

BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS

May 26, 2016

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

PLEDGE

Led by Mr. Cirillo

ROLL CALL

Present: Mrs. Gunderson, Messrs. Cirillo, Lagana, McKenna, Caminiti, Sheikh, DiNapoli

Absent: Messrs. Ricchiuti, Putrino

Also present: John Ten Hoeve, Esquire
Valerie Frazita, Secretary
Mary Bauman, Court Reporter
Peter Ten Kate, Engineer

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: Commercial

Docket No. 7057

Block 902 Lot 3

Construct drive thru.

NTH 28 Popeyes

E 282 Route 4

Bernard Koppel, Esquire, representing applicant.

Mr. Koppel explained that proposing drive thru window to existing restaurant – requires Use variance – some intensification of use with drive-thru but lose from seating area.

Alexander Lapatka, engineer. Stated that site was formerly Fuddruckers. A-1 (site and soil plan 2/3/16) A-2 (colored survey) A-3 (colored site) Area is 3.3 acres on Route 4 – 13,200 SF building, 144 parking spaces – Hackensack across from Coles Brook – proposing 60SF addition on east for drive thru window with driveway and order board – handicap ramp in front of site with handicap parking space – will reconstruct rear and east parking lot – freshen up landscape. Propose new 20 foot LED lights, subject to 6-month review – increasing parking to 148 spaces.

He continued that small addition to building and upgrading site considerably – moving 845 CY and importing 645. DOT said no interest, BCPB waive of site plan, DEP pending because working near stream. Will comply with all reports. Reducing impervious by 900 SF.

In reply to Mr. Ten Kate, witness said that will save trees in rear if possible – will remove spaces near drive thru.

Peter Wells, architect. A-4 (arch plan 8/19/15) Stated that is small bump out – no changes in kitchen – 2 barrier free bathrooms – eliminating 30 dining seats – altering front counter – sign will remain the same, just refinished – all barrier free – new landscaping – more attractive building.

In reply to Mr. Sheikh, he said that hours will remain the same, 11-11:00 weekdays, 11-12:00 weekends.

Jay Troutman, traffic engineer. Stated that investigated Popeyes drive thru on Route 17. A-5 (traffic report) Checked on peak times which are lunch on Friday and Saturday. No significant increase in traffic – no adverse effect – site can accommodate A-6 (DOT letter)

Mrs. Gunderson said that City MD is a busy site – questioned putting sign stating that may be “Emergency Vehicles” at exit of drive thru.

In reply to Mr. Lagana, witness said that will be stop bars, etc. – will work with the Ten Kate.

Mr. McKenna felt that traffic was heavier than in report.

Mr. Lagana had concerns with traffic cutting across. Mr. Troutman said stop bar, etc, will control.

Brigette Bogart, planner. Stated visited site – in heart of retail district – drive thru complimentary to area – discussed special reasons – not a permitted use – improving site conditions, improving “tired” building – surrounded by commercial uses – no detriment to public good – menu sign more of directional than FS sign.

Mr. Koppel advised that low impact – vast improvement to property.

Motion by Gunderson, seconded by DiNapoli, to approve including drive-thru, menu sign and soil

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

OPPOSED: None

MOTION CARRIED.

Docket No. 6034-Amend

Block 1601 Lots 3,4 5

Amend site plan.

175 Paramus Road(Care One)

Paramus Road

Donna Erem, Esquire, representing applicant.

Ms. Erem advised that in 2012 applicant was approved for a 126 bed healthcare facility – had two-year litigation – NJ Building Code has changed meanwhile – amending application to expand 14,000 SF to comply with new standards – require new soil movement – also requesting change to fencing from timber rail to chain link.

Michael Fowler, engineer. A-1 (site plan) Mr. Fowler described site and area, former swim club, R-100 – majority of soil work done – require conditional use and building height variance – shape has changed – 13,901 SF increase in FAR – proposed footprint 32,340 - beds remain at 126 – will build in one phase – parking not moved – 75 spaces proposed, 63 required – no additional employees. A-2 (site plan comparison) Court yards are smaller, perimeter bigger – 16 x 32 storage shed at rear – relocated generator to right – south neighbor 200 feet away -24 additional trees at south.

Witness continued that site circulation the same as approval – left turn restriction on ingress and egress – signage unchanged - “hot box” by north drive on 7 x 20 pad – will screen with landscape – minor impact on storm water – 974 SF increase in impervious – will submit amended DEP permit - fencing around rear, north and south – would like to replace split rail by wall with chain link of black PVC. – amended soil permit 34,000 cut, 28,000 fill, 6,000 remove.

Mr. Caminiti questioned if fence on wall and why replace. Ms. Erem replied that project manager said is complicated process and delay construction of wall – not necessary if is a problem with Board. Hot box will be landscaped.

Mr. Ten Kate discussed metal hot box – advised had seen some made to look like a shed. Mr. Fowler said could paint. Mr. Caminiti felt that should be disguised. Mr. Ten Hoeve said condition could be that if approved, would be modified to the satisfaction of Mr. Ten Kate.

Ms. Baron, 128 White Pine, questioned height compared to other buildings across street and setbacks.

Michael Pomarico, architect. Stated reviewed previous plans – was update in International Building Code after approval – have to bring building into compliance – no increase in beds – discussed changes. A-3 (floor plan) Most changes inside patient rooms – all rooms have to be accessible by handicapped – made some changes inside – created some additional common spaces – materials and colors remain the same – whatever added is same height as approval – 37.2 to roof, 51 to clock tower.

In reply to Mr. Cirillo, witness said that letters on bedrooms are just for identification.

In reply to Ms. Baron , Ms. Erem said that asking for height variance just for portion being discussed for approval tonight.

Mathew Murello, sound engineer. A-4 (report) A-5 (generator) Stated that performed acoustical evaluation – 1500 kw emergency generator, NW corner of property – evaluated impact on closest property line: El Cid 160 feet away, across street 290 feet, south 450, west 550. 76 dba at 23 feet – found sound line within limits – emergency generator exempted from sound limits - will be tested during day hours 7-10:00. Performed baseline sound levels at closest property line and found sound below existing – will be in acoustic enclosure. Mr. Ten Kate recommended testing between 10-4:00 and 6-month review.

Paul Philips, planner. Prepared planning analysis – minor change – no change in number of beds or height – 51.2 for clock tower, 37 to roof – no substantial changes, no basic change in design – below impervious and building coverage – di minimus changes.

Ms. Erem advised Board that will comply with all reports, Ten Kat, conditions of previous, 126 bed and OEM.

Motion by Lagana, seconded by Cirillo, to approve application and extension of time with compliance with all conditions

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

OPPOSED: None

MOTION CARRIED.

NEW BUSINESS: Resolutions

Docket No. 7059 – Trione

Motion to approve by Caminiti, seconded by DiNapoli

FOR: Cirillo, Lagana, McKenna, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

Docket No. 7061 – Lipari

Motion to approve by Cirillo, seconded by DiNapoli

FOR: Cirillo, Lagana, McKenna, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

Docket No. 7058 – 700 Terrace

Motion to approve by Sheikh, seconded by Caminiti

FOR: Cirillo, Lagana, McKenna, Caminiti, Sheikh, DiNapoli

OPPOSED: None

MOTION CARRIED.

NEW BUSINESS: Minutes

Motion by Lagana, seconded by DiNapoli, to approve May 12, 2016, minutes

FOR: Cirillo, Lagana, McKenna, 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. McKenna, that the meeting stand adjourned. Meeting adjourned 10:15.

Respectfully submitted:

Valerie Frazita, Board Secretary

