

**MAYWOOD PLANNING BOARD  
MINUTES  
September 26, 2024**

A regular meeting of the Maywood Planning Board was held on Thursday, September 26, 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:

Chairperson Charlotte Panny

Vice Chairperson Anthony Klymenko

Secretary Gary Neumann

Cynthia Petersen

Harry Hillenius

Douglas Herrick

Thomas Lindenau

Rick DeHeer

Board Attorney Robert Ferraro

Board Engineer Gregory Polyniak

Board Planner Michael Kauker

Borough Fair Share Housing Counsel Patrick McNamara

**Approval of Minutes**

Cynthia Petersen made a motion to accept the minutes from the September 5, 2024 meeting.

Harry Hillenius seconded the motion.

All eligible members present voted in favor of the motion.

**Bills**

Harry Hillenius 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. 8/5/24 letter from Dan McCarthy Re: Megaleaf 231 West Passaic Street Site Plan Waiver Request 2
2. 9/12/22 letter from Matthew G. Capizzi, Esq. Re: Filip Kristani 44 Parkway Withdrawal of Representation
3. 9/13/24 letter from Eric V. Timsak of Bergen County Department of Planning & Engineering Re: JW Congregation Support, Inc. 439 Maywood Avenue Final Approval
4. 9/19/24 letter from Board Engineer Gregory Polyniak Re: JW Congregation Support, Inc. 439 Maywood Avenue Resolution Compliance Review
5. 9/23/24 letter from Board Recording Secretary Tara Grunstra Re: Acct #9800 Tesla 1 Bergen Town Center Escrow Shortage Letter

**Resolution** None

**Completeness Hearing** None

**Application Hearing** **Timothy J. Coe**  
181 Roosevelt Place  
Block 18, Lot 15  
**Calendar #2024-04**  
**Variance Application**  
Minimum Front Yard Setback (25' minimum required vs. 22.5' proposed)  
Minimum Side Yard Setback (5' minimum required vs. 3' proposed)

From the Applicant:

Architect & Planner Matthew Evans  
Applicant Timothy J. Coe

From the Board:

Board Attorney Robert Ferraro  
Board Engineer Gregory Polyniak

Architect and planner Matthew Evans was sworn in, qualified and accepted. He summarized the application:

- The latest version of the architectural plans was revised on 6/11/24
  - He described each of the sheets in the architectural plans
- The Applicant is proposing to add-a-level to the single-family home matching the existing footprint except for a front cantilever
- The existing 1-car garage would be shifted back to the rear of the property and the driveway would be extended
  - The existing 3' side yard setback would remain the same
  - The property width is 44' vs. 50' minimum required in the A-1 zone
- He explained that the cantilevered second floor breaks up the façade and provides curb appeal with different roof lines
- He summarized the 2 variances being sought:

- Side yard setback for the relocated garage (5.0' minimum required vs. 2.91' existing/3.0' proposed)
  - He said that granting the variance would not negatively impact the neighborhood or the zone plan since the existing garage and neighbor's adjacent garage have similar setback conditions
- Front yard setback for the cantilever (25' minimum required vs. 24.52' existing/22.5' proposed)
  - He said that granting the variance would not negatively impact the neighborhood or the zone plan since the cantilever design is similar to other homes across the street on Roosevelt Place

Chairperson Charlotte Panny invited the Board to ask questions of Mr. Evans:

- Board Attorney Ferraro asked if the front yard setback deviation would be because of the cantilever and Mr. Evans answered that there is an existing deviation as the house is at 24.52' to the front property line

Chairperson Charlotte Panny invited Board Engineer Greg Polyniak to ask questions of Mr. Evans:

- Board Engineer Polyniak confirmed that Mr. Evans would address the technical comments from the Neglia Engineering Associates 6/28/24 review
- Board Engineer Polyniak requested a swale be installed on the eastern side of the property to ensure that stormwater does not discharge to the neighboring property and Mr. Evans agreed the grading request
- Board Engineer Polyniak confirmed that the Applicant is proposing standard residential outdoor lighting and landscaping
- Board Engineer Polyniak clarified that the benefits of granting the variances outweigh the detriments
  - Mr. Evans said that the proposed addition would bring the home more into character with the neighboring properties
- Board Engineer Polyniak confirmed that there would be no impairment to the zoning ordinance or zone plan
  - Mr. Evans added that the proposed addition is in the scale, density and character of the neighborhood

Chairperson Charlotte Panny invited the public to ask questions of Mr. Evans but no one came forward.

The next witness was Applicant Timothy J. Coe who was sworn in:

- Mr. Coe confirmed that he lives at the property
- Mr. Coe introduced his next-door neighbor that has the existing and proposed 3' setback
  - He explained that he discussed the proposed addition and garage relocation with his neighbor and made sure that it was acceptable prior to submitting the application to the Board
- Mr. Coe provided 3 pictures to the Board of the homes across the street on Roosevelt Place which were marked as the following exhibits:
  - A-1: 182 Roosevelt Place

- A-2: 186 Roosevelt Place
- A-3: 178 Roosevelt Place
  - He said that all 3 homes were Cape Cod style like his home which have been converted to the colonial style by adding a cantilevered second story like he is proposing
- Mr. Coe explained that the narrow width of his property creates a hardship for relocating the garage which is why he is seeking a side yard setback variance

Chairperson Charlotte Panny invited the Board to ask questions of Mr. Coe:

- Rick DeHeer asked if the 3' setback is enough space for Mr. Coe to maintain the grass and any landscaping
  - Mr. Coe answered that the 3' setback is existing and he can maintain the area

Chairperson Charlotte Panny invited the public to ask questions of Mr. Coe but no one came forward.

The final witness was James Patterson of 177 Roosevelt Place who was sworn in:

- Mr. Patterson stated that he was agreement with the proposed addition and garage relocation
  - His property is the one that would be affected by the side yard setback variance
- Mr. Patterson said that he does not object to the project

Chairperson Charlotte Panny invited the Board and the public to ask questions of Mr. Patterson but no one came forward. Chairperson Charlotte Panny invited the public to comment on the application but no one came forward.

Harry Hillenius made a motion to approve the application as presented. Douglas Herrick seconded the motion. All eligible members voted in favor of the motion.

## **Public Hearing**

## **Investigation for Determination as Redevelopment Area, With Condemnation**

Block 69 Lots 3, 4, 5 & 13  
Block 86, Lots 17 & 18

Board Attorney Robert Ferraro explained that the Mayor and Council authorized and requested the Planning Board to undertake a preliminary investigation for the determination if the subject properties would be an area in need of redevelopment with condemnation. He confirmed that Board Recording Secretary Tara Grunstra that the hearing notice was published in two newspapers for 2 consecutive weeks at least 10 days before the hearing date. He added that his office notified the affected property owner per statute. As such, he stated that the Board had jurisdiction.

Board Planner Michael D. Kauker was sworn in and qualified. He summarized his report:

- The May 2024 report had a revised date of 7/30/24
  - He noted that minor changes were made on 8/23/24 so a newer version was available
    - He will email the Board the most recent version and offered to detail any changes
    - Board Attorney Ferraro marked Mr. Kauker's 8/23/24 copy as exhibit A-1

