

Paramus Planning Board Meeting
Thursday, March 3rd, 2022

Chairman Conte at 7:05PM in the Council Chambers, called a regular meeting of the Paramus Planning Board in the Borough Hall on Thursday, March 3rd, 2022.

Pledge of Allegiance

Mr. Philibosian

Statement of Notification

Chairman Conte 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

D. Niland
A. Feorenzo
Councilman Kaiser
K. Hook
Chairman Conte
Mayor LaBarbiera
J. Vergona
R. Voohris
C. Philibosian

Absent

Vice Chairman Caminiti
A. Scrivanich

Also Present

Maryellen Parente	Planning Board Secretary
Beth Calderdone, CCR	Court Reporter
Dan Hauben	DMR Architect, Planner
John Yakimik, P.E.	Boswell McClave Engineering, Acting Board Engineer
Stephen Pellino, Esq.	Basile, Birchwale, & Pellino, LLP, Planning Board Attorney

Resolution Voting:

Vote to approve **Resolution #22-04, The Valley Hospital, Inc.,** Motion to grant request by Mr. Feorenzo, 2nd by Mr. Hook.

In favor
4

Opposed
0

Abstained
0

Resolution Voting:

Vote to approve **Resolution #22-05, Summit Health Management, LLC.,** Motion to grant request by Chairman Conte, 2nd by Mr. Hook.

In favor
6

Opposed
0

Abstained
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Swearing in of a New Board Member:

Mayor LaBarbiera swears in new Board Member, Alternate # 2, Mr. Charles (Chip) Philibosian. Board Member Alternate # 1, Mr. Vergona was moved into Mr. W. Stuart Clark's Board Member spot. Board Member, Mr. Voorhis moves up from Alternate # 2 to Alternate # 1. Congratulations to Mr. Philibosian on joining our Board!

Conceptual Hearing:

**14 Sunflower, LLC.
14 Sunflower Avenue
Block 6810, Lot 3
Proposed A Mixed Use 3 Story Building**

**Presenter: Doug Battersby, Architect
Crane Associates, P.C.
92 East Main Street
Sommerville, NJ 08876
908-203-8788**

Discussion:

Mr. Doug Battersby, Architect has requested this Conceptual Hearing for his client, 14 Sunflower, LLC. Mr. Battersby's client would like the Planning Board's comments regarding his proposed changes for his property. This property is in the HCC zone and the property owner would like to change from a residence (current use) to a mixed-use building. Mr. Battersby shares with the Board the proposed plans which shows a three-story mixed-use building. The plans shows that the first floor would be a business garage, the second floor would be offices and the third floor would be a one-bedroom residence. Mayor LaBarbiera advised the property owner and presenter that they would have to go for a D variance in order to change the use of the principal building. Currently, the property has a two-story residence.

(Board Member Joseph Vergona leaves at 7:21 pm, as he recuses himself from the 99 Paramus, LLC. application.)

Hearing:

Applicant: 99 Paramus, LLC. (Formally known as A2 Enterprises, LLC.)
681 Paramus Rd, & 143 W. Ridgewood Ave
Block 6701, Lot 7
Preliminary & Final Site Plan
Major Soil Movement Permit
Variance

Attorney: Bruce Rosenberg, Esq.
Winnie Banta Basralian & Kahn, P.C.
21 Main Street
Hackensack, NJ 07601
201-487-3800

Discussion:

Applicant Attorney, Mr. Rosenberg describes this application which the Board originally heard at its 1.7.21 virtual/teleconference meeting under the application name of A2 Enterprises, LLC., 697 Paramus Road and 143 W. Ridgewood Avenue, Block 6701, Lots 6 and 7. The application has been revised to be known as 99 Paramus, LLC., 681 Paramus Road & 143 W. Ridgewood Ave, Block 6701, Lot 7. This property is zoned as neighborhood business (NB) and this is a permitted use. Other than a variance for a driveway curb width, this application is in full compliance. The historic house on the property, the Stephen Lutkins house will be fully

preserved. Opposing Attorney, Mr. Micheal Caulfield, Esq. from Schepisi & McLaughlin, PA who represents two residents asks to address the Board. Mr. Caulfield introduces Mr. Bridget Bogart, Planner who he has hired. Mr. Caulfield introduces a memo from Ms. Bogart to the Planning Board. This memo raises the question if the Planning Board has jurisdiction to hear this application because there are multiple buildings on one lot. Ms. Bogart mentions that the Borough Code has not addressed multiple buildings in a NB zone. Board Attorney, Mr. Pellino, Esq. states that when this application came before the Board previously the Board Planner, Mr. Reiner and the Borough's Commercial Zoning Official, Mr. Hook both agreed that the multiple buildings are not prohibited. Mr. Pellino confirms with Board Planner, Mr. Hauben and Commercial Zoning Officer, Mr. Hook that they agree with the previously conclusions. Board Attorney, Stephen Pellino recommends the Board votes on a motion as to the jurisdictional hearing of this application and being able to proceed.

Voting:

Vote to a motion to accept jurisdictional hearing of the 99 Paramus, LLC. application.

In favor
6

Opposed
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Abstained
2

Applicant Attorney, Mr. Rosenberg continues with his client's application. Mr. Alexander Lapatka, applicant Engineer is introduced. Mr. Lapatka refers to A-5 Exhibit, a color rendering of the Site Plan, which was introduced by Mr. Rosenberg. Mr. Lapatka states that this application no longer includes Lot 6. The plans include Building A, which is a proposed CVS with a drive thru and Building B restaurant with a drive thru lane without a pass lane. Mr. Lapatka states that the plans do not include a pass thru lane for the restaurant because research has shown that most visitors to sites with a pass thru lane use it as a cut through. Mr. Lapatka mentions several current restaurants in the Borough that do not have pass thru lanes. The parking requirement is 106 spaces, the applicant is proposing 136 spaces, 102 spaces now and 20 are reserved for future parking spaces. The parking plan also includes 4 EV charging station parking spaces. The applicant proposes evergreen trees with a 6ft solid fence on the property line. The only variance for this application pertains to the curb cut widths. The applicant is requesting a 90ft curb cut on Ridgewood Ave, and a 92ft on Paramus Rd., whereas 30ft are required. There will be a retaining wall on the east side of the property. There is no signage for this application at this time. Chairman Conte inquires as to the

variance needed for the curb cut lengths, there are two curb cuts, correct? Mr. Lapatka states yes. Chairman Conte asks if there crosswalks in the parking lot to get visitors from the parking lot to the store/restaurant? No, but the applicant can put them in. Mayor LaBarbiera inquires as to the 106 parking spaces. Can the applicant take 11 spaces and move them more away from the residential area and create a bigger buffer? Mayor LaBarbiera also asks if the applicant can create more of a permanent barrier around the property with a fence instead of scrubs? He also asks if the historic house, the Stephen Lutkins house will be occupied and maintained? Yes, it will be an office and it will be maintained by the property owner. Board Member, Mr. Niland ask about the fence. Will it be 6ft and what is the length? Yes, it will be 6ft and it will start at the 35ft setback and goes to the rear, opposite the historic house. Mr. Niland also asks about the removal of snow? The snow will be placed on the landscaped areas. Acting Board Engineer, Mr. Yakmik asks about the site distances and the driveway? Mr. Yakmik asks if the applicant submitted to the County pertaining to traffic. Mr. Yakmik states that the report from the Borough's Police Department asks for the applicant to have a dedicated left turn lane into the site. Opposing Attorney, Mr. Caulfield inquires as to the garbage dumpster, can it be moved closer to the property? He further asks what are the size of the parking spots? Mr. Lapatka states 9 X 18 and which is Borough Code. Mr. Caulfield asks if there will be no garbage pick up before 8am? No. Mr. Caulfield asks why does the plan have a pass thru for CVS? Mr. Lapatka states that CVS requires a pass thru lane. Resident, Mr. Adviani, 676 Paramus Rd, states that this application greatly affects the nearby residential area. Mr. Adviani asks what are the hours of the CVS? Mr. Lapatka states 8am-10pm. Resident, Mr. Schiling, 148 Douglas Drive asks what type of trucks will be unloading on the property? Mr. Lapatka states that there will be small and medium size trucks. Mr. Schiling asks if the Board could approve this application without the applicant's Traffic Engineer testifying? Chairman Conte advised the resident, yes, they can, but the Board would not do that. Chairman Conte explains that all the Board members are residents as well and they understand the impact of traffic to the Borough. Resident, Mrs. Janos, 697 Paramus Rd, asks why this is a permitted use? Mr. Lapatka explains with the help of Mayor LaBarbiera that the Borough zoning allows for this use in a NB zone. Mrs. Janos state that she will not be happy with the noise, smells and trash that these businesses will create to the nearby properties, especially hers, which is very close. Mr. Rosenberg introduces Mr. Robert Gehr, Architect for the applicant. Mr. Gehr refers to exhibit A-6, a 6-sheet architectural plan and exhibit A-7, a color rendering of the plans. Exhibit A-8 was introduced as a rendering of the restaurant. Mr. Gehr testifies as to the noise of the HVAC mechanicals which will be on the roof. The unit will shut

down at night. The CVS will have 14 employees at different shifts and the restaurant will have 12 employees. Chairman Conte asks the architect to compare the noise level? Mr. Gehr states that it is less than a whisper. Board Member, Mr. Feorenzo states that how will the HVAC system shut down at night when the buildings need to be heated and cooled? Mr. Gehr states that they will not be running the system as there are no one in the buildings at night. Mayor LaBarbiera asks if the applicant can somehow bring more of a residential look or elements to the design of the CVS. Mayor LaBarbiera refers to another CVS he saw in NJ that looked more residential. He also asked if the applicant can provide additional screening for the order menu at the restaurant. Board Member, Mr. Niland asks if they plan to have a generator? No. Acting Board Engineer asks applicant if they can place HVAC placed furthest from the neighborhood. He further asks if the historic house will be moved and restored? It will be moved and historically rebuilt. Mayor LaBarbiera asks about the applicant's site analysis. Can any of the neighbors see the rooftop mechanicals? Board Member, Mr. Niland asks if the applicant can put up a historical sign for the house explaining the history of the house? Yes, that can be done. Opposing Attorney, Mr. Caulfield asks about the lighting. Resident, Mrs. Schiling, 148 Douglas Drive, has concerns with noise control and also does not understand how the CVS does not need a generator with storing vaccines? Mr. Gehr states that CVS has alternate plans if the store was to lose power. Mrs. Janos, 697 Paramus Rd, shares her concerns about trash and rodents that the restaurant will bring to the nearby neighbors.

(This application has been carried to our May 5th, 2022 meeting date.)

Voting:

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

In favor

8

Opposed

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Abstained

1

Voting:

Accept Minutes from **February 10th, 2022** Special Meeting. Motion to grant request by Chairman Conte, 2nd by Mr. Hook.

In favor

Opposed

Abstained

7

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Planning Board Attorney

Mr. Stephen F. Pellino, Esq.
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201-945-8812

Planner

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