

**BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS  
APRIL 8, 2021**

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

**ROLL CALL**

Present: Messrs. Cirillo, Minervini, McKenna, Caminiti, Sheikh, Ivanicki, Trione, Mrs. Gunderson  
(8:25)  
Absent: Mr. Ricchiuti  
Also present: Joseph Garcia, Esquire  
Valerie Frazita, Secretary  
Beth Calderone, 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 submitted to the Record and Ridgewood News  
Copy of notice posted on the public announcements bulletin board  
Copy of same transmitted to the Borough Clerk's office

Mr. Caminiti announced that Docket No. 7156 – Gomez – has been postponed to meeting of April 22, 2021.

**PUBLIC HEARINGS: Residential**

Docket No. 7158  
Block 4808 Lot 3.01  
Six foot fence in front yard setback, corner lot

Amato  
2 Churchill Court

Danny and Gianna Amato sworn.

Mrs. Amato advised that currently have three foot fence – corner property – would like to replace with six-foot at side and back yard – six foot currently at right side already.

Mr. Caminiti questioned return fence at right and left. Applicant replied would also be six foot. Will be white PVC, solid – security needed for Paramus Road, a lot going on.

Motion by Cirillo, seconded by Minervini, to approve application  
FOR: Cirillo, Minervini, Caminiti, Sheikh, Ivanicki, Trione, McKenna  
OPPOSED: None  
MOTION CARRIED.

Docket No. 7159  
Block 5810 Lot 13  
Retain patio.

Basner  
394 Burlington Road

Robyn and Martin Basner sworn.

Mr. Basner advised that had unsightly patio, changed to pavers – same setback but now does not meet setback requirements – have paved concrete pad.

Mr. Caminiti commented that patio extends beyond house, not evenly spaced in center of property – could be shortened at side.

Mrs. Basner did not want to make smaller. Mr. Basner said that could trim south side to edge of house.

Mr. Caminiti felt could bring patio to edge of house on south - walkway can stay.

Motion by Caminiti, seconded by Minervini, to approve application with condition patio will be even with edge of house on south side.

FOR: Cirillo, Minervini, Caminiti, Sheikh, Ivanicki, Trione, McKenna

OPPOSED: None

MOTION CARRIED.

Docket No. 7157

Block 3402 Lot 5

Erect inground swimming pool

Morales

150 Spring Lane

Dax and Joani Morales sworn.

Mr. Morales advised that requesting a 12 x 30 inground swimming pool on corner lot – dead end street – 2.79 feet from line – will be salt water pool.

On reply to Mr. Caminiti, resident said that Ms. Meserole said would be best with only one variance – could downsize if needed – have 3 children – require salt water for skin condition.

In reply to Mr. Cirillo, Mr. Morales said neighbor had no problem. Will be closed off with fence which is already there.

Mr. Caminiti said he was “torn” on this application but has heard no objections.

Motion by Cirillo, seconded by Minervini, to approve application.

FOR: Cirillo, Minervini, Caminiti, Sheikh, Ivanicki, Trione, McKenna

OPPOSED: None

MOTION CARRIED

**PUBLIC HEARINGS: Commercial**

Docket No. 7133

Block 3402 Lot 5

Construct Dunkin Donuts.

MPB Realty

Gertrude Avenue

CONTINUED FROM FEBRUARY 25, 2021.

James Delia, Esquire, representing applicant.

Mr. Delia advised that application last heard on February 25<sup>th</sup> – revised plans in August – bifurcating application – he reviewed last meeting – met with DOT.

Erik Liepins, architect. Stated prepared August 5<sup>th</sup> plan – described plan – building 2000SF, 27 x 74 – drive-thru window moved forward – added walkup window – eliminated outdoor dining – relocated service door – described interior – donuts made off site – sandwiches pre-made and heated – no grease, etc. – building 19’2” high, majority 15’9” – fiber cement siding – charcoal grey and lighter gray – will try to have signage comply.

In reply to Mr. Caminiti, witness said that exhaust built into oven.

Mr. Cirillo questioned number of cars parked for walkup. Mr. Delia replied that have 16 spaces where 8 are required. Most employees share ride or use public transportation.

Mr. McKenna questioned problem with stacking.

In reply to Mr. Sheikh, Mr. Delia said that no activity at walkup when facility closed.

Tyson, 133 Gertrude Avenue. Questioned putting window in another place not facing Gertrude. Mr. Delis replied that window faces south – ovens on west side cannot be moved to any degree – kitchen would have to be flipped. Mr. Caminiti said Board would not be comfortable flipping kitchen.

Jay Troutman, Traffic Engineer. Submitted report in October 2019 – discussed report – driveway properly designed for site - stacking acceptable – taking poor commercial property and eliminating all

non-conformities, driveways, etc. – DOT recommended stop sign by Gertrude – 89 enter and 89 exit a.m. peak – 43 enter, 43 exit at p.m. peak – acceptable levels of service – would have ability on site to stack cars for drive-thru.

Mr. Ten Kate questioned softening of radius on Route 17 exit. Mr. Troutman felt adjusted as much as possible, have guide rail – can look into for next site plan.

Ms. Ferrara questioned shift change affecting parking, Witness felt has been handled – is gradual shrinking of number of employees during day.

In reply to Mr. Minervini, Mr. Delia said that have 5-6 employees at opening.

Tyson, Gertrude Avenue, questioned trucks in driveway. Mr. Troutman replied that no deliveries from Gertrude Avenue.

Brigette Bogart, Planner. Stated that site difficult to make to comply, two front yards, two different zones. Discussed variances and hardships. A-5 (photos) Described photos – presently car storage facility – feel will revitalize site – reducing existing curb cuts – feel benefit for site and neighborhood – removed outdoor dining - discussed special reasons and negative criteria – no substantial detriment to public good.

Ms. Ferrara said was a great improvement due to site planning and eliminating variances – buffer and landscape can be added to site review.

Tyson, 133 Gertrude Avenue. Stated concerned with safety and accidents on Route 17 – will be problems on Gertrude Avenue.

Mr. Delia advised that asking vote for 2 variances – difficult site, great use – creating good buffer, cleaning up property.

Mr. Caminiti said was a challenging spot on Route 17 – not many uses that would fit – in and off property relatively quickly – fits property – cleans up eyesore and environmental nightmare – applicant will work with Shade Tree on buffer, etc., during site review.

Mr. Cirillo said that clearly have to worry about accidents – many compromises on part of applicant – cannot change location – concern with coming in and off highway – have DOT oversight – no rubber stamp.

Mr. Sheikh agreed – huge improvement.

Mr. Ivanicki said best for property.

Mr. Minervini agree best use of property

Mr. Trione felt applicant did a stellar job making best use – have serious reservations about accessing Route 17 – comfortable with DOT seal of approval.

Mr. McKenna felt that a lot of Dunkin Donuts in Paramus – property could be just cleaned up.

Motion by Gunderson, seconded by Sheikh, to approve Use portion of application

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

OPPOSED: None

MOTION CARRIED.

#### **NEW BUSINESS: March 25, 2021, Minutes**

Motion by Caminiti, seconded by Cirillo, to approve

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

OPPOSED: None

MOTION CARRIED.

#### **NEW BUSINESS: Resolutions**

Resolution appointing Counsel

Motion by Caminiti, seconded by Minervini

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

OPPOSED: None  
MOTION CARRIED

Docket No. 7149 – Evangelou  
Motion by Caminiti, seconded by Gunderson, to approve  
FOR: Cirillo, Minervini, McKenna, Gunderson, Caminiti, Sheikh  
OPPOSED: None  
MOTION CARRIED

Docket No. 7151 – Hussain  
Motion by Caminiti, seconded by Minervini to approve  
FOR: Cirillo, Minervini, McKenna, Gunderson, Caminiti, Sheikh  
OPPOSED: None

Docket No. 7155 – Mizrahi  
Motion by Caminiti, seconded by Gunderson, to approve  
FOR: Cirillo, Minervini, McKenna, Gunderson, Caminiti, Sheikh  
OPPOSED: None  
MOTION CARRIED.

Docket No. 7153 – Ahmed  
Motion by Caminiti, seconded by Sheikh to approve  
FOR: Cirillo, Minervini, McKenna, Gunderson, Caminiti, Sheikh  
OPPOSED: None  
MOTION CARRIED.

#### **ADJOURNMENT**

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

Respectfully submitted:

Valerie Frazita, Board Secretary

