

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

IN RE:

MATTERS AND DECISIONS RENDERED

ON WEDNESDAY, JULY 24, 2013

JULY 24, 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
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
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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 Beniamini, Panetta, Freitag, Baglieri, Vicari, Golembiski and Morgan; Ms. Alvarez was absent.

(Whereupon there is a flag salute.)

Mr. Golembiski made a motion to accept the minutes of the meeting of June 26, 2013; the motion was seconded by Mr. Freitag.

Roll call vote: All voted in favor.

Mr. Baglieri made a motion to accept the Resolution regarding LUTZ (A13-015), seconded by Mr. Golembiski.

Roll call vote: All voted in favor.

Mr. Golembiski made a motion to accept the Resolution in the matter of SENAK (A13-016), seconded by Mr. Baglieri.

Roll call vote: All voted in favor.

The Chairman announced in the matter of MICHELE HANCEWICZ (A13-018), a letter was received from the applicant's attorney requesting an adjournment to the September 25, 2013 meeting, and the applicant waives all time limitations.

Mr. Baglieri made a motion to carry this matter to September 25, 2013, seconded by Mr. Golembiski.

Roll call vote: All voted in favor.

ROUTE 46 EAST REALTY LLC (GRANTED)
 PREMISES AFFECTED: 88 Route 46 East, Block 1701, Lot 2.
 PURPOSE: Use Variance; permit a second principal

permitted use; operation of auto repair shop.

VICTOR BROCCOLI, ESQ., appeared on behalf of the applicant.

Mr. Broccoli and his applicant returned from last month in order to address certain issues raised at that time. As regards the issue of moving the telephone pole for a parking space, it was determined the pole will remain as is.

After further discussion and questioning by the Board, noting this matter was previously opened to the public without comment, the Chairman asked for a motion.

Mr. Vicari made a motion to deny without a second.

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

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

FRANCIS FERRONE (A13-013) (GRANTED)
 PREMISES AFFECTED: 15 Bellevue Avenue, Block 108, Lot 8.
 PURPOSE: Variance for front yard, lot coverage and green area.

FRANCIS FERRONE, 15 Bellevue Avenue, Elmwood Park, New Jersey, previously sworn.

The Chairman indicated that there are lot coverage questions that were unresolved at the last meeting and Mr. Ferrone presented a corrected print with a worksheet. Mr. Ferrone testified his proposed lot coverage is now 1,582 square feet or 31.6%, 6.6% over that permitted.

As regards the front yard setback, he is proposing 25.1.

Mr. Ferrone produced a letter from his architect which the Board accepted.

In addition to the above, Mr. Ferrone is also proposing 18.1 feet, or 6.9 feet (28%) less than required.

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, seconded by Mr. Freitag.

Roll call vote: All voted in favor; Mr. Vicari

voted no.

ROBERT & GAIL COLON(A13-017) (GRANTED)
PREMISES AFFECTED: 51 Parkview Avenue, Block 117, Lot 6.
PURPOSE: Variance for combined setback, lot coverage and
building height.

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

Mr. Duch indicated they were before the Board on
this application last month to construct a second floor
addition and to renovate an existing one-family
dwelling. He indicated that last month his clients
Robert and Gail Colon testified they want to add to
their living space and dramatically improve the
esthetics of their home.

As a result of Board questions, they had their
architect visit site (who was present this evening), and
they have submitted revised drawings which were
submitted last Tuesday.

Mr. Duch indicated the heights have now been
indicated on the plans. He added the shed would be
removed, bringing the lot coverage from 27.6 to 25.49.

CHRISTOPHER PAPALEO, Architect, 226 Mahwah Road,
Mahwah, New Jersey, sworn.

Mr. Papaleo was qualified and testified as a
licensed architect in the State of New Jersey. He
testified he visited the site, took photographs and now
the plans demonstrate dimensions, etc.

There has been no change in the actual plan for
the home, including the height.

(At this time, A-1 is received and marked into
Evidence; plans.)

Mr. Papaleo reviewed A-1 with the Board. He
testified there is a one-car garage and the front can
accommodate 3 spaces in total. He also described the new
entranceway to the home.

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

LAURA OSWALD, 73 Parkview Avenue, Elmwood Park,
New Jersey, sworn.

Ms. Oswald testified she lives down the street
from the subject premises and there are other houses
higher than what Mr. and Mrs. Colon are proposing; she
sees no reason to deny the application.

Hearing no one further, the Chairman closed the public portion.
 Mr. Golembiski made a motion to approve, