

Paramus Planning Board Meeting
Thursday, April 20th, 2023

Chairman Conte at 7:00PM in the Council Chambers, called a regular meeting of the Paramus Planning Board in the Borough Hall on Thursday, April 6th, 2023.

Pledge of Allegiance

Councilman Kaiser

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
C. Field
C. Leo
K. Hook
Chairman Conte
A. Feorenzo
Mayor DiPiazza
Councilman Kaiser
R. Voorhis
C. Philibosian

Absent

F. Capolupo
J. Vergona

Also Present

Daniel Hauben, PP, AICP DMR Architect, Planner
Pete TenKate, P.E. Boswell McClave Engineering, Board Engineer
John Dunlea, P.E. Neglia Engineering Group, Board Engineer
Matthew E. Gilson, Esq. Weiner Law Group, LLP., Planning Board Attorney
Beth Calderone, CCR Court Reporter

ANNOUNCEMENT:

Pending Board applicant, **UE Bergen East, LLC.-Bergen Town Center-East**

Side, Block 803, Lot 2-Preliminary & Final Site Plan-Variance Approval, Major Soil Movement for Mixed Use Multi-family & Retail Building-Carried from our 3.16.23 & 4.6.23 meetings has been **carried to our May 5th meeting by request of the applicant. This applicant will NOT be heard at tonight's meeting.**

Resolution Voting:

Vote to approve **Resolution #23-11, Shamrock Creek Redevelopment Urban Renewal, LLC.** Motion to grant request by Mr. Hook, 2nd by Mr. Leo.

In favor
5

Opposed
0

Abstained
0

Hearing:

Applicant: Macy's Garden State Plaza
500 Garden State Plaza
Block 302, Lot 1
Signage

Attorney: Richard Ravin, Esq.
Hartman & Winnicki, P.C.
74 Passic Street
Ridgewood, NJ 07450
201-967-8040

Discussion:

Applicant Attorney, Mr. Richard Ravin describes this application for Macys Garden State Plaza pertaining to signage. The applicant is looking for two variances to place the red star logo next to their name, Macy's. The applicant met with the Sign Committee of the Planning Board and all members were in favor of the logo. Chairman Conte advised the Board that the Sign Committee did agree with the applicant that their logo would help travelers identify the Macy's location at Garden State Plaza. Chairman Conte also confirmed that the Borough's Signage Officer, Mrs. Mitchell did agree on the logos.

Voting:

Motion to approve **Macys Garden State Plaza, Signage**, requested by Mr. Hook, 2nd by Vice-Chairman Feorenzo.

In favor
9

Opposed
0

Abstained
0

Hearing:

**Applicant: Nancy Gergis
197 Alpine Drive
Block 1704, Lot 1
Major Soil Movement Permit**

**Presenter: Perry Frenzel, P.E./James Azzolina, P.E.
Azzolina & Feury, Inc.
30 Madison Avenue
Paramus, NJ 07652
201-845-8500**

Discussion:

Applicant Engineer, Mr. James Azzolina, P.E. describes this Major Soil Movement Permit for an existing non-conformity single family home. The permit is for the proposed removal of 2,510 sq ft. of soil. The purpose of the removal is to raise the grade of the property. Mr. Azzolina states that the proposed change location of the driveway will have to be heard before the Zoning Board of Adjustments. Board Engineer, Mr. Dunlea confirms that the property will have three separate drain systems. Board Planner, Mr. Hauben confirms that there will be a fence around the pool. Board member, Mr. Niland asks how many trees will be removed? 10 trees. Mr. Niland further inquires as to the base drain; will it be by the retaining wall? Yes, it will. Mr. Niland would like to suggest that the 10 trees be replaced with new ones. The applicant is willing to replace all 10 trees with new trees. Board Engineer, Mr. Dunlea confirms that the applicant will address all comments on his Engineering Report? Board Attorney, Mr. Gilson mentions that the proposed driveway will have to get approval by Mayor and Council as it is in the right of way. Board Planner, Mr. Hauben mentions again that there are variances that need to be requested for the proposed driveway and that the applicant would have to go before the Zoning Board of Adjustments. Board Attorney, Mr. Gilson mentions that this Board, the Planning Board cannot grant the approval for variances, because the applicant did not do a notice.

Voting:

Motion to approve **Nancy Gergis, 197 Alpine Drive, Major Soil Movement Permit**, requested by Councilman Kaiser, 2nd by Mr. Niland.

In favor

9

Opposed

0

Abstained

0

Hearing:

Applicant: Selman Properties, L.P. & Cherst Enterprises, Inc.
670 Route 17N
Block 6103, Lot 1
Preliminary & Final Major Site Plan & Variance
Medical Cannabis

Attorney: Jason Tuvel
Prime & Tuvel
1 University Plaza Drive # 500
Hackensack, NJ 07601
201-883-1010

Discussion:

Applicant Attorney, Mr. Jason Tuvel describes this application for a proposed medical cannabis distribution location. Mr. Tuvel states that this is a permitted use for this property. The location will include retail space for the sale of medical cannabis and office space to support the retail operation. There are no new variances being requested and the Site Plan will improve the site circulation. Applicant Architect, Gustavo Arnone describes the floor plan for the application while sharing exhibit A-1. Once someone enters the store, they will be greeted to be registered and vetted. The processing of the order will take place in a different locked part of the building which has many cameras on the doors. Once a customer is registered or checked in, a "ticket" will be created. The order will be fulfilled in a locked vault which will house the product. No one except a handful of employees, have access to the vault. Mr. Tuvel introduces Mr. Peter Caminiti, Jr., CEO of 11th Colony and Mandalyn DiLeo, General Manager of this location. Mr. Caminiti describes that the hours of operation will be 7 days a week, from 10am-9pm. They will employ approximately 25 employees. Cash will be the only form of payment taken. The security cameras are registered with the State of New Jersey, and they can be accessed by the State at any time. The proposed store will have more cameras than a casino. Once a customer enters the store, the product will be visible in a locked display. The product cannot be consumed on premise. Mr. Tuvel shares the Site Plan prepared by Lapatka Associates. There is ingress on Route 17. The employees will enter to the rear of the site behind the building into a locked fence. The applicant will use the auto dealership vehicle wash area as a secured interior area to receive delivery of the product. The deliveries of the product are in a Sprinter type van. The van will enter the back locked

fenced area, into the building via the garage and then close and lock the garage door. All products have a tracking bar code and are tracked by a tracking software which can be tracked by the State of New Jersey. There will be approximately two deliveries a week and the deliveries take approximately 20 minutes to unload the product. There are 9 parking spots in front. The applicant states that most of the purchases are on line and then the customers would have curbside pick-up. The typical pick-up transaction time is 5-15 minutes. The cultivating facilities for the product is owned by the applicant and is off site. There is another building on the site, which will be offices for the company. Chairman Conte asks how customer is qualified to get a prescription for medical cannabis? Mr. Caminiti, Jr. states that the State qualifies the patient/customer via a doctor. The product does have an expiration date and the product is disposed as any other medical waste. Vice-Chairman Feorenzo inquires as to what data is the applicant getting the 5-15 minute processing time? Mr. Caminiti, Jr. states the other locations that they own and operate. The applicant will have no delivery service of the product to customers. Board member, Councilman Kaiser inquires as to the security of the curbside pick-up. Councilman Kaiser inquires as to if the Borough's Police Department is aware of the curbside pick-up? Councilman Kaiser states that he feels that the curbside pick-up can be a cause for concern. Board member and Commercial Zoning Official, Mr. Hook states that the other cannabis location, Rise on Route 4 does not have curbside pick-up. Mayor DiPiazza asks the average cost of a sale? \$ 175.00 is the average sale. Board member, Mr. Leo asks will the employees go out to the curbside? Yes, an employee and a security officer will go out to a pick-up. The applicant has offered to confer with the Borough Police Department as to the pick-up procedures. Board member, Mr. Philibosian expresses concerns regarding pertaining to Fire Department and Emergency responses as the site? Mr. Caminiti, Jr. states that there are clear and direct exits to get out of the buildings and the applicant will comply with the fire code and confer with the Borough's Fire Official. Mayor DiPiazza asks how many distributors in the State? There are approximately 36. Mayor DiPiazza: just medical? Most are recreational/medical hybrids. Board Attorney, Mr. Gilson explains that the Mayor and Council voted to only allow medical cannabis distribution. This applicant did obtain a cannabis license via Mr. Caminiti, Jr.'s wife. Mr. Gilson reminds everyone that the Mayor and Council have thru a resolution had conditions as to the licensed awarded to the applicant. Mr. Gilson will not read all the conditions, but one of the conditions, that both Mr. Caminiti, Jr. and Mr. Caminiti, Sr. must resign the official capacities as Zoning Board Chairman and Vice-Chairman of the Planning Board, respectively. Mr. Gilson mentions that both gentlemen have resigned. The applicant Attorney, Mr. Tuvel states that if the Board is to look favorability on this application, the

Board can make it part of the condition of approval that the Mayor and Council will be in support of the license. Board member, Mr. Niland suggest to add to the security level of the building, to add wheel stops and bollards. Board member, Mr. Leo asks if any bud is permitted in the employee lounge? No, product is permitted in the employee lounge. Board Engineer, Mr. Dunlea would like to make sure that the applicant has odor control system and its owner's manual on file with the Borough along with the Storm Water Management plan. Mr. Dunlea would like as a condition of approval the Borough having the site security plan. Board Planner, Mr. Hauben inquires as to the additional building on the site, the northly building is for office operations only? Yes. Applicant Engineer, Daniel LaMothe describes exhibit A-2 with 121 parking spaces. The proposed site changes will have no impact to drainage, however the applicant will clean the drain system. There will be a one-way driveway directing visitors to the left and deliveries and employees to the right. Pertaining to the parking spaces, the site is losing 1 space to reconfigure the walkway. The proposed changes include 5 handicap and 3 electric vehicle spaces. The applicant will also mill and repair and sealcoat the driveway. There is a new lighting plan which will comply with the Borough Code and the applicant agree to the 6-month review period. The trash will be in the rear of the lot by the loading deck and will be enclosed. Board member, Mr. Niland suggests again about the bollards. The signage for this application will comply or else the applicant would come back to the Board for approval. Board Planner, Mr. Hauben states that the applicant is removing imperious coverage and adding more landscaping. Mr. Matthew Seckler, is introduced as the applicant Traffic Engineer & Planner. Mr. Seckler states that this property has a shoulder in front. The property has two driveways, one, in and one in and out. The applicant has received a NJDOT letter of no interest. Mr. Seckler states that the trip generation for this use on this property was compared to other sites for recreational and medical uses. He mentions that this site is for medical only use. The peak hours for this use are 2-6pm weekdays and 2-6pm on weekends and are consistent with "typical" retail numbers. Mr. Seckler shares Exhibit A-3 which displays the pedestrian circulation, sidewalk from the front and side building. Board Attorney, Mr. Gilson verifies that the applicant has no signage and if the proposed signage does not comply, the applicant will come back to the Board. Mr. Seckler states that the employee parking in the rear will be tandem parking, which will allow for 10-11 more parking spaces. Board Engineer, Mr. Dunlea would like to see that the front parking would have designated parking spaces for curb side pick-up. Board Planner, Mr. Hauben mentions that the employee parking on the northly side has a long walk to the store, and what if the customer has a medical condition? Mr. Seckler states that most customer that have a medical condition will take advantage of the curb side pick-

up. Mr. Seckler, now addressing the applicant Planner concerns, states that this application is a permitted use in HCC and has no variances or waivers. The Board reviews the conditions of approval, which are the following: the applicant will agree to address the concerns in the Board Engineer and Board Planner's reports, the applicant must meet with the Borough's Police Department regarding the curb side pick-up, the applicant will meet with the Borough's Fire Official regarding fire safety, add the bollards, the applicant will submit the ventilation operation manual and plan and the applicant will be responsible for any costs involved with maintaining the traffic. The applicant Attorney, Mr. Tuvel would like to go to a vote of approval. No motions were made. Chairman Conte would like to take a straw poll of the Board members. Board Attorney, Mr. Gilson states that there are two courses of actions for the Board at this point. The Board can vote on this application without knowing the Mayor and Council's views on the cannabis license or the applicant can carry to another meeting for the vote. Chairman Conte states that the Board members have concerns that Mayor and Council will rescind the cannabis license. Board member, Mr. Leo makes a motion to deny this application. Mr. Leo, rescinds the motion. The applicant Attorney, Mr. Tuvel states that he will request of the Board to carry to our next meeting, May 4th.

(This applicant has been carried to our May 5th, 2023 Meeting)

Voting:

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

<u>In favor</u>	<u>Opposed</u>	<u>Abstained</u>
9	0	0

Voting:

Approve Minutes from **April 6th, 2023** Meeting. Motion to grant request by Vice-Chairman Feorenzo, 2nd by Mr. Leo.

<u>In favor</u>	<u>Opposed</u>	<u>Abstained</u>
6	0	0

Planning Board Attorney

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Planner

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Borough Engineer up to 2022

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