- Board Planner Kauker stated that the report is to determine if the subject properties meet the statutory criteria with condemnation powers established in the Local Redevelopment and Housing Law (LRHL)
- Board Planner Kauker explained that an area may be determined to be in need of redevelopment with condemnation if it has at least one of the eight conditions which are listed in the report
- Board Planner Kauker said the study area consists of 6 properties along Spring Valley Road at the terminus of West Pleasant Avenue and referenced Map 2: Study Area Map in the report
  - The properties are all owned by Russell P. Trocano Enterprises, LLC
  - In total, the 6 properties represent 2.9 acres
- Board Planner Kauker described each of the properties existing conditions
- Board Planner Kauker listed the steps that were taken to prepare the report:
  - Site inspections
  - Collected data such as ownership records, tax data, building permits and property maintenance violations
  - Environmental conditions
- Based on this research, Board Planner Kauker summarized the following findings:
  - Current building and property conditions all being generally fair to poor (Criteria a)
  - Buildings and properties are extremely aged and obsolescent both in design and function (Criteria a & d)
  - Land that has remained vacant for several years prior to the adoption of the resolution (Criteria c)
    - He stated that the retail building and accessory uses were vacated in 2016
  - Stagnant and unproductive use due to the ratio of the assessed value of the improvements on the property to the value of the land. The existing uses of the property do not represent the highest and best use of the property (Criteria e)
  - The designation of the delineated area is consistent with smart growth planning principles (Criteria h)
- Board Planner Kauker directed the Board to Section 4.2 Planning Evaluation of the report:
  - Site 1 – Block 69, Lot 3 meets criteria e and h
  - Site 2 – Block 69, Lot 4 meets criteria e and h
  - Site 3 – Block 69, Lot 5 meets criteria b, c, e and h
  - Site 4 – Block 69, Lot 13 meets criteria b, c, e and h
  - Site 5 – Block 86, Lot 17 meets criteria a, b, d, e and h
  - Site 6 – Block 86, Lot 18 meets criteria e and h
- Chairperson Panny asked that Board Planner Kauker detail the differences between the 8/23/24 report vs. the 7/30/24 report:
  - Board Planner Kauker noted that the information that Site 5 – Block 86, Lot 17 was vacated (June 2016) was recently provided by the Building Department
  - Site 3 – Block 69, Lot 5 and Site 4 – Block 69, Lot 13 added criteria b and additional language under criteria c to both properties
  - Any reference to the Borough Resolution authorizing the study were updated
- Borough Fair Share Counsel Patrick McNamara explained that these properties were included in the Housing Element and Fair Share Plan and he anticipates Round 4 numbers from the state agency that took over for COAH

Chairperson Panny invited the Board to ask questions of Board Planner Kauker:

- Rick DeHeer asked about the use of eminent domain

- He said that the property owner should maintain the property but is uncomfortable with a property owner being forced to develop private property
- Board Planner Kauker explained that his office was tasked with providing the analysis to see if the criteria was met
- Board Attorney Ferraro reminded the Board that the Governing Body commissioned them with determining if the subject properties would be an area in need of redevelopment with condemnation per the statute
- Chairperson Panny noted that the picture of Site 6 – Block 86, Lot 18 shows tire marks and garbage cans out front
  - She asked for confirmation that the property is unoccupied
  - Board Planner Kauker said that it appeared to be vacant when he conducted his site visits

Chairperson Panny invited the public to ask questions or comment. Joe Burgess is a professional planner for the property owner Russell P. Trocano Enterprises, LLC. He said that he had a copy of the May 2024 report but not the more recent July or August versions. He requested a short break to go over the changes with Board Planner Kauker.

A break was taken at 8:25pm. The meeting resumed at 8:26pm with all members present.

Board Attorney Ferraro confirmed that the property owner did not have the most recent version of the report. He recommended that the Board carry the public hearing to a future meeting so that the property owner had time to review the document. He suggested the Thursday, 10/24/24 meeting and Mr. Burgess was agreeable to that date. Mr. Burgess would like to meet with Board Planner Kauker to discuss the next steps. Board Attorney Ferraro recommended first having the Board determine if the subject properties would be an area in need of redevelopment with condemnation per the statute. Once that determination is made, he explained that the report and any recommendations would go back to the Governing Body who would decide if the Board should proceed with the redevelopment plan. He suggested that Borough Fair Share Counsel be included in any meetings between the property owner and Board Planner Kauker.

Russell Trocano owns Russell P. Trocano Enterprises, LLC and was sworn in. He testified that:

- Maine Evergreen ceased operation in 2016
- Site 1 – Block 69, Lot 3, Site 2 – Block 69, Lot 4 and Site 6 – Block 86, Lot 18 are occupied with tenants on a month-to-month basis
  - When asked, he confirmed that there are current Certificates of Occupancy for each property

Board Attorney Ferraro repeated that the public hearing will be adjourned to Thursday, 10/24/24 at 7:30pm in Council Chambers without need for additional notice. Douglas Herrick made a motion to adjourn the public hearing to Thursday, 10/24/24. Chairperson Panny seconded the motion. All eligible members voted in favor of the motion.

**Informal Hearing**                      None

**Old Business**                         None

**New Business**

- Distribution of revised site plan for Calendar #2024-06 Megaleaf 231 West Passaic Street Site Plan Application

**Open Meeting to the Public**

**Closed Session**                      None

**Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius.

Rick DeHeer seconded the motion.

All eligible members present voted in favor of the motion.

The meeting was adjourned at 8:36pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary