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

IN RE: MATTERS AND DECISIONS  
RENDERED ON  
WEDNESDAY, OCTOBER 28, 2020

TAKEN PLACE: Municipal Building  
Elmwood Park, New Jersey  
Commencing at 7:30 PM

BEFORE: THE ELMWOOD PARK ZONING  
BOARD OF ADJUSTMENT

PRESENT:

- JAMES GOLEMBISKI, CHAIRMAN
- FRANK BAGLIERI, Bd. Secretary
- JOSEPH BENIAMINI, Member
- DEBORAH ALVAREZ, Member
- DOMINICK SCALCIONE, Member
- ANGELO PANETTA, Member
- KEN VANRYE, Member
- MARK GLOEDE, Member
- CHAKIB FAKHOURY, Member

ALSO PRESENT  
JOHN CONTE, ESQ.,  
ATTORNEY TO THE BOARD

MINUTES PREPARED BY:  
BETH CALDERONE  
CERTIFIED COURT REPORTER  
75 Ottawa Avenue  
Hasbrouck Heights, NJ 07604  
(201) 982-5157  
Email-Calderone2000@aol.com

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I N D E X

CARRIED APPLICATIONS:

A20-012 JAN & DIANA KUTARINIA, 125 Summit Avenue, variance for height. Applicant requested the application to be carried to the November 23, 2020 meeting due to an error in the notice. A New Notice will be required. (Unanimous Vote)

A20-013 DARIUZ TROCHIM, 39 Donor Avenue, Variance for side yard setback Applicant requested adjournment until November 23, 2020 without prejudice (Unanimous Vote)

A20-016 ANNMARIE TERMINI, 20 Dapp Court, Variance for Fence. Applicant requested the application to be carried to the November 23, 2020 meeting, without prejudice (Unanimous Vote)

(NO RESOLUTIONS)

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AGENDA:

A20-002 SIMON SHERFER, 18 English Avenue (GRANTED)  
A20-014 DANELLY PERDOMO, 4 Russel Court (GRANTED)  
A20-015 CLARISSA PROCTOR, 161 Washington Avenue (GRANTED)

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OCTOBER 28, 2020

Chairman Golembiski called the regular meeting of the Elmwood Park Zoning Board of Adjustment to order, according to the Open Public Meeting Act @7:30 PM October 28, 2020.

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(WHEREUPON THE FLAG SALUTE)

MEMBERS PRESENT  
JAMES GOLEMBISKI, CHAIRMAN  
FRANK BAGLIERI, Bd. Secretary  
JOSEPH BENIAMINI, Member  
DEBORAH ALVAREZ, Member  
DOMINICK SCALCIONE, Member  
ANGELO PANETTA, Member  
KEN VANRYE, Member  
MARK GLOEDE, Member  
CHAKIB FAKHOURY, Member

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MINUTES:

MEETING MINUTES: September, Motion offered to accept the minutes by C. Fakhoury, Second by D. Scalcione

Members voted in the affirmative to accept the minutes as written.

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A20-002 SIMON SHERFER, 18 English Avenue, Block 503, Lot 19, Variance for side yard setback and determination of a legal 2 family.

TOM DUCH, ESQ., on behalf of the applicant.

The applicant appeared before the board for a determination of a legal two-family that he purchased and relying on records that they believed was a two-family home. The property tax record card entered as A-1, an OPRA request entered as A-2. The property tax records indicate two kitchens, two living rooms, three fixture bathrooms, two bedrooms on each floor and a rec room in the basement. Applicant, in speaking with the assessor, the building information states, conversion plus one.

1                   It was acknowledged in 2005 the last  
2                   time Elmwood Park had a revaluation, some homes  
3                   were classified as conversion plus one. The  
4                   assessor did not know why it did not say  
5                   two-family. All of the rooms exist in the home  
6                   without alteration from the applicant. The  
7                   certificate of resale at the time of closing  
8                   indicates two dwelling units. Certificate of resale  
9                   dated June 9, 2010 indicated owner/occupied both  
10                  floors. Applicant believed he was purchasing a  
11                  two-family home. Applicant submitted photograph on  
12                  Exhibit A-3 showing the two mailboxes in its  
13                  existing condition, two boilers in the basement,  
14                  two hot water heaters, two gas meters. The  
15                  photographs also show the two electrical boxes and  
16                  the two electrical meters on the side of the home.  
17                  Exhibits A-4 first floor kitchen, and A-5 Second  
18                  floor kitchen.

19                   The property lot size is 49 X 157  
20                   feet, consisting of 7,400 square feet of property.  
21                   The applicant had inspections upon closing,  
22                   received a mortgage, proceeded to closing and  
23                   received a certificate of re-occupancy that they  
24                   relied on clearly stating two dwelling units and  
25                   the applicant is requesting that the Zoning board  
                 of Elmwood Park interpret the dwelling as two  
                 units.

                  It was recognized by the town that  
                  nothing was improperly renovated, and there were  
                  never any violations. No outstanding permits on the  
                  property. The applicant has one open electrical  
                  permit that has to be closed for the bathroom.

                  The applicant requested through an  
                  OPRA request of the C/O that states two dwellings  
                  and no classification. Each floor is an exact  
                  duplicate of the other. The board discussed whether  
                  it is a legal two-family home.

                  The applicant being in real estate,  
                  relied on the documents, the C/O and the realtor  
                  stating it is a two-family home. The listing  
                  agent/applicant contacted the prior renter and  
                  acquired a rental lease for \$1,400, which is close  
                  to market value for a two bedroom showing that the  
                  second unit was rented. The applicant stated he  
                  relied on good faith of the seller, the realtor,  
                  being given the proper information to their  
                  knowledge.

                  NO PUBLIC COMMENT/QUESTIONS IN FAVOR  
                  OR OPPOSITION

                  Applicant relied on certificate of

1 re-occupancy issued by the Borough of Elmwood Park  
2 No. 19-478, which indicates the premises consist  
of two dwelling units.

3 Applicant is being taxed for all  
4 rooms in the building.

5 Definition of dwelling, a house  
6 apartment or other place for residence.

7 No evidence that anything was built  
8 improperly.

9 An Ordinance from 2017 indicates a  
10 dwelling unit shall mean a building, or portion  
11 thereof, having housekeeping facilities for one  
12 family. Definition of dwelling unit, taking that  
13 in conjunction with the C/O which say two dwelling  
14 units.

15 The definition of dwelling  
16 two-family shall mean a detached dwelling  
17 containing two dwelling units.

18 NO PUBLIC COMMENT/QUESTIONS IN FAVOR  
19 OR OPPOSITION

20 K. Vanrye offered a motion for  
21 APPROVAL, second by A. Panetta  
22 ROLL CALL VOTE:  
23 Members Golembiski, Baglieri,  
24 VanRye, Panetta, Fakhoury, Beniamini in favor.  
25 D. Scalcione voted against.

APPLICATION APPROVED

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17 A20-014 DANELLY PERDOMO, 4 Russel  
18 Court Block 401, Lot 4. Variance for front yard  
19 in-ground pool.

20 Chairman Golembiski recused himself  
21 from the application

22 Applicant is proposing to construct  
23 a pool in the rear yard. After applying to the  
24 town for a permit, applicant was denied due to  
25 having two front yards and needed to appear before  
the board for approval due to the home being  
located on a corner lot. Applicant is across the  
street from the park. Applicant is off of River  
Road, and has a four foot high fence in the  
rear/front yard. Applicant will need to adhere to  
the building department's regulations regarding any  
fence installation in the front yard setback for  
sight distance if a six foot fence is constructed.  
A Front yard fence is limited to four feet.

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NO PUBLIC COMMENT/QUESTIONS IN FAVOR  
OR OPPOSITION

Motion offered for APPROVAL by D.  
Alvare, second by D. Scalcione

ROLL CALL VOTE:

Members Baglieri, VanRye, Panetta,  
Fakhoury, Beniamini, Scalcione, D. Alvarez voted in  
the affirmative.

APPLICATION APPROVED

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A20-015 CLARISSA PROCTOR, 161  
Washington Avenue, Block 404, Lot 23. Variance for  
front yard setback.

Applicant's request is to build an  
open portico/porch. The required setback is 25  
feet, whereas the applicant is proposing 21 foot  
eight inch in setback. The front porch will remain  
open, not enclosed, no living space. Applicant is  
extending the steps wider, which was approved by  
the building department.

NO PUBLIC COMMENT/QUESTIONS IN FAVOR  
OR OPPOSITION

Motion offered for APPROVAL by J.  
Beniamini, second by C. Fakhoury.

ROLL CALL VOTE:

Members Golembiski, Baglieri,  
VanRye, Panetta, Fakhoury, Beniamini, Scalcione,  
voted in the affirmative.

APPLICATION APPROVED

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NO FURTHER BUSINESS BEFORE THE  
ZONING BOARD. THE MEETING ADJOURNED @8:30 PM