

STATE OF NEW JERSEY  
COUNTY OF BERGEN  
BOROUGH OF ELMWOOD PARK  
ZONING BOARD OF ADJUSTMENT

IN RE:

MATTERS AND DECISIONS RENDERED

ON WEDNESDAY, APRIL 24, 2019

APRIL 24, 2019  
Municipal Building  
Elmwood Park, New Jersey 07407  
Commencing at 7:30 pm

B E F O R E:

THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF  
ELMWOOD PARK.

PRESENT:

FRANK DELLIGATTI, Chairman  
DEBORAH ALVAREZ, Member  
DOMINICK SCALCIONE, Member  
KENNETH VAN RYE, Member  
JOSEPH BENIAMINI, Member  
DONALD INGRASSELINO, Member  
ANGELO PANETTA, Member  
JAMES GOLEMBISKI, Bd. Secty.  
ELLIOT F. SACHS, Bd. Engineer  
ANDREW BOLSON, ESQ., Bd. Atty.

JOSEPH NATALE, C.S.R.  
30 Cedar Island Drive  
Brick, New Jersey 08723  
(732) 477-6710

## I N D E X

APPLICANT	DISPOSITION	PAGE
AGENDA:		
BRAR REALTY EAST RUTHERFORD, LLC (A19-003)	GRANTED	4
SN INVESTMENTS (A19-004)	CARRIED	3
RESOLUTION:		
JAN BRZYZEK (A19-002)		3

THE CHAIRMAN: Good evening, this is the regularly scheduled meeting of the Elmwood Park Zoning Board of Adjustment called to order according to the Open Public Meetings Act.

At this time the Notice Requirements were read into the record.

(Whereupon there is a flag salute.)

Roll call vote: Present were Members Panetta, Ingrasselino, Delligatti, Scalcione, Alvarez, Beniamini, Baglieri (arrived late) and VanRye.

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Ms. Alvarez made a motion to accept the minutes of the March 27, 2019 meeting, seconded by Mr. Scalcione.

Roll call vote: Voting yes in favor motion were Members Panetta, Delligatti, Scalcione, Alvarez, Beniamini and VanRye; Mr. Ingrasselino abstained.

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Ms. Alvarez made a motion to accept the Resolution in the matter of JAN BRZYZEK (A19-002), seconded by Mr. Beniamini.

Roll call vote: Voting yes in favor of motion were Members Panetta, Delligatti, Scalcione, Alvarez, Beniamini and VanRye; Mr. Ingrasselino abstained.

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At this time, the Chairman read into the record Mr. Ingrasselino's resignation from the Board.

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SN INVESTMENTS (A19-004) (CARRIED)  
 PREMISES AFFECTED: 185 East 54th Street, Block 504, Lot 39.  
 PURPOSE: D(3) Variance for a contractor's office.

The Chairman read into the record a request to carry this matter to the 5/24/19 meeting.

Mr. Ingrasselino made a motion to carry this matter, seconded by Mr. Panetta.

Roll call vote: All voted in favor; Mr. Ingrasselino abstained.

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BRAR REALTY (A19-003) (GRANTED)  
 PREMISES AFFECTED: 68 Route 46 East, Block 1210 Lot 3.  
 PURPOSE: D(3) Variance, front yard setback, rear yard  
 and sign variance for a convenient store and service  
 station.

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

At this time, A-1 was received and marked  
 (Preliminary and Final Site Plan.)

Mr. Duch stated his client would like to replace  
 the present out-lived gas station/3-bay repair garage  
 with brand new tanks, canopy (being revised), pumps and  
 a small convenience store.

AMARJEED BRAR, 268 Gordon Drive, Paramus, New  
 Jersey, sworn.

Mr. Brar testified he is the owner of Brar Realty  
 and is authorized to speak on behalf of same. He  
 testified he is demolishing everything, revising the  
 canopy and remodelling the whole facility and will run  
 the business with family.

BRIAN J. SHORTINO, Engineer, 66 Glen Avenue, Glen  
 Rock, New Jersey, sworn.

Mr. Shortino was qualified and testified as a  
 licensed professional engineer in the State of New  
 Jersey.

Mr. Shortino reviewed A-1 and reviewed the  
 property in question and the surrounding area. He  
 testified everything, will be demolished and re-done,  
 except for the canopy with an addition.

At this time, A-2 (landscape rendering) was  
 received and marked. Mr. Shortino reviewed A-2 before  
 the Board and described same.

Mr. Shortino testified they are putting  
 delineated driveways on Route 46 and Roosevelt Avenue.  
 He testified they will also provide landscaping to this  
 impervious area.

The repair bays will be eliminated and a  
 convenience store added.

There will be two underground storage tanks  
 installed, both with 15,000 gallon capacity.

There will be a three-pump island and two kiosks.

The existing sign will remain and they are adding  
 one additional sign noting the convenience store, making

a total of five signs.

He testified they are providing 11 parking spaces and have an additional 12 spaces underneath the canopy for a total of 23 spaces.

Mr. Shortino reviewed the requested variances.

(At this time, the record notes the appearance of Mr. Baglieri.)

There will be two employees on the highest shift for the convenience store and the also two for the gas operation. The fuel deliveries would take place between 10 am and 2 pm.

Mr. Brar testified trash pickup would be in the morning between 4 am and 5 am, twice a week.

Convenience store deliveries will be between 10 am and 11 am, maximum twice weekly.

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

JEFFREY FREITAG, 35 Hillman Drive, Elmwood Park, New Jersey, sworn.

Mr. Freitag questioned the amount of parking mentioned by the applicant, and possible backups in the driveways and how same would effect the highway.

Mr. Freitag questioned the location of the canopy. He also expressed concern about the times for fuel delivery and any potential safety problems because of the proximity of the school.

Mr. Freitag also questioned the trash pickup times. He also questioned the curb cuts.

After further discussion and questioning by the Board, and hearing no one further from the public, the applicant presented the next witness.

KENNETH OCHAB, 12-16 Fair Lawn Avenue, Fair Lawn, New Jersey, sworn.

Mr. Ochab was received by the Board as a licensed planner in the State of New Jersey.

Mr. Ochab reviewed the report before the Board that he prepared. He testified this is an expansion of a pre-existing non-conforming use. He testified the convenience store is a permitted use, but the expansion of the gas station is not a permitted use.

Mr. Ochab testified the approval of the Variance will improve the property and make it more esthetically

pleasing.

Mr. Ochab also reviewed photographs that he had taken which were before the Board.

He further reviewed all the Variances before the Board, as well as the negative and positive criteria.

After further discussion and questioning by the Board, the Chairman opened the meeting to the public. The record notes no one appeared, and the Chairman closed the public portion.

The applicant noted the lighting will remain at 5,000, with the Municipality approval over a six-month period.

After further discussion and questioning by the Board, Mr. VanRye made a motion to approve, with all agreed-to conditions, which motion was seconded Mr. Panetta.

Roll call vote: Voting yes in favor of motion to approve were Members Panetta, Ingrasselino, Delligatti, Alvarez, VanRye, and Beniamini; Mr. Scalcione voted no; Mr. Baglieri abstained.

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There being no further business, Mr. Panetta made a motion to adjourn, seconded by Ms. Alvarez, and all voted in favor of adjournment.

JAMES GOLEMBISKI, BOARD SECRETARY