

BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS

July 22, 2021

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

PLEDGE

Led by Mr. Ricchiuti

ROLL CALL

Present: Mrs. Gunderson, Messrs. McKenna, Ricchiuti, Caminiti, Sheikh,
Absent: Messrs. Cirillo, Ivanicki, Minervini, Trione
Also present: John Schettino, Esquire
Valerie Frazita, Board 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 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

NEW BUSINESS: Appointment of Board of Adjustment Attorney

Motion by Caminiti, seconded by Gunderson, to appoint the firm of John L. Schettino, LLC

FOR: McKenna, Ricchiuti, Gunderson, Sheikh, Caminiti

OPPOSED: None

MOTION CARRIED.

PUBLIC HEARINGS: Residential

Docket No. 7165

Block 4404 Lot 1

Six foot fence in front yard setback

Julian and Noelle Rodriguez sworn.

Rodriguez

374 Elmwood Drive

Mrs. Rodriguez explained the proposed. Mr. Caminiti said that a corner lot is always a challenge. Fence will be white PVC.

Mr. Ricchiuti questioned distance to neighbors and any impact. Witness replied that neighbor's driveway on that side – no sight issue.

Mr. Schettino questioned proposed landscaping.

Mr. Caminiti added that both neighbors have fences.

Motion by Caminiti, seconded by Gunderson, to approve

FOR: McKenna, Ricchiuti, Gunderson, Sheikh, Caminiti

OPPOSED: None

MOTION CARRIED

Docket No. 7156

Block 5609 Lot 13

Retain two-story garage.

Gomez

265 McKinley Blvd

Andrew Kohut, Esquire, representing applicant.

Mr. Kohut advised Board that Gomez did not exacerbate setbacks – require variance for second level – addition already built – received building permit, construction began, neighbor raised issued of height – no timely appeal filed.

Jeffrey Gomez sworn. Stated has a storage issue – house on slab, no basement – felt could utilize garage for storage – high water table in area – need storage for family activities – built directly above existing garage, 20 feet high – no water, plumbing, heating, etc. – submitted plan 9/25/20, received permit 10/28, started building in January.

Mrs. Gunderson questioned framing and windows

Mr. Sheikh questioned storing mechanicals

Mr. Ten Kate questioned expanding footprint

Kathryn Gregory, Planner. Stated R-75 zone – detached garage legal existing structure – if garage attached could be built to 30 feet high. Mr. Caminiti commented that would not be here if built “sky bridge” to house. Ms. Gregory continued that if built separate storage structure would create run off – feel better plan to put level on existing garage – will be some “shadow” impact – no substantial detriment to public good or zone plan and ordinance – feel better planning alternative to additional building – not habitable space.

Mr. Schettino said that building has barn look – would not perceive as two-story from street – applicant stipulated that would never be habitable or have utilities installed.

Thomas Ferrante, 263 McKinley Blvd – questioned sheds in rear yard. Mr. Schettino replied that applicant stipulated would be removed. Mr. Gomez said using for temporary storage. Mr. Caminiti advised that he be prepared for sheds to come down.

Mrs. Ferrante, 263 McKinley Blvd, questioned flood issue and ordinances.

Michael O’Connell, Construction Official, stated that Mr. Gomez contacted Building Department – came in for permit – ceiling has to be below 7 feet – no heat, running water, etc. – barn door for loading – after hearing from Ferrante, looked at structure and stopped work – structure already built. Mr. Schettino questioned if anyone had challenged interpretation.

Mr. O’Connell continued that saw second story – advised that could either take out or make mezzanine.

Mr. Caminiti said that clearly a mistake by the Zoning Officer.

Ms. Gregory discussed side yard variance – not expanding past footprint.

Mrs. Ferrante questioned variance discrepancies.

A-1 (Attorney letter)

Mr. Ferrante discussed history of garage – destroying open space – invading privacy with windows.

Mrs. Ferrante felt should consider neighbors – discussed history of problem – read statement.

Mr. Caminiti questioned Mr. O’Connell on conversations with Ms. Meserole, Zoning Officer.

Omar Guerrero, 269 McKinley Blvd, stated that lives next door – no problem with garage which is on side of property.

Mr. Kohut advised Board that applicant did everything he was supposed to do - got permits, started construction, and then stopped. Issue becomes second floor – heard testimony on flooding issues, no basement – going above existing garage – complies with height – not habitable space – stipulate that would only be electric – going directly up -Zoning Officer interpreted Code – if attached to house could go up to 30 feet – no testimony on substantial detriment – request approval.

Mr. Ricchiuti that if had come before the Board, it would not be approved - applicant did everything he was told.

Mr. Caminiti said are talking about a floor under a roof, would not see – should bring Mayor and Council to “close hole” in Ordinance – if put in breezeway, would be legal – clearly missed by Zoning Officer, definitely a mishap in the Building Department – large and looks strange – could be a nice structure.

Mrs. Gunderson question why second shed not shown on site plan. Mr. Caminiti added that shed must be removed or applied for.

Mr. Caminiti said has bigger problem with structure than the floor – could come back with breezeway to house – there is big hole in Ordinance.

Mr. Sheikh said is struggling with decision – keeps hearing if attached to house. Mr. Caminiti added that officials put Gomez in this position.

Mr. Schettino advised that Ordinance allows 20 feet, not second story.

Motion to approve by Caminiti – NO SECOND.

Motion by Gunderson, seconded by Sheikh, to **DENY**
FOR DENIAL: McKenna, Ricchiuti, Gunderson, Sheikh
OPPOSED: Caminiti
MOTION CARRIED.

PUBLIC HEARINGS: Commercial

Docket No. 7160

Block 1901 Lot 3

Four-story self-storage facility

Paramus Development LLC

75 Route 17 S

CONTINUED FROM MAY 27, 2021

Jason Tuvel, Esquire, representing applicant.

Mr. Tuvel advised heard application in May – revised plans – reduced to 36 feet high – reduced building size – reduced coverage to 30% - sign will comply – reduced lighting level in paring – changed façade – complied with department reports.

Jeffrey Martel, Traffic Engineer. Discussed revisions. A-7 (rev site plan 7/6/21) Changes as a result of feedback – reduced building size and floor plan – reduced depth of building and height - building starts at 30 feet and steps up another story – reduced lighting in driveway, sidewalks, etc. – basement added – reduced impervious coverage – no hot box required – submitted soil application. A-8 (rev cross section sheet 7/6/21) A-9 (rendering 7/2/21) Not eliminating parking spaces – discussed elevations of area buildings.

Louis Vandeloecht, architect. Explained changes to façade – height at front 36 feet and then step up – signs will comply, one at center and one on east and west.

Ms. Ferrara questioned proposed landscaping.

Elisabeth McManus, planner. Stated well-suited for site, fits in with retail – new and modern facility – in character with retail and office – is destination facility – no traffic impact – redeveloping a “tired site” - low impact by nature – less parking, less traffic – positive to public good – no detriment to zone plan – is need for self-storage – no impact on area – only rear exceeds height.

Sam Levin, Esquire, representing Gabrellian building, questioned height.

APPLICATION CONTINUED TO AUGUST 12, 2021.

NEW BUSINESS: Resolutions

Docket No. 7133 – MPB Realty

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

Docket No. 6086-A – PSE&G

Motion by Caminiti, seconded by Ricchiuti, to approve resolution
FOR: 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. Ricchiuti, seconded by Mr. McKenna, that the meeting stand adjourned. Meeting adjourned 11:00.

Respectfully submitted: Valerie Frazita, Board Secretary

