

BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS

February 25, 2016

A meeting of the Board of Adjustment, in Borough Hall, was called to order at 7:30 by Chairman Caminiti.

PLEDGE

Led by Mr. Lagana

ROLL CALL

Present: Mrs. Gunderson, Messrs. Putrino, Clark, Lagana, McKenna, Caminiti, Sheikh DiNapoli

Absent: Mr. Ricchiuti

Also Present: John Ten Hoeve, Esquire
Valerie Frazita, Secretary
Beth Calderone, Court Reporter
Peter Ten Kate, Engineer
Mark Everett, Planner

NOTIFICATION

The Chairman announced that, in accordance with the Open Public Meetings Act, adequate notice of this hearing was given as follows:

Notice specifying time and place transmitted to the Record and Ridgewood News

Copy of notice posted on the public announcements bulletin board

Copy of same submitted to the Borough Clerk's office.

PUBLIC HEARINGS: Residential

Docket No. 7046

Block 6014 Lot 14

One story addition.

Jackovino

611 Roosevelt Blvd

Mark Sokolich, Esquire, representing applicant.

Joseph Donato, architect. A-1-3 (elevations floor plan 10/19/15) Witness described property – existing one story - keeping ranch style – area mostly ranches – roof line will remain – proposing 5 foot open front porch – additions to side and front – corner lot – double front door with porch and columns – adding peaks for aesthetics – stone front – two front yards – side yard opposite Roosevelt – patio off family room, three feet from line – rear yard opposite Sycamore – will be two bedrooms, 2 baths, finished basement – no trees will be removed – will be for owner, not spec.

In reply to Mr. Caminiti, witness said could provide landscape plan. Mr. Sokolich said would accept any conditions.

Mr. Putrino suggested moving patio to dead space at NE – three feet not much room. Witness said could be done – would be 8-10 feet instead of 3 feet. Mr. Sokolich added that will stipulate.

Mrs. Profita, 63 Sycamore. Questioned rear yard – concerned with outdoor activities on patio 3 feet from her line – bedroom window 8 feet from fence – should be 30 feet. Mr. Sokolich explained that moving patio to NE – can put up fence and landscape. Mrs. Profita was concerned about future – owner could add second floor. Mr. Putrino suggested making patio 10 feet from line. Mr. Sokolich said would stipulate 8 feet – will do any buffer requested.

Motion by Gunderson, seconded by Lagana, to approve with patio in NE corner, no closer than 8 feet and will be landscape plan

FOR: Putrino, Clark, Lagana, McKenna, Gunderson, Caminiti, Sheikh

OPPOSED: None

MOTION CARRIED

PUBLIC HEARINGS: Commercial

Docket No. 7050

Block 6301 Lots 2 & 4

Convert office space to medical.

The Valley Hospital

140 E. Ridgewood Ave

Stuart Liebman, Esquire, representing applicant.

Mr. Liebman advised that Valley proposes to occupy 74,000 SF of space at Mack Cali building – would be ambulatory woman and children facility – no physical changes to exterior – will be change in parking spaces and nothing else – property is split between BL and BIL – medical not permitted in BL zone – need variance for additional ADA parking spaces – adding 22 - losing 9.

Alexander Lapatka, engineer. A-1 (site plan) Witness advised two lots, 12.3 acres – existing building – proposed to occupy 73,978 sf - code is different for medical parking – 784 spaces, 16 handicap – medical required more spaces – 10% of spaces for medical will be handicap – may not need all – may not have to “build out” all the spaces – require 38 handicap – have loss of 9 spaces, but would prefer 10 – asking for 774 spaces. Will discuss directional signs with Ten Kate – not aware of any cross- parking – will accept \$15,000 sewer contribution. A-2 (letter that no review required)

In reply to Mr. Putrino, Mr. Ten Kate said that have crosswalk by south handicap spaces. Mr. Lapatka added that would work with Mr. Ten Kate on crosswalks, etc.

Mr. Sheikh questioned “concept” site plan. Mr. Lapatka replied that will be construction plans with sidewalks, etc.

Sean Crane, architect. Explained proposed medical services and floor plan A-3-6 (floor plan) A-7 (sheet 103) Hours of operation are 7-7:00 – may be some evenings 7-9:00 and some Saturdays – no emergency, no over-night stays – no Sunday activities. Forty-eight exam rooms – 25 doctors and 91 non-medical - no change to façade – no wall signs at present – have licensed contractor for medical waste

In reply to Mr. Putrino, Mr. Ten Kate said is enclosed dumpster area. Mr. Liebman added that will make sure is adequate.

Mr. Lagana questioned designated parking for doctors.

In reply to Mr. Putrino, witness said that elevators not part of application – upper floors accessible to all elevators.

Charles Olivo, Traffic engineer. Stated that will occupy portion of building – 140,000 SF presently occupied – counted the entire lot – peak 382 spaces utilized – losing 10 spaces – more than adequate parking.

Steve Lydon , planner. Advised that more than enough parking spaces – no detriment – 63% of building office space – master plan said should add medical space – different use but closely related – space currently unoccupied – no substantial detriment.

Mr. Liebman stated Board had heard all the testimony – felt had answered all questions in review letters.

Motion by Gunderson, seconded by Caminiti, to approve with condition of directional signs and handicap spaces be discussed with borough engineer.

FOR: Putrino, Clark, Lagana, McKenna, Gunderson, Caminiti, Sheikh,
OPPOSED: None
MOTION CARRIED.

Docket No. 7051

Block 4110 Lots 16 & 17
Construct 18 townhouses.

GLFC Realty

W. 102 & 106 Midland

Carmine Alampi, Esquire, representing applicant.

Mr. Ten Hoeve told public that no opinions until end of application – only questions of witnesses at first.

Mr. Alampi advised that proposed is for 18 unit town houses – have addressed most comments from reports – will be intensive buffer around property – single family zone – large acreage – presently is commercial business.

Jacob Solomon, architect. Proposing two building, 18 units. A-1 (arch plan rev 11/5/15) Basement is mechanical room and storage – main is garage, porch, living room, kitchen, dining room family room – upper floor is 3 bedrooms, 2 baths, laundry closet for washer-dryer. All units the same size and design – deck on first floor, about 30 inches high. Façade will be red brick, beige stucco and brown or tan stone – wrought iron railings – charcoal gable roof – 27-1/2 feet high – siding on rear – brick face on Midland side. A-2 (colored rendering) A-3 (colorized landscape) Described landscape – visitor's parking spaces to rear – will be gated – planted buffer on each side of brook HVAC in rear yards.

In reply to Mr. McKenna's question, witness said each building has two-hour fire wall – will be sprinkled – 5-1/2 foot attic – fire wall foundation to ridge.

Mr. Putrino questioned if had considered single family with cul de sac. Witness replied that had considered but felt townhouses more applicable.

Mr. Sheikh was concerned with locked gate during an emergency. Mr. Solomon said gate opens with electric opener.

In reply to Mr. Ten Hoeve, Mr. Alampi said that will be condo association – will be affordable housing assessment.

Trapp, 123 Midwood Road, questioned attic accessibility, sprinkler system, venting in kitchen and generators.

Matahen, 66 Primrose, question effect on school system.

Capone, 465 Evergreen, questioned fire hydrant, parking, dumpster.

Miele, 462 Kossuth, questioned notification

Niland, 391 Chestnut, questioned design of apartments

Lustberg, 505 Tether, question soil contamination

Darquea, 466 Evergreen, questioned landscape maintenance and garbage disposal

Hickey, 474 Kossuth, questioned wild life in area

Barbaro, 421 Evergreen, questioned parking

Hopkins, 470 Mayfair, questioned property lines

Lukasewski, 110 Midland, questioned construction cost

Parr, 458 Kossuth, questioned notification

APPLICATION CONTINUED TO APRIL 14, 2016.

NEW BUSINESS: Resolutions

Docket No. 7045 – Goldstein

Motion by Gunderson, seconded by Putrino, to approve

FOR: Putrino, Lagana, Gunderson, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

Docket No. 7049 – Fanslau

Motion by Gunderson, seconded by Caminiti, to approve

FOR: Putrino, Lagana, Gunderson, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

Docket No. 7010 – Children of America – Denied w/o prejudice

Motion by Gunderson, seconded by Lagana to approve

FOR: Putrino, Lagana, Gunderson, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

NEW BUSINESS: Minutes

Motion by Gunderson, seconded by Caminiti, to approve February 11, 2016 minutes

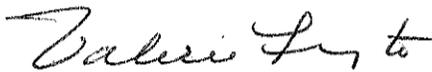
FOR: Putrino, Lagana, Gunderson, Caminiti, Sheikh, DeNapoli

MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Mrs. Gunderson, seconded by Mr. Lagana, that the meeting stand adjourned. Meeting adjourned 11:15.

Respectfully submitted:



Valerie Frazita, Board Secretary

BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS

February 11, 2016

A meeting of the Board of Adjustment, in Borough Hall, was called to order at 7:30 by Chairman Caminiti.

PLEDGE

Led by Mr. Ricchiuti

ROLL CALL

Present: Mrs. Gunderson, Messrs. Putrino, Lagana, Ricchiuti, Caminiti, Sheikh, DeNapoli
Absent: Messrs. Clark, McKenna
Also present: John Ten Hoeve, Esquire
Valerie Frazita, Secretary
Donna Arnold, Court Reporter
Peter Ten Kate, Engineer
Mark Everett, Planner

NOTIFICATION

The Chairman announced that, in accordance with the Open Public Meetings Act, adequate notice of this meeting was given as follows:

Notice specifying time and place transmitted to the Record and Ridgewood News
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Copy of same submitted to the Borough Clerk's office

PUBLIC HEARINGS: Residential

Docket No. 7045

Block 3312 Lot 4

Inground swimming pool.

Goldstein

208 Coombs Drive

Yasmine and Joseph Goldstein sworn

Chris Argenziano, sworn.

Mrs. Goldstein explained application – corner lot.

Chris Argenziano, pool contractor. Stated that corner lot, smaller size pool - will remove deck and replace with patio.

In reply to Mr. Caminiti, he said that 16 by 32 feet in an average size pool.

Mr. Sheikh questioned moving wall and moving equipment closer to house. Mr. Ricchiuti agreed would be beneficial – equipment will be where wall is.

Mr. Ten Hoeve advised Board that will put in resolution that equipment shall be no nearer to side lot line.

Motion by Putrino, seconded by Gunderson, to approve application, with equipment move

FOR: Putrino, Lagana, Ricchiuti, Gunderson, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

Docket No. 7049

Block 7511 Lot 14

Construct addition.

Fanslau

818 Stella Court

Michael Fanslau sworn.

Applicant explained proposed. Mr. Ten Hoeve reviewed the variances required.

In reply to Mr. Caminiti's question on side yard, resident said that had to expand garage. No neighbors by garage side.

Motion by Caminiti, seconded by Gunderson, to approve

FOR: Putrino, Lagana, Ricchiuti, Gunderson, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

PUBLIC HEARINGS: Commercial

Docket No. 7010

Block 1304 Lot 19

Childrens day care facility.

Children of America

71 Spring Valley Road

Mr. Ten Hoeve questioned if anyone was present for this application. He explained that attorney no longer represents the applicant – owner was notified. Board will grant no further extension – recommend to deny without prejudice.

Motion by Caminiti, seconded by Putrino, to DENY WITHOUT PREJUDICE.

FOR: Putrino, Lagana, Ricchiuti, Gunderson, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

Docket No. 7048

Block 1411 Lot 4

Appeal of food store.

Broadway Foods

221 Route 4 East

Lionel Frank, Esq. representing Broadway Food Palace Inc.

Mitchel Abrahams, Esq. representing Gourmanoff Market

Jodi Alper, Esq., representing 221 Route 4 East LLC

Mr. Ten Hoeve explained appeal. MLUL allows for an appeal of the determination of the Zoning officer. Gourmanoff Market sought permit to operate a super market in late October 2015 – it was determined by Mr. Hook that site plan approval was not required – Broadway Foods is appealing that determination. The Board must decide whether or not the Zoning Officer was correct and accurate. Board will hear Appeal first, Gourmanoff next and then the property owner.

Mr. Frank stated that Ordinance required site plan review by Planning Board – Board should consider ordinance and application.

Mr. Abrahams stated that appeal is motivated by economic competition – no legal standing – is totally economic.

A-1 (Burgess planning letter) Sean Moronsky, planner, sworn. Stated prepared memo – reviewed application and plans and visited site – feel requires site plan – making changes to entrance, walkway and circulation – is vacant one-story building – 107 parking spaces, one loading area, two-way drive. A-2 (1989 resolution) Use variance approved for office to retail – reduced parking 184 to 106 – required to make contribution for off-site improvements. A-3 (1992 resolution) Approval for karate school which was a non-permitted use – remainder was retail, Staples. Application had full site plan review with conditions. A-4 (Sec. 371-5) A-5 (elevations and entrance) Applicant proposes changes to outside building – feel meets threshold with changing outside and requires site plan – cart corral and sidewalks affect circulation – changing nature of Use – super market much more intense use than previous – compared peaks on ITE for trips – three times as many trips per hour over previous use. A-6 (accident report) Mr. Abrahams objected. Mr. Frank replied that reflects that accidents increased – site will become more dangerous.

Mr. Moronsky continued with discussion of floor plan and gross floor area. A-7 (Sec. 429-70) Currently 3 handicap spaces, should be 5. Ordinance required 2 loading spaces, one proposed. A-8 (photo of loading dock) Looked at Trader Joes site for solid waste removal – no indication on Gourmanoff's plan.

A-9 (photo of Trader Joe's loading) Mr. Ten Hoeve questioned relevance of Trader Joes – have no knowledge of why had site plan was required.

A-10 (Shade Tree letter) Mr. Moronsky said are questions on deliveries, landscaping, etc. Letter stated deficiencies. Feel changes in sidewalks, loading, parking spaces, storage, handicap require site plan review. In reply to Mr. Ten Hoeve, witness said that the only definite variance would be the loading dock – additional loading area could affect parking, etc. – other issues may come about.

Mr. Ten Hoeve questioned the witness as to what level of investigation the Zoning Officer should take and discussed other uses on Frisch Court.

Mr. Abrahams questioned Mr. Moronsky as to why call a “super market” not a “specialty store” . Witness replied that still a food store. Mr. Abrahams also questioned landscape, ADA spaces and impact on client.

In reply to Mr. Caminiti, witness said that impact is his opinion as a planner.

Mr. Abrahams called Kenneth Hook for questioning. Mr. Hook advised that met with engineer and contractor – reviewed plans discussed application – moving existing door and removing one door – putting sidewalks in same area – di minimus change to exterior – retail to retail – basement will not be used - no tractor trailers.

In reply to Mr. Frank, Mr. Hook said spoke with applicant about garbage enclosure – feel can get trucks in and out around compactor area.

Asti Toprovsky and David Bieu sworn. Stated representing Frisch School – difficult intersection – have concern with addition use – should have site plan for traffic review. Mr. Ten Hoeve advised that site plan would deal with on site, not area traffic. Have letter from DOT advising that would need approval if additional changes made.

Mr. Frank stated that is Board's job to look at Ordinance, etc., and make determination if site plan needed – difficult piece of property – are enough changes proposed to warrant site plan – feel is safe guard that site works.

Mr. Abrahams advised Board that appeal is an attempt to delay competition.

Mr. Caminiti questioned if Board was prepared to deliberate.

Mr. Ricchiuti said that, based on testimony, no Use changes – Zoning Officer within his right that no site plan. Mr. Putrino felt Mr. Hook was correct. Mr. Caminiti discussed police report. Mrs. Gunderson said she did not view as “super market” – could go both ways – have to trust ZO job. Mr. advised that heard di minimus changes.

Mr. Ten Hoeve advised the Board that not determining variances – just determining if Zoning Officer was correct that application does not need site plan review.

Motion by Gunderson, seconded by Putrino, to AFFIRM ZONING OFFICER'S DECISION THAT APPLICANT DOES NOT REQUIRE SITE PLAN REVIEW.

FOR: Putrino, Lagana, Ricchiuti, Gunderson, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

NEW BUSINESS: Minutes

Motion by Gunderson, seconded by Putrino, to approve, January 14, 2016, minutes

FOR: Putrino, Lagana, Ricchiuti, Gunderson, Caminiti, DiNapoli

OPPOSED: None

MOTION CARRIED.

NEW BUSINESS: Bills

Motion by Gunderson, seconded by Putrino, to pay bills

FOR: Putrino, Lagana, Ricchiuti, Gunderson, Caminiti, Sheikh, DiNapoli

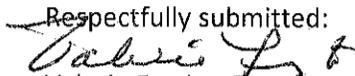
OPPOSED: None

MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Mrs. Gunderson, seconded by Mr. Putrino, that the meeting stand adjourned. Meeting adjourned 11:00.

Respectfully submitted:


Valerie Frazita, Secretary

**BOROUGH OF PARAMUS
BOARD OF ADJUSTMENT
MEETING CANCELLATION**

The Paramus Board of Adjustment has **CANCELLED** the following meeting:

THURSDAY – JANUARY 28, 2016.

The following applications have been carried :

- Docket No. 7045 – Goldstein – February 11, 2016
- Docket No. 7010 – Children of America – February 11, 2016
- Docket No. 7046 – Jcovino – February 25, 2016
- Docket No. 7047 – 17th Century Corp – future date

Valerie Frazita, Board Secretary

BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS

January 14, 2016

The Reorganization Meeting of the Board of Adjustment was called to order at 7:30 by Chairman Caminiti.

APPOINTMENT OF ATTORNEY

Motion by Caminiti, seconded by Gunderson, to appoint John Ten Hoeve, Esquire.

FOR: Putrino, Clark, Lagana, McKenna, Ricchiuti, Gunderson, Caminiti

OPPOSED: None

MOTION CARRIED.

OATH OF NEW MEMBERS

Mr. Ten Hoeve administered the Oath to Messrs. McKenna, DiNapoli, Ricchiuti

ROLL CALL

Present: Mrs. Gunderson, Messrs. Putrino, Clark, Lagana, McKenna, Ricchiuti, Caminiti,
DiNapoli

Absent: Mr. Sheikh

Also Present: John Hoeve, Esquire
Valerie Frazita, Secretary
Peter Ten Kate, Engineer w/Mr. Harrington
Mark Everett, Planner

NOTIFICATION

In accordance with the Open Public Meetings Act, adequate notice of this meeting was given as follows:

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Copy of same submitted to the Borough Clerk's office

APPOINTMENTS

Motion by Clark, seconded by Gunderson, to appoint Peter Caminiti, as Chairman

FOR: Putrino, Clark, Lagana, McKenna, Ricchiuti, Gunderson

OPPOSED: None

ABSTAIN: Caminiti

MOTION CARRIED.

Motion by Gunderson, seconded by Clark to appoint Daniel Lagana as Vice Chairman

FOR: Putrino, Clark, Lagana, McKenna, Ricchiuti, Gunderson, Caminiti

OPPOSED: None

MOTION CARRIED.

Motion by Gunderson, seconded by Ricchiuti, to appoint Valerie Frazita as Secretary

FOR: Putrino, Clark, Lagana, McKenna, Ricchiuti, Gunderson, Caminiti

OPPOSED: None

MOTION CARRIED.

Motion by Gunderson, seconded by Lagana, to appoint Beth Calderone as Court Reporter

FOR: Putrino, Clark, Lagana, McKenna, Ricchiuti, Gunderson, Caminiti

OPPOSED: None

MOTION CARRIED.

Motion by Gunderson, seconded by Clark, to appoint Boswell McClave as Board Engineer

FOR: Putrino, Clark, Lagana, McKenna, Ricchiuti, Gunderson, Caminiti

OPPOSED: None

MOTION CARRIED.

Motion by Caminiti, seconded by Gunderson, to appoint Remington Vernick as Board Planner
FOR: Putrino, Clark, Lagana, McKenna, Ricchiuti, Gunderson, Caminiti
OPPOSED: None
MOTION CARRIED.

Motion by Lagana, seconded by Caminiti, to accept Time and Place
FOR: Putrino, Clark, Lagana, McKenna, Ricchiuti, Gunderson, Caminiti
OPPOSED: None
MOTION CARRIED.

Motion by Gunderson, seconded by Lagana, to accept Order of Business
FOR: Putrino, Clark, Lagana, McKenna, Ricchiuti, Gunderson, Caminiti
OPPOSED: None
MOTION CARRIED.

NEW BUSINESS: Resolutions

Docket No. 7044 – D’Errico
Motion by Lagana, seconded by Ricchiuti, to approve
FOR: Clark, Lagana, Ricchiuti, Gunderson, Caminiti
OPPOSED: None
MOTION CARRIED.

Docket No. 7043 – Zotollo
Motion by Ricchiuti, seconded by Caminiti, to approve
FOR: Clark, Lagana, Ricchiuti, Gunderson, Caminiti
OPPOSED: None
MOTION CARRIED.

Docket No. 7042 – Rodano
Motion by Caminiti, seconded by Ricchiuti, to approve
FOR: Clark, Ricchiuti, Caminiti
MOTION CARRIED.

Docket No. 7017 – I&L Enterprises (site)
Motion by Gunderson, seconded by Caminiti, approve as AMENDED
FOR: Clark, Lagana, Ricchiuti, Gunderson, Caminiti
MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Mrs. Gunderson, seconded by Mr. Caminiti, that the meeting stand adjourned. Meeting adjourned 8:15.

Respectfully submitted:

Valerie Frazita, Secretary