

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

IN RE:

MATTERS AND DECISIONS RENDERED

ON WEDNESDAY, NOVEMBER 20, 2013

NOVEMBER 20, 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
FRANK BAGLIERI, Member
DEBORAH ALVAREZ, Member
ANGELO PANETTA, Member
JEFFREY FREITAG, Member
THOMAS W. O'FALLON, 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

APPLICANT	DISPOSITION	PAGE
AGENDA:		
MARBLE ARCH HOLDINGS (A13-019)	Granted	3
WALIA (A13-024)	Carried	3
THIRTY BROADWAY LLC (A13-023)	Granted	4
JACKSON (A13-025)	Granted	5
LIBRITZ (A13-026)	Carried	6
SOMBERG (A13-027)	Carried	6

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, Baglieri, Alvarez, Vicari, Golembiski and Morgan.

(Whereupon there is a flag salute.)

Mr. Golembiski made a motion to accept the minutes of the meeting of October 23, 2013, seconded by Mr. Baglieri.

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

The Chairman announced application A13-024 (KULBHUSHAN KUMAR WALIA & RENU WALIA) was being carried to the December, 2013 meeting.

Mr. Golembiski made a motion to carry this application, without prejudice, seconded by Mr. Baglieri.

Roll call vote: All voted in favor.

MARBLE ARCH HOLDINGS

PREMISES AFFECTED: 100B Main Avenue, Block 1104, Lot 16.

PURPOSE: Site Plan and Use Variance. Transferred from the Planning Board.

CARMINE ALAMPI, ESQ. appeared on behalf of the applicants.

Mr. Alampi reminded the Board they were last here in October and he ordered transcripts and corrected the exhibit markings, which he improperly marked.

Mr. Alampi marked A-16 (two-page letter/agreement regarding Lot 17 and the secondary means of egress).

PAUL O'BRIEN, previously sworn.

ARTHUR SCOTT PORTER, ESQ., previously sworn.

Mr. Porter discussed the 11/18/13 letter from SG; he is familiar with the fact that the vehicles will not materially exceed and the current intention is maximized in Exhibit B. Exhibit B deals with ingress/egress coming through the rear access.

The applicant agreed ingress/egress for company owned vehicles would be as close to 100% as possible through the easement with LLC, and they will encourage employees to come in and out the same way.

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

PAUL CASTELLI, 80 Main Avenue, Elmwood Park, New Jersey, sworn.

Mr. Castelli indicated he was not at the last meeting and questioned what they are proposing.

Hearing no one further, 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: All voted in favor of motion; Mr. Baglieri voted no.

THIRTY BROADWAY LLC (A13-023) (GRANTED)
 PREMISES AFFECTED: 30 Broadway, Block 201, Lot 2.
 PURPOSE: Use Variance -- Goodwill Industries, John Busch.

MITCHELL W. ABRAHAMS, ESQ. appeared on behalf of the applicant.

After discussion and questioning by the Board, the Chairman indicated this application is twofold, an interpretation if the use is permitted, and if it is determined it is not permitted, the applicant will present a planner to review the use variance.

MR. KIRPALAL, 1328 Robin Lane, Bayside, New York, 11360, sworn.

Mr. Kirpalal testified he is employed with Goodwill as Vice President of retail operations and sales. He testified they have been in North America for over 115 years. He testified they receive donations from the general public in the form of laundered and dry-cleaned clothes and they sort same and display them

for sale on their sales floor.

Approximately \$55 of every \$100 comes from the sale of clothing. They also sell textiles, shoes and accessories. They have a relationship with Target, in which they purchase all of their excess inventory and that comprises approximately 12% of their sales.

They have 9 stores in northern New Jersey, with 43 stores in total.

There is no pick-up service, everything is delivered via donation to the store, delivered to their other facilities and trucked into this facility 3-5 times per week by one truck.

The hours of operation are 10 am to 8 pm and no truck delivery after 6 pm, no earlier than 10 am, Monday through Friday, only for deliveries. There will be no bins placed outside.

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, seconded by Mr. Freitag.

Roll call vote: All voted in favor.

JAMES & THERESA JACKSON (A13-025) (GRANTED)
 PREMISES AFFECTED: 4 Leliarts Lane, Block 803, Lot 26.
 PURPOSE: Variance for front yard, side yard, combined side yard, building height, lot coverage and front yard green area.

THERESA JACKSON, 4 Leliarts Lane, Elmwood Park, New Jersey, sworn.

THOMAS RYAN, 25 Devon Street, North Arlington, New Jersey, sworn.

Ms. Jackson testified with the proposed addition this will remain a one-family. She is proposing a second level, and they are exceeding the height level by 10%.

Ms. Jackson further testified they need the addition because the house is too small. She and her husband reside here with their 4 children and have outgrown the home. Her mother also resides here. There is a basement with no cooking facilities and no toilet. They have resided here since 2002. They have no plans to construct a garage.

Ms. Jackson agreed to relocate the existing shed in order to accommodate two cars off-street.

After further discussion and questioning by the

Board, the Chairman opened the meeting to the public.

DENNIS BONOMO, 10 Leliarts Lane, Elmwood Park, New Jersey, sworn.

Mr. Bonomo testified he is in favor of this addition and feels they need the space and they are good people.

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

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

Roll call vote: All voted in favor.

GARY LI BRITZ (A13-026) (CARRIED)
 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.

A discussion ensued relative to non-payment of the fourth quarter property taxes, which were due on November 8, 2013. As such, the application was deemed incomplete.

Mr. Golembiski made a motion to carry this to the December, 2013 meeting, without prejudice, seconded by Mr. Panetta.

Roll call vote: All voted in favor.

ERIC SOMBERG (A13-027) (CARRIED)
 PREMISES AFFECTED: 17 Chamberlain Avenue, Block 1001, Lot 3.
 PURPOSE: D(1) Use Variance.

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

The Chairman indicated the Board has not received an engineering report and is not generally inclined to proceed without same. As a result the applicant agreed to carry this to the December 2013 meeting and waive any time constraints that may be imposed on the Board.

Mr. Baglieri made a motion to carry the application, seconded by Mr. Panetta.

Roll call vote: All voted in favor.

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