

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

IN RE:

MATTERS AND DECISIONS RENDERED

ON WEDNESDAY, SEPTEMBER 23, 2015

SEPTEMBER 23, 2015
Municipal Building
Elmwood Park, New Jersey 07407
Commencing at 7:38 pm

B E F O R E:

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

PRESENT:

JAMES GOLEMBISKI, Chairman
FRANK BAGLIERI, Vice Chairman
RONALD VICARI, Bd. Secty.
JEFFREY FREITAG, Member
DONALD INGRASSELINO, Member
DEBORAH ALVAREZ, Member
JOSEPH BENIAMINI, Member
ANGELO PANETTA, Member
FRANK DELLIGATTI, Member
PETER TEN KATE, P.E., Bd. Engineer
-and-
NICOLE A. OGROSSO, Engineer
MATTHEW DE MARIA, ESQ., Bd. Atty.
JOHN J. CONTE, JR., ESQ., Bd. Atty.

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

I N D E X

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THE CHAIRMAN: Good evening, the regularly scheduled meeting of the Elmwood Park Zoning Board of Adjustment is called to order.

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

Roll call vote: Present were Members Panetta, Beniamini, Ingrasselino, Delligatti, Freitag, Alvarez, Vicari, Baglieri and Golembiski.

Mr. Freitag made a motion to accept the minutes of the meeting of July, 2015, seconded by Mr. Baglieri.

Roll call vote: All voted in favor of motion; Members Delligatti and Golembiski abstained.

Mr. Baglieri made a motion to accept the Resolution in the matter of MARY GERMAN (A15-007), seconded by Mr. Freitag.

Roll call vote: All voted in favor of motion; Members Delligatti and Golembiski abstained.

DAVID PUCCI (A15-012) (GRANTED)
 PREMISES AFFECTED: 19 Obal Avenue, 101 Fournier Crescent, Block 1512, Lot 1.
 PURPOSE: Variance to erect a six foot fence (corner property).

(The record notes Mr. Conte sitting in for Mr. DeMaria for this application.)

DAVID PUCCI, 462 Market Street, Elmwood Park, New Jersey, sworn.

Mr. Pucci testified he would like to erect a six foot fence on this corner lot, as the property is wide open and it would afford safety. He testified the fence will extend out eight to twelve feet on the Obal Avenue side.

At this time A-1 is marked into evidence (packet of photographs).

Mr. Pucci testified this will be a white plastic six foot PVC fence.

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.

Ms. Alvarez made a motion to approve, seconded by

Mr. Freitag.

Roll call vote: All voted in favor.

(The record notes the return of Mr. DeMaria.)

EDWARD PACIO & JOHN BRAY (Granted)
PREMISES AFFECTED: 1 Boumar Place, Block 1407, Lot 6.
PURPOSE: Variance for dual use. Truck repair operation
and carting company operation.

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

CHRISTOPHER BRAY, 126 Palmer Avenue, Tenafly, New
Jersey, sworn.

ROBERT L. COSTA, P.E., P.P. & C.M.E., Costa
Engineering Corp., 325 South River Street, Hackensack,
New Jersey, sworn.

Mr. Duch reminded the Board that Mr. Pacio had
testified last month and transcripts were provided for
the Board.

Mr. Duch stated his client would keep the same
hours as previously testified to and which have remained
the same for 45 years. He reminded the Board that Mr.
Bray operates a construction carting company, whereby
they place dumpsters on construction sites and dispose
of same at landfills, never returning to the site with
contents in the dumpster, as same is illegal. He also
stated there will be minor on-site truck maintenance,
oil changes and small part repair.

The operation will consist of 3 people. He also
stated signage will be posted to address the comments
made by the objector last month regarding parking on the
flag portion of the easement.

He stated his client is seeking approval for a
continuation of the current truck repair operation and
carting company operation.

ROBERT L. COSTA, previously sworn.

Mr. Costa testified he previously produced 12
copies of the easement discussed at last month's
meeting, and same demonstrates that upon purchase his
client will own that strip of land and his client will
be responsible to maintain same.

At this time A-3 (easement agreement) is marked
into evidence.

ROBINSON ESCOTO, 97 Albion Avenue Paterson, New Jersey, sworn.

Mr. Escoto testified he is a part owner of a business known as Supreme Trucking, LLC and is authorized to speak on behalf of same. He testified they perform truck maintenance such as oil changes, diagnostics, etc., and currently perform work for Ippolito and they are a tenant presently for two years. Their hours of operation are Monday through Friday, 8 am to 6 pm, and Saturday, 8 am to 3 pm; no Sunday operation.

There are 3 employees, his partner, himself and his partner's wife, who performs office type work.

Mr. Bray testified he is the son of the owner and produced a plan for the Board and reviewed same. Mr. Bray further testified the typical size of a container is twenty-two and a half feet long and eight feet wide and the yard can easily accommodate three to six.

They have four trucks kept inside, three of which are driven and one spare. Mr. Bray testified that the scaffolding, construction equipment, etc. will all be removed.

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.

At this time, A-4 (site plan) is marked into evidence.

Mr. Ingrasselino made a motion to approve this as a grandfathered pre-existing condition and with the stipulation if the carting business ceases, the ancillary use ceases. The motion was seconded by Mr. Freitag.

Roll call vote: All voted in favor.

SLAUOMIR & AGATA PUZIO (GRANTED)
 PREMISES AFFECTED: 76 Godwin Avenue, Block 501, Lot 18.
 PURPOSE: Variance for single side yard, combined side yard and lot coverage.

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

SLAWOMIR PUZIO, 40 Scott Terrace, Clifton, New Jersey, sworn.

Mr. Duch stated his clients purchased the subject premises and are seeking to expand and renovate the

home. The addition in the back of the home is 14.6 feet wide. The second floor will become a full second floor.

Mr. Duch reviewed the plans for the Board.

Mr. Puzio testified he agrees with all the representations made by Mr. Duch. He further testified he, his wife and three children will reside here. Mr. Puzio testified no one else will reside in the home and added there is no living space above the garage.

He further testified this will remain a one-family home, and he is not planning on finishing the basement; it will remain open for recreation, i.e., a family room.

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

KATHLEEN BACKER, 257 Lincoln Avenue, Elmwood Park, New Jersey, sworn.

STEVEN BACKER, 257 Lincoln Avenue, Elmwood Park, New Jersey, sworn.

Ms. Backer expressed concern over how far back the extension will be.

Mr. Backer expressed concern about other neighbors following suit if this is approved and having a wall of houses.

Both Mr. and Ms. Backer expressed concern about how drainage will be accomplished.

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

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

Roll call vote: All voted in favor.

VEERU DHILLON
RIVER DRIVE FOOD MART, LLC (GRANTED)
PREMISES AFFECTED: 551 River Drive, Block 1001, Lot 1.
PURPOSE: D(1) Variance.

PHILIP V. TORONTO, ESQ., appeared on behalf of the applicant.

(The record notes the self-recusal of Mr. Baglieri.)

CHRISTIAN CUETO, P.E., Ricci Planning, 10 Georgian Drive, Clark, New Jersey, sworn.

PAUL N. RICCI, AICP, PP, Ricci Planning, 10 Georgian Drive, Clark, New Jersey, sworn.

Mr. Toronto stated they are applying for two principle uses on one piece of property. Previously there was an office/gas station use and they would like to also operate a food mart. He also noted the applicant is willing to abandon the office and use same for storage.

Mr. Ricci was qualified and testified as a licensed planner in the State of New Jersey.

At this time A-1 (3-page exhibit entitled "Exhibit 1, River Drive Mart, etc.) is marked into evidence.

Mr. Ricci reviewed A-1 for the Board and described the surrounding area. Mr. Ricci reviewed the negative/positive criteria for the Board.

RAWINDER DHILLON, 16 Fingal Street, Staten Island, New York, 10312, sworn.

Mr. Dhillon testified he is a principal of River Drive Mart. He testified he has no financial arrangement with anyone to park here and will remedy same tomorrow. The hours of operation for the food mart are Sunday through Thursday, 6 am to 12 am; Friday and Saturday, 6 am to 10 pm. There will be no on-site cooking. They will offer coffee, soft drinks, etc., and will have a maximum of three employees, one outside pumping gas and two inside the mart. They will park in the back parking lot.

The applicant agreed to a stipulation that the property will only have parking related to his business.

The applicant testified he will renovate the building with windows and doors, stucco, etc. He further testified he will install signs stating "Food Mart", a sign stating "additional parking in rear", and a sign stating "parking for customers only, all others will be towed". They will run the store operation themselves, the office will be used for storage.

Deliveries will be accomplished by box trucks through the rear. The applicant stipulated no tractor trailer deliveries. The applicant further stipulated to installing a rear entrance which will be open whenever the store is open.

Mr. Cueto was qualified and testified as a licensed professional engineer in the State of New Jersey. He described the property in question, ingress/egress, parking etc. As regards to the rear entrance/stairs, the applicant agreed that everything will be subject to the Borough Engineer, and will submit

revised plans. Also, lighting will be subject to the Borough Engineer.

Mr. Duch testified the bathroom will service the gas station and there is also a second bathroom to service the store.

The applicant also stipulated the dumpster would also be subject to the Borough Engineer.

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.

Ms. Alvarez made a motion to approve, with all the agreed-to stipulations, and subject to the revised plans, seconded by Mr. Beniamini.

Roll call vote: All voted in favor.

MICHAEL LA PLACE (A15-013) (GRANTED)
 PREMISES AFFECTED: 68 Leliarts Lane, Block 804, Lot 5.
 Applicant: Car Group Holdings, LLC; Use variance.

JOHN VETERI, ESQ., 3 University Plaza, Hackensack, New Jersey, appeared on behalf of the applicant.

Mr. Veteri indicated his client is seeking permission to operate an on-line vehicle purchasing company, permitting a licensed dealer to operate same at this location. To operate, New Jersey law requires a dealer's license.

There will be no sales/service, the location will only be used as a drop-off/pick-up of vehicles going to auction. Only three to four vehicles will be located on the site at any time, and will be inside the building. This is essentially an office use.

BONNIE ZINGLER, 68 Leliarts Lane, Elmwood Park, New Jersey, sworn.

Ms. Zingler testified the company started in the U.S. five years ago and is owned by two brothers in the U.K. who have operated this for 10 years, offering consumers an alternative to trading in their car at a dealership, rather, just looking for cash and not having to purchase another car. They currently have 52 locations in 7 States.

After a consumer makes an on-line contact, they arrive on site, a purchase is consummated, but there are no on-site sales. There is no washing or repairs of cars, just a visual inspection at the time of purchase. Vehicles are moved off site between 24-36 hours, except weekends, and they will be stored indoors.

Ms. Zingler testified that flatbeds will arrive to take the vehicles to auction. All purchases are performed by appointment.

She further testified that the hours of operation would be Monday through Friday, 10 am to 7 pm, Saturday, 10 am to 6 pm, and closed on Sunday.

SEAN F. MORONSKI, PP, AICP, Burgis Associates, 25 Westwood Avenue, Westwood, New Jersey, sworn.

Mr. Moronski was qualified and testified as a licensed New Jersey planner. He testified that he prepared the plans before the Board, and reviewed same. He also confirmed this is an on-line vehicle purchasing service, all purchased vehicles will be stored indoors, moved out between 24-36 hours.

At this time, A-1 (set of 6 photographs) is marked into evidence.

Mr. Moronski reviewed A-1 for the Board. A discussion ensued vis-à-vis front/rear access and the applicant agreed to return next month with revised plans.

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

MICHAEL LA PLACE, 258 Ridge Road, Chester, New York, sworn.

Mr. LaPlace described the subject property. He testified that the six feet alongside the building is available for parking.

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

After further discussion and questioning by the Board, Mr. Vicari made a motion to approve, with the following stipulations: Subject to 3 parking spaces being shown alongside the driveway, subject to fire prevention, subject to the ability to access and use of the rear garage for storage, two variances in the Boswell Report, having greater than one principle use, and dealer plates. The motion was seconded by Mr. Delligatti.

Roll call vote: All voted in favor of motion.

There being no further matters before the Board, and all members voting in favor of motion to adjourn, the Chairman adjourned the meeting.

RONALD VICARI, Board Secretary