

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

IN RE:

MATTERS AND DECISIONS RENDERED

ON WEDNESDAY, SEPTEMBER 25, 2013

SEPTEMBER 25, 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  
JEFFREY J. FREITAG, Member  
FRANK BAGLIERI, Member  
DEBORAH ALVAREZ  
ANGELO PANETTA, 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

APPLICANT	DISPOSITION	PAGE
AGENDA:		
HANCEWICZ (A13-018)	Withdrawn	4
MARBLE ARCH HOLDINGS (A13-019)	Carried	4
BAGLIERI (A13-022)	Granted	4
ESTATE OF HERTEL (A13-021)	Carried	6
RESOLUTIONS:		
ROUTE 46 EAST REALTY LLC (A13-008)		3
FERRONE (A13-013)		3
COLON (A13-017)		3
KADAKIA (A13-020)		3

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. Panetta made a motion to accept the minutes of the meeting of July 24, 2013; the motion was seconded by Mr. Freitag.

Roll call vote: All voted in favor; Ms. Alvarez abstained.

\*\*\*\*

Mr. Baglieri made a motion to accept the Resolution regarding ROUTE 46 EAST REALTY LLC (A13-008), seconded by Mr. Golembiski.

Roll call vote: All voted in favor; Ms. Alvarez abstained.

\*\*\*\*

Mr. Baglieri made a motion to accept the Resolution in the matter of FRANCIS FERRONE (A13-013), seconded by Mr. Golembiski.

Roll call vote: All voted in favor; Ms. Alvarez abstained.

\*\*\*\*

Mr. Golembiski made a motion to accept the Resolution in the matter of ROBERT & GAIL COLON (A13-017), seconded by Mr. Baglieri.

Roll call vote: All voted in favor; Ms. Alvarez abstained.

\*\*\*\*

Mr. Golembiski made a motion to accept the Resolution in the matter of SHAILESH KADAKIA (A13-020), seconded by Mr. Panetta.

Roll call vote: All voted in favor; Ms. Alvarez abstained.

\*\*\*\*

The Chairman announced in the matter of MICHELE HANCEWICZ (A13-018), the Board is in receipt of a letter from the applicant's attorney withdrawing this application.

Mr. Golembiski made a motion to accept the withdrawal, seconded by Ms. Alvarez.

Roll call vote: All voted in favor.

\*\*\*\*

MARBLE ARCH HOLDINGS (CARRIED)  
 PREMISES AFFECTED: 100B Main Avenue, Block 1104, Lot 16.  
 PURPOSE: Site Plan and Use Variance. Transferred from the Planning Board.

SEE TRANSCRIPT PROVIDED

\*\*\*\*

FRANK BAGLIERI (A13-022) (GRANTED)  
 PREMISES AFFECTED: 527 River Drive, Block 607, Lot 1.  
 PURPOSE: Site Plan and Use Variance for proposed Dunkin' Donuts.

(Whereupon the record notes the recusal of Frank Baglieri for this application.)

STEPHEN GEFFNER, ESQ., appeared on behalf of the applicant.

Mr. Geffner indicated this is a change of tenancy, as this was a restaurant and they are seeking to operate a Dunkin' Donuts/Baskin Robbins.

THOMAS G. STEARNS, 144 Jewel Street, Garfield, New Jersey, sworn.

The Board acknowledged their familiarity with Mr. Stearns and his qualifications and accepted him as an expert witness.

Mr. Stearns testified he is responsible for the site plan before the Board. He testified via the site plan.

At this time, A-1 (photoboard) and A-2 (aerial

photo) were marked into Evidence.

Mr. Stearns described the site in question and described the surrounding properties. He testified the previous use was a restaurant and housed 2 residential units on the second floor. He testified the footprint will not change and there will be no building changes.

The parking lot will remain the same, aside from re-striping. There were 9 spaces and after the re-striping, they will also include one handicapped space.

The tenants will remain.

Mr. Stearns testified this will be a less intense use than the previous 65-seat restaurant; the Dunkin' Donuts would have 29 seats.

He testified there will be no changes to the lighting, and reviewed Mr. TenKate's report with the Board. He stated the client and he agree with Mr. TenKate's conclusions and recommendations.

JOSHUA D. LEVINE, ESQ., appeared on behalf of Baldecchi Realty.

Mr. Levine questioned Mr. Stearns' knowledge regarding the previous restaurant/tenant, and how long ago they departed. He questioned if a fence will be erected and also questioned the parking layout and the parking for the two upstairs tenants.

GARY HAAR, 474 Hartung Drive, Wyckoff, New Jersey, sworn.

Mr. Haar testified he is the potential tenant of this location and intends to operate a Dunkin' Donuts/Baskin Robbins restaurant. He presently operates five Dunkin' Donuts in Bergen County. He testified they selected this site because of the traffic flow and testified this will attract drive-by traffic rather than draw traffic from other areas.

Mr. Haar described how the restaurant would function, starting with an employee arriving at 3:15 am, prepping, and 1 or 2 more arriving later, opening from 5 am to 10 pm, possibly 11 pm in the summer, 7 days per week. He testified no baking will be done site, but instead delivered daily from a satellite store.

