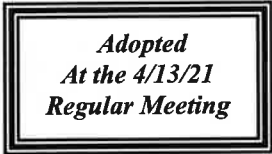


**TOWNSHIP OF MAPLEWOOD PLANNING BOARD**

Municipal Building, 574 Valley Street  
Maplewood, NJ 07040  
(973) 762-8120



**MINUTES**  
**TUESDAY, MARCH 9, 2021**

The 815<sup>th</sup> meeting of the Planning Board of the Township of Maplewood was held virtually Via Zoom on Tuesday, March 9, 2021.

<https://twp-maplewood-nj-us.zoom.us/j/98641661808> Meeting ID: 986 4166 1808

Chair Karen Pisciotta called the meeting to order at 7:30 p.m. and read the following statement:

“Due to the ongoing public health emergency of COVID-19 and to comply with the Executive Orders signed by the Governor of the State of New Jersey. The meeting is being held Via Zoom. Pursuant to Section 5, P.L. 1975, this is to state for the record that adequate notice of this meeting has been provided to the public by notification to the News Record in January 2021, posting on the municipal website and by filing of said notice in the office of the Municipal Clerk.”

**ROLL CALL**

The roll was taken.

Board members present were: Mayor Frank McGehee (Class I), Committeewoman Nancy Adams (Class III), Class II–Salimah Latham, Edward Bolden, Thomas Carlson, Elizabeth Ward, Karen Pisciotta, Timothy Fryatt, Trenesa Danuser, Damian Titus (Alt I), VACANT-(Alt II)

Excused: None

Absent: None

Also present were Board Counsel Michael Edelson, Board Secretary Adele Lewis and Board Consultant Chas Holloway of Greenman Pedersen Inc. (GPI).

Chair Pisciotta read the following:

“WHEREAS, Section 7 provides that the Planning Board has the discretion to permit, prohibit or regulate the active participation of the Public at any meeting.

WHEREAS, it is the desire of this Planning Board to comply with the provisions of this act and at the same time to conduct its business in an orderly and expeditious manner:

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Maplewood, that it does prohibit, except as set forth in the formal agenda, active participation in the deliberations of the Planning Board at all of its regular meetings.”

*A motion was made by Mr. Carlson and seconded by Mr. Bolden and passed unanimously to adopt the operating procedures for the meeting.*

**MINUTES**

• **MINUTES OF FEBRUARY 9, 2021 REGULAR MEETING**

*On a motion by Edward Bolden and seconded by Tom Carlson, the Board voted to adopt the minutes of the February 9, 2021 regular meeting.*

## APPLICATIONS

Case # PB20-06

**17-19 Harvard Avenue**

**BLOCK 22.09 LOT 192**

**Applicant: 21 Sterling LLC**

*Seeking Minor Subdivision to create two conforming lots*

**Nicole M. Magdziak, Esq.** of Day Pitney, LLC, Parsippany, NJ represented the applicant. She stated that they are seeking to subdivide the lot into two conforming lots. The applicant is proposing to keep the existing house but demolish the detached garage which would be on the lot line. Additionally, some lot coverage will be addressed to be fully conforming.

**David Fantina, P.E.**, Fantina Engineering was sworn and qualified. He referenced the Topographic Survey & Minor Subdivision, prepared by Pronesti Surveying, dated November 10, 2020, last revised February 11, 2021, and Conceptual Development Plan, prepared by Fantina Engineering, dated December 7, 2020, last revised February 11, 2021. He noted they were revised to address the comments of Board Engineer, Chas Holloway's review letter dated February 10, 2021.

Mr. Fantina stated the plan is to remove the garage and a section of driveway which will remove the existing non-conformity. He referenced the conceptual house and noted that the trees depicted on the survey are actually very small hedges. He reviewed Mr. Holloway's review letter dated February 10, 2021, specifically Section D – Recommendations/Comments.

Mr. Fantina provided testimony regarding removal of the existing garage and stated there would be removal of existing impervious surface from behind the existing dwelling which will remain, and some site removal of trees.

Mr. Fantina testified to the location of the existing sanitary sewer lateral and indicated the location for the sanitary sewer lateral/cleanout for the proposed lot. It was noted that the Topographic Survey & Minor Subdivision, prepared by Pronesti Surveying, dated November 10, 2020, last revised February 11, 2021 depicted the location of sewer lateral as requested.

Mr. Fantina reviewed the Lot width dimension for proposed Lot 192.01 provided in the site plan zoning requirement table which was amended to correspond with the 55.8 dimension indicated on the survey.

Mr. Fantina testified that the pavement and patio behind the existing dwelling will be made into a lawn area as noted on the site plan

Mr. Fantina agreed with Mr. Holloway's comment that if approved, the application would be subject to individual plot plan review for each lot and that the existing detached garage is to be removed before the proposed subdivision can be perfected.

Mr. Fantina also acknowledged that individual plot plans will provide driveway apron, curb and sidewalk construction details. In addition, individual plot plans will provide proposed grading/spot elevations and detail proposed stormwater management measures.

Regarding access to adjoining Lot 222 and restoration of the fencing gap created by the proposed garage removal, he stated the Applicant intends to complete the fence so as to eliminate any gap created by the removal of the existing garage. The Applicant will provide a new fence with no gap.

He noted a decision has not been made regarding the location of the driveway on the opposite side of the proposed dwelling (Lot 192.02) to preserve existing trees. He continued that the retaining wall will remain and be untouched.

Mr. Fantina testified that the tax assessor has approved the proposed lot designations. He also testified that the proposed subdivision will be perfected by deed.

*Questions from the Board:*

How many trees will be removed for the proposed new house? Mr. Fantina replied that depending on the location of the house, it will require 6 trees to be removed. Mayor McGehee stated he calculated 11 trees to be removed.

While a proposed front entry connected garage is depicted on the concept plan, it was noted that Section 271-50 L of the Township Ordinance prohibits parking in the yard space between a public street and any principal building. The ordinance also requires two off street spaces.

Ms. Magdziak stated that the applicant spoke with the Zoning Officer and he expressed that the proposal was permissible. Mr. Fantina stated that the plan could comply while keeping below the impervious coverage.

Was the retaining wall examined due to the steep drop? Mr. Fantina stated that it had been. Can the 6 trees being removed be replaced with other trees on the property? Mr. Fantina stated they could replace some of the trees in the backyard. Mayor McGehee asked if the owner resides in the Township. Ms. Magdziak stated he does not.

Mr. Holloway stated that a condition of approval should be that the garage must be demolished prior to perfecting the subdivision. The applicant agreed. Mr. Holloway also informed the Board that during the plot plan review the applicant must prove they can contain the stormwater on site.

QUESTIONS FROM THE PUBLIC: None

Ms. Magdziak concluded that the proposed subdivision is as of right and the applicant has a legal right to the subdivision. She noted it fully complies with the zoning ordinance. She added that the applicant will comply with the plot plan for each lot to be reviewed by the engineer for matters of stormwater and landscaping. They will comply with the comments in Mr. Holloway's review letter date 2/10/2021.

COMMENTS FROM THE PUBLIC: None

***DELIBERATIONS OF THE BOARD:***

Ms. Adams stated that while the subdivision is as of right, she urged the developer to build a high quality home. She added not only would it be in keeping with character with the area, it would likely be more in demand and profitable.

Ms. Danuser agreed with Ms. Adams and added that this section of town is the welcoming point of the community and encouraged the applicant to consider the characteristics of the neighborhood.

Mayor McGehee inquired if a vote would be taking place. Mr. Edelson confirmed that while the subdivision is as of right, the Board would be voting on the application.

Mr. Carlson stated that he is relying upon the applicants' statement that any future development will be fully conforming. He stressed that the proposed development receive proper scrutiny regarding the curb cuts, parking and impervious coverage.

*On a motion by Tom Carlson and seconded by Timothy Fryatt, the Board voted Affirmative (7) Committeewoman Nancy Adams, Salimah Latham, Thomas Carlson, Elizabeth Ward, Timothy Fryatt, Trenesa Danuser, Chair Karen Pisciotta, Negative (2) Mayor McGehee, Edward Bolden to grant the Minor Subdivision to create two conforming lots. MOTION CARRIES 7-2*

**Case #PB20-05**

**1722-32 & 1734-44 Springfield Ave. (Continuation)**

**Block 30.04 Lots 127 & 129, 135, 137 & 140**

**PRB Zone**

**Applicant: 1734 SPRINGFIELD AVE., LLC**

*Site Plan for Mixed Use building with 40 residential units along with approx. 1732 sq. ft. of retail on ground floor frontage on Springfield Ave.*

**Marsha Moore, Esq.** of Post Pollack, Roseland, NJ continued to represent the applicant. She stated that at the conclusion of the February meeting, there were some comments regarding the landscaping and fencing. She noted revised drawings as requested were submitted in advance of the meeting.

**Brian Intindola, P.E.**, was reminded that he was still under oath. He identified the exhibits.

**MARKED INTO EVIDENCE**

A-6 Landscape plan reworked by Mr. McDonough & 5 images/renderings

Mr. Intindola reviewed the plan and renderings. He stated that there will be irrigation for the plantings. He was asked why the mature trees on the berm would be removed. He stated that the slope of the back wall necessitate the removal of the trees to stabilize the base of the retaining wall. He noted many trees have exposed roots and will not be viable. He added that they have presented a coherent landscape plan and the proposed board on board fence is attractive. He reviewed the renderings depicting various views of the subject site.

Board members asked questions of Mr. Intindola. The Board discussed the number of mature trees that will need to be removed. Disappointment was expressed that there were no plantings on the Wellesley side. Mr. Intindola stated that it would still be possible.

**QUESTIONS FROM MEMBERS OF THE PUBLIC:**

Inda Sechzer, 57 Euclid Ave.

Stephanie Scott, 24 Amherst Court

Stephanie Rogowski, 140 Tuscan Road

**MEMBERS OF THE PUBLIC TESTIFYING IN FAVOR:**

Jason Tebbe, 37 Brookwood Drive

**MEMBERS OF THE PUBLIC TESTIFYING IN OPPOSITION:**

Dave Helmkamp, 571 Prospect Street

Stephanie Rogowski, 140 Tuscan Road

Stephanie Scott, 24 Amherst Court

Inda Sechzer, 57 Euclid Ave.

Chris Moulin, 6 Amherst Court

Brit Boynton, 6 Amherst Court

**Seeing no further comments- Public Comment was closed.**

Marsha Moore provided closing statements. She stated that this has been a highly interactive process that has spanned years. The applicant has listened to comments and scaled back and moved the building. She noted that most concerns of the neighbors are regarding the designs of the building. She stated that while they have met with the Springfield Avenue Partnership, they recognize they must continue to work with them on design and any approvals would be contingent upon review and approval of the SAP. She continued that the use is permitted in the PRB zone and other permitted uses such as a large scale restaurant could have a significant negative impact such as odor and noise. She noted they are seeking preliminary and final site plan approval. She stated the building has been brought forward for greater separation and privacy of the adjoining neighbors. She reviewed the planning testimony and stated that the retail

component will add to Springfield Avenue with the mixed use. She noted that the Master Plan specifically calls out this area for revitalization and mixed use and this project achieves those goals.

She concluded that this proposal will not cause substantial negative impact. She noted that the process has resulted in the retail component, a lower building with a greater buffer and less mass. She noted the applicant is willing to condition the approval on restricting the tenant storage area as testified at the January meeting. She thanked the Board for the courtesies throughout the long process and the public for their comments.

### ***DELIBERATIONS OF THE BOARD:***

Nancy Adams stated that she is not in favor of the application. She expressed concern at the length of the building and the lack of scale. She expressed frustration at the applicant's lack of willingness to break up the massing. While she appreciates the applicant's reduction of the building, she feels it is not enough. The applicant is working with a blank slate and the applicant's track record with other properties in town is disappointing, as is their lack of working with the Springfield Avenue Partnership.

Mayor McGehee thanked Ms. Moore for her professionalism. He also thanked the neighbors and residents for their thoughtful input throughout the process. He noted that it was evident to him that community input is important and that was a miss on this application. He added the community was not brought in until afterwards and the efforts were reactionary.

