

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

IN RE:

MATTERS AND DECISIONS RENDERED

ON WEDNESDAY, DECEMBER 18, 2013

DECEMBER 18, 2013  
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:

G. BYRON MORGAN, II, Chairman  
JAMES GOLEMBISKI, Vice Chairman  
RONALD VICARI, Bd. Secty.  
JOSEPH BENIAMINI, Member  
DEBORAH ALVAREZ, Member  
ANGELO PANETTA, Member  
JEFFREY FREITAG, Member  
PETER TEN KATE, Bd. Engineer  
MATTHEW P. DE MARIA, 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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AGENDA:		
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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 Beniamini, Panetta, Freitag, Alvarez, Vicari, Golembiski and Morgan; Mr. Baglieri was absent.

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(Whereupon there is a flag salute.)

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Mr. Panetta made a motion to accept the minutes of the meeting of November 20, 2013, seconded by Mr. Golembiski.

Roll call vote: Voting yes in favor of motion were Members Panetta, Golembiski, Beniamini, Freitag, Alvarez, Vicari and Morgan.

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Mr. Golembiski made a motion to accept the Resolution of approval regarding Marble Arch Holdings (A13-019), seconded by Mr. Panetta.

Roll call vote: Voting yes in favor of motion were Members Beniamini, Golembiski, Panetta, Freitag, Alvarez, Vicari and Morgan.

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Mr. Golembiski made a motion to accept the Resolution of approval regarding Thirty Broadway, LLC (A13-023), seconded by Mr. Freitag.

Roll call vote: Voting yes in favor of motion were Members Golembiski, Freitag, Beniamini, Panetta, Alvarez, Vicari and Morgan.

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Mr. Golembiski made a motion to accept the Resolution of approval regarding Jackson (A13-025), seconded by Ms. Alvarez.

Roll call vote: Voting yes in favor of motion were Members Golembiski, Alvarez, Beniamini, Panetta, Freitag, Vicari and Morgan.

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The Chairman announced the Board is in receipt of a letter requesting A13-021 be carried to the 1/22/14 meeting.

Mr. Golembiski made a motion to accept the request without prejudice, seconded by Mr. Panetta.

Roll call vote: All voted in favor.

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ERIC SOMBERG (A13-027) (GRANTED)  
 PREMISES AFFECTED: 17 Chamberlain Avenue, Block 1001,  
 Lot 3.  
 PURPOSE: D(1) use variance.

DEBORAH M. GROSS-QUATRONE, ESQ. appeared on behalf of the applicants.

Ms. Gross indicated her client is seeking approval to relocate his current contracting office to this location and conduct the exact same business he has been conducting at 74 Leliarts Lane.

PAUL BONSON, 24 Bear Brook Drive, Woodcliff Lake, New Jersey, sworn.

Mr. Bonson testified he has currently entered into a lease for the subject property which, subject to Board approval, would commence 1/1/14 for 5 years. Mr. Bonson is the president/owner of First General Services East, with his wife. He's been in business for 23 years. He operates a contracting company currently at 74 Leliarts Lane for approximately 8 years. He plans to continue the same type of business as he has been for the past 8 years.

He testified that a business, a generator store, previously operated here, and also a Prego Foods manufacturing plant. Their present location is much too big for their purposes. They will solely occupy the entire building. In the past, they have, at times, serviced the Town at no charge.

Their hours of operation are 7 am to 7 pm, Monday through Saturday, and their business is not open to the public. They have four employees. Inventory is stored inside. There will be no physical alterations to the exterior of the building, however, they will address landscaping, driveways and paving.

The sign will be changed but the size will be exactly the same. They have 19 available parking spaces, plus a garage. The own 2 box trucks and 5 vans. He would prefer to house the vehicles inside for protection from the weather elements.

They get UPS/FedEx occasional deliveries but no large truck deliveries. They will utilize the existing lighting at the property. Their garbage is serviced by a container company and housed in a fenced in area.

Mr. Bonson testified he is in full agreement with Boswell's letter/report dated 12/3/13.

Mr. Bonson reiterated that his company works with insurance companies when commercial/residential properties experience flooding, they remediate same. They likewise attend to fire damaged property after the fact. Their field personnel report to sites rather than to this location.

Mr. TenKate requested the applicant coordinate with him prior to re-striping the parking lot and Mr. Bonson agreed to same as a condition of approval.

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. Golembiski made a motion to approve, with all the agreed-to stipulations, which motion was seconded by Mr. Freitag.

Roll call vote: Voting yes in favor of motion were Members Golembiski, Freitag, Beniamini, Panetta, Alvarez, Vicari and Morgan.

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KULBHUSHAN KUMAR WALIA and  
 RENU WALIA (A13-024) (GRANTED)  
 PREMISES AFFECTED: 290 Market Street, Block 1024, Lot 5.  
 PURPOSE: Use Variance to operate a convenience store and parking variances.

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

Mr. Duch indicated his clients wish to operate a convenience store at this location. Mr. Duch described the area in question. He indicated this was previously operated as a dog grooming salon.

Mr. Duch discussed the code as it relates to drive-in restaurants, etc. He also indicated this store will sell pre-packaged items such as Tums, drugs, aspirin, convenience items and no food preparation in connection with this store. Mr. Duch questioned what constitutes a drive-in restaurant? They plan to have a coffee/tea station. This would be operated by both Mr. and Mrs. Walia.

RENU WALIA, 300 Barton Avenue, Hasbrouck Heights, New Jersey, sworn.

Ms. Walia testified she and her husband are the owners of 290 Market Street and purchased same on 7/31/13; it has been vacant since then. On the left side is a doctor's office operated by appointment only and has been there 15 years. There is a two-bedroom apartment on the second floor occupied by one woman and she does not have a vehicle. There is also a one-bedroom apartment with one couple with one car. There is no parking on the property. There is an ability to park one car in the side yard behind a double gate.

They have previously operated a convenience store in Manhattan for 10 years. Items will be displayed in the front for sale with a storage area in the back, which will store day-to-day inventory. They will sell candy, gum, soda, cigarettes, telephone cards, etc, but no food. There will be no indoor/outdoor seating. They would sell packaged cakes, packaged snacks, muffins, energy bars, soda, etc.

Ms. Walia testified cigarettes is the highest selling item, followed by soda, candy and coffee.

After further discussion and questioning by the Board, it was determined the Board would take a vote to determine this is not a drive-in restaurant, eliminating the requirement for a use variance.

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. Golembiski made a motion that this not be interpreted as a drive-in restaurant, seconded by Mr. Panetta.

Roll call vote: Voting yes in favor of motion that this is a permitted use, not a drive-in restaurant, were Members Golembiski, Panetta, Beniamini, Freitag, Alvarez, Vicari and Morgan.

At this time, the Board discussed with Mr. Duch Mr. DePadova's letter of 8/29/13.

Ms. Walia testified the average customer is in and out of the store in two to three minutes. She also testified they are anticipating a Lottery machine, but that will not come to fruition for six months. She further testified that Lottery sales would be approximately \$450.00 daily.

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. Panetta made a motion to approve a convenience store without a parking variance, an extension of the existing conditions, which motion was seconded by Mr. Golembiski.

Roll call vote: Voting yes in favor of motion

were Members Panetta, Golembiski, Beniamini, Freitag, Alvarez, Vicari and Morgan.

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GARY LI BRITZ (A13-026) (GRANTED)  
PREMISES AFFECTED: 29 East Washington Avenue, Block 505,  
Lot 21.  
PURPOSE: Variance for side yard setback and combined  
side yard.

GARY LI BRITZ, 29 East Washington Avenue,  
Elmwood Park, New Jersey, sworn.

Mr. LiBritz testified he is requesting to replace a carport that was destroyed by the storm. The new one will have the same footprint but will be a gabled roof rather than a flat roof. It will be 10' x 24' x 14', approximately 240 square feet, constructed of wood.

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.

Ms. Alvarez made a motion to approve, seconded by Mr. Freitag.

Roll call vote: Voting yes in favor of motion were members Alvarez, Freitag, Beniamini, Panetta, Vicari, Golembiski and Morgan.

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Mr. Panetta made a motion to hold a meeting on January 22, 2014 at 7:30 pm in the Municipal Building, which motion was seconded by Mr. Golembiski.

Roll call vote: All voted in favor.

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There being no further matters before the Board, and all members having voted in favor of adjournment, the meeting was adjourned by the Chairman.

RONALD VICARI, Board Secretary