

**BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS**

**April 28, 2016**

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

**PLEDGE**

Led by Mrs. Gunderson

**ROLL CALL**

Present: Mrs. Gunderson, Messrs. Lagana, McKenna, Ricchiuti, Caminiti, DeNapoli

Absent: Messrs. Putrino, Sheikh, Clark (resigned)

Also present: John Ten Hoeve, Esquire  
Valerie Frazita, Secretary  
Sue Bischoff, Court Reporter  
Peter Ten Kate, Engineer  
Mark Elliott, 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 date 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

**NEW BUSINESS: Residential**

Docket No. 7055

Block 5813 Lot 14

Retain inground pool constructed without permits.

Timothy Tuttle, Esquire, representing applicant.

Mr. Tuttle explained that when homeowner put house for sale, found no permits had been acquired for pool which also requires variances – sale is on hold.

Julia Vuolo sworn. Explained that pool installed about 25 years ago by contractor – not aware that did not have permit – pool 18.1 feet from rear line and 18.8 feet from side - requesting variance for location.

Mrs. Gunderson questioned why had not noticed did not have yellow card. Witness said had card.

Motion by Lagana, seconded by Ricchiuti, to approve

FOR: Cirillo, Lagana, McKenna, Ricchiuti, Gunderson, Caminiti, DiNapoli

OPPOSED: None

MOTION CARRIED.

**PUBLIC HEARINGS: Commercial**

Docket No. 7039

Block 5716 Lots 8 & 9

Site Plan, signs and soil for day care facility

Baghal

Midland Avenue

CONTINUED FROM MARCH 24, 2016.

Mrs. Gunderson recused herself.

J-2 – Caminiti certification

Stephen Sinisi, Esquire, representing applicant.

Mr. Sinisi advised Board that previously heard architect and landscape architect. A-2 (landscape plan) Mr. Clark met with Shade Tree . A-3 (E-mail from Shade Tree)

Mathew Clark, site engineer. Mr. Clark said that was two-story day care facility with outside playground – one in and one out drives – parking in front. A-4 (existing conditions) A-5 (site) Mr. Clark continued that drives are right in and right out – made wider per Fire – 55 parking spaces – playground at right rear – monument sign at Midland – require a number of variances. A-6 (soil) cut 1804 CY – fill 1584.3 CY. A-7 (drainage calcs) Will be detention system and water quality unit – spoke with Boswell and will meet with them if approved.

Mr. Clark continued that detention toward Midland because of slope, rear to front. Will be white PVC fence, typical refuse enclosure – will stipulate garbage pickup not before 7:00. Retaining wall will be at least 6 inches from line – will put up privacy fence. Have completed environmental check off list – will indicate that mains can serve – will provide additional lighting analysis – monument sign has up lights – signage will be extinguished by 11:00 – filed major soil permit – will consolidate lots – will provide plans and drainage calcs to Boswell. No negative impact – satisfies site plan ordinance – no adverse impact on site or area.

In reply to Mr. Caminiti, witness said that reduced sign colors to 4 – applicant will come back if necessary – no problem with emergency vehicles – outdoor play area is 100 per cent pervious.

Mr. Lagana questioned lighting. Mr. Sinisi answered that applicant will comply with 6-month review.

In reply to Mr. DiNapoli, Mr. Clark said that will reinforce right in and right out with signage. In reply to Mr. Cirillo, he said that will have officers during Jewish holidays, etc. , is condition of Use resolution.

Mr. Ten Kate asked that supply blow up detail of wall offset.

Mrs. Straka, Midland Ave, questioned run off. Mr. Clark said would be no further impact on property – will look in to her drainage problem.

C. Olivo, traffic engineer. A-8 (supp traffic report 12/21/15) Witness stated will be 55 parking spaces – changed radii for right turn in and right turn out – will be signage to indicate – no significant impact on area – parking more than adequate – traffic generated more gradually distributed – no significant impact on level of service – spaces will conform to ADA.

Mr. Caminiti questioned percentage of traffic increase with use.

In reply to Mr. Ricchiuti’s question on “significant adverse effect”, Mr. Olivo said that more than 100 extra trips may change level. Mr. Ricchiuti asked if had any suggestions for mitigating traffic problem.

Mr. Ten Kate advised that Borough will be working to improve signal at intersection and questioned if applicant would be willing to share cost.

Mrs. Straka, Midland Avenue, questioned holiday traffic.

Mr. Jarmel, architect, advised that parts of playground will have awnings – proposed handicap location provides an accessible route to front door. Will be enough staffing to handle emergency evacuation – discussed staffing in each room – comply with ratio of child to staff.

Mr. Sinisi confirmed that applicant will adhere to condition of 188 students.

Ken Ochab, planner. A-9 (planner report 1015) Mr. Ochab described proposed – discussed negative and positive – parking creates extra impervious – monument sign not permitted – wall sign less than 4% - no substantial detriment for variances – inherently beneficial use – satisfies negative and positive – sufficient buffer, etc., to prevent impact on residential.

In reply to Mr. Ten Hoeve, Mr. Sinisi advised that applicant would be willing to contribute \$7500 toward the signal work. He also advised the Board that he felt record was complete and had made burden of proof.

Motion by Ricchiuti, seconded by Lagana, to approve with conditions of \$7500 toward signal, limitation on colors for signs, satisfying all Boswell conditions

FOR: Lagana, McKenna, Ricchiuti, Caminiti, DiNapoli

OPPOSED: None

MOTION CARRIED.

Docket No. 7047

Block 2502 Lot 13

Tenant space and signage.

17<sup>th</sup> Century Corp

141 Route 17 South

James Delia, Esquire, representing applicant.

Mr. Delia advised that 110 SF addition – dividing long narrow space into two – adding tenant panel to pylon – two new wall signs. Just Pups scheduled for rear site – client trying to get addition done – no “controversy” when application started – also renovating front canopy.

Mathew Schaefer, architect. Mr. Schaefer described plans – site lined with trees along Route 17 – four tenant spaces: Fortunoff, Bo Furniture, USC Group and proposed. Will be additional panel to pylon for new tenant. Existing pylon is poorly visible. A-1 (photos) Proposing consistent store front – red, white, blue color on building. New panel will be on top – wall signs internally illuminated.

In reply to Mr. Ricchiuti, witness said that have loading dock in rear. Basement opening may be Fortunoff space.

Mr. Delia advised that sign colors within Code – will come back if different.

Alexander Lapatka, engineer. Mr. Lapatka described site – 51000 SF building, two story, 224 parking spaces – 10 foot drop in elevation front to rear – providing side entrance on north side – bump out for store front identification – structured walkway – will bring into ADA requirements – adding 4 handicap spaces. Site is short 29 spaces but parking is adequate – adding 9 new light poles, 20 feet high – also adding 7 building mounted lights – ministerial soil permit required – will construct dumpster enclosure and may lose 2-3 spaces in rear – received waiver from County Planning – no interest from DOT. Will comply with Boswell reports.

Mr. Ten Kate questioned parking over sewer main. Mr. Delia responded that will agree to repair if damaged. Mr. Delia also questioned \$5000 sewer contribution – will discuss with DPW. Variances di minimus – bringing site up to ADA compliance.

In reply to Mr. Ricchiuti, Mr. Lapatka said that no handicap space by addition because of slope.

Motion by McKenna, seconded by Gunderson, to approve , with condition landlord repair any damage to pipe.

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

OPPOSED: None

MOTION CARRIED.

#### **NEW BUSINESS: Bills**

Motion by Lagana, seconded by Caminiti, to pay bills

FOR Lagana, McKenna, Ricchiuti, Gunderson, Caminiti, DiNapoli

OPPOSED: None

MOTION CARRIED.

**NEW BUSINESS: Minutes**

Motion by Gunderson, seconded by Lagana, to approve April 14, 2016, minutes

FOR: Lagana, McKenna, Ricchiuti, Gunderson, Caminiti

OPPOSED: None

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 10:00.

Respectfully submitted:

Valerie Frazita, Board Secretary