

STATE OF NEW JERSEY
COUNTY OF BERGEN
BOROUGH OF ELMWOOD PARK
PLANNING BOARD

IN RE:

MATTERS AND DECISIONS

RENDERED ON

WEDNESDAY, JULY 10, 2013

JULY 10, 2013
Municipal Bldg.
Elmwood Park, New Jersey 07407
Commencing at 8:00 pm

B E F O R E:

THE PLANNING BOARD OF THE BOROUGH OF ELMWOOD
PARK.

PRESENT:

RONALD P. VICARI, Chairman
LAWRENCE CASTIGLIA, Councilman/Vice Chairman
JOHN ADAMO, Bd. Secty.
RICHARD MOLA, Mayor/Member
CLAUDIA ROSS, Member
HARRY DECKER, Member
EUGENE LEONE, Member
MELVIN KAPLAN, Member
JOHN VIVIANI, Member
JOSEPH ABRAMO, Member
GISELLE DIAZ, Bd. Engineer
JOHN CONTE, JR., ESQ., Bd. Attorney

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INDEX

APPLICANT	DISPOSITION	PAGE
BUSINESS C.O. APPLICATIONS:		
BAGLIERI (B13-033)	Carried	3
YILDIZ (B13-039)	Granted	4
SINGH (B13-040)	Granted	5
PUCCIO (B13-046)	Granted	5
BERNSTEIN (B13-048)	Granted	6
AGENDA:		
SZCZECINA (P13-004)	Granted	7
MARBLE ARCH HOLDINGS (P130-005)	Transferred to Board of Adjustment	3
KLEIN (P13-006)	Granted	8
RESOLUTION:		
TSUO (P13-001)		3
BIO REFERENCE LABORATORIES, INC. (P13-002)		3
ELRAC, LLC (P13-003)		4

THE CHAIRMAN: The regular meeting of the Elmwood Park Planning Board is called to order.

This meeting is being held in compliance with the Open Public Meetings Act.

Whereupon roll call is taken.

Roll call: Present were Members Adamo, Councilman Castiglia, Decker, Kaplan, Leone, Mayor Mola, Ross, Vicari, Viviani, and Abramo; Mr. Chirido was absent.

The Chairman announced the matter of FRANK BAGLIERI (B13-033) will be carried to the September 4th and September 11, 2013 meetings.

The Chairman also announced the matter of MARBLE ARCH HOLDINGS (P13-005) will be transferred to the Board of Adjustment and will be heard on July 24, 2013.

Mr. Vicari made a motion to accept the minutes of the June 5, 2013 meeting, seconded by Mr. Leone.

Roll call vote: Voting yes in favor of motion were Members Vicari, Leone, Councilman Castiglia, Adamo, Mayor Mola, Ross, Kaplan, Decker and Viviani.

Mr. Adamo made a motion to accept the minutes of the meeting of June 12, 2013, seconded by Mr. Vicari.

Roll call vote: Voting yes in favor of motion were Members Vicari, Leone, Councilman Castiglia, Adamo, Mayor Mola, Ross, Kaplan, Decker and Viviani.

Mr. Adamo made a motion to approve the Resolution in the matter of JOHN TSUO (P13-001), seconded by Mr. Leone.

Roll call vote: Voting yes in favor of motion were Members Vicari, Leone, Councilman Castiglia, Adamo, Mayor Mola, Ross, Kaplan, Decker and Viviani.

Ms. Ross made a motion to approve the Resolution in the matter of BIO REFERENCE LABORATORIES (P13-002), seconded by Mr. Kaplan.

Roll call vote: Voting yes in favor of motion

were Members Vicari, Leone, Councilman Castiglia, Mayor Mola, Ross, Kaplan, Decker and Viviani.

Mr. Decker made a motion to approve the Resolution in the matter of ELRAC (P13-003), seconded by Mr. Viviani.

Roll call vote: Voting yes in favor of motion were Members Vicari, Leone, Councilman Castiglia, Mayor Mola, Ross, Kaplan, Decker and Viviani.

BEDROS YILDIZ (B13-039) (GRANTED)
PREMISES AFFECTED: 320 Molnar Drive, Block 1404, Lot 1.
TENANT: Armo Fuel LLC, Service Station.

DAVID CARMEL, ESQ., appeared on behalf of the applicant.

BEDROS VILDIZ, 15 Beverly Place, Edgewater, New Jersey, sworn.

Mr. Vildiz testified he operates a gasoline business in Elmwood Park Monday through Sunday, 5 am to 10 pm, with a maximum of two employees per shift. They have 14 parking spaces.

Mr. Carmel indicated they have discussed signage with the Zoning Officer and the Chairman stated they are not entertaining that aspect of the application, only the Certificate of Occupancy.

Mr. Vildiz testified the former tenant was a Luk Oil station and this will be a Delta station. He testified they replaced the tanks and pumps, and the canopy will be renovated.

The Chairman reminded the applicant that this will all be encompassed in a Resolution.

After further discussion and questioning by the Board, the Chairman opened the meeting to the public.

Hearing no one, the Chairman closed the public portion.

Mr. Kaplan made a motion to approve, seconded by Councilman Castiglia.

Roll call vote: Voting yes in favor of motion were Members Vicari, Leone, Councilman Castiglia, Adamo, Mayor Mola, Ross, Kaplan, Decker and Viviani.

GURPAL SINGH (B13-040) (GRANTED)
 PREMISES AFFECTED: 348 Market Street, Block 1302, Lot
 40.
 TENANT: Gurpal Singh -- Service Station and Auto Repair.

DAVID RUSSO, ESQ., appeared on behalf of the
 applicant.

GURPAL SINGH, 140 Cane Street, Bogota, New
 Jersey, sworn.

Mr. Russo indicated that his client was approved
 for and operates a gas station/auto repair facility and
 would like to now perform auto repairs himself, as
 opposed to the people he previously had making repairs,
 as this is a family owned business. There will still be
 2 gasoline pumps, 4 repair bays and gas sold 7 days a
 week, Monday through Sunday, 6 am to 12 am; the repair
 aspect will be 6 days a week, Monday through Friday, 8
 am to 6 pm and Saturday 8 am to 3 pm with no Sunday
 repairs.

There will be a maximum of 4 employees on the
 highest shift and no storage of vehicles/containers on
 site. There will also be no sale of vehicles on site.

Parking will conform with the original plan of
 6/11, with the latest plan showing the dumpster and the
 new plan shows now 10 parking spaces.

Mr. Singh testified he's one of the owners of the
 subject premises and has had the station for
 approximately 2 years. He had been selling gas but not
 making auto repairs and is now requesting to do same
 himself. Other than that, everything else will remain
 the same.

The applicant agreed to leave the gate locked
 that separates his premises from St. Leo's Church.

After further discussion and questioning by the
 Board, the Chairman opened the meeting to the public.
 Hearing no one, the Chairman closed the public portion.

Mayor Mola made a motion to approve, seconded by
 Mr. Leone.

Roll call vote: Voting yes in favor of motion
 were Members Vicari, Leone, Councilman Castiglia, Adamo,
 Mayor Mola, Ross, Kaplan, Decker and Viviani.

GERRY PUCCIO (B13-046) (GRANTED)
 PREMISES AFFECTED: 430 Market Street, Lot 1410, Lot 4.
 PURPOSE: Application for pre-owned automobile sales.

VICTOR BROCCOLI, ESQ. appeared on behalf of the

applicant.

JORGE ROSARIO, 595 Rhein Court, New Milford, New Jersey, sworn.

GERRY PUCCIO, 3 Conklin Lane, Rockleigh, New Jersey, sworn.

Mr. Broccoli indicated he is appearing on behalf of the tenant, Blimpies. He indicated Mr. Rosario will be selling cold/hot sandwiches, sodas, salads, wrap sandwiches, etc., with proposed hours of operation of 8 am to 8/9 pm, 7 days per week.

Mr. Broccoli stated that as per last week's work meeting, they have provided a parking plan for the property. They described same indicating parking at 8 am, 12 pm and 5 pm. The parking lot has a maximum of 88 parking spaces including 2 handicapped spaces. At 8 am, there are about 25/30 cars in the lot; at 12 pm, 35/40; at 5 pm, 35/40 (which demonstrates ample parking).

After further questioning and discussion by the Board, the Chairman opened the meeting to the public. Hearing no one, the Chairman closed the public portion.

Mr. Leone made a motion to approve, seconded by Mr. Kaplan.

Roll call vote: Voting yes in favor of motion were Members Vicari, Leone, Councilman Castiglia, Adamo, Mayor Mola, Ross, Kaplan, Decker and Viviani.

KEN BERNSTEIN (B13-048) (GRANTED)
 PREMISES AFFECTED: 100 Broadway, Block 301, Lot 2.
 TENANT: Sue Mager - Sleepy's.

NILUFER O. DE SCHERER, ESQ. Appeared on behalf of the applicant.

ANDREW STEWART, 26 Lincoln Place, North Brunswick, New Jersey, sworn.

Ms. DeScherer indicated her client is here with one of the representatives of Sleepy's and the application is for a continued use of occupancy.

Ms. DeScherer described the area in question. She stated the landlord is RD Elmwood Associates, who signed the application, but is not present.

Mr. Stewart testified the purpose of this building is for selling mattresses and accessories. It will be staffed by no more than 3 people. There is no dedicated parking and same is shared. Deliveries will be accomplished in the rear. The dumpster will be changed out twice weekly.

They do not deliver from this location and certain items can be picked up by the customer.

Hours of operation are Monday through Saturday, 10 am to 9 pm.

Deliveries are made to this location no earlier than 10 am and no later than 8:30 pm, one delivery per week, all through the rear.

Small renovations will be made, such as carpet.

After further discussion and questioning by the Board, the Chairman opened the meeting to the public. Hearing no one, the Chairman closed the public portion.

Mr. Kaplan made a motion to approve, seconded by Councilman Castiglia.

Rollcall vote: Voting yes in favor of motion were Members Vicari, Leone, Councilman Castiglia, Adamo, Mayor Mola, Ross, Kaplan, Decker and Viviani.

MICHAEL SZCZECINA (P13-004) (GRANTED)
 PREMISES AFFECTED: 15 Jan Court, Block 1103, Lot 10.02.
 PURPOSE: Minor Subdivision - Zbigniew Sudol.

WILLIAM KAY, ESQ., appeared on behalf of the applicant.

ZBIGNIEW SUDOL, 4000 Riverdale Road, Apt. 201, Riverdale, New Jersey, sworn.

MICHAEL SZCZECINA, 13 Jan Court, Elmwood Park, New Jersey, sworn.

MICHAEL L. RITCHIE, Land Surveyor, sworn.

The Chairman indicated the Board will not be hearing anything having to do with driveways, etc.

Mr. Kay indicated this application consists of transferring 5,778 square feet from Lot 10.02 to Lot 11, by changing 2 property lines.

Mr. Sudol intends to construct a duplex, one portion where he will reside as a principal resident with no variance needed for the subdivision or for the residence to be constructed. He indicated the application has been approved by Boswell's 6/25 letter and the subdivision map has been drawn by Michael Ritchie.

The Chairman noted that Boswell's letter has stated the application can be heard.

Mr. Ritchie testified Lot 11 has an existing home consisting of 5,000 square feet. The other portion is vacant. The conveyance will result in 2 conforming lots. There are no variances required for the lots and they depicted a house that could be built on the lot that

does not effect the adjacent property owners.

He testified they are aware that Mr. Sudol will have to go to the Building Department and get a plot plan and approval, so they are not requesting anything relative to the construction of the house. He testified they are repositioning the lot line.

After further discussion and questioning by the Board, the Chairman opened the meeting to the public. Hearing no one, the Chairman closed the public portion.

Mr. Adamo made a motion to approve, seconded by Mr. Leone.

Roll call vote: Voting yes in favor of motion were Members Vicari, Leone, Councilman Castiglia, Adamo, Mayor Mola, Ross, Kaplan, Decker and Viviani.

HOWARD KLEIN (P13-006) (GRANTED)
 PREMISES AFFECTED: 4 Midland Avenue, Block 1508, Lot 12 and 3 Midland Avenue, Block 1411, Lot 7.
 PURPOSE: Site plan approval to erect a generator in an existing parking lot on site. Variances for minimum front yard setback and minimum side yard.

THOMAS DUCH, ESQ., appeared on behalf of the applicant.

HOWARD KLEIN, 4166 Ryst Street, Fair Lawn, New Jersey, sworn.

RICHARD KLEIN, 103 Greenfield Hill, Franklin Lakes, New Jersey, sworn.

THOMAS CLEARY, 853 Berkley Street, Apt. A, New Milford, New Jersey, sworn.

THOMAS G. STEARNS, Engineer, 144 Jewel Street, Garfield, New Jersey, sworn.

Mr. Duch indicated this application is requesting Permission to install a generator for Superior Distributors. The generator would service both Blocks 1508 and 1411.

Mr. Duch indicated as a result of the work meeting they have produced an exhibit this evening that indicates the location of the generator vis-à-vis the closest residential home, etc. Mr. Duch said they would also address the storage lockers.

Mr. Howard Klein testified he is the president of the company and familiar with the day-to-day operations. He testified they sell products to the State of New Jersey, such as construction materials, safety materials, gas cans, clothing, etc. During Hurricane Sandy they serviced the Fire/Police Depts. with rock

salt, snow chains, boots, etc. They found it difficult to maintain operations during the power failure. It cost them \$6,000 for renting a generator.

Mr. Duch referred to a note received from Mr. Sirota indicating 8 containers have been in place for more than 10 years and 2 to 4 in place for over 15 years.

Mr. Richard Klein testified he is the vice president of the company. He testified their hours of operation are 7:30 am to 5 pm, Monday through Friday, and 7:30 am to 1 pm on Saturday.

He described the premises in question and testified their property is not serviced by Municipal sewers but, instead, septic.

He testified there are approximately 40 employees and the latest they stay is 5:30 pm Monday through Friday, and 1:30 pm on Saturday with no Sunday hours.

He testified the generator will service both 3 Midland Avenue and 4 Midland Avenue, and will have a dual breaker system. The applicant agreed that in the event of a sale of one of the properties, they have to re-appear before the Board to address disconnecting one generator, i.e., the generator is for Superior's use in both buildings.

He testified the loading dock is on the northeast side of the building. He testified deliveries commence at 7:30 am and they receive approximately 5-10 per day. They will exit via Midland Avenue. There are approximately 3-5 tractor trailer deliveries and the balance is UPS, etc.

The Board recognized and accepted Mr. Stearns' qualifications, as he's appeared many times before this Board. Mr. Stearns described the closest residential property as being 220 feet from the proposed generator which is also across from the railroad tracks. Mr. Stearns reviewed the site plan for the Board.

Mr. Cleary testified he is employed by Atlantic Detroit Diesel in Lodi, and has been employed there since 2006. He testified that regarding noise levels produced by the proposed generator, it will be 79 decibels at 23 feet. He testified the New Jersey Ordinance is 65 decibels to the closest property line during nighttime hours, and 55 during daytime hours, except during emergencies.

Mr. Duch indicated to the Board his clients are proposing to remove the four containers in front of the building within the next year and each year they will get rid of four.

The Chairman suggested that the applicant supply a hard date for the addition to Building 3 and have

everything done, containers removed, within five years.

After a brief recess, the applicant agreed that testing for the generator will not be before 10:00 am or after 5 pm, and not on Sunday.

Mr. Duch indicated that after consultation with his clients, they will consult with the Building Department/Zoning Official, etc., and begin construction in the Spring of next year, and within five years all containers will be removed.

The Chairman suggested, as per Resolution, one year from September 30, 2013 four containers will be removed and by the end of year two, a total of 9 removed, and on each anniversary, four additional removed; by year five, all will have been removed. The applicants agreed.

After further discussion and questioning by the Board, the Chairman opened the meeting to the public. Hearing no one, the Chairman closed the public portion.

Mr. Adamo made a motion to approve, with the agreed-to schedule of removal of containers, and all the agreed-to stipulations that will be in the Resolution, which motion was seconded by Mr. Leone.

Roll call vote: Voting yes in favor of motion were Members Vicari, Leone, Councilman Castiglia, Adamo, Mayor Mola, Ross, Kaplan, Decker and Viviani.

There being no further matters before the Board, Mr. Kaplan made a motion to adjourn, seconded by Mayor Mola, and all members voting in favor of adjournment, the Chairman adjourned the meeting.

JOHN ADAMO, Board Secretary