

**MAYWOOD PLANNING BOARD
MINUTES
September 2, 2021**

A regular meeting of the Maywood Planning Board was held on Thursday, September 2, 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 7:32pm with the following members present: Chairman Frank Lichtenberger, Gary Neumann, Paul Kuhn, Harry Hillenius, Peter Cicarelli and Geoffrey Smith. Board Attorney Kara Kaczynski and Board Engineer Gregory Polyniak were also present.

Approval of Minutes None

Bills

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

Correspondence

- 8/4/21 Bergen County Soil Conservation District Re: GFR Maywood 521 Maywood Avenue Plan Approval
- 8/4/21 Construction Official James Mazzer Re: Filip Kristani 44 Parkway Property Maintenance Violation
- 8/4/21 Zoning Officer James Mazzer Re: John Sadowski 371 Golf Avenue Denial Letter
- 8/10/21 Board Attorney Kara Kaczynski Re: Borough Ordinance #12-21 Creating Chapter 107 to Permit Cannabis Industries
- 8/20/21 letter from Board Recording Secretary Tara Grunstra Re: John & Lisa Sadowski 371 Golf Avenue Application Hearing Date 9/23/21
- 8/24/21 letter from Board Engineer Gregory J. Polyniak Re: GFR Maywood, LLC 18 West Passaic Street & 521 Maywood Avenue Revised Resolution Compliance Review
- 8/25/21 letter from Board Engineer Gregory J. Polyniak Re: GFR Maywood, LLC 18 West Passaic Street & 521 Maywood Avenue Bond Estimate and Bond Letter
- 8/27/21 Borough of Paramus Ordinance #2021-40 Amending the Redevelopment Plan for Nursery Properties
- 9/1/21 Construction Official James Mazzer Re: Filip Kristani 44 Parkway Property Maintenance Violation 2nd Notice

- 9/1/21 memorandum from Board Engineer Gregory J. Polyniak Re: Empire Real Estate Holdings, Inc. 191 West Central Avenue Resolution Compliance Review
- 9/1/21 letter from Board Engineer Gregory J. Polyniak Re: Maybrook Gardens Resolution Compliance Review

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

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

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

Matthew Capizzi represents the Applicant, Maywood Sherwood Village, LLC. He reminded the Board that this hearing is an adjournment from 6/24/21 and the Applicant is seeking to provide on-site parking at an existing garden apartment complex and adjacent two-family home with common ownership. He explained that the 2 properties front on West Pleasant Avenue, Maywood Avenue, West Passaic Street and Oak Avenue. He summarized that the garden apartment complex consists of 65 units and one two-family home. He stated that there are 15 garage spaces for the garden apartments and 2 tandem parking spaces and a 2-car garage at the two-family residence existing. Since the site is almost fully developed, he explained that the opportunities to provide on-site parking is limited. At the 6/24/21 hearing, he reminded the Board that the Applicant proposed adding 6 parking spaces at the garden apartment complex and repaving/restriping the parking area at the two-family residence to accommodate 7 parking spaces. Based on concerns raised by Board members and professionals, he said that the Applicant revised the site plan to add bollards, striping and mirrors to the garden apartment complex and remove proposed parking spaces on the two-family lot so that cars could back-up onsite and drive head out onto Oak Avenue instead of backing out. He summarized that the Applicant is proposing 9 parking spaces in total; 6 on the garden apartment complex and 3 on the two-family property. He added that all the proposed parking will be utilized by tenants on a reserved basis. Board Attorney Kara Kaczynski marked the revised 4-page site plan by Hubschman Engineering dated 8/20/19 revised 7/8/21 as Exhibit A-3.

Traffic engineer Luo Luglio displayed Exhibit A-3 site plan by Hubschman Engineering dated 8/20/19 revised 7/8/21. Board Attorney Kaczynski reminded Mr. Luglio that he remains under oath. Focusing on the garden apartment complex, he identified the 6 proposed parking spaces and striping, bollards and concave mirrors. In the pinch point closest to the proposed 6 parking spaces, he noted the 13.3' distance between the bollards. He detailed how vehicles would approach both pinch points using the proposed striping, concave mirrors and bollards. Since the proposed parking spaces would be assigned, the drivers would become familiar with how to navigate the parking lot. He identified where the

maintenance vehicle would park when needed. He does not anticipate that there will be a much vehicle turnover in the proposed maintenance parking space and proposed 6 tenant parking spaces. He added that vehicles would be traveling slowly. In the second pinch point nearest the existing garages, he pointed out that the shed will be replaced with a smaller version and noted the 18' distance between the corner of the new shed and building #4. He stated that striping is proposed to help drivers navigate the area. He indicated that vehicles would drive head out onto Oak Avenue. Mr. Luglio then discussed the proposed parking on the two-family property. He identified the parking spaces that were previously proposed which have been removed to accommodate drivers backing up onsite and driving head out onto Oak Avenue instead of backing out. He summarized that the revised plan depicts 5 proposed parking spaces and the existing 2-car garage. He detailed how vehicles would enter and exit the parking area. He added that there is no change proposed for the 15 garage parking bays on the garden apartment property and the 2-car garage on the two-family property and expects that they would continue to operate as they have in the past. He believes that there is sufficient sight distance to exit the properties safely.

Mr. Capizzi stated that the Applicant received a supplemental letter from the Maywood Police Department dated 7/16/21. He referenced a question regarding ADA compliance and explained that the Applicant is not required to provide ADA improvements as the garden apartment complex was built before 1991. Mr. Luglio concurred and repeated that the proposed parking on the two-family property will allow vehicles to turn on-site and drive out in a forward direction onto Oak Avenue. Mr. Capizzi asked Mr. Luglio about how emergency services would access the sites. Mr. Luglio replied that fire lane markers could be striped as a condition of approval. He doesn't believe that a fire ladder truck could access the interior of the garden apartment complex but a smaller truck may be able to. He does not believe that the proposed parking spaces on the garden apartment property would impact the Fire Department access. Mr. Capizzi expects that the Fire Department would stage on any of the four surrounding roadways and deploy hoses. Mr. Luglio identified the on-site car turn-around schematic that was included on the revised site plan. Mr. Capizzi then referenced the 7/16/21 Board Engineer Polyniak's review letter and believes that Mr. Luglio has addressed the sight distance concerns raised in the review letter. He asked Mr. Luglio about the grading question from the review letter specifically the request for additional stormwater detention for the two-family home. Mr. Luglio answered that the Applicant will provide the additional detention. He displayed the lighting plan page of the site plan and pointed out the proposed wall mounted light fixtures on the plan. Mr. Capizzi summarized the improvements proposed and confirmed with Mr. Luglio that the proposed parking spaces will operate safely and efficiently.

Chairman Lichtenberger invited Board Engineer Polyniak to ask questions of Mr. Luglio. Board Engineer Polyniak asked Mr. Capizzi if the Applicant checked that the existing 15 garage parking spaces on the garden apartment property are used by tenants for parking only. Mr. Capizzi answered that the Applicant was unable to check since there the garages don't have windows and are locked. Board Engineer Polyniak stated that some of the garages may be used for storage and not parking. Mr. Capizzi did not agree as the garage spaces are rented to tenants for the purpose of parking. He summarized that 6 parking spaces are proposed on the garden apartment lot and 5 parking spaces are proposed on the two-family lot. Since cars are parking tandemly in the 2 spaces on the two-family home, he considers it as a net increase of 9 parking spaces. Chairman Lichtenberger stated that he has personally observed in the past that some of the garages were being used for storage as part of his volunteering for the Maywood Fire Department. Board Engineer Polyniak asked about the 2-car garage on the two-family home and Mr. Capizzi confirmed that it is being used for vehicle parking. He added that the Applicant will be providing cross access easements as parking will be in common on both lots. Board Engineer

Polyniak asked if the Applicant considered moving the existing 2-car garage on the two-family home back to allow better sight distance when existing the property. Mr. Capizzi answered that it was not discussed. Mr. Luglio believes that as cars roll passed the stop sign onto the Oak Avenue sidewalk, there is sufficient sight distance to see a pedestrian walking on the sidewalk. Board Engineer Polyniak asked if Mr. Luglio investigated the 4' safe landing requirement for doorways entering parking lots for the proposed parking on the two-family home. Mr. Luglio stated that he did not check the building code but doesn't anticipate it to be an issue. Board Engineer Polyniak asked what the contingency would be should Construction Official James Mazzer require the 4' landing. Mr. Capizzi answered that the parking space nearest the doorway would be eliminated. Board Engineer Polyniak asked about the proposed 16' parking space on the two-family property that does not conform to code. He is also concerned that the leader point from garage #1 extends into this parking space so he would estimate that the length is closer to 15.5'. Mr. Luglio believes that this won't be an issue since parking spaces will be assigned. Related to the garden apartment proposed parking, Board Engineer Polyniak thinks that the concave mirrors in the pinch point closest to the proposed parking area will extend into the 13.3' drive aisle narrowing the aisle to approximately 12'. Mr. Luglio understands that the posts that the mirrors are attached to are 4' tall possibly narrowing the drive aisle to 12'. He believes that oncoming traffic will yield to incoming vehicles. Since there are only 6 parking spaces proposed, he does not believe that this will be an issue. Board Engineer Polyniak asked about the shed replacement on the garden apartment lot creating a loss of storage space. Mr. Luglio confirmed that the shed size was being reduced but there would be sufficient storage space. Board Engineer Polyniak stated that his remaining comments are technical in nature and asked if Mr. Luglio agreed to them should the Board approve the application. Mr. Luglio agreed.

Board Attorney Kaczynski confirmed that the shed would be used for recycling collection receptacles and asked where it would be located. Mr. Luglio described the location as to the south of existing garage #2. She confirmed that the corner of the new shed would be 18' to the corner of the nearest building. She has notes regarding the cross-access easements and asked how the parking spaces on the two-family property are proposed to be used. Mr. Capizzi answered that some of the parking spaces on the two-family property will be leased to tenants of the garden apartment property but he didn't know how many.

Chairman Lichtenberger invited the public to ask questions of Mr. Luglio but no one came forward. He then invited the Board to ask questions of Mr. Luglio. Gary Neumann asked where the trash receptacles will be located. Mr. Capizzi answered that the trash receptacles and recycling receptacles will be in a shared location in the new shed. Mr. Neumann asked if the garbage truck could access this location. Mr. Capizzi does not believe that there will be an issue with access. Mr. Neumann asked about where snow will be placed after removal. Mr. Luglio replied that the site plan will be revised to reflect the area for snow to be placed after removal. If there was a heavy snowfall of more than 4", he said that the snow would need to be carted away.

Chairman Lichtenberger confirmed that Mr. Capizzi had no other testimony planned. Chairman Lichtenberger then opened the hearing to the public for comment but no one came forward. He stated that he personally visited the properties. He believes that the interior green space on the garden apartment property was never intended to accommodate parking when built in 1949. He considers the interior pathways to be for pedestrians. He believes that the addition of bollards and mirrors to navigate the interior for the proposed parking indicates that the proposed parking does not fit in the property. He believes that the Applicant could provide more parking for the garden apartment tenants if they heeded the proposal of Board Planner Michael Kauker to raze the two-family home and existing garages to

create a parking lot. He noted that this proposal fell short of providing the required 130 parking spaces. In his experience with the Maywood Fire Department, Chairman Lichtenberger stated that fire trucks would not enter the interior of the garden apartment property and would operate from the adjoining streets. He has some concern regarding the potential for a car fire in the proposed interior parking area on the garden apartment property. Regarding the proposed parking on the two-family property, Chairman Lichtenberger believes that there is too much parking being proposed. He believes that the proposed vehicle activity is unsafe on a two-family home.

