

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

IN RE:

MATTERS AND DECISIONS RENDERED

ON WEDNESDAY, JUNE 26, 2019

JUNE 26, 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
FRANK BAGLIERI, Member
ANGELO PANETTA, Member
KENNETH VAN RYE, Member
JAMES GOLEMBISKI, Bd. Secty.
NICKI M. LOULLOUDIS, Bd. Engineer
JOHN CONTE, JR., ESQ., Bd. Atty.

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

I N D E X

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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.

(Whereupon the flag salute commences.)

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

Roll call vote: Present were Members Panetta, Delligatti, Scalcione, Alvarez, Baglieri and Van Rye; Mr. Beniamini was absent.

Mr. Panetta made a motion to approve the minutes of last month's meeting, seconded by Ms. Alvarez.

Roll call vote: All voted in favor; Members Baglieri and Van Rye abstained.

Mr. Panetta made a motion to approve the nomination of the new Board Attorney, John Conte, Jr., Esq., seconded by Mr. Baglieri.

Roll call vote: All voted in favor of motion.

KATHLEEN SURDYKA (A19-007) (GRANTED)
 PREMISES AFFECTED: 376 Gilbert Avenue, Block 802, Lot 4.01.
 PURPOSE: Variance for rear yard setback and lot coverage.

KATHLEEN SURDYKA, 376 Gilbert Avenue, Elmwood Park, New Jersey, sworn.

Ms. Surdyka testified she would like to have a four-season room constructed in the rear of her home, which will be 4" into the backyard setback. There will be no other patios or concrete surface added.

She testified there is 3.7% lot coverage.

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. Baglieri made a motion to approve, seconded by Mr. Panetta.

Roll call vote: All voted in favor.

THERESA CALLAHAN (A19-008) (GRANTED)
 PREMISES AFFECTED: 163 Hillman Drive, Block 1304, Lot 26.
 PURPOSE: Variance for green area for above ground pool.

THERESA CALLAHAN, 163 Hillman Drive, Elmwood Park, New Jersey, sworn.

Ms. Callahan testified she is seeking to put in a 15' above-ground pool and does not meet the 35% green area around her property. Ms. Callahan will explore two options, one, upgrade her existing gates, or two, a prescribed lock and ladder.

At this time A-1 (Photograph) is received and marked.

Ms. Callahan testified that if approved, she would comply with any and all State/Municipal requirements. She testified she's owned the property for twenty years.

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. Baglieri made a motion to approve, seconded by Ms. Alvarez.

Roll call vote: All voted in favor.

ANTHONY TORCIVIA (A19-005) (CARRIED)
 PREMISES AFFECTED: 55 Grant Street, Block 1003 Lot 23.
 PURPOSE: Variance for garage space parking, curb cut and front yard green area to convert to a two-family.

The Chairman announced the Board is in receipt of a letter requesting this matter be carried to the July 24th, 2019 meeting.

Mr. Baglieri made a motion to carry this matter, without prejudice, which motion was seconded by Ms. Alvarez.

Roll call vote: All voted in favor.

AVEROM BLACK (A19-009) (GRANTED)
 PREMISES AFFECTED: 3 Rena Lane, Block 1309, Lot 13.
 PURPOSE: Variance for 6' patio setback.

AVEROM BLACK, 3 Rena Lane, Elmwood Park, New Jersey, sworn.

Mr. Black testified he is applying for a variance to bring his paver patio to the property line, as there

is a 6' setback and a variance is required.

He testified the pavers that are existing are under the wooden deck and described the area in question. He further testified regarding drainage; a few inches from the retaining wall, there is an open space which will not have any pavers, there will be river stones, which will accommodate drainage.

He also described a decorative wall used for people to sit on.

The applicant agreed, if approved, he would install the geo-textile fabric as suggested.

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.

The applicant agreed that, should the application be approved, that the drainage would be 18" and no pavers in that area; there would be 3" river stone type material there and no drainage behind the retaining wall.

Inside the drainage trough, a geo-textile fabric will be installed. This will also be subject to a six-month Boswell review.

Mr. Baglieri made a motion to approve, with all the agreed-to stipulations, seconded by Ms. Alvarez.

Roll call vote: All voted in favor.

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

BLAGOJA PETRESKI, ESQ. Appeared before the Board on behalf of the applicant.

IRENA STOJCESKI, 46 Chobot Lane, Elmwood Park, New Jersey, sworn.

Mr. Petreski stated they are before the Board for a use variance and several bulk variances. The bulk variances are pre-existing. He stated the prior uses was as a deli and it has been closed for at least seven or eight years. The property has been vacant and basically deteriorating.

His client has purchased the property with the intention of converting same to office space. They own a construction company and this would be their primary offices. There will be no storage of any kind.

Ms. Stojceski testified she is an owner and president of SN and has authority to speak on SN's

behalf.

She testified this will be strictly used for office space.

Ms. Stojceski described the interior layout of the office space.

They will perform improvements such as a new facade with cultured stone, replace windows and repave the parking lot. They will also renovate the interior.

On any given day, there will be no more than four employees. On rare occasions when there are meetings, there would be approximately two or three more people. They would require, at most, six or seven parking spaces.

The hours of operation are 8:30 to 4:30, Monday through Friday, no weekends.

Ms. Stojceski reviewed the plans before the Board.

There will be limited storage inside the garage.

She testified the existing lighting is sufficient and there will not be additional lighting.

They will also add landscaping.

There will be not signage on the building, but a window will contain their company name.

The applicant agreed to put motion detector lights on the side of the building.

Ms. Stojceski testified they are general contractors and do public work.

JILL HARTMANN, Planner, 21 Sparrow Bush Road, Mahwah, New Jersey, sworn.

Ms. Hartmann was qualified and testified as a licensed planner in the State of New Jersey.

Ms. Hartmann testified the curb cut is an existing condition and has been there since the deli; there was never a need to formally create a curb cut.

She testified when the parking lot is improved, they will repave, stripe and create the curb cut, and make it official.

Ms. Hartmann reviewed photographs of the subject premises for the Board and reviewed the location of the subject premises.

She testified the trash enclosure will be moved to the right side of the building, where the proposed motion detectors will be.

Ms. Hartmann reviewed the requested variances. She confirmed they will provide ten parking spaces, resulting in a variance of one space. She testified the proposed use promotes the general welfare and is particularly suited for this use. She also reviewed the special reasons and testified this will present no

negative impact to the general public or surrounding area.

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.

As a result of deficiencies effecting the notice requirements, the applicant agreed to carry this matter to the July 24th, 2019 meeting.

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

Roll call vote: All voted in favor.

20 BUSHES LANE LLC -
STRAVAL MACHINE COMPANY

(A19-006)

(CARRIED)

PREMISES AFFECTED: 20 Bushes Lane, Block 1106, Lot 13.
PURPOSE: Use variance, side yard, rear yard, floor area ratio, lot coverage and parking.

GERALD SALERNO, ESQ., appeared on behalf of the applicant.

Mr. Salerno stated they are appearing with respect to two properties, 20 Bushes Lane and 8 Bushes Lane.

The structure located on 8 Bushes Lane4 was removed from the site and is now a vacant piece of property. He indicated they are seeking to consolidate the two lots and want to construct an addition on 8 Bushes Lane, which will be attached to 20 Bushes Lane, and will be occupied by Straval Machine Company.

Proposed on the new existing structure is a second floor apartment.

The applicants are seeking preliminary and final site plan approval. They are also seeking a use variance, as a result of the residential apartment not permitted in this particular zone.

EDWARD SIMIN, 355 Mulberry Court, Wyckoff, New Jersey, sworn.

Mr. Simin testified he is the owner of Straval Machine Company for 31 years. They manufacture strainers and valves and they sell worldwide, as far as China. Most of their business is done through the website. They sell through distributors and customers can actually order their products on-line.

He testified he moved to 20 Bushes Lane approximately middle to summer of 2017.

Mr. Simin described improvements that were

performed when he initially moved in. They do store some product on site, but their products are primarily made to order.

He currently has 22 employees. Their current hours of operation are 7:30 a.m. to 4:00 p.m., which will not change, with overtime as needed. There are sometimes Saturday morning hours, but rarely past 12:00/1:00 p.m.

In the future, they may add 2 to 4 employees.

They keep a van parked here overnight, as per a Planning Board Resolution. No equipment will be stored outside.

They receive UPS deliveries on a daily basis. They have a loading dock and a ramp to accommodate same.

They will utilize the existing dumpster and will not add another one.

There will not be a transformer on site, same will be removed.

No noise will emanate to the neighboring properties. There are no noxious fumes or odors.

Mr. Simin testified he is asking permission to construct a residential, two-bedroom, 2,200 square foot apartment on the second floor so he can reside here and eliminate his commute and be more productive.

PERRY CHEVESTICK, Architect, 132 Delaware Lane, Franklin Lakes, New Jersey, sworn.

Mr. Chevestick was qualified and testified as a licensed architect in the State of New Jersey.

Mr. Chevestick testified he prepared the plans before the Board and described and reviewed same. He testified that in regards to a question raised by the Board's Engineer, regarding the absence of a deck, same can't be seen as the railing is 36" high and the parapet is 36" high; you therefore can't see it. It is, however, a standard deck with a railing around it.

The two buildings will be connected with a V-shape of block as access.

DAVID HALS, Engineer, 9 Post Road, Suite M11, Oakland, New Jersey, sworn.

Mr. Hals was qualified and testified as a New Jersey licensed engineer/planner.

Mr. Hals testified he prepared the plans before the Board and reviewed same. He testified he prepared the 2017 plans and testified before the Planning Board at that time. He testified as to renovations that were accomplished regarding the two loading docks. They also reworked the parking area for a total of 23 parking spaces.

He described 8 Bushes Lane as currently a vacant piece of property. He testified it sits between two properties, Lot 13 (20 Bushes Lane) and Lot 11 immediately to the right.

Mr. Hals described the subject premises and the surrounding area. He testified the proposal is to consolidate the two lots and construct an addition.

He described the two-bedroom apartment proposed on the second floor. There will be 12 parking spaces in front of the building. The total number of parking spaces, after the consolidation, will be 35.

Mr. Hals testified that although the plan calls it warehouse, it is really product development. He testified when the buildings are joined, the facades will match exactly.

The two-story level shown represents the residential unit on the second floor.

It will remain two separate buildings, except for a pass-through area between the buildings. They are proposing one building mounted light which will illuminate the front parking area, without any spillage to the surrounding properties.

Mr. Hals reviewed their proposed landscaping. He reviewed the Borough Engineer's report and addressed same. He provided planning testimony and described the neighborhood and the existing uses.

Mr. Hals reviewed the site plan before the Board and same was received and marked as A-1. He testified, in his opinion, there is no negative impact or substantial detriment to the public if this is approved.

He testified, regarding the height, they probably could make it a flat roof over the residential rather than a pitched/sloped roof.

The applicant agreed to amend the application to adjust the pitch of the roof to bring it just below the 33' requirement.

Mr. Hals testified the positives outweigh the negatives.

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

GEORGE VANKAT, 37 Chobot Lane, Elmwood Park, New Jersey, sworn.

Mr. Vankat testified at one time this area was a farm and then the Town changed it to commercial. He testified after he built his house, they put a building 3' off the property line, right behind his house. Then he moved, put another house and they put the next building right there. He testified at that time, a different Board promised it would never happen again. He

testified he doesn't mind what they're doing, but he doesn't want that wall 3' from his property again.

He also testified about flooding conditions. Mr. Vankat produced photographs for the Board.

KAREN VANKAT, 33 Chobot Lane, Elmwood Park, New Jersey, sworn.

Ms. Vankat testified ordinances are in place to protect the taxpayers. She testified she resided in her premises for six years before they put up that building, pre-ordinances. She testified that now the ordinances are to protect residents.

She also testified to flooding conditions.

Ms. Vankat also expressed concern about the height of the building.

Hearing no one further, the Chairman closed the public portion.

Mr. Salerno requested to carry this matter, without further notice, as a result of comments made.

Mr. Baglieri made a motion to carry this application until the July 24th, 2019 meeting, seconded by Mr. Panetta.

Roll call vote: All voted in favor.

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

JAMES GOLEMBISKI, BOARD SECRETARY