He testified they will offer bagels, muffins, croissants that will come from a freezer and warmed in an oven, and no fryers, grills, etc. Beverages such as coffee, tea, cold drinks will also be sold. Egg sandwiches are heated in a microwave. Eggs and such are

not kept on the premises.

Delivery of donuts, etc. is delivered once a day in the early am from Wyckoff and once a day from a vendor. There will be deliveries 2 to 3 times daily from a dairy supplier and once a week delivery from an ice cream vendor, all accomplished during regular business hours.

He will employ 12-13 employees at this location with approximately 5 in the early morning hours, declining to 3 in the afternoon, and possibly an extra employee during the summer months because of the increase in ice cream sold.

Employees will park on the street.

Mr. Haar testified refuse pick-up will be 7-10 in the am, 2-3 times per week. Recycling will be approximately 1-2 times per week.

He described the standard signage used by Dunkin' Donuts.

At this time A-3 (packet of 4 photos) was marked into Evidence.

Mr. Haar described the proposed signage via A-3. He testified as part of the lease, the building will be refaced. He testified 50% of their business is done by 11 am. He further testified that between 7:30 am and 11:00 am, the typical customer is in the store approximately less than 3 minutes, creating 500 to 600 transactions daily.

Mr. Haar testified the lights are turned on 15-20 minutes before opening and 15-20 minutes after closing, i.e., 5 am to 10 or 11 pm.

Mr. Haar testified there are 3 cash registers in the restaurant that can ring up sales from both Dunkin' Donuts and Baskin Robbins.

JOSEPH BUCCIGROSSI, 62 Lee Street, Elmwood Park, New Jersey, sworn.

Mr. Buccigrossi testified he owns the adjacent property and had concerns regarding parking and crossing his property to access same. The applicant agreed to not have garbage picked up before 7 am.

(At this time, the Board went into recess.)

\*\*\*\*

At this time, the Charles Sarle, Esq. appeared on behalf of the applicant, Estate of Hertel (A13-021) and requested an adjournment of this matter to the 12/18/13 meeting, and waived any time constraints on the Board.

Mr. Golembiski made a motion to accept the request, seconded by Mr. Panetta.

Roll call vote: All voted in favor.

\*\*\*\*

BAGLIERI (A13-022) cont'd:

At this time, the Board continued hearing the application of Baglieri.

JOSEPH STAIGAR, 17 Tremont Drive, East Hanover, New Jersey, sworn.

Mr. Staigar was qualified and testified as a professional engineer.

Mr. Staigar testified he performed a two-pronged traffic impact study; traffic flow and parking. He personally took traffic counts on 8/28 and 9/10. He discussed his findings with the Board.

He testified that as regards parking, the bulk of same is in the early morning hours when other businesses are not open and the spaces are not being utilized. He testified between 7 am and 11 am there were 39 available spaces on the street. He testified no one will come from other communities to visit this particular location, as there are other Dunkin' Donuts locations, so traffic will not increase as a result.

RICHARD KELLER, 96 Sagamore Road, Millburn, New Jersey, sworn.

Mr. Keller was qualified and testified as a licensed professional engineer.

Mr. Keller described the premises in question. He testified the lot will be re-striped. He reviewed the use variance requested. He also reviewed the signage variance and the parking variance.

Mr. Keller reviewed the Medici standards. He testified that in his opinion this use is ideally suited for this location. He further reviewed the positive and negative criteria for the Board. He testified this will be a considerable improvement over the existing condition of the building.

Mr. Keller testified that regarding Boswell McClave's report, he is in agreement with same, other than the signage areas.

Mr. Geffner indicated his client agrees to the terms and conditions of Boswell McClave's report, if

approved.

Mr. Levine questioned Mr. Keller regarding the DI variance and the negative and positive criteria. Mr. Levine also questioned the parking considerations.

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

EUGENE BALDECCHI, 39 E. 39th Street, Paterson, New Jersey, sworn.

Mr. Levine questioned his client regarding the site in question.

Mr. Baldecchi testified they own the adjacent Block 607, Lot 2, 12-16 Summit Avenue (6 apartments and 2 commercial spaces) and share a common parking lot.

Mr. Baldecchi testified as to the history of the site in question. He testified the previous restaurant left over 5 years ago. In the interim, another restaurant was there for a few months and left. Mr. Baldecchi explained the parking and how people constantly use his tenants' spaces. He testified he has an easement on the northern boundary on River Road. He testified his offer of a shared parking agreement was ignored.

He further testified in his opinion, another curb cut further up on Summit, closer to River Drive, could conceivably improve the situation.

The applicant agreed to erect a sign stating Dunkin' Donuts parking only.

Mr. Buccigrossi stated he is not in favor of the application.

Mr. Geffner stated the existing kitchen door will be closed.

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

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

Roll call vote: Voting yes in favor of motion to approve were Members Golembiski, Freitag, Beniamini, Alvarez and Morgan; voting no were Mr. Panetta and Mr. Vicari.

\*\*\*\*

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