proposed dwelling width was also reduced by 7". Board Engineer Polyniak has concerns that the proposed retaining 6' wall/fence will limit drivers' sight lines when reversing out of the below grade garage. He disagreed with Mr. Dougherty's statement that the 4-car garage design is safe. Mr. Kristani stated that the proposed wall is only 2' high. Board Engineer Polyniak reminded him that the fence is another 4' in height. Mr. Kristani offered to redesign the wall/fence to make it safe. Board Engineer Polyniak asked Mr. Dougherty if there was a reason that the proposed dwelling could not be smaller to match the character and context of the neighborhood. Mr. Dougherty displayed the Google Street view and pointed out the adjacent home on Parkway that is large and modern. He stated that there is a healthy mix of big and small homes in the neighborhood. He cannot speak to the design of the proposed dwelling as he was not the architect. He recommended that the Board require the dwelling to be smaller as a condition of approval. Mayor Bolan suggested that the architect should be present for the hearing to answer the questions of the Board. Mr. Dougherty agreed with that assessment. Mr. Kristani believes that he can answer any questions related to the proposed design. Board Engineer Polyniak stated that he disagrees with Mr. Dougherty's opinion regarding the size of the proposed dwelling and the requested variances. Mr. Dougherty suggested adjourning the hearing so that the architect could testify at a future meeting.

Special Counsel McNamara advised that there were members of the public that may want to ask questions prior to the Board adjourning the hearing. Geoffrey Smith asked if he could speak prior to opening to the public. He explained that he did quick calculations and believes that the proposed deck represents 2.5% of the lot coverage. He surmised that the building alone represents 35% of the lot coverage where 30% is permitted. Mr. Dougherty repeated his previous statement about adjourning the hearing. Chairman Lichtenberger is concerned that this will be the second adjournment of this hearing and feels that the process is taking too long. Special Counsel McNamara agreed and advised that after the public speaks, adjourning the application to the Thursday, 9/23/21 meeting with the Applicant and all of his professionals. He added that the Applicant came before the Board for variance relief and if the proposed dwelling conformed to the Borough code, there wouldn't be the need for an application. He suggested that if the Applicant agrees to the adjournment, there would be no further extensions.

Chairman Lichtenberger invited the Board to ask questions of Mr. Kristani or Mr. Dougherty but no one came forward. Mr. Kristani asked why the Board is not approving the application. Special Counsel McNamara explained that state law requires the process to be that when a property owner submits a construction permit application that complies with the municipal code to the Building Department in any municipality, they are not required to make an application to the Planning/Zoning Board. He further advised that should the Applicant wish to have the Board render a decision tonight, there is a risk that the application could be denied. Mr. Kristani stated that he understood but revising the plans is expensive. He asked why would someone request a variance if it may not be approved. Special Counsel McNamara repeated his explanation that the design that was presented to the Borough doesn't comply with the code so variance relief is required. He stated that the Applicant has options; design a home that doesn't require variance relief or proceed with the hearing and risk the Board denying the application. Mr. Kristani repeated that he understands the process but asked if variances are ever approved. Special Counsel McNamara answered that he cannot predict the Board's decision as it is based on testimony and comments/questions raised. Mr. Kristani repeated his question asking if variances are ever approved. Special Counsel McNamara attempted to explain that if Mr. Kristani requests a vote tonight, there is a risk that the Board may deny the application. He added that the Board will not conduct a straw poll.

Chairman Lichtenberger invited the public to ask questions of Mr. Kristani or Mr. Dougherty. Mayor Bolan advised the public on how to indicate that they would like to speak. Po Wu is the architect for Helian Wang at 203 Prospect Avenue. Mayor Bolan explained that the hearing for that application has not started yet. Jeff Isaacs lives at 624 Palmer Avenue and he asked for further clarification on the discussion between Mr. Kristani and the Maywood Police Department regarding the 4-car driveway curb cut near the stop sign. He noted that there is a Borough tree located near the stop sign that would need to be removed to accommodate the 37.7' curb cut. He has an additional question regarding the size comparison between the proposed dwelling (4,480 square feet) and the home across the street with the same lot size (2,000 square feet). He noted that Mr. Kristani has owned the home for 18 months and has not maintained the property. He asked if there is a requirement that trees be replaced since all of the vegetation is proposed to be removed. He noted that the Applicant is bringing the dwelling closer to Palmer Avenue (12.6' side yard setback vs. 15' minimum required corner side yard setback) where the intersection has 4-way stop signs. He's worried that someone reversing up the incline from the garage won't see oncoming traffic. At the previous meeting on 7/1/21, he remembered Mr. Kristani stating that he would remove the two second-story balconies but he only sees one balcony removed. He then asked what is being proposed for the existing driveway on Palmer Avenue as that driveway abuts the driveway for his house. Chairman Lichtenberger answered that the Applicant will have restore some greenery as there are limits on impervious coverage and they do not have permission to remove a Borough tree. Mr. Dougherty answered that the Applicant is proposing 48% impervious coverage where 65% minimum is permitted. He added that the Applicant plans to plant approximately 6 trees along Parkway and Palmer Avenue. He will advise the other professionals that a planting schedule should be provided. Mayor Bolan mentioned that the Borough has an active Shade Tree Commission that would need to approve the Borough tree removal and any tree planting on Borough property.

