

**BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS
AUGUST 11, 2016**

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

PLEDGE

Led by Mr. Putrino

ROLL CALL

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

Absent: Mr. DiNapoli

Also present: John Ten Hoeve, Esquire
Valerie Frazita, Secretary
Beth Calderone, Court Reporter
Peter Ten Kate, Engineer
Mark Everett, 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 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: Residential

Docket No. 7066 – Ortiz – postponed to a future date – will renotify.

PUBLIC HEARINGS: Commercial

Docket No. 7051

Block 4110 Lots 16 & 17

Town houses – summation and vote.

GLFC Realty

Midland Avenue

Carmine Alampi, Esquire, representing applicant.

Mr. Alampi advised Board that he will confine his summation in two ways. Legal Argument: Site is not zoned for townhouses – cannot forget commercial history, business in residential zone – non-conforming use – seeking to replace with a new non-conforming use – cited case law – not removing 2-3 single family houses and building townhouses – site had heavy machinery, trucks, etc. – owner part of fabric of community – Board has to recognize pre-existing commercial.

He continued that townhouses not permitted but considered residential – some NJ cases say that variance would be justified – improvement of aesthetics would be reason – case law would uphold this application.

Application: Filed application last November – plans went to Departments – require only one variance for buffer, minor – building set back further than a single family house – structures 95 feet from property line – adjusted application to two bedrooms – heard community on issues that could deal with – two bedrooms shifted focus to a different group of buyers – reduced scale, footprint, etc. – feel Paramus will be proud – Planner said “green area” will be controlled by the Association – agreed to restrictions in master deed – no activities in perimeter of property – less intrusive than cluster of single family homes – no bulk variances except buffer – below impervious requirements.

Mr. Alampi discussed the Master Plan – traffic is what it is, project does not interfere with traffic problem – volume of traffic not a consideration – is this a better planning alternative? – presented evidence and justification. Thirteen guest parking spaces quite generous - agreed to remove 8 inches or more snow from site – no cut-thru to Evergreen, barrier gate with Fire Department remote button – estate style fence, sliding gate - no vehicular impact to Evergreen – building within permitted height.

Mr. Caminiti advised that had 4-5 hearings and asked Board to voice opinions.

Mrs. Gunderson discussed windows in “office” area – felt would become a bedroom. Mr. Ten Hoeve advised would be non-egress windows. Mrs. Gunderson said use of area not Board’s responsibility. Mr. Ten Hoeve suggested making a condition.

Mr. Putrino advised that he had done his homework – feel is “not right” – not comfortable with 16 units – said his parents, like most, moved to Paramus to get away from chaos. Mr. Caminiti said that have to look at the facts - could be used as presented or something else. Mr. Ten Hoeve listed some approved uses that would not require a Use variance. Mr. Putrino added that only two acres – any other use would have to make business sense, would need to produce revenue – also discussed water lines.

Mr. Caminiti advised Board that application only requires one variance – need to talk about use.

Mr. Lagana said that Board is bound by legal requirements – not its job to talk about emotions - creek adds dimension for no single family homes and Evergreen could lose cul de sac if homes built.

Mr. Ten Hoeve stated that applicant is asking for Use variance based on pre-existing non-conforming use – Board has to decide if it is less offensive than commercial – Board has to contend with broader issue than water lines – need some sense of direction. In reply to Mr. Caminiti’s question on granting variance, 6 members raised their hands.

Mr. Ten Hoeve listed possible conditions including estate gate, no patios, no deck off second floor, storm water system, two bedrooms per unit, right turn only, covered dumpster, no parking by front entrance, stripping at entrance, combine lots. Mrs. Gunderson said that right turn would be problem. Mr. Caminiti was also not in favor – he added 8 inch snow removal and engineer to look at light timing.

In reply to Mr. Ricchiuti’s questioned on preventing overnight parking, Mr. Ten Hoeve said that would be impossible.

Motion by Mr. Cirilo, seconded by Mrs. Gunderson, to approve with conditions

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

OPPOSED: Putrino

MOTION CARRIED.

Docket No. 5977

Block 2402 Lot 2

Extension of time for approved addition.

IBEW

W. 65 Century Road

James Delia, Esquire, representing applicant.

Mr. Delia advised Board that he is requesting an extension of time, to June 30, 2017, for an application approved December 9, 2016. This is necessary with the expiration of the Permits Act.

Motion by Caminiti, seconded by Lagana, to approve

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

OPPOSED: None

MOTION CARRIED.

Docket No. 7067

Block 6503 Lot 10

Emergency generator and fence.

Dellridge Health Center

532 Farview Avenue

Stuart Liebman, Esquire, representing applicant.

Mr. Liebman advised is a 2.72 acre skilled nursing and rehab facility – proposing generator required by N.J. law – on south side, concrete pad – 10 foot fence surrounding. Require variance for impervious coverage and fence height.

Alexander Lapatka, engineer. A-1 (colored site) Mr. Lapatka described site – proposing emergency generator at SE corner on 8 x 4'-8" concrete pad – will have 10 foot high fence, gravel base – generator 8 feet high – DEP required sound be 65 dB, will meet standard – fence 33 feet from property line – Shade Tree requested row of evergreen between fence and lot line. Fence screens and contains sound – no substantial detriment to public good, benefits outweigh detriments – small increase in impervious.

Mr. Ten Hoeve asked if could place further from residential. Witness replied that could move and eliminate parking space but located there because all electrical equipment on that wall. Mr. Caminiti suggested going about 50 feet north. Mr. Lapatka replied that would have to change doors, etc.

In reply to Mr. Ricchiuti, witness said that would be hardship swapping storage units with generator. In reply to Mr. Sheikh, he said that generator fence is 37-38 feet from line.

Zanfardino, 193 Homestead, questioned location

Allan, 197 Homestead, questioned noise - gas or diesel? Mr. Lapatka said diesel – tanks sit below generator.

D. O'Brien, Academy Electric, contractor. Mr. O'Brien explained that Dellridge had existing unit that failed NJ law – had to find new location outside – must support for 48 hours – have temporary generator now - will be 200 kw, diesel, fuel tank on pad, generator on top – testing currently at 9:00 Tuesday morning – will encircle special material around inside of fence – system has critical grade muffler.

In reply to Mrs. Gunderson, witness said not possible to place behind cul de sac.

In reply to Mr. Cirillo, he answered that all work will be done and completed at one time.

Mr. Ten Kate questioned fence and exhaust and reserved right to come back to site if problems.

In reply to Mr. Allan, Mr. Liebman said that cannot be bigger than 200 with existing conditions. Mr. Ten Hoeve added that will be a condition that if a complaint received, an independent test will be performed.

Mr. Ten Kate added that should also be a condition that garbage pickup no earlier than 7:00.

Motion by Putrino, seconded by Gunderson, to approve with conditions

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

OPPOSED: None

MOTION CARRIED.

NEW BUSINESS: Mediation

Mr. Ten Hoeve advised Board that is necessary to provide check for mediation of litigation

Motion by Cirillo, seconded by Caminiti, to approve

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

OPPOSED: None

MOTION CARRIED.

NEW BUSINESS: Resolutions

Docket No. 7065 – Reasoner

Motion by Lagana, seconded by Sheikh, to approve

FOR: Lagana, McKenna, Ricchiuti, Caminiti, Sheikh

OPPOSED: None

MOTION CARRIED

Docket No. 7060 – Millennium (amended resolution)

Motion by Gunderson, seconded by Cirillo, to approve

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

OPPOSED: None

MOTION CARRIED.

NEW BUSINESS: Minutes

Motion by Lagana, seconded by Caminiti, to approve July 14, 2016, minutes

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

OPPOSED: None

MOTION CARRIED.

Motion by McKenna, seconded by Caminiti, to approve July 21, 2016, minutes

FOR: Lagana, McKenna, Ricchiuti, Caminiti, Sheikh

OPPOSED: None

MOTION CARRIED

ADJOURNMENT

There being no further business to come before the Board, it was move by Mr. McKenna, seconded by Mr. Lagana, that the meeting stand adjourned. Meeting adjourned 9:30.

Respectfully submitted:

Valerie Frazita, Board Secretary