Trenesa Danuser also acknowledged Ms. Moore and also the residents for their tenacity. She noted the importance of listening to the community and the Board looking to projects for their long-standing effect on the town. She noted the Board has provided ample opportunity for the applicant to address their concerns.

Ed Bolden thanked Mr. Helmkamp and Ms. Sechzer for their presentations. He expressed disappointment that they have not heard from the Springfield Avenue Partnership. He is concerned about the size of the project. He noted that while the project was reduced in scope, and recognized the applicant has expended significant financial efforts, he would like to see a more appropriate proposal.

Timothy Fryatt also thanked the community for their informed, eloquent suggestions. He noted that many of them have been registered previously and it is telling that the persistence of the criticism in ongoing and improvements slow-coming. He referenced the Springfield Avenue Partnership. He spoke to the variances and in particular the step back variance and noted it is significant due to the great length of the building spanning five tax lots. It results in awkward massing and will not elevate the Springfield Avenue corridor. He noted the applicant's planner presented good argument to fill in a vacant site however as was previously noted this is a blank slate with much potential.

Tom Carlson stated this is a difficult decision recognizing the challenges of development on Springfield Avenue due to the narrow lots lacking depth and bordered by vibrant neighborhoods. He spoke to the lost retail discussion and stated there is no real loss. He recognized the benefit of the addition of residential and preventing sprawl but he doesn't feel the applicant met and explained the negative criteria. There has not been a significant improvement in pedestrian walkability which is a goal of the Master Plan and the mass of the façade is questionable. Additionally, he feels the lack of effort to preserve the landscaping, especially the trees prevents him from supporting the application.

Liz Ward echoed the sentiments of her colleagues and noted the time and effort that has been spent on the application. She wished the applicant would have sought community outreach prior to bringing the application to the Board. She also feels the applicant has heard some of the comments and provided adjustments and renderings at the Board's request. She also feels the setback is an architectural challenge and the building is a monolithic structure. She would have liked to see something better but noted the

variances on paper are fairly minor. Ms. Ward concluded that she feels the SAP could work with the applicant and doesn't feel it is her role, therefore she would support the application.

Damian Titus expressed concern regarding parking and stated that he prefers the entrance on the side street as a safer alternative. He also had concerns regarding the roof and the taking of amenity space. Additionally he feels most of the trees will be removed regardless of any development at this site. He reiterated his preference and the importance of the Springfield Avenue Partnership input prior to submission to the Board application. He noted that a restaurant is permitted but might be problematic. He recognized the applicant's revisions but it has not been enough. He feels more work needs to be done to develop this site.

Chair Pisciotta asked Ms. Moore how she would like to proceed given the comments.

Ms. Moore asked for a moment to confer with her client. Upon returning, she requested the case to be withdrawn to preserve Res Judicata, which could be construed as precedential.

Mr. Edelson stated the withdrawal would be permitted and indicated the application would have to start over with a somewhat different application. Mr. Edelson was asked if there was a down side to note voting. Mr. Edelson stated there is not.

Ms. Moore confirmed that the applicant is withdrawing the application.

### **NEW BUSINESS**

Chair Pisciotta announced that the process for the Master Plan reexamination has started and will unfold over several months. She noted that all Board members will have an opportunity to provide input as will members of the community at the appropriate time.

She named the members of the subcommittee: Liz Ward, Chair  
Tom Carlson  
Karen Pisciotta  
Mayor McGehee  
Dean Dafis, Township Committee member

Ms. Ward stated that she is excited to begin the process and it is a good time to adjust key challenges and get more goals and vision to define the Town's trajectory.

### **INVITATION TO ADDRESS THE BOARD:**

Deborah Lyons noted that the Springfield Avenue Partnership has been working with the applicant.

Chair Pisciotta called for a motion to adjourn.

THE NEXT MEETING OF THE BOARD IS TUESDAY, APRIL 13, 2021.

### **ADJOURNMENT**

The Board adjourned at 11:10 p.m.

Respectfully Submitted,

  
Adele C. Lewis, Board Secretary