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
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. 7045 — Goldstein
Block 3312 Lot 4 — 208 Coombs Drive
Inground swimming pool.

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 — Fanslau
Block 7511 Lot 14 — 818 Stella Court
Construct addition.

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 — Children of America
Block 1304 Lot 19 — 71 Spring Valley Road
Childrens day care facility.

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 He explained that attorney no longer represents the applicant – owner was notified.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 — Broadway Foods
Block 1411 Lot 4 — 221 Route 4 East
Appeal of food store.

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