

**BOARD OF ADJUSTMENT – BOROUGH OF PARAMUS
FEBRUARY 10, 2022**

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

PLEDGE

Led by Mr. Locicero

ROLL CALL

Present: Cirillo, Reda, Ricchiuti, Sullivan, Caminiti, Sheikh, Locicero
Absent: Messrs. McKenna, Trione
Also present: Daniel Lagana, Esquire
Joseph Garcia, Esquire
Valerie Frazita, Secretary
Mary Bauman, Court Reporter
Eileen Boland, Acting Engineer
Francis Reiner, Acting 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
Copy of notice posted on the public announcements bulletin board
Copy of same submitted to the Borough Clerk's office.

PUBLIC HEARING: Residential

Docket No. 7156-Appeal

Ferrante

Appeal of Administrative Officer's decision on Gomez application.

Mr. Mrs. Ferrante sworn
Andrew Kohut, Esquire, representing Gomez
Michael O'Connell, Construction Official
Joseph Garcia, Esquire, acting Board attorney

Mrs. Ferrante explained that after Gomez application denied, Mr. O'Connor permitted work on the site. Mr. Caminiti stated that additional work was permitted. Mr. Garcia advised that case before the Board is ruling on Mr. O'Connell's interpretation. Mr. Caminiti added that at no time during the hearing did the Board feel Mr. O'Connell did anything wrong.

Mr. Ferrante read Appeal. Mrs. Ferrante said Gomez is continuing to defy zoning rules. Mr. O'Connell allowed construction to continue – feel garage will be used as a warehouse – exceeds FAR. Mr. Caminiti advised that the Borough does not have an FAR Ordinance.

Mr. Garcia stated that one story is permitted – asked for evidence that Mr. O'Connell erred.

Mr. Kohut commented that majority of testimony is totally irrelevant - proper permits issued – commenced construction, 95% done – received stop work order – applied for variance and was denied – Mr. Gomez did everything he was supposed to do – 100% of what every citizen is supposed to do – applied for variance for second story. Mr. Kohut read definition of second story which was the only variance required. Board heard and denied only one variance – client removed second story – O'Connell is following Board's determination on second story, no full floor – time has run out for appeal of Board's determination – only thing tonight is what Board ruled and if O'Connell followed.

Mrs. Ferrante read Ordinance on "words". Mr. Garcia question case law. She continued to discuss action of Zoning Officer – see a lot of violations.

Mr. Kohut replied that nearest neighbor spoke in favor – side yard brought up – can go vertical or horizontal – variance not required.

Mr. Sullivan said that keeps hearing the word “deal” – not comfortable with that language, insinuates some bribery done – Mr. Gomez can put up any door he wants – questioned statement of “flood zone” – should present paper work to justify. Mrs. Ferrante advised that neighbor was renter.

In reply to Mr. Sullivan, Mr. O’Connell said that that Borough adheres to Moskowitz book for zoning questions – 20 foot high structure permitted – have never made a “deal” with anyone – attempting to do what Board said – measured height as 19.8-19.10 feet.

In reply to Mr. Locicero, witness said that height does not have to be reduced – flooring has to be removed to mezzanine status.

Mr. Ricchiuti said that under definition of “story”, Mr. Gomez complied with Board decision. Mr. O’Connell added that put stop work order on, nothing done – told needed architect to decide what beams, etc. have to be removed. No plans received as yet.

In reply to Mrs. Ferrante, Mr. O’Connell discussed zoning letter.

Mr. Caminiti advised Mr. Ferrante that Board would not put up with his actions. Mr. Garcia added that he continued to try to include things that are not relevant – only question is one story or two story. Asked for case law to back up statements.

Mr. Sullivan took umbrage on statement that Messrs. Garcia and Lagana are “working together”.

Mrs. Ferrante questioned floor joists. Mr. O’Connell answered that if remove floor joists, building still one story.

Mr. Garcia asked if Ferrante had any evidence that is two story building – read definition into record – only evidence is that is one story building – this is only issue.

Mrs. Ferrante read case law on res judicata. Mr. Kohut discussed res judicata – client has not brought in new application. Mr. O’Connell said Board made decision and he is acting on that decision. Mr. Kohut added that Board denied plan that showed second story – not the building itself. Mr. Garcia said that Board denied second story, when removed, Gomez can proceed – once second story floor is removed, does not need variance - not going to waste Board’s time on irrelevant issues.

Mrs. Ferrante discussed story height – no new plans for three months – cannot pull joists for loophole – discussed mezzanine. Feel unlawful structure. Mr. Kohut advised that Ferrante cannot just make up rules.

Mr. Mrs. Ferrante read closing statement – Mr. O’Connell has no authority to allow work – looks like two houses on one lot – O’Connell and Gomez show contempt of law – should have asked Board for interpretation.

Mr. Kohut advised that, in 20 years, had never heard anything against Mr. O’Connell – read denial letter and resolution – no other variance - if get rid of second story, no other variance needed – was no appeal within 28 days – only question is whether O’Connell complied with resolution.

Mr. Caminiti questioned Board members if they believed Mr. “Connell’s interpretation was correct.

Mr. Sullivan felt Mr. O’Connell did fantastic job, is a true professional – thanked Mr. Garcia for participating.

Motion by Caminiti, seconded by Cirillo, to DENY APPEAL.

FOR: Cirillo, Reda, Ricchiuti, Sullivan, Caminiti, Sheikh, Locicero

OPPOSED: None

MOTION TO DENY CARRIED.

MR. LAGANA RESUMED BOARD ATTORNEY POSITION.

Docket No. 7169

Block 4809 Lot 12.01

Paramus Investments/Parikh

1 Churchill Court

Erect 6-foot foot fence in front yard setback.

Continued from January 27, 2022.

Mr. Mrs. Parikh

D. Hroncich

Mr. Caminiti advised that applicant has submitted photos and as-built plan.

D. Hroncich described fence location on plan – east is 6 feet – stopped fence in front yard – 6 foot runs at south for 65 feet, then 3 foot for 25 feet – heading north is 3 foot – described photos.

Mr. Sullivan was concerned with view from food mart – suggested estate style fence so can see through. Ms. Hroncich said solid no problem – store is very busy with buses and trucks. Once Shade Tree plants, will not see fence.

Mr. Locicero felt that would be 40 foot wall along Paramus Road – should consider not making 6 foot further than to rear of house.

Mr. Caminiti suggested fence inside of arborvitae.

Mr. Reda suggested moving post for seepage pit.

Motion by Caminiti, seconded by Reda, to approve with condition white estate fence along Paramus Road.

FOR: Cirillo, Reda, Ricchiuti, Sullivan, Caminiti, Sheikh, Locicero

OPPOSED: None

MOTION CARRIED.

PUBLIC HEARINGS: Commercial

Docket No. 7141-Settlement

Block 1101 Lots 11, 12

Settlement agreement

Pacific Advertising

175 Route 4 W

Stephen Sinisi, Esquire, representing applicant.

Mr. Sinisi explained sequence that led to settlement and Whispering Woods hearing – reached a fair and reasonable agreement – giving public opportunity to express concerns – Board is aware of settlement, etc., and provisions – Vice President of Pacific is here if Board has any questions.

Mr. Lagana advised that have signed statements that new members have read transcripts and Board has been advised of all terms of settlement.

Mr. Sinisi said applicant has posted required funds.

Motion by Caminiti, seconded by Locicero, to approve settlement resolution

FOR: Cirillo, Reda, Sullivan, Caminiti, Sheikh, Locicero

OPPOSED: Ricchiuti

MOTION CARRIED.

NEW BUSINESS: Resolutions

Docket No. 7172 – Bullard

Motion by Caminiti, seconded by Sheikh, to approve resolution

FOR: Reda, Ricchiuti, Sullivan, Caminiti, Sheikh

OPPOSED: None

MOTION CARRIED.

NEW BUSINESS: Minutes

Motion by Caminiti, seconded by Sullivan, to approve January 27, 2022, Minutes

FOR: Reda, Ricchiuti, Sullivan, Caminiti, Sheikh, Locicero

OPPOSED: None

MOTION CARRIED.

ADJOURNMENT

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

Respectfully submitted:

Valerie Frazita, Board Secretary

