

**Paramus Planning Board Meeting**  
**Thursday, April 7, 2016**

Chairman Caminiti, at 7:00 PM in the Council Chambers, called a regular meeting of the Paramus Planning Board in the Borough Hall on Thursday, April 7, 2016.

**Pledge of Allegiance**

Michael Blitzstein

**Statement of Notification**

Chairman Caminiti advised that The Planning Board has complied with the open public meeting act (The Sunshine Law) by notifying two newspapers, The Record and The Ridgewood News of tonight's meeting with the agenda. Also posted is a copy of the agenda on the Bulletin board, and a copy of the agenda is on file in the Borough Clerk's office.

**Roll Call**

Council Member Bellinger  
Ken Hook  
Rich Conte  
W. Stuart Clark  
Ralph Amato  
Michael Blitzstein  
Mario Sicari (arrived 7:10)  
Nick Matahen  
Chairman Caminiti

**Absent**

Denis Niland  
Lou Romano

**Also Present**

Linda Garofalo	Planning Board Secretary
Beth Calderone	Court Reporter
Peter TenKate	Boswell McClave Engineering
Frank Ciambrone	Francis A. Ciambrone, Esquire
Francis Reiner	DMR Architects, Planner

**Hearings:**

Applicant: Walnut Brewery, Inc. d/b/a Rock Bottom Restaurant & Brewery  
1 Garden State Plaza  
Block 301 Lot 5  
Block 302 Lots 1 & 3  
Block 401 Lot 6  
Amendment or Revision to an Approved Site Plan & Signage Approval

Attorney: S. Sinisi  
2 Sears Drive  
Paramus, NJ 07652  
(201) 599-1600

**Discussion:**

Chairman Caminiti announced that Walnut Brewery application has been withdrawn.

**Hearings:**

Applicant: Paramus Park Dental c/o General Growth Properties, Inc.  
From Road, A & S Drive & Sears Drive  
Block 5203 1,2,3 Block 5204 Lot 1 Block 5303 Lot 4 Block 6207  
Lot 2 Block 5004 Lot 6 Block 6303 Lot 1  
Amendment or Rev. to an approved site plan Bulk "C"  
Variance

Attorney: Stuart Liebman  
Wells, Jaworski & Liebman  
12 Rt. 17  
Paramus, NJ 07652  
(201) 587-0888

## Discussion:

Mr. Liebman stated this is a minor amendment to a site plan and parking lot. Resolution 14-6062A prior parking variance approval with Board of Adjustment. This application includes the prior approval. 19 parking spaces required. When Board of Adjustment approved variance, there was a condition – 11.5% floor area permitted to be non-retail. There are no sign variances, wall signs conform.

Daniel LaMothe Lapatka Associates 12 Rt. 17 Paramus, NJ

Plans prepared by Carminio Architecture dated 10/7/15, page A103 dated 11/4/15, revised 2/18/16.

The plan dated 2/29/16 shows the Mall and where the dental office will be located. No site improvements proposed. Office will be across from Tommy's Pizza. Hours of operation are Monday-Friday 11-7, Saturday 11-5. Waste will be removed by a private hauler.

Page A103 is the correct sheet.

Stuart Liebman stated DPW Sewer report, working with them on the \$5,000 escrow for sewer maintenance. Discussing the amount and will agree as part of the approval.

Nick Matahen asked are there are any handicap spaces?

Dan LaMothe responded. Yes, they are in the Mall area.

## Voting:

Motion to approve request by Mr. Blitzstein, 2nd by Mr. Hook.

In favor: Bellinger, Hook, Conte, Clark, Amato, Blitzstein, Sicari, Matahen, Caminiti

Opposed:

Abstained:

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## Discussion and Comments on Ordinances #16-07, #16-08, #16-09 and #16-10

Francis Reiner, DMR Architects, Planner - The Board was given a map and chart from Peter TenKate.

What were previous Business Zones – BG, BL, BIL, BML, BML2 & BN zones – most of them were converted to the HCC zone.

Residential, Hotels, Hospital and Healthcare are permitted in the HCC zone.

The same as the above but no residential is permitted in the HCC2 zone. Requirements are 1 1/2 acres, 200 ft. width, front yd. 40 ft. with a parking structure, side yard 10 ft., 30 ft. with a parking structure. If adjacent to a residential zone, minimum of 100 ft. setback or 3 times the height of the building. Front required to be 200 ft. – height HCC zone – 5 stories or 60 feet. Hotel 8 stories if attached to a Mall. Healthcare campus permitted in HCC zone.

Parking – only change HCC and HCC2 zone – requirement 4 spaces per 1,000 sq. ft.

Larger intersections – made all corners to Neighborhood Business Zone.

Parking structures 5 levels – 70 ft. permitted.

Sewer connection fee increased to \$2,000 per new unit.

Chairman Caminiti stated that he has recommendation for Hospital buildings that he would prefer to see 30% height. Height for 5 levels – 70 feet from average grade. Would like to see footprint grade instead of average grade. Across the board he would like 5 per 1,000. He also would like to delete 96 foot height.

Richard Cacciatore 66 Oliver Road

He stated he couldn't read the map that is on-line. What is the HCC2 zone?

Francis Reiner responded residential, hospital and healthcare campus are permitted in this zone.

Salvatore Moretti 197 Alpine Drive

Can the Planner please point out HCC and HCC2 zones.

Francis Reiner – yes

Mr. Hegg 321 Lockwood Drive

Buffer zone required next to residential?

Francis Reiner – 25 foot front yard setback – 40 ft. if parking structure.  
Provisions for open space in the ordinance in detail.

Tom Lociciero 30 Alden Road

Stated that there have been statements made that these new zones will protect residential. S.E. of town, near Garden State Plaza there are several residential areas that fall into high density – Arcola, Harvey...

Francis Reiner stated there is a minimum requirement of 100 ft. setback or 2 times height of building.

Tom Lociciero – The light yellow area shows a lot of residential. Hotels permitted in the new zone on Mall property?

Francis Reiner – Responded yes.

Tom Lociciero – What is the maximum height of a hotel?

Francis Reiner – 8 stories, 96 feet, Planning Board recommended no more than 60 feet. Current zoning in BML zoning permits 60 feet, only for Hotels.

Tom Lociciero – A zone was made on the South side of the highway, in your experience as a Planer, any lawsuits for discrimination for being on the other side of the highway?

Chairman Caminiti – Stated anyone can sue. Variances have to be heard in a public meeting. If within 200 ft. of application you will be notified.

Tom Lociciero – Stated he believes this is discrimination against people on the other side of the highway.

Sam Casiello – 43 Heather Lane

In the proposed ordinance, are there 19 zones to be designated?

Francis Reiner – Stated yes.

Sam Casiello – How is that compared to the present?

Francis Reiner – We are eliminating 6 and making 2 zones.

Sam Casiello – Are the MLR and Affordable Housing zones the same?

Francis Reiner – No changes, existing zones.

Sam Casiello – What is Mount Laurel Residential, Residential Affordable Housing R150 ML-RML?

Francis Reiner – MLAL, Mount Laurel – lower income housing. MFAC – Assisted Living, MFML – Hovnanian on Paramus Road

Sam Casiello – 2 HHC zones – 50 feet required setback? What zones are hotels permitted in?

Francis Reiner – 100 ft. or 3X from residential. Hotels permitted in HCC zone.

Jill Rosenfeld 624 Alberta Drive  
What is the Master Plan?

Francis Reiner – The Master Plan was adopted June 4, 2015.

Joe Warburton 374 Harrison Street  
Light yellow and dark yellow zones – Any residential properties given commercial use?

Peter TenKate – The Sorbello property, borders Bergen Regional.

Joe Warburton – What is the size of the dark yellow zone? How much residential can be built in these 2 zones?

Chairman Caminiti – Each property would have to be looked at.

Peter TenKate – Pink area is residential. The only changes to this area are at the intersections of Forest and Midland Avenue, Paramus Road and Ridgewood Avenues, corners are now Neighborhood Business. No other changes to residential. The corner of Farview Avenue and Ridgewood Avenue are now zoned Government near Bergen Regional.

HCC zones – Rt. 17 and Rt. 4 side of 17 on the W, the uses are the same. Ridgewood Avenue, Route 17 and Garden State Parkway – light yellow are in the HCC zone.

North side of Rt. 4 near River Edge – no residential, use stays the same. Garden State Plaza, Bergen Town Center, southern end of 17, GSP to Rt. 208 – HCC zone – Hotels permitted in this zone. Height allowance only applies if attached to a Mall.

Jean Weber 403 Burlington Road

Why are you rushing this through now? Residents have only had 2 weeks to review this plan.

Chairman Caminiti – This is a time for questions of the professionals only.

Jean Weber – Will continue later.

Richard Cacciatore 66 Oliver Road

Are the yellow areas higher height areas?

Peter TenKate – Some of the Business zones allow 60 ft., some don't. Any new buildings would have to meet all requirements. Setbacks prohibit height of building.

Jeffrey Link 444 Arthur Terrace

Are there any zoning changes in the area behind Trader Joes and the Container Store?

Peter TenKate – This has been rezoned to HCC – zoning the same.

Jeffrey Link – Can Mack Cali be developed?

Chairman Caminiti – This is a Planning Board recommendation to Mayor and Council only.

Jeffrey Link – Are there any Affordable Housing options?

Francis Reiner – In an existing residential area, anyone could sue if multi-family were built.

Tom Lociciero 30 Alden Road

There are 4 miles on Rt. 17 and Rt. 4 – the yellow area which permit high density housing, this entire stretch permits up to 60 feet, 5 stories, for residential and commercial use. Could the Campmor property could be developed?

Chairman Caminiti – 120 ft. buffer and parking required.

Tom Lociciero – In the early 80's Mount Laurel – How many affordable housing credits do we have since the 1980's?

Chairman Caminiti – Someone will speak about COAH later on this evening.

Jerry Rickelman 190 Nimitz Road

With the amount of COAH housing required – where are we putting this?

Francis Reiner – The objective is to not negatively impact residential.

Trying to identify future locations for residential.

Jerry Rickelman – Mack Cali near Paramus Park area – Are there setbacks for each unit or for the building?

Francis Reiner – Would have to look at the site plan. Setbacks are by building.

Francis Warburton 367 Harrison Street

Parkway School, Mack Cali area- Able to change to residential? Syms on Rt. 17 N, is this in the HCC zone?

Francis Reiner – yes and yes.

Patrick Warburton 191 Harwood Place

When the Master Plan came into effect, how did you design this? Was it designed to be ready for Affordable Housing?

Francis Reiner – Residential neighborhoods are threatened. We are looking at all aspects and all zones when doing a reexamination.

Patrick Warburton – Are commercial businesses up or down? Why are we worrying about this?

Francis Reiner – The current B zones are all permitted commercial uses. We are trying to provide that properties are uniform.

Patrick Warburton – Is there a contingency to say that we wait until the Affordable Housing number of units required is decided?

Chairman Caminiti – We are being proactive.

Jamie Placek, Esquire – Kaufman Semerano & Leibman

Fair Share Housing said Paramus needs 1,000 units. COAH was dormant for 15 years. Our experts say 500 units now. COAH saying we may need to fill the 15 year gap period. Prior credits don't matter or effect what is due now. We will definitely have a significant obligation.

Jill Rosenfeld 624 Alberta Drive

Affordable Housing Ordinance – Council took out “Accessory Apartments.” Ordinance #16-09 – permits 10 units or 10%. Ordinance 16-09 Section 5 – is this limited to highway commercial?

Jamie Placek – Any development is required to provide affordable housing.

Jill Rosenfeld – What will happen with the 15 year gap period?

Jamie Placek – Brightview has approximately 17-18 affordable units.

Jill Rosenfeld – Ann Court 43 units, VIP 6 units, we have been proactive.

Jamie Placek – The State was silent and now we don’t know the actual requirements.

Patrick Warburton – Ordinance #16-09 there are 3 options, the 3<sup>rd</sup> option is for the Builder to pay \$180,000 per unit and deposit money in a trust fund. How is Paramus supposed to fill the obligation if the Builder pays? We won’t have units. Suggestion to require 20% not 10% to be affordable.

Jamie Placek - \$180,000 is a low number to build. If Developer is building in HCC zone, they will provide, not buy out.

Jeffrey Link – When does this obligation start? Will the Borough be a Landlord if the Developers don’t come in?

Jamie Placek – The start date is up to the court. The Borough has an obligation to use the trust fund and provide Affordable Housing. We are behind in non-age restricted units.

Patrick Warburton – Do we have any credits to apply now?

Jamie Placek – We have approximately 42 now.

Patrick Warburton – Has anyone gone to the State?

Jamie Placek – We are in court now. Paramus submitted a report in 2008, with no response.

Sam Casiello – We are in the 3<sup>rd</sup> round now – did we meet the 1<sup>st</sup> and 2<sup>nd</sup> round?

Jamie Placek – Yes.

Tom Lociciero – Do the 1<sup>st</sup> and 2<sup>nd</sup> round credits help us for the future?

Jamie Placek – no.

Jill Rosenfeld – Paramus has always been proactive. This process is rushed. Other towns haven't met obligations.

Jean Weber – 38 pending bills in Legislation. Feel we should delay rezoning of map. Some municipalities have taken a year.

Frank Ciambrone – It is our obligation to act on these 4 Ordinances tonight.

Steve Sullivan 520 Otto Place  
Is the Board going to be polled?

Chairman Caminiti – yes.

Richard Cacciatore

We don't know when this is going to happen. The proposal is for enhancing commercial properties. Feels this is premature. The town will change. The new map should be posted and available to all residents.

Maureen O'Brien – Been living here since 1978. Hope that mixing residential and commercial won't open up the Blue Laws.

Francis Reiner – Summarized the changes.

<b>Voting:</b>
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Motion to approve Ordinances 16-07, 08, 09, & 10 with changes by Chairman Caminiti, 2nd by Mr. Sicari.

In favor: Bellinger, Hook, Conte, Clark, Amato, Blitzstein, Sicari, Matahen, Caminiti

Opposed:

Abstained:

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**Resolution Voting:**

Resolution 2016-03 F & M Paramus Realty, LLC Block 1411 Lot 5 Preliminary Site Plan and Final Site Plan approval. Motion to grant request Chairman Caminiti, 2<sup>nd</sup> by Mr. Hook.

In favor: Bellinger, Hook, Conte, Clark, Amato, Blitzstein, Matahen, Caminiti

Opposed:

Abstained: Sicari

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**Resolution Voting:**

Resolution 2016-04 Estate of David Catanzaro Block 2001 Lot 9 & 10 Minor Subdivision approval. Motion to grant request by Chairman Caminiti, 2<sup>nd</sup> by Mr. Hook.

In favor: Bellinger, Hook, Conte, Clark, Amato, Blitzstein, Matahen, Caminiti

Opposed:

Abstained: Sicari

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**Resolution Voting:**

Resolution 2016-05 Arcola Country Club Block 1002 Lots 2 & 3 Block 1101 Lots 1 & 2, Block 1102 Lot 13 Minor Site Plan approval. Motion to grant request by Chairman Caminiti, 2<sup>nd</sup> by Mr. Hook.

In favor: Bellinger, Hook, Conte, Clark, Amato, Blitzstein, Matahen, Caminiti

Opposed:

Abstained: Sicari

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**Resolution Voting:**

Resolution 2016-06 Paramus Kids Pros, LLC Block 803 Lot 1 Amendment or Revision to an approved site plan approval. Motion to grant request by Chairman Caminiti, 2<sup>nd</sup> by Mr. Hook.

In favor: Bellinger, Hook, Conte, Clark, Amato, Blitzstein, Matahen, Caminiti

Opposed:

Abstained: Sicari

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**Voting:**

Approve Vouchers to be Paid. Motion to approve request by Mr. Conte, 2nd by Mr. Sicari.

In favor: Bellinger, Hook, Conte, Clark, Amato, Blitzstein, Sicari, Matahen, Caminiti

Opposed:

Abstained:

**Voting:**

Approve Minutes from March 3, 2016. Motion to approve request by Chairman Caminiti, 2nd by Mr. Blitzstein.

In favor: Bellinger, Hook, Conte, Clark, Amato, Blitzstein, Matahen, Caminiti

Opposed:

Abstained: Sicari

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