Mr. Kristani stated that he should have his engineer testify at the hearing to address all of the Board's concerns. He would like to adjourn the hearing. Mr. Dougherty explained that the public needed to speak before the hearing could adjourn.

Joan Rivera lives at 57 Parkway and explained that her home is on the opposite corner. She stated that her home is 1,317 square feet in total and feels that the size of the proposed home is too large for the neighborhood. Karla Hendrick lives at 623 Palmer Avenue and she was anticipating that the revised plan would be simplified but that is not the case. While there are larger homes in the neighborhood, she feels that they are more proportionally suited to their lots in a way that the proposed dwelling does not. She is concerned that the proposed 4-car garage will flood since it is below grade. If the garage was on-grade, she understands that the proposed dwelling would be 3 stories which would require another variance. She is worried that the proposed 4-car garage wouldn't be safe for pedestrians since inexperienced drivers would be reversing from below grade onto Palmer Avenue and would need to press hard on the gas pedal to compensate for the incline. She added that there are sight line problems given the proposed wall and fence as well. Erica Geoghegan raised her hand in Zoom indicating that she wanted to speak but did not answer when called upon. Mayor Bolan received a Zoom chat message from Mary Ellen Cleveland of 607 Palmer Avenue which he read into the record:

I'm having audio issues. I agree with all that's been said by my neighbors especially the safety concern and I stand by my comments from the last meeting. This house is too big and not in keeping with the character of our neighborhood. I've still not heard any good reason or hardship as to why this should be allowed other than the desires of the Applicant. I would also like to know why in 18 months he has not made any effort to clean the property.

Mayor Bolan also received a Zoom chat message from Erica Geoghegan of 619 Palmer Avenue:

My husband and I agree that Mr. Kristani has not proven hardship for variance allowance. The house should be built to meet the zoning requirements.

Mayor Bolan read another Zoom chat message in to the record. This message was from Santo and Andrea Calabro of 633 Palmer Avenue:

We live across from where the driveway would be. We have a lot of concerns regarding the driveway and lack of greenery.

Mayor Bolan received a Zoom chat message from Karla Hendrick of 623 Palmer Avenue:

I concur with the concerns raised by the neighbors and the questions by the Board members as well.

Chairman Lichtenberger thanked the public for their direct questions. He then read a Zoom chat message from Maggie McLoughlin of 61 Parkway:

I agree with all of the neighbors. The house is too large and I agree with the Board.

Mayor Bolan read Zoom chat message from an unidentified person asking if the next meeting in September would be open to the public and he answered that the meeting will be open to the public should the Applicant continue to seek variance relief.

Special Counsel McNamara summarized that the Mr. Kristani has requested to adjourn the hearing to the 9/23/21 meeting which will allow him sufficient time to consult with his professionals and consider making changes to the proposed plan. Special Counsel McNamara noted that depending on the nature of the redesign, the Applicant may need to issue new notice.

Mr. Dougherty concurred with Special Counsel McNamara's summary. Mayor Bolan made a motion to adjourn the hearing to the 9/23/21 meeting without need for additional notice. Paul Kuhn asked if that meeting would be virtual or in-person. Geoffrey Smith believes that the Board was scheduled to return to in-person meetings starting at the 9/2/21 meeting. Special Counsel McNamara advised that new notice would be required if the Board returns to in-person meetings since the original notice was for a Zoom hearing. He then advised the public of the same. Chairman Lichtenberger made a motion to adjourn the hearing to the 9/23/21 meeting and Paul Kuhn seconded the motion. All eligible members voted in favor of the motion.

Peter Cicarelli rejoined the meeting.

Application Hearing #2 **Helian Wang**
203 Prospect Avenue
Block 88, Lot 24
Calendar #2021-06
Variance Application

The Applicant's architect Po Wu and Board Engineer Greg Polyniak were sworn in. Mr. Wu was qualified and accepted. He explained that the Applicant is proposing a two-story deck in the backyard replacing an existing brick patio. He referenced the architectural plans dated 11/18/2020 and summarized that the decks would be 22' x 10' and include a stairwell. He summarized that the Applicant is seeking a variance for a rear yard setback of 20.9' where 30' minimum is required and lot coverage of 34% where 30% maximum permitted. Special Counsel McNamara confirmed that no other changes are proposed. He then referenced Board Engineer Polyniak's 7/15/21 completeness, planning and engineering review letter. Special Counsel McNamara asked if Mr. Wu was prepared to satisfy the outstanding concerns noted in the review letter and Mr. Wu agreed that he would. Special Counsel McNamara asked Board Engineer Polyniak if the Applicant has addressed the concerns raised in his 7/15/21 review letter. Board Engineer Polyniak answered that most of the items had been addressed. He explained that there are still a few minor open comments but suggested that they could be included as conditions of approval. He identified the open comments as:

Engineering Comment #4: The Applicant shall replace all curb and sidewalk along the property frontage to the satisfaction of the Board Engineer, if damaged and/or deemed necessary during construction. Notation indicating the same shall be added to the site plan. The Applicant shall provide a construction detail for the sidewalk which includes a subbase of 4-inches with ¾-inch clean stone.

Engineering Comment #5: The Applicant shall dimension the deck on the Site Plan.

Engineering Comment #6: The Applicant shall revise the site plan to indicate the material of the proposed deck.

Engineering Comment #8: The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth. A note stating the same shall be added to the plans.

Engineering Comment #9: The Applicant shall protect any perimeter fencing, curbs, walkways, plantings, and walls on adjacent properties during construction, if approved. The Applicant shall be responsible for any damage done to

neighboring properties during the installation of proposed improvements. A note on the plan stating the same shall be provided.

Engineering Comment #10: The Applicant shall ensure that the operations of soil movement vehicles are not to be utilized in a way that would deposit soil on any street, sidewalk, public place, or within any other private property. A note stating the same shall be provided on the submitted plan.

Engineering Comment #11: The Applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Residential Standards. A copy of the said certification as prepared by a professional shall be provided to the Borough of Maywood and NEA prior to the import of any. Recycled material or demolished materials are not permitted for the purposes of backfilling a vacated excavation area. A note stating the same shall be provided on the submitted plan.

Board Engineer Polyniak inquired if there were any lighting improvements proposed. Mr. Wu replied that there will be a sconce by the doorway and confirmed that would not shine on adjoining properties. Board Engineer Polyniak questioned the deck material and Mr. Wu answered that they plan to use pressure treated wood for the deck and railing. Chairman Lichtenberger asked Board Engineer Polyniak what is located to the rear of the property as the Applicant is seeking a rear yard setback variance. Board Engineer Polyniak responded that there are other homes to the rear but there is a wooded area separating the residences. As such, he explained that the properties east and west of the subject property are screened. He observed a commercial property to the rear of the subject property that would not be impacted by the granting of the rear yard variance. Chairman Lichtenberger confirmed that the dwelling was a two-family so that each story of the deck would be for the separate units in the home.

Chairman Lichtenberger invited the Board to ask questions of Mr. Wu. Geoffrey Smith clarified that two variances are being sought; rear yard setback of 20.9' where 30' minimum is required and lot coverage of 34.3% where 30% maximum permitted.

Chairman Lichtenberger invited the public to ask questions of Mr. Wu or comment on the application but no one came forward.

Paul Kuhn asked if the increase in lot coverage would impact stormwater drainage. Board Engineer Polyniak does not believe that there would be an impact in stormwater drainage.

Harry Hillenius made a motion to approve the application and Councilperson Ryan Ullman seconded the motion. All eligible members present voted in favor of the motion. Special Counsel McNamara advised the Applicant that once the resolution is adopted by the Board, the 45-day waiting period begins should someone object to the approval and litigate. The Applicant may chose to take the risk and proceed with construction permitting once the resolution has been adopted by the Board.

Informal Hearing None

Old Business None

New Business

None

Open Meeting to the Public

Board Attorney Kara Kaczynski joined the meeting at 9:23pm.

Closed Session

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

**BOROUGH OF MAYWOOD PLANNING BOARD
Closed Session Resolution # 2021-09**

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): Matters falling within the attorney-client privilege

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

() 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: 8/5/21 Time: 9:25pm

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary