

The Meeting of the North Caldwell Board of Adjustment was held on Wednesday, January 20, 2021 and started at 8:09pm. The meeting was held virtually due to the COVID-19 pandemic.

Chairman Wangner announced that the meeting was held in accordance with the Open Public Meetings Law and notice of this meeting was provided in accordance with the requirements of Chapter 231, P.L. 1975. He noted that tele/video-conference participation instructions were provided to the public in advance of the meeting.

Chairman Wangner asked Mr. Michelotti to lead the Pledge of Allegiance.

**2021 BOARD APPOINTMENTS:**

Board Attorney Lisa Thompson, Esq. administered the Oath of Office to:

Mr. Paul Sceppaguercio, Board Member – four year term expiring in 2024

Mr. Ankur Kumar, Alternate 1 – two year term expiring in 2022

Mr. David Spindler, Alternate 2 – two year term expiring in 2022

Mr. Salan was not present at the meeting and would be sworn in for a four-year term at the February meeting.

Roll Call indicated the following Board Members Present:

Mr. Curcio, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, Mr. Sceppaguercio, Mr. Wangner, Mr. Kumar, Mr. Spindler.

Also present were Lisa Thompson, Esq., Board Attorney; and Tami Michelotti, Zoning Board Secretary.

**REORGANIZATION**

On a motion by Mr. Roth, seconded by Mr. Michelotti, Mr. Salan was nominated as Vice- Chairman. The motion was carried unanimously with seven affirmative votes.

Mr. Wangner stated that he would step down as the Chairman of the Board. On a motion by Mr. Wangner, seconded by Mrs. Jenkins, Mr. Roth was nominated as Chairman. The motion was carried unanimously with seven affirmative votes.

**RESOLUTIONS**

**Resolution 1-2021 A Resolution Appointing a Board Attorney**

On a motion by Mr. Curcio, seconded by Mr. Sceppaguercio, Ms. Lisa Thompson, Esq. of Mason Thompson, LLC was nominated as Board Attorney. The motion was carried unanimously with seven affirmative votes.

**Resolution 2-2021 A Resolution Appointing a Board Secretary**

On a motion by Mrs. Jenkins, seconded by Mr. Wangner, Ms. Tami Michelotti was nominated as Board Secretary. The motion was carried unanimously with seven affirmative votes.

**Resolution 3-2021 A Resolution Appointing a Board Engineer**

On a motion by Mr. Wangner, seconded by Mr. Curcio, Mr. Paul Ferriero, P.E. of Ferriero Engineering, Inc. was nominated as Board Engineer. The motion was carried unanimously with seven affirmative votes.

**Resolution 4-2021 A Resolution Establishing the 2021 Schedule of Meeting Dates**

On a motion by Mrs. Jenkins, seconded by Mr. Curcio, the 2021 Schedule of Meeting Dates was accepted. The motion was carried unanimously with seven affirmative votes.

**MEMORIALIZATIONS**

Mrs. Renee Paladino, 711-713 Main Street – Use Variance

**MATTER OF RENEE PALADINO  
Decided: November 18, 2020  
Memorialized: January 21, 2021**

**WHEREAS**, Renee Paladino (hereinafter referred to as the “Applicant”) has filed an application before the North Caldwell Zoning Board of Adjustment (the “Board”) for variance approval pursuant to N.J.S.A. 40:55-70(d) to modify a prior Board approval grating authorization to operate a restaurant with a maximum of sixty (60) total seats (subsequently revised to twenty (20) total seats). The Application seeks to further modify the prior approval to eliminate the off-site parking requirement. The Applicant is the owner of certain real property located at 711 - 713 Main Street, also known as Lot 7 in Block 2103 (the “Property”). The subject property is located in R-2 Residential District; and

**WHEREAS**, all owners of property located within 200 feet of the Property were properly notified according to law; and

**WHEREAS**, the jurisdiction and powers of this Board have been properly invoked and exercised pursuant to Statute; and

**WHEREAS**, a public hearing was held by this Board on December 18, 2019, October 21, 2020 and November 18, 2020; and

**WHEREAS**, testimony in support of the Application was presented by the Applicant’s spouse Glenn Paladino, Architect Scott Abromowicz and Traffic Engineer Joseph Staigar; and

**WHEREAS**, the Board makes the following finding and determination based upon the following facts:

1. The Applicant was represented by Robert Gaccione, Esq. Mr. Gaccione stated that the Applicant seeks to modify a prior approval which permitted the expansion of an existing restaurant. The prior variance was granted on the condition that parking would be permitted off-site.
2. Mr. Gaccione explained that the Property has been used as a restaurant/tavern for many years, with an increase in seating and hours of operation approved by the Board in 1995. Mr. Gaccione added that in 1998, the restaurant operators sought to again increase the hours of operation and submitted an agreement regarding the parking situation. He further stated that the Board again approved an application to expand the seating in the restaurant subject to a letter of permission from a nearby business owner acknowledging and authorizing the restaurant to use their parking. He stated that the neighboring business has a new owner who has not responded to any of the Applicant’s efforts to continue the parking arrangement.
3. Mr. Gaccione further explained that the present Application seeks to modify the prior approval to allow a restaurant to operate without the off-street parking arrangement and reduce the previous approved 60 seats to 50 seats (subsequently lowered to 20 seats). He noted that the property is located in an R-2 zone and stated that the use as a restaurant is a as a pre-existing, non-conforming use.
4. Glenn Paladino was sworn in. Mr. Paladino stated that his wife is the owner of 711-713 Main Street and confirmed that taxes on the Property are paid to North Caldwell. He noted that a small portion of the property is located in Little Falls. He explained that they would like to lease the property as a restaurant but noted that he was unsuccessful with his efforts in obtaining a lease for parking from the new owners of nearby business property. Mr. Paladino explained that the proposed restaurant would be a traditional, small, sit-down and/or walk up that would likely draw local traffic and Uber drop-offs/pick-ups. He anticipated that the restaurant would have a small evening and lunch crowd with take-out services for which the ten (10) minute drop-off zone on Hillside Avenue would be utilized for pickup and delivery. He noted that there is interest in leasing the property as a pizzeria/restaurant but stated that he cannot reach an agreement without an approval from the Board.
5. Mr. Paladino confirmed that take-out service is a possibility at this location. In response to questions from the Board, Mr. Paladino stated that he did not contact owners of any other property concerning off-street parking. Mr. Paladino stated that valet parking was not considered as there was a concern for where the customers would be able to drop off cars to a valet.
6. In response to questions from the Board, Mr. Paladino stated he has no investment interest in the proposed business and that he is strictly the landlord. Mr. Paladino stated

that the property is currently set up as a restaurant and that there is interest in the property as such. Mr. Paladino explained that he spoke with developers to gauge interest in creating residential units, but he noted that there is not enough square footage on the site for parking. Mr. Paladino acknowledged that a professional services business could be a possibility but added that the property had been a restaurant for approximately 50 years.

7. Scott Abromowicz, Architect was sworn in, presented his credentials and was accepted by the Board as an expert witness.
8. Mr. Abromowicz referred to Exhibit A-1, a series of nine photos of the area surrounding the property. He stated that photo #1 depicted 711 Main Street with commercial buildings on either side, with photos #2 and #3 showing the same from different angles. He explained that photo #4 showed the driveway for residences and deliveries and the residence on the second floor above the property, photo #5 showed a view from the rear of the property, and photo #6 showed a view of the parking garage for the residence. He described photos #7 through #9 as the interior view of the existing seating.
9. Mr. Abromowicz referred to the site plan review and explained the layout of the restaurant which he noted includes 50 seats as permitted according to Building Code. He added that no other alterations to the structure are planned. Mr. Abromowicz explained that there are three (3) exits and noted that the front exit is ADA compliant, noting that only one exit is required to be ADA compliance. Mr. Abromowicz further stated the deliveries would be done through either entrance way depending on what is being delivered.
10. Joseph Staigar, Traffic Engineer was sworn in, presented his credentials to the Board and was accepted as an expert witness.
11. Mr. Staigar stated that he reviewed the proposal for the re-occupation of the existing building for the proposed restaurant use. He explained that the proposed restaurant is in an R-2 zone for which a use variance and parking variance are sought. He noted that the Borough Code includes restaurants as permitted businesses in Office Zones, explaining that in an Office Zone, the Borough requires one (1) parking space for every 180 square feet. He noted that the proposed restaurant has about 1800 square feet available, which would 10 parking spaces.
12. Mr. Staigar stated that the Applicant made sincere attempts to secure off-street parking but was unsuccessful. The alternative for this site is street parking.
13. Mr. Staigar testified that he conducted parking surveys on the evenings of Friday, May 17, 2019 and Saturday, May 18, 2019 which were representative of typical days with normal operating conditions. He noted that the two (2) nearest streets to the site are Park Avenue and Hillside Avenue. Mr. Staigar noted that Hillside Avenue has restrictions including 10-minute parking spaces and permit-parking only. He added that parking on both sides of Park Place is difficult because it is narrow, accordingly only 9 of 18 available parking spots were factored into the potential parking space calculation. Mr. Staigar explained that parking is permitted on the east side of Clarence Avenue, the south side of Cherry Street, and on the north side of Mozart Street. He summarized that there would be 21 potential vacant spaces on a typical Friday evening and 22 potential vacant spaces on a typical Saturday, each within walking distance of the proposed restaurant. He added that Uber and other ride-sharing services would account for about 10% to 15% of patrons. Mr. Staigar noted that the proposed table alignment plan is tight, making it unlikely that 50 seats would be filled simultaneously.
14. Mr. Staigar anticipates that the restaurant would need only 15 to 17 parking spaces compared to the study results showing the availability of 21 spaces on Fridays and 22 spaces on Saturdays on the surrounding public streets. He added that the Applicant could approach the Borough's Mayor and Council to request permit parking for the employees on Friday and Saturday nights. Mr. Staigar stated that there is sufficient parking on public streets within walking distance to the proposed restaurant. Mr. Staigar stated that the lunch crowd for the restaurant would coincide with the other businesses in the area but noted that there would not be a parking demand in the evening because those businesses would be closed. He explained that residents are typically not home during the day so parking requirements for the residential properties are diminished during this time. He added that the study was concentrated during peak weekend evening hours.
15. Mr. Staigar stated that he reviewed Borough Engineer Paul Ferriero's report and agreed that Hillside and Park Avenues are dead-end streets that would require the use of a driveway to make a K-turn. He further stated that valet parking seemed to be an option but that there is no alternative to parking other than on the streets. He added that there

- would be a low volume of traffic generated by the restaurant and noted that it would have a low impact on traffic in the area.
16. In response to questions from the Board, Mr. Paladino stated that a total of five (5) employees: a chef, two (2) wait staff members, and two (2) dishwashers are anticipated. In response to questions from the Board, it was noted that there will be a potential of four (4) to five (5) employee vehicles, plus take-out service vehicles and delivery service vehicles, and that traffic flow on the street will be increased. Mr. Staigar stated that the four (4), 10-minute only parking spaces on Hillside Avenue would be appropriate for the takeout and delivery service and noted potential for permit spaces for the employees on Hillside Avenue.
  17. Board member stated concerns for the safety impacts that parking on the surrounding streets will have for people crossing Main Street. In response to comments from the Board, Mr. Staigar confirmed that he had not consulted the Township of Little Falls to discuss parking. Mr. Staigar offered that Uber pick-ups could be designated by the patron to pick-up and drop-off on the side streets instead of at the restaurant's front door on Main Street.
  18. Mr. Staigar anticipated approximately three (3) to five (5) trips per hour for food delivery services. He affirmed that existing traffic flow was considered and noted that the proposed business would not have significant business during peak hours of 7:00am to 9:00am and 4:00pm to 6:00pm.
  19. Mr. Paladino stated that he is familiar with employees in the restaurant business, stating that many employees will walk or utilize Uber, carpools, bicycles and walk.
  20. The hearing was opened to the public.
  21. Jodi Lazarski, 4 Hillside Avenue, stated that she was involved in the installation of permit parking on Hillside Avenue in order to ensure safety of the neighborhood children. She noted the potential for increased traffic, K-turns on the side streets, patrons blocking the residents' driveways and increased trash and intoxicated patrons of the proposed restaurant. She added that the parking permits issued per household on Hillside Avenue are needed to accommodate each home's residents and their visitors. She confirmed that each household is provided one permit per vehicle per household and that the street is full many weekends and especially on holidays and during residents' events. Ms. Lazar ski further stated that deliveries through the driveway would be difficult as the resident of the building uses the driveway and may be blocked in or out during a delivery. Mr. Staigar noted that the delivery driver would move the truck if necessary. Ms. Lazar ski stated that the parking area behind the building is full with not much area to maneuver. Mr. Staigar noted that most deliveries would be mid-morning and mid-afternoon but may occur in the evening and further stated that the prepared food deliveries would utilize the 10-minute parking spaces on Hillside Avenue.
  22. April Hill, 39 Cherry Street, Little Falls inquired if the Application would be heard by the Little Falls Board of Adjustment as there is potential impact to Little Falls residents. It was noted that the property is subject to North Caldwell jurisdiction and that the streets on both towns are considered public parking. Ms. Hill stated that she lives on the corner of Cherry and Clarence where cars park on both sides of the street. He noted that she has no driveway and relies on street parking. She stated that she does not agree with the estimate of 21 available parking spots in the neighborhood. Ms. Hill added that she has lived in her home for 30 years and only visited the prior restaurant at the site in question because it was too difficult and dangerous to cross Main Street. She further stated that she is not opposed to a business at the site but would prefer a use that did not need street parking. She added that her street does not have curbing and that non-residents already park on her grass. Ms. Hill stated that she lives on the corner of Cherry and Clarence where cars park on both sides of the street. He noted that she has no driveway and relies on street parking. She stated that she does not agree with the estimate of 21 available parking spots in the neighborhood. Ms. Hill added that she has lived in her home for 30 years and only visited the prior restaurant at the site in question because it was too difficult and dangerous to cross Main Street. She added that she is not opposed to a business at the site but would prefer a use that did not need street parking. She added that her street does not have curbing and that non-residents already park on her grass. In response to questions from the Board, Ms. Hill confirmed that her property is not in a flood zone.
  23. George Kavas, 711 Main Street, Little Falls, stated that he has lived at his residence for 30 years which falls in both North Caldwell and Little Falls. He stated that he has witnessed several accidents in the area, especially between the high traffic hours of

- 4:00pm to 7:00pm. He stated his knowledge of the food service distribution industry which commonly makes deliveries between 6:00am to 8:00pm. Mr. Staigar offered that the restaurant owner may be able to stipulate the permitted hours of deliveries and offered that it could be a condition of the variance approval. Mr. Kavas further stated that many residents must move their cars to other streets when guests are expected, which would be impacted by restaurant patrons parking.
24. Razier Mazzo, 3 Clarence Avenue, Little Falls. Mr. Mazzo stated that parking on Park Place is common practice. He added that without dual side parking, guests of the residents could not be accommodated. He added that employees of the former restaurant would often park on his street.
  25. Wendy Rossiter, 8 Hillside Avenue. Ms. Rossiter stated that she has lived on Hillside Avenue for 3-1/2 years during which time she enjoyed patronizing the former restaurant at the Applicant's property. He stated that she and her spouse need permits to park on their street to allow their guests to park in their driveway. She noted the difficulty turning around on the street and parking when snow is present. She added that the street is steep. Ms. Rossiter noted that these factors would make parking by restaurant patrons and employees not acceptable to residents.
  26. After a brief recess, the matter was adjourned to allow the Applicant to address the concerns noted by the Board and public.
  27. The hearing continued on October 21, 2020. Mr. Gaccione summarized the Application, stating that the Applicant has revised the request to limit the number of seats to a total of twenty (20) which is less than what was originally approved for the site.
  28. Mr. Paladino testified that the prospective tenant is interested in opening a traditional pizzeria/restaurant with about 20 seats, with hours of operation would likely to be Monday through Thursday from 10:00am to 10:00pm, Friday and Saturday from 10:00am to 11:00pm and Sunday 10:00am to 10:00pm. The prospective tenant projected that there would be four (4) employees plus one (1) delivery driver on the weekdays and two (2) drivers on Fridays and Saturdays. He confirmed that the restaurant will conduct primarily pickup and delivery orders with 20 seats inside the restaurant; no outdoor seating was planned. Mr. Paladino explained that the business owners anticipated that they would primarily get supplies by going to suppliers but would also utilize the ten (10) minute drop-off parking on the side street for van deliveries. He added that the driveway could be used for short-term deliveries which he noted was agreeable to the residential tenants of the building.
  29. In response to questions from the Board, Mr. Paladino stated that the prospective tenant has over 20 years' experience and is looking to expand his current business, Pergo's Restaurant and Pizzeria, with his son by adding a second location.
  30. The hearing was opened to the public.
  31. Jody Lazarski, 4 Hillside Avenue, asked if the Applicant's amendment was for parking or for seating capacity. In response, Mr. Gaccione stated that the Applicant seeks to excise the condition that was placed against the restaurant in 2002 when they sought to increase the capacity from 32 seats to 60 seats within the restaurant. He stated that they are looking to have that condition removed and reduce the seating capacity to less than what existed prior to the condition being imposed.
  32. Mr. Abramowicz described the existing structure, stating that it is an odd building with retail/restaurant space on the ground level and residential space above. He confirmed that no alterations were planned for the building but noted that there could be a small possible change on the interior to enlarge the existing cooking area to accommodate the new tenant's needs. He confirmed that the revised Application is for 20 seats in the proposed restaurant. In response to questions from the Board, Mr. Abromowicz noted that there is a designated service area for take-out orders and confirmed that the area is designated for customers to pick up orders and leave unless they were waiting to be seated in the table seating area. Mr. Abramowitz confirmed that the seating area would include five (5) tables with a total of 20 chairs. The waiting area can accommodate about 10 to 15 people.
  33. In response to questions from the Board, Mr. Abramowicz stated that it appears that the building is a safe structure despite being vacant for some time and noted that a proposed cooking area was depicted on the plan if the tenant needs the additional space.
  34. Mr. Staigar reviewed the proposed site and parking plan, stating that the proposal is for a restaurant with a reduced number of seats. He explained that there is a driveway on Main Street and a two-car detached garage in the rear of the property with a tenant above the proposed restaurant. He further explained that the tenant will be permitted use of two

parking spaces in the rear of the building and the manager of the restaurant would use the third space. He added that the stem of the driveway would be used for the one or two delivery employees depending on the peak times. Mr. Staigar testified that there is parking for up to a maximum of five vehicles at the site. Mr. Gaccione asked Mr. Staigar to review the existing roadway conditions in the area.

35. Mr. Staigar further testified that the key road is Main Street, which does not allow for parking, and the site is located at the fork with Fairfield Avenue. He stated that there are no other parking sources for customers other than public on-street parking. He explained that the Applicant is seeking a variance for parking as they need ten (10) spaces for restaurant use as per Borough Ordinance, where two to three spaces are provided for the business employees.
36. Mr. Staigar stated that parking surveys were completed during peak times on Friday and Saturday evenings within a 500-foot walking distance of the proposed restaurant. He noted that there is a space on the corner of Main Street and Hillside Avenue with a 10-minute short-term parking restriction which could be utilized for restaurant pickups. Mr. Staigar stated that he examined Park Place, Hillside Avenue, Clarence Avenue, Mozart Avenue and Cherry Street. He noted that traffic counts were taken on Friday, May 17th and Saturday, May 18th, 2019 from 6pm to 9pm and the counts were updated on Friday, December 20th and Saturday, December 21st 2019. He explained that the results were comparable and there was not much change but noted that the counts were taken before the COVID-19 pandemic began. He stated that during those peak time periods while discounting Hillside Avenue, there is a minimum of 20 vacant spaces that could be utilized by the public to park within walking distance to the site. He further noted that the manager and delivery employees would be parking on-site. He explained that he felt that the off-site parking could supplement the on-site parking in a sufficient manner to meet the peak demands of the proposed restaurant.
37. Mr. Staigar reviewed typical procedures for an employee food delivery and for a customer pickup. Referring to the plan, Mr. Staigar explained that the four (4) spaces designated as 10-minute parking would be utilized for customer pickups. Mr. Staigar stated that the site is a small restaurant with a relatively low trip generator, limited seating, and is family-oriented with cars generally having more than two (2) patrons. He added that there will always be inefficiency in table seating as they are set with four (4) seats per table which will likely not all be occupied. He noted that they are anticipating 14 trips during the weekday and 17 trips during the evening peak hours with minimal impact on the neighborhood. He expressed that the 21 to 22 on-street parking spaces within walking distance will meet the demands for parking for this proposed use.
38. In response to questions from the Board, Mr. Staigar noted the difference in safety considerations related to sit-down dining establishments versus a quick-service take-out establishment. He explained the Board's concerns with past applications were related to parking but noted that the concern has now shifted to safety. He described that the delivery car would need to back out of the driveway onto Main Street close to the three-way intersection. He further explained that a quick-service establishment would require more vehicles pulling in and out which would create increased noise for the neighbors. Mr. Staigar stated that there are no safety concerns from a traffic perspective and added that dine-in customers would limit the amount of trips in and out of the site. He acknowledged that there would be a higher trip frequency for this type of restaurant than for a longer-term dining experience. He added that he did not think the frequency had a direct relationship to safety and highlighted that there is proper sight distance at this location.
39. In response to questions from the Board, Mr. Gaccione stated that the variance to expand was based on a parking requirement which could not be satisfied today, noting the prior variance was for 32 seats, and the Applicant would like to go back to 20 seats without the parking condition. The Applicant cannot to 32 seats without a new approval from the Board.
40. Mr. Steven Bolio, the Borough Engineer's representative stated that the prior testimony indicated that there would be five (5) or six (6) employees with on-site parking available for three (3); and asked for clarification on where the remaining three (3) employees would park. In response, Mr. Staigar stated that the manager could park in the back of the driveway with the delivery employees along the stem of the driveway. He stated that the remaining employees would carpool, be dropped off or could park in one of the public parking spaces on the street.

41. Mr. Bolio reviewed testimony regarding the parking calculation that was based on the number of restaurant seats and that seven (7) spaces would be allocated for the customers and three (3) spaces would be allocated for the employees. He noted that ten (10) spaces are required by Borough Ordinance. Mr. Staigar confirmed this and added that the customers can utilize the 10-minute parking spaces on Hillside for pick-up orders. Mr. Staigar stated that vehicles would have to make a k-turn to exit Hillside Avenue and Park Place.
42. In response to questions from the Board, Mr. Staigar stated that Park Place can accommodate 18 cars but noted that the street would be very narrow with cars parked on both sides, therefore, the survey assumed parking would only occur on only one (1) side. Mr. Staigar explained that since Park Place is hidden, he would anticipate approximately three (3) cars. Mr. Staigar further testified that parking on Clarence Avenue is restricted on the left side and anticipated up to three (3) cars parked there during peak hours. He suggested that patrons would also park on Cherry Street and Mozart Avenue. He noted that the study anticipated parking spaces through mid-block on Cherry Street and Mozart Avenue which is within a 500-foot distance from the site. Mr. Curcio asked for confirmation that Cherry Street and Mozart Avenue allow for only one-side street parking. Mr. Staigar confirmed this and clarified that parking is permitted on the south side of Cherry Street and the north side of Mozart Avenue. He referred to the report and confirmed the following availability of street parking during peak hours: three (3) parking spaces on Park Place, three (3) spaces on Clarence Avenue, two (2) spaces on Cherry Street and two (2) spaces on Mozart Avenue.
43. In response to questions from the Board, Mr. Gaccione stated that the police and that no response was received from the fire department.
44. In response to questions from the Board, Mr. Staigar stated that he believes Main Street in the area of the site is well-lit.
45. The meeting was opened to the public for additional questions or comments.
46. April Hill, 39 Cherry Street, Little Falls expressed concern regarding the lack of available parking spots on her street and noted that the traffic study was executed before the COVID-19 pandemic closed schools. She explained that college students rent a home across the street from her property who occupy parking spots on both Clarence Avenue and most of Cherry Street. She noted that her household has difficulty parking near the home now before the restaurant being open for business. She also expressed concern for pedestrian safety crossing Main Street. She described a recent vehicular accident at the intersection.
47. In response, Mr. Staigar verified the dates of the surveys taken as May and December of 2019. He stated that it may be difficult at times to find a parking space in front of one's own property and noted the long length of Clarence Avenue.
48. Maria Caroulus, Hillside Avenue, stated that she experienced several businesses operate on the site in question when parking was permitted on Main Street. She added that the 10-minute parking zone extends very close to the corner of Hillside and Main Street, making for limited sight distance when pulling into Hillside Avenue. Ms. Caroulus further noted that the only way to make a K-turn is to utilize residents' driveways. She expressed her concern about safety for pedestrians when crossing Main Street due to speeding vehicles travelling down Grandview Avenue.
49. Jody Lazar ski, 4 Hillside Avenue, asked if the parking spots designated for the pizzeria would block the building tenants' parking spots. She stated that children play basketball in that driveway. Mr. Abramowitz referred to the plan and stated that parking spots #2 and #3 are for the tenants and spot # 1 is for the restaurant. Ms. Lazar ski expressed her concern that the restaurant vehicles would block the residential tenants. She further stated concern for the need for additional parking to accommodate dining patrons meeting others in separate vehicles at the restaurant. She noted that patrons may bring alcohol to the restaurant and cause increased noise around the neighborhood. Mr. Staigar stated that take-out customers would not use the driveway. He added that four (4) cars could be parked in the 10-minute spaces on Hillside Avenue as it has 80 feet of curbing.
50. Danielle Mazzo, 3 Clarence Avenue, Little Falls, stated that there is a No Parking sign on the building because cars were getting hit on Main Street.
51. Ms. Lazar ski asked if children playing and riding bikes were evaluated in the traffic surveys and noted they should be considered. Mr. Staigar responded that there were no children observed between 6pm and 9pm on the Friday and Saturday during the study. Ms. Lazar ski added that there are not enough parking spots for the tenants at 1 Hillside Avenue whose six (6) cars overflow onto Clarence Avenue in Little Falls. She also noted

the lack of parking when snow is present on the streets. Ms. Lazar ski stated that residents try not to park on the street when it snows noting that the plows will bypass the street if cars are parked. She added that residents must park on the street when they are anticipating visitors to allow visitors to use their driveways and adhere to permit parking regulations.

52. Mr. Staigar explained his methodology for conducting the traffic survey. He stated that an available parking space was counted if a distance large enough for a car was vacant. He added that he counted cars versus vacant spaces on the survey days and times. Mr. Staigar stated that 20 vacant parking spaces were counted during the week before Christmas when home parties are common.
53. Ms. Lazar ski asked if a crosswalk would be added on the Little Falls side. Mr. Staigar suggested the County be contacted to request a crosswalk.
54. Ms. Mazzo testified that her household has five (5) vehicles and added that the house next door to her was vacant when the surveys were conducted. She explained that her street has no vacant parking spaces and noted that her daughter parks on the lawn. She further explained that the college students use several of the open spaces. She added that there is no available parking near her home for her handicapped husband and visiting family and other guests. She asked if the residents could have their own survey executed.
55. Wendy Rossiter, 8 Hillside Avenue stated her concern with the increase in traffic due to the takeout business and noted that K-turns could only be executed by proceeding to the end of Hillside Avenue and turning into her property. She asked about the anticipated increase in traffic on Hillside Avenue as compared with Sofia's restaurant. Mr. Staigar stated that the trip generation for a 20 seat, sit-down, turnover restaurant is eight (8) trips on weekday evenings and 11 trips on Saturdays during peak hours. He noted that there would not be customers utilizing Hillside Avenue for parking other than for take-out.
56. Keith Reiner, 8 Hillside Avenue stated his concern about the residents' driveways being used for k-turns. In response to questions, Mr. Staigar stated that patrons would have to find another place to park when the road is snow covered. Mr. Reiner noted that he does not want restaurant traffic turning around in his driveway.
57. Mr. Staigar review the procedures for and the results of the traffic study. Mr. Staigar stated that he executed the surveys and took all parking restrictions into account. He stated that cars parked on the street were noted and that the survey measured availability. He explained that the traffic survey also accounts for available on-site parking. Mr. Staigar testified that less than 10 spaces within a 500 foot distance are needed where 20 spaces are available. He added that snow may put pressure on the available parking but noted that customers will go elsewhere if parking is not available. He noted that the 10-minute parking on Hillside Avenue, previously available for the dog groomer business located at the site, allows for a designated take-out operation. He anticipated a parking frequency that would not differ much than in the past.
58. In response to questions from the Board, Mr. Gaccione stated that letters were sent to the North Caldwell Police and Fire Departments but added that notification was not sent to Little Falls Police and Fire Departments as the Application is in North Caldwell. The Board requested a response from Little Falls Police and Fire Departments.
59. In response to questions from the Board, Mr. Staigar stated that permits are required for parking on Hillside Avenue with the exception of the 10-minute parking spaces which extends 80 feet from the corner.
60. The hearing was adjourned to November 18, 2020 to allow the Applicant to obtain comments from Little Falls Police and Fire Departments.
61. At the November 18<sup>th</sup> hearing, Mr. Staigar read letters from the Little Falls Police and Fire Departments. The Fire Chief expressed his concern that fire apparatus already has a difficult time navigating the narrow streets without the additional proposed parking. The Little Falls Police Chief expressed his disagreement with the parking availability report and concerns for safety of the patrons and employees crossing Main Street. Mr. Staigar testified stated that he went out for a third time and surveyed the same streets in Little Falls and North Caldwell to validate the availability of vacant parking spaces, the concerns of the residents, and the claims of the Little Falls Fire and Police Departments. He stated that the survey was done on the evening of November 17<sup>th</sup> at 7:00pm. Mr. Staigar explained that Hillside Avenue has capacity for 13 cars, but the spaces are permit only; therefore, these spaces are not being considered for patrons. He noted that the portion of Hillside Avenue nearest to the intersection of Main Street has 10 minute parking for four (4) cars which were considered in the counts for the proposed take-out business. He explained that Park Place is a narrow street so he assumed only one side



would be available for parking. He added that there is capacity for nine (9) parking spaces on one side and noted that there were no cars parked on Park Place on that evening. Mr. Staigar stated that Mozart Avenue from Clarence Avenue to River Boulevard has a capacity of nine (9) cars on the north side. He explained that the street is 24 feet wide and a parked car takes up seven (7) feet of width, leaving 17 feet of travel way. He added that a fire truck is 8.5 feet wide and would take up about half of the available width of the travel way on Mozart Avenue. He further testified that there would be sufficient space for the fire truck even when snow is present on the sides of the road. He noted that there was a nine (9) car capacity with four (4) cars parked on the street that evening, leaving five (5) vacant spaces available. Mr. Staigar stated that Woodcliff Avenue is 24 feet wide and has a capacity for 15 cars, six (6) cars were parked on the street that evening. He stated that Clarence Avenue is 24 feet wide and has a capacity of 11 cars, six (6) cars were parked on the street, leaving five (5) empty spaces. Mr. Staigar added that Cherry Street is narrower than the other streets and has a capacity for nine (9) cars on one side. He noted that four (4) cars were parked there that evening, leaving five (5) available spots. Mr. Staigar stated that the total capacity for all the streets is 66 available parking spots and there were 21 cars in total parked on all those streets, leaving a total of 45 vacant spaces. He stated that the claim that there is insufficient available parking on these streets is not accurate. He noted that the three (3) separate surveys of these streets show that there is sufficient parking to accommodate the patrons of the proposed restaurant.

62. Mr. Staigar presented photos of each of the streets in North Caldwell and Little Falls to show the characteristics of the area and evidence of the available parking spots.
63. Joseph Wenzel, Esq., Township Attorney for Little Falls, questioned Mr. Staigar regarding his testimony. Mr. Staigar confirmed that all the streets spoken about in Little Falls have one side of the street parking with two-way traffic and no sidewalks. Mr. Staigar confirmed that people who park on the street would have to use the actual roadbed to traverse the area, but noted that people can walk on the grass where possible. Mr. Staigar further confirmed that there is no crosswalk or stop sign at the intersection of Clarence and Main Street. Mr. Staigar confirmed that according to a photo from August 2019 on Google Earth, there is a stop sign that controls traffic from Clarence onto Main Street.
64. Mr. Wenzel stated that this matter has been reviewed by the Township of Little Falls, stating that they appreciate small businesses, but noted residents' concerns because of the relatively small streets with two-way traffic, no sidewalks and a potential increase in pedestrians. He stated that if the Application is approved, the Township of Little Falls will likely review the matter of parking restrictions in the area. He added that the Township of Little Falls asked that a condition be placed to ensure the current requested capacity remain at 20 seats, which was accepted by the Application.
65. Mr. Gaccione summarized that the Application and testimony, stating that the Applicant seeks to modify a prior approval granted to an existing restaurant which dates back to the 1920s. He explained that in 1995, the hours were increased, and the seating was increased from 24 to 32 which the Board approved with a stipulation that a good faith effort was made to obtain off street parking. He added that in 1998, the hours were again increased. He further explained that in 2002, the application for the expansion of the seating from 32 to 60 was approved subject to a letter authorizing Sofia's Restaurant to use the gas station lot across the street for patron parking. He noted that the current owner of the gas/service station property will not respond to requests for parking. He further explained that the Application seeks to excise the condition of the Zoning Board resolution of 2002 and to return to the 1998 capacity of 32 or 24, although the Applicant is only seeking 20 seats. Mr. Gaccione stated that the proposed use is pre-existing and was never abandoned. Mr. Gaccione stated that Mr. Staigar made three (3) visits to the area and presented statistics and photographs to show the availability of 20 or more parking spaces at all times. Mr. Gaccione added that 20 parking spaces are required by Borough Ordinance and noted that more than double the requirement has been available on the street. He explained that deliveries will be made by a driver who will park on-site or in a 10-minute parking space around the corner. He added that the adjacent properties are commercial use entities opened during the day while his client will be open in the evening, alleviating parking issues. Mr. Gaccione stated that the North Caldwell Police Department did not have any issues with the Application and that no comments were received from the North Caldwell Fire Department. Mr. Gaccione stated that the peak traffic time for the area is 4:00pm – 6:00pm while the peak time for the restaurant will be 7:00pm – 9:00pm. Mr. Gaccione

noted the concern with crossing Main Street, as identified by Mr. Wenzel. He explained that the capacity of the former restaurant was three times what is currently proposed and that all patrons used to park at the gas station and cross the street. He further noted that, if approved, the proposed restaurant will generate fewer people crossing the street because of the decrease in capacity. He noted that three (3) years have passed since the owner has been able to lease the property. He reviewed that Mr. Staigar's latest survey found numerous parking spaces available. He added that it is in the best interest of the municipality that this property not remain vacant.

**NOW, THEREFORE, BE IT RESOLVED** that based on the facts as found above, the Board finds that the Applicant has sustained her burden of proof and that the use variance relief requested can be granted as the Applicant has demonstrated special reasons as the proposed use is an appropriate use of the structure and there will be limited parking or traffic impact. Therefore, on a motion by Mrs. Jenkins, seconded by Mr. Michelotti, the Board hereby grants the Application of Renee Paladino with the with the condition that seating for patrons be limited to 20 and the condition for off-street parking from the prior approval be excised. Mrs. Jenkins, Mr. Michelotti, Mr. Floria-Callori, Mr. Roth, and Mr. Curcio voted in favor of the Application. Mr. Salan and Chairman Wangner voted against the Application.

**IT IS HEREBY CERTIFIED** that this is a true and correct copy of the resolution adopted this 21st day of January 2021, by a majority of the members of the Board present at such meeting and who voted in this matter at the meeting held on November 18, 2020.

**ALL THOSE IN FAVOR:** Mr. Curcio, Chairman Roth, Mrs. Jenkins, Mr. Michelotti

**ALL THOSE OPPOSED:** --

**ABSTAIN:** Mr. Sceppaguercio, Mr. Wangner

**ABSENT:** Mr. Salan

#### **APPROVAL OF MINUTES**

Mr. Wangner made a motion to accept the minutes of the Board Meeting of December 16, 2020, seconded by Mrs. Jenkins. Said motion was passed with six affirmative votes by Mr. Wangner, Mrs. Jenkins, Mr. Curcio, Mr. Michelotti, Mr. Sceppaguercio, and Chairman Roth.

#### **2020 ANNUAL REPORT**

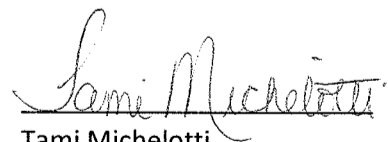
Ms. Michelotti presented the 2020 Annual Report. She stated that a corresponding resolution would be prepared for the next meeting and subsequently shared with the Governing Body and Planning Board. The Board did not have any revisions to the report.

#### **CITIZENS TO BE HEARD**

Chairman Roth stated that no one from the public was present to be heard.

There being no further matters to come before the Board, Mr. Sceppaguercio made a motion to adjourn the meeting, seconded by the Board. Said motion passed unanimously. The meeting was adjourned at 8:30p.m.

Respectfully Submitted,



Tami Michelotti  
Zoning Board Secretary