

**MAYWOOD PLANNING BOARD  
MINUTES  
September 5, 2024**

A regular meeting of the Maywood Planning Board was held on Thursday, September 5, 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 7:31pm with the following members present:

Mayor’s Designee Jacqueline DeMuro  
Councilperson Ryan Ullman  
Chairperson Charlotte Panny  
Vice Chairperson Anthony Klymenko  
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**

Cynthia Petersen made a motion to accept the minutes from the August 22, 2024 meeting.  
Vice Chairperson Anthony Klymenko seconded the motion.  
All eligible members present voted in favor of the motion.

**Bills**

Rick DeHeer made a motion to approve payment of the bills.  
Thomas Lindenau seconded the motion.  
All eligible members present voted in favor of the motion.

## Correspondence

1. 8/5/24 letter from Board Planner Michael F. Kauker Re: Tesla 1 Bergen Town Center Planning Review
2. 8/28/24 letter from Board Engineer Gregory Polyniak Re: Duke Realty 149-151 Maywood Avenue Retaining Wall Review
  - a. Rick DeHeer asked about the retaining wall and Board Engineer Polyniak advised that the wall design has been accepted
    - i. He added that the walls are being constructed because of topography near the wetland area
3. 8/28/24 letter from Board Engineer Gregory Polyniak Re: Filip Kristani 44 Parkway Completeness & Engineering Review
4. 9/4/24 letter from Board Attorney John W. Ferraro Re: Suggested Land Use Fee Schedule

**Resolution** None

**Completeness Hearing** None

**Application Hearing** **Filip Kristani**  
44 Parkway  
Block 62, Lot 4  
**Calendar #2023-11**  
**Variance Application**  
Minimum Front Yard Setback (25' minimum required vs. 22' proposed)  
Maximum Building Coverage (30% maximum permitted vs. 30.40% proposed)

From the Applicant:  
Attorney Matthew Capizzi  
Architect Henry Latch, III

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

Matthew Capizzi represented the Applicant. He summarized the application:

- Single-family home nearly constructed on a corner lot
- He reminded the Board that the Applicant was last in front of the Board in February 2024
- He explained that the variances being sought were:
  - Minimum Front Yard Setback (25' minimum required vs. 22' proposed)
    - Portico and Juliet balcony are protruding but the house wall is in compliance
  - Maximum Lot Coverage (30% maximum permitted vs. 30.40% proposed)
- He stated that the portico roof has been reduced 2.5' to match the Juliet balcony

Mr. Capizzi called his only witness, architect Henry Latch, III who was sworn in, qualified and accepted. Mr. Latch identified the most recent plan set provided to the Board; Architectural Plans dated 5/16/23, revised 8/20/24:

- He described how the plans have changed since he appeared before the Board in February:
  - The columns supporting the portico roof have been relocated back to sit on the front porch
  - The portico roof has been moved back 2.5' bringing the front yard setback to 21'-10"
  - The existing columns will be repurposed as planters

Mr. Capizzi noted that there was an error on the depiction of the north elevation and he distributed an updated architectural plan page Z3 revised 9/5/24 to the Board. This exhibit was marked as A-6. Mr. Latch identified the exhibit and confirmed that all the elevations reflect the changes he discussed:

- He said that the roof will provide weather protection and breaks up the large front façade
- He noted that the porch is 12' wide x 6'-6" deep
- The overall building height is 33'-8" and approximated that the peak of the portico roof is 31'-8"
- He estimated that the column height is approximately 18' from the porch and 22' from grade
- He does not believe that the portico roof has appreciable impact on light, air and open space from an architectural perspective

Board Attorney John Ferraro invited the public to ask questions of Mr. Latch:

- Scott Raymond owns 624 Palmer Avenue and he asked if there is a Floor Area Ratio (FAR) variance required for this project and Board Attorney Ferraro advised that there is not
  - Mr. Raymond asked about planning testimony and Board Attorney Ferraro explained that this part of the hearing was for questions of Mr. Latch's testimony only
  - Mr. Raymond questioned if a deck was being proposed and Mr. Latch said there was a set of stairs leading from the kitchen to the backyard
    - Mr. Latch approximated that the stairs are 3' wide x 10' or 11' along the back of the house
  - Mr. Raymond confirmed that should a deck be added at a later date, the Applicant would need to make application to the Board
  - Mr. Raymond inquired if Mr. Latch was the architect on file for the original project and Mr. Latch answered that he appeared before the Board in February
  - Mr. Raymond clarified that the existing columns will be repurposed as planters and the resolution would specify that the existing columns would not be used to support the portico roof
- Jeff Issacs lives at 624 Palmer Avenue and he asked about showing the seepage pits, air conditioning pads and landscaping on the plan which he said was discussed and agreed to at the February hearing
  - Mr. Capizzi answered that those items would be added to the plan as a condition of approval
  - Mr. Issacs read part of the hearing notice into the record that "The Applicant is also seeking any and all other variances, waivers, exceptions, interpretations and/or incidental relief that may be required to approve the application or to comply with the requirements of the Planning Board after the review of the application."
    - He asked what other variances are being sought and Mr. Capizzi answered that no other variances are being sought

- Mr. Issacs began to complain about the length of the application process and Board Attorney Ferraro reminded him that this part of the hearing is for questions of Mr. Latch's testimony only
  - Board Engineer Polyniak noted that there was a set of grading, drainage, utility and soil erosion control plans that were prepared by Allison Lapatka, PE of Allison Engineering and Land Surveying revised through 9/19/23 which may answer Mr. Isaacs questions
    - He has some comments on the plans outlined in his review letter but the information provided is sufficient for the Board to proceed
- Mr. Issacs asked if a variance was needed for the doorway and stairs in the rear of the garage accessing to the backyard and Mr. Capizzi answered that a variance is not needed because the stairs do not have a roof
  - Board Engineer Polyniak has reviewed rear yard setback and has determined that the stairs are 25'-2" from the property line but do not require a variance

Board Attorney John Ferraro invited the Board to ask questions of Mr. Latch:

- Board Engineer Polyniak confirmed that both the portico roof and Juliet balcony roof extend into the front yard setback and both would need to be addressed should the Board require the roofs to comply with the setback requirement
- Board Engineer Polyniak asked if Mr. Latch or the Applicant's Engineer created any turning templates that illustrate that cars would not need to drive over the lawn/sidewalk/greenbelt to drive in and out of the garage given the bottleneck design and short driveway
  - Mr. Latch said that he has not created a turning template for garage access
  - Board Engineer Polyniak is concerned that it may become a property maintenance issue
- Board Engineer Polyniak noted that the engineering plan has the curb cut as 18' but the architectural plan has the curb cut as 20'. He asked what was the size of the curb cut that was constructed but Mr. Latch did not have an answer
  - Mr. Capizzi said they are not seeking a curb cut variance
- Board Engineer Polyniak advised the Board that the Applicant is seeking a C(2) variance as there is no hardship justification for the C(1) variance. For the C(2) variance, the purposes of the MLUL would need to be advanced and the benefits from the variance would need to substantially outweigh the detriment to the public good
- Chairperson Charlotte Panny asked what is the size of the curb cut and Board Engineer Polyniak said that there was a discrepancy between the engineering (18') and architectural plans (20')
  - Mr. Capizzi believes that the engineering plans control the development, design and construction of the driveway so the curb cut will be 18'
- Rick DeHeer confirmed that the curb cut would need to be corrected if it does not match the engineering plans
- Mr. Capizzi asked Board Engineer Polyniak what size curb cut is permitted and Board Engineer Polyniak answered that the curb cut size is based on the property width and believes that 18' would be permitted given the lot size and would need to do a calculation to determine if 20' would be permitted
- Chairperson Panny asked Board Engineer Polyniak about the importance of the turning template and he explained that the driveway design may cause the cars in the two outer edge garage

spaces to drive over the lawn, sidewalk, greenbelt or curb causing a property maintenance problem

- Mr. Capizzi confirmed that this is a concern at an 18' or 20' curb cut
- Vice Chairperson Anthony Klymenko asked about the proposed front yard setback to the portico roof in the zoning table listed as 22' but illustrated on the architectural plan at 21'-10"
  - Mr. Latch said that the dimension is 21'-10" and the 22' was an Excel rounding error
  - Vice Chairperson Klymenko confirmed that the coverage was based on the 21'-10" dimension
- Board Engineer Polyniak noted that the front yard setback to the Juliet balcony below the portico roof is 23' which is a deviation from the 25' minimum required
- Chairperson Panny inquired about the positive and negative criteria and Board Engineer Polyniak said that the Applicant would need to provide testimony and the Board weigh if they are satisfied

Mr. Capizzi requested a short break at 8:04pm to confer with his client. Prior to the break, Chairperson Panny invited the public to ask any additional questions of Mr. Latch but no one came forward.

The meeting resumed at 8:23pm with all Board members present.

Mr. Capizzi acknowledged that some questions that were raised could not be answered tonight. He requested an adjournment. He asked that the public provide their comments on the application so that they could be addressed prior to the next hearing. After checking the hearing schedule, the adjournment date of 11/7/24 was selected without need for additional notice.

Chairperson Panny invited the public to comment on the application:

- Scott Raymond owns 624 Palmer Avenue and asked how long will these hearings continue as he is frustrated by the length of the process
  - Board Attorney Ferraro advised that the he has had applications that have gone on longer and expects that the application will conclude on 11/7/24
  - Mr. Raymond confirmed that a variance is not needed for the impervious coverage
  - Mr. Raymond inquired if the positive and negative criteria will be addressed at the 11/7/24 hearing and Mr. Capizzi said that it would
  - Mr. Raymond discussed the curb cut size discrepancy and the driveway bottleneck design
    - He asked what size curb cut is permitted and Board Engineer Polyniak answered that the 18' curb cut would satisfy the ordinance
    - Mr. Capizzi stated that the curb cut dimension would be provided by the next hearing on 11/7/24 and agreed to comply with the ordinance or request a variance, if required
  - Mr. Raymond questioned the stormwater analysis and Board Engineer Polyniak replied that the grading and drainage plan was provided and stormwater management was requested which the Applicant will satisfy by using seepage pits
  - Mr. Raymond asked if fencing or landscaping was proposed and Board Engineer Polyniak noted that landscaping and lighting testimony was requested in the engineering review letter
  - Mr. Raymond confirmed that fencing installation requires a Building permit but a variance has not been requested

- Mr. Raymond noted that the driveway was depicted on the plan as asphalt but believes that pavers were installed
  - Mr. Raymond said the plans depict brick cladding but stucco was installed
  - Mr. Capizzi does not know why the Applicant selected certain materials but will ask his client
    - Board Engineer Polyniak requested that the architectural elevation plans reflect the correct installed materials
- Board member Harry Hillenius noted that in the minutes from the 2021 application, the Applicant had said that he would reduce the number of garages from 4 to 3 but the 2023 application has 4 garages again
  - Mr. Capizzi answered that those minutes were not for this application and Board Attorney Ferraro said that the Board must consider the current application only
- Gary Gastelu of 34 Parkway feels that his neighbor is doing a good job and the Board should grant the variances
  - Harry Hillenius corrected Mr. Gastelu's statement that the house conforms to the Borough code and said that the Board has not delayed the application, the Applicant has requested the adjournments
    - Mr. Gastelu complained about the neighbors attending the hearings
- Jeff Isaacs lives at 624 Palmer Avenue and asked if the Applicant needed to provide as-built plans to obtain the CO
  - Board Engineer Polyniak said that it would depend on what the Board approves but typically an as-built would be required before the CO could be issued
  - Mr. Issacs referenced the hearing public notice that included language about any and all variances and waivers. He asked if there are any variances being waived
    - Mr. Capizzi explained that the only variances being sought are the front yard setback for the portico and Juliet balcony and the lot coverage. He added that should any additional variances be discovered; the Applicant would need to re-notice
- Jonce Dimoski of 625 Oak Avenue said that the two variances go together and are based on aesthetics
  - He supports the Applicant and believes that he is an asset to the neighborhood
  - Mr. Dimoski asked the Board to approve the application
- Board Engineer Polyniak asked about extending the deadline for the Board to act and Mr. Capizzi extended the time for the Board to render a decision to 11/8/24

**Informal Hearing**                      None

**Old Business**

- 9/4/24 letter from Board Attorney John W. Ferraro Re: Suggested Land Use Fee Schedule
  - Board Attorney Ferraro said that the Mayor and Council would discuss it at their next meeting

**New Business**

- Borough Resolution #165-24 Authorizing the Planning Board to Undertake a Preliminary Investigation for an Area in Need of Redevelopment Study (Block 69, Lots 3, 4, 5 & 13 and Block 86, Lots 17 & 18)
  - Board Attorney Ferraro said that the matter will be discussed at the 9/26/24 meeting

## **Open Meeting to the Public**

**Closed Session**                      None

### **Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius.  
John Gargagliano seconded the motion.  
All eligible members present voted in favor of the motion.  
The meeting was adjourned at 8:50pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary