

**BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS
FEBRUARY 25, 2021**

A virtual meeting of the Board of Adjustment was called to order at 7:30 by Chairman Caminiti.

PLEDGE

Led by Mr. Caminiti

ROLL CALL

Present: Mrs. Gunderson, Messrs. Cirillo, Minervini, McKenna, Ricchiuti, Caminiti, Sheikh, Ivanicki

Also present: Joseph Garcia, Esquire
Valerie Frazita, Secretary
Donna Arnold, Court Reporter
Peter Ten Kate, Engineer
Massiel Ferrara, 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 Clerks Office

PUBLIC HEARINGS: Residential

Docket No. 7151

Block 6806 Lot 3.01
Six-foot fence in front yard.

Hussain

697 Roosevelt Blvd

Continued from January 28, 2021.

Dr. Manpreet Mann still under oath.

Dr. Mann discussed revised plan – Ridgewood Ave side 5 feet in from property line, solid fence – 3 foot fence will be Estate type – discussed break between 6 and 3 foot – proposed driveway on Roosevelt – will be gate in front.

Mr. Ten Kate questioned attaching fence to house, not shown on plans.

Mr. Ricchiuti was concerned that Shade Tree cannot maintain trees in easement.

In reply to Mr. Caminiti, Dr. Mann said that 6 foot high fence will join house on both sides.

Mr. Ivanicki questioned the changes on the site plan.

Mrs. Gunderson questioned the gate by the driveway.

Mr. Ten Kate requested that she submit an approved site plan.

Motion by Caminiti, seconded by Ricchiuti, to approve
FOR: Cirillo, Minervini, McKenna, Ricchiuti, Gunderson, Caminiti, Sheikh
OPPOSED: None
MOTION CARRIED.

Docket No. 7149

Block 2506 Lot 2
Two-story rear addition.

Evangelou

195 Denver Road

Evan Evangelou still under oath.

Mr. Evangelou stated that had submitted the wrong plan to the Board at the last meeting – discussed revised plan – extending area in back of house – need ramp for parents.

In reply to Mr. Minervini, resident said that only area in question in by the ramp.

Mr. Caminiti thanked applicant for returning with corrected plan, makes more sense – difficult piece of property – heard no objections from neighbors on proposed.

Motion Cirillo, seconded by Minervini, to approve

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

OPPOSED: None

MOTION CARRIED

PUBLIC HEARINGS: Commercial

Docket No. 7135

238 Midland Ave LLC

Block 5704 Lots 8, 9

Construct multi-family residential.

Stuart Liebman, Esquire, representing applicant.

Continued from December 10, 2020.

Mr. Liebman advised that nothing new submitted since December 10, 2020 – already testified as to what was on plan – have professionals present if needed.

Pastor Marc Schumaker. Stated few parishioners – difficult to retain site – put up for sale – very little money to carry through – serious dilemma without sale – thanked Board for consideration.

Marc Schumaker, son. Asked Board to take into consideration what father said – have few members remaining.

Ratinov, 251 Jolene Court. Said understands hardship but zoned residential – should protect community – could still make profit from three single family.

Mimura, 247 Jolene Court. Advised loves Paramus – should not change zoning code – is single family zone.

George, 167 Behnke Avenue. Concerned with left turn – changing single family to multi-family.

Pastor Schumaker added that property is an eyesore – no funding – proposed will be taxable - hope for favorable vote. Mr. Caminiti commented that cannot consider ratables.

Mr. Liebman thanked everyone for participating, lengthy process – church owns the property, congregation dwindling, no longer viable – difficult decision to sell – site little over an acre, multi-family not permitted, bank next door – County and Paramus widened intersection – confronted with question as to what can be used for – house of worship is conditional use and many conditions not met – asking for Use now and would come back for Site Plan – application started in 2019 with ten townhouses – revised to nine and then eight – conforms in all but Use – have addressed all comments – eliminating 3 drives – County said OK to drive exit/entrances – 7 in/out during peak houses – provided 22 parking spaces – landscape plan will be revised during Site – heard from experts – no substantial detriments – he continued that he was once told “never vote against God”.

Mr. Caminiti said he understood Pastor’s situation but financial cannot be considered by Board – Forest and Midland is the worst intersection in Paramus – applicant showed tremendous amount of patience – heard was Board was saying and made revisions – only Use variance required.

Dr. Cirillo advised that heard Pastor’s testimony – site close to major intersection – testimony on in/out of site are a safety concern.

Mrs. Gunderson said that if deny, could have something that would have no control over – another church would be traffic problem – no issue with three single-family but could not control number of cars – Board needs to adapt to current needs – could do much worse.

Mr. Ricchiuti discussed left turns and County – have traffic concerns – feel cars will stack.

Mr. Minervini advised that had read transcripts – agree with Mr. Ricchiuti on in/out – do not know what other use would not affect ingress/egress.

Mr. Sheikh stated that applicant did a good job in listening to the Board – difficult spot – demand for this type of housing – question of what else besides the proposed.

Ms. Ferrara said that applicant made a lot of adjustments making use more welcoming to neighborhood.

Motion by Dr. Cirillo, seconded by Mr. Ricchiuti, to DENY APPLICATION FOR DENIAL: Cirillo, Minervini, McKenna, Ricchiuti, Caminiti, Sheikh
OPPOSED: Gunderson
MOTION FOR DENIAL CARRIED.

Docket No. 7133
Block 410 Lots 1,2,8,9
Construct a Dunkin Donuts facility.

MPB Realty
134 Gertrude Ave

Postponed from December 17, 2020.

James Delia, Esquire, representing applicant.

Mr. Delia stated that January 2020 was the last hearing – made changes to plan – bifurcating application- small piece of property will always require a variance – former gas station – unattractive site – proposing 2000 SF Dunkin Donuts with drive thru – removed outdoor dining because of neighbor concern – 4 existing driveways -not practical for residential use – building located entirely in commercial zone – 16 spaces proposed – drive thru wraps around building, can stack 11 vehicles – moved window forward – reduced drives to two, right in/right out on Route 17 – 35 foot planted area to south – will provide full landscape plan - building 19 feet high – heard from Mr. Shah on operations at last meeting – daily bakery delivery – once week delivery for utensils, etc. – hours 6-10:00 – 4-6 employees, mostly do not drive – trash picked up twice a week and not before 7:00 – heard comments from neighbors – added guide rail – shifted canopy to south.

Alexander Lapatka, engineer. Stated revised plan – met with DOT who said OK on driveway – guide rail at exit drive – removed outdoor dining – added walk-up window with 3 designated parking spaces – relocated dumpster. A-4 (revised plan) Witness discussed reports – proposing LED fixtures with individual controls – made application for waiver from BCPB – will obtain soil permit.

Dr. Cirillo questioned soil movement to which Mr. Lapatka said will comply with all Paramus requirements.

Tyson, 143 Gertrude Avenue, questioned soil trucks. Witness said will all travel Route 17.

Katelyn Liepens, architect, will testify at next hearing.

APPLICATION CONTINUED TO APRIL 8, 2021.

NEW BUSINESS : February 11, 2021, Minutes

Motion by Caminiti, seconded by Ricchiuti, to approve minutes
FOR: Cirillo, Minervini, McKenna, Ricchiuti, Gunderson, Caminiti, Sheikh
OPPOSED: None
MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Mr. Sheikh, seconded by Mr. Cirillo, that the meeting stand adjourned. Meeting adjourned 10:30 p.m.

Respectfully submitted:

Valerie Frazita, Board Secretary