Chairman Lichtenberger invited the Board members to comment on the application. Gary Neumann stated that he did not see the need for the proposed parking on the two-family home. He believes that the proposed coverage at the two-family home will cause unforeseen problems in the future. He believes that the proposed parking on the garden apartment lot will come with liability risk as the space was intended for pedestrians only. Harry Hillenius said that he has thought about this application a lot and thinks that the proposed parking would work. While the space is tight, he understands the Applicant's points regarding the assigned parking and low rate of speed. Geoffrey Smith noted the failures of the proposed parking development such limited sight lines and tight spaces for cars to traverse, but believes that the low number of parking spaces and the proposed precautions of striping, bollards and mirrors would work for this location. Paul Kuhn believes that the development of 521 Maywood Avenue may cause some alternate tenant parking to be lost. Chairman Lichtenberger stated that tenants were not legally permitted to park at that location. Mr. Kuhn does not agree that razing the two-family home for parking is feasible. He does not believe that most drivers understand how to use the concave mirrors but like the proposed striped hatching in the pinch points of the garden apartment property. He does not believe that there will be heavy traffic to and from the parking areas. While he admits that the proposal is not ideal, he believes that it would work. Peter Cicarelli is also torn regarding this application. He feels the Applicant is attempting to do too much in a small space. He personally visited the garden apartment property and has pedestrian safety concerns regarding the proposed parking area, particularly at night. He also has concerns regarding the proposed parking on the two-family property specifically cars exiting with limited sight distance.

Board Attorney Kaczynski invited Mr. Capizzi to make a closing statement. Mr. Capizzi stated that the Applicant wishes to provide off-street parking for tenants with limited opportunities to do so. He feels that the Board would want less parking on the two-family property. As such, he would consider increasing the green space on that property as the home is fully rented. Mr. Capizzi had some technical difficulties and turned off his camera to improve his bandwidth connection. He explained that a new partner in Sherwood Village wishes to perform capital improvements to the properties. Chairman Lichtenberger believes that there are serious concerns regarding both properties. Mr. Capizzi suggested removing some of the parking spaces from the two-family lot to increase green space on the property. Chairman Lichtenberger stated that the Board must act on the application as presented and not make recommendations to the Applicant. Mr. Capizzi then requested that the application be amended to remove the two-family property (Lot 1) and instead consist of the proposed parking for the garden apartment property (Lot 2) only. Board Attorney Kaczynski confirmed the lot designations. Chairman Lichtenberger believes the existing macadam on Lot 2 was added without Board or Building Department approval.

Board Attorney Kaczynski suggested listing the reliefs being sought:

- Parking space size by ordinance and RSIS
- RSIS waivers from drive aisle width for 90° parking and angled parking
- Off-street parking requirements

She then listed conditions of approval that were discussed during testimony:

- Shed utilized for storage and recycling containers south of existing garage #2 to allow an 18' drive aisle between the corner of the shed and the corner of the nearest building
- All proposed parking spaces shall be assigned
- Compliance with all of Board Engineer Polyniak's review
- Compliance with Maywood Police Department letter except for items #3 & #4 regarding ADA requirements
- No outdoor storage permitted
- Area for designation of snow piling designated on site plan and snowfall 4' or more must be carted away

Chairman Lichtenberger asked if the Applicant would like to return with a revised site plan but Mr. Capizzi requested a vote on the amended application. Chairman Lichtenberger opened the hearing to the public to comment on the amended site plan but no one came forward. Chairman Lichtenberger made a motion to deny the amended application and Peter Cicarelli seconded the motion. Three Board members voted in favor of the motion (Chairman Lichtenberg, Gary Neumann and Peter Cicarelli) and three voted against the motion Paul Kuhn, Harry Hillenius and Geoffrey Smith). Harry Hillenius made a motion to approve the amended application with the conditions listed and Paul Kuhn seconded the motion. All eligible members present except for Chairman Lichtenberger and Peter Cicarelli voted in favor of the motion and the motion carried.

Informal Hearing None

Closed Session None

Old Business None

New Business

- Electric Vehicle Charging Station Legislation
 - Board Attorney Kaczynski summarized the recent legislation regarding electric vehicle charging stations
- Virtual Meetings through the end of December
 - The Board approved issuing a public notice for virtual meetings October through December

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 9:06pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary