

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
JANUARY 4, 2012**

MINUTES

**REORGANIZATION MEETING AND
REGULARLY SCHEDULED FORMAL MEETING**

Chairman, Charles Amorosso, reads the Sunshine Statement into the record at 8:00 p.m.

REORGANIZATION MEETING

At the Reorganization Meeting of the Mayor and Council, Mayor Bazela reappointed Class II Member, Ed Giannotti and Class IV Member, George Vollmer.

The above members appointed read the Oath of Allegiance into the record.

ATTENDANCE:

PRESENT: MR. AMOROSSO, MR. DELAURA, MR. DELISIO,
MR. GIANNOTTI, MR. PERRETTI, MR. TREBINO,
MR. VOLLMER, MR. DEVLIN (ALTERNATE #1),
MRS. WALKER (ALTERNATE #2), MR. BARGNA
(ALTERNATE #4)

ALSO PRESENT: ERIC LEIBMAN, BOARD ATTORNEY,
MR. PAUL NIEHOFF, BOARD ENGINEER

ABSENT: MAYOR BAZELA, COUNCILMAN SOKOLOSKI,
MR. SILLERY (ALTERNATE #3)

A motion to re-appoint Mr. Charles Amorosso as **Chairman of the Board** was made by Mr. Vollmer, seconded by Mr. Giannotti.

All present were in favor.

A motion to re-appoint Mr. Peter Perretti as **Vice Chairman of the Board** was made by Mr. Amorosso, seconded by Mr. Vollmer.

All present were in favor.

A motion to re-appoint Laura Benvenuto as **Board Secretary** was made by Mr. Amorosso, seconded by Mr. Giannotti.

All present were in favor.

A motion to appoint Eric Leibman, Esq. from the Law Offices of Kaufman, Bern, Deutsch & Leibman, L.L.P. from Fort Lee, New Jersey as the **Board Attorney** was made by Mr. Amorosso, seconded by Mr. Vollmer.

All present were in favor.

A motion to appoint Paul Niehoff of Maser Consulting, P.A. from Mount Arlington, New Jersey as the **Board Engineer** was made by Mr. Amorosso, seconded by Mr. Vollmer.

All present were in favor.

A motion to select The Record to be the **Official Newspapers** (the official newspaper used by the Mayor and Council) was made by Mr. Amorosso, seconded by Mr. Perretti.

All present were in favor.

A motion to accept the **2012 Meeting Dates** submitted by the Board Secretary was made by Mr. Amorosso, seconded by Mr. Vollmer.

All present were in favor.

A motion to designate **Official Depositories**, (the same banks as the Mayor and Council use for the depositories of escrow accounts) was made by Mr. Amorosso, seconded by Mr. Perretti.

REGULARLY SCHEDULED FORMAL MEETING

APPLICATION OF MAXIM ENTERPRISES, LLC, (CHILDREN OF AMERICA), 271-273 LIVINGSTON STREET, BLOCK 207, LOTS 3, 5 & 6 – SITE PLAN APPLICATION

Atty. Vanessa Sinisi of the Law Office of Stephen P. Sinisi, LLC at Two Sears Drive in Paramus, New Jersey came forward to represent the applicant, Maxim Enterprises, LLC (Children of America).

The purpose of this application is to obtain site plan approval to permit space to use for operating a child care facility. Kylee Kline came forward and was sworn in by Atty. Leibman. Ms. Kline's home office address is 5300 West Atlantic Avenue, Delray Beach, Florida 33484.

Ms. Kline's position with Children of America is a Business manager of the Northeast Region from Massachusetts down to Maryland. She holds a Bachelor's Degree in Elementary and Special Education and Urban Education and in a few weeks she will be awarded her Masters Degree in Growing Childhood Administration.

Children of America is an educational child care facility. They provide curriculum to children of working parents in a child care center. Ms. Kline helps to oversee 23 centers for daily operations, communications and working with teaching staff.

The services of Children of America offers child care to families who need part time or full time care, they provide meals, curriculum and care for the children. The hours are Monday through Friday, 6:00 a.m to 6:30 p.m. There would be approximately 22 – 25 staff members who work in shifts. How many employees are there per shift? Ms. Kline stated that it depends on the needs of the families. Although Children of American will hire about 25 employees, this does not necessarily mean that those 25 employees will be there at the same time.

How many children are anticipated to attend, asked Atty. Sinisi. Ms. Kline said that her drawings anticipated 188 children capacity but typically 70% or less attend on a daily basis. The faculty student ratio is: infants would be one teacher with four students, with toddlers and 2 year olds, you would have one teacher with six students, younger pre-schoolers (three year olds), would be one to ten students, four year olds are one teacher to twelve students.

The activities taking place inside the premises would be art and music activities, math, science and they receive their meals. The children go outside once in the morning and one time in the afternoon.

Half of the staff either car pool with one another or get dropped off. The other half would transport themselves and as far as the students are concerned, they are brought to school by their parents and dropped off each morning and get picked up in the evening. The duration of time a student is enrolled in class on any given day would be less the seven hours. Ms. Kline said that parents would arrive, park their car, escort their child or children into the facility first entering a vestibule then they put in their specific pin number into a touch screen and at that point, a secondary door that would lead them in the lobby would open so that they can monitor and use it as a security system. The parent would then check in their child with the teacher. Food will be prepared at the facility and an alarm will be on the fence at the playground.

The preliminary floor plan dated July 7, 2011 was discussed in detail.

Mr. DeLaura asked what type of medical staff would be on site. Ms. Kline answered that they do not have to have any medical staff on site but they do certify the lead teachers and the management staff in CPR and first aid treatment. If there is an emergency, they would call 911.

All directors at the facility must comply with all of the New Jersey Licensing procedures. The directors hold a minimum of an Associate's Degree and they must have additional credits in early childhood. Right now all of the directors in New Jersey have a Bachelor's Degree or higher.

Ms. Kline said that the cars will be parked when they come to pick up the child. No one will be lined up in front of the facility. Mr. Giannotti referred to the stream. On the north side, there are many exits and there is not much room from the exit to the stream. Every time a door is opened, there is a quiet alarm. No one would be able to leave the building without everyone knowing at the facility.

The meeting was **opened to the public**.

Since no one from the public came forward, the meeting was **closed to the public**.

Mr. Robert Costa of Costa Engineering came forward and was sworn in by Atty. Leibman. Mr. Costa is accepted as an expert witness.

Mr. Costa said that security is a very big deal with this company. There is no vehicular traffic in the rear at this site, but it is elevated. It is four feet above grade on the sides and in the back. If something went back there for whatever reason, it couldn't get into the playground area. There is a six foot high fence that is being proposed and the applicant needs a variance.

Mr. Niehoff stated that in his opinion, it is a necessity that they need that six foot fence for security. The applicant proposes a 6-foot fence atop a 5-foot retaining wall. The combination will result in a wall/fence height of approximately 11 feet.

Exhibit A-1 – plans prepared by Robert L. Costa dated October 28, 2011 (consisting of four sheets)

Sheet #1 – is the cover sheet and area stating the property in question, block and lot

Sheet #2 – is the proposed use location plan showing the zoning schedule

Sheet #3 – shows the existing conditions on the property

Sheet #4 – shows the construction details

The applicant is not proposing any site lighting whatsoever, other than small architectural lights.

The proposed play area is in close proximity to the Sparkill Creek. Atty. Sinisi asked Mr. Costa if the applicant would be required to obtain all necessary permits from NJDEP for stream encroachment, riparian buffer or wetlands.

Mr. Amorosso stated that the portion of the play area was approved previously. He said they don't have to go to the DEP. The applicant was informed that the plans must be revised to show the discharge point and provide details.

Mr. Costa said that he thinks this is a good use, a needed use and he doesn't see any detriment whatsoever.

The sign will be over the doorway and the applicant will conform to the Town's regulations.

The meeting was now **opened to the public** for any questions to the engineer.

Since no one from the public came forward, the meeting was **closed to the public**.

At this time, Mr. Kenneth Ochab came forward and was sworn in by Atty. Leibman.

Mr. Ochab has offices at 1216 Fairlawn Avenue in Fairlawn, New Jersey. Mr. Ochab is a professional planner representing the applicant. Mr. Ochab has reviewed the zoning ordinance and the master plan of Northvale. He has been to the site several times on many different applications on the property.

The property in question is in the commercial zone and the principal uses here that are permitted are retail, business offices, professional offices, restaurants and the like. A variance for fence height is required.

Mr. Ochab stated that there is a section in the Land Use Law that was adopted in 1989 which indicate that child care centers are permitted uses in all non-residential zones in every municipality in the entire State of New Jersey.

For the fence height, a C-2 variance would be required that the benefits would out way any detriment of having a fence height at 11 feet. This is based on the engineer's testimony where we need to level off the grade behind the building. This would be approximately 5 feet and then to have a 6-foot fence on top of that. The fence is not only for security purposes but also to screen the view of the play area from the surrounding properties.

Mr. Ochab stated the play area was in was not really in the buffer area, it was in a portion of an area that was supposed to be the actual building space. Mr. Ochab commented that he doesn't believe that there is a variance for this particular issue because they are using that space that should have been building area and the applicant is preserving the bonafide 75 foot buffer that exists and will continue to exist.

Mr. Ochab said that he doesn't believe that there should not be any impact. He feels that this is a good use for the site.

The meeting was **opened to the public** for any questions to the planner.

Since no one from the public came forward, the meeting was **closed to the public**.

Mr. Amorosso said that the hours of operation do not have to be in the Resolution.

Atty. Leibman mentioned asked if the Board wanted the applicant to go to the DEP to obtain any permit from them. Mr. Amorosso said it was not necessary because it was approved originally.

Mr. Lepore commented that statutorily he has to obtain DEP approval. Mr. Amorosso stated that they had received approval for the back when the original building went in. Mr. Lepore said that they may be going into the wetlands area again. Mr. Amorosso said that they are not going into the wetlands. This is the original footprint of the building.

Mr. Perretti and Mr. DeLaura commented that Nick Lepore should review the plan to make sure they do not go into the wetlands.

Atty. Leibman stated that he going to leave this to the applicant and the building department to figure out.

A motion to **approve** the application was made by Mr. Amorosso, seconded by Mr. Vollmer.

ROLL CALL: Mr. Amorosso, Mr. Vollmer, Mr. DeLaura, Mr. DeLisio, Mr. Giannotti, Mr. Perretti, Mr. Trebino, Mr. Devlin, Mrs. Walker - YES

Correspondence was discussed.

A motion to **adjourn** this meeting at 9:38 p.m. was made by Mr. Perretti, seconded by Mr. DeLisio.

All in Favor - YES

Meeting adjourned.

Respectfully submitted,



Laura Benvenuto, Board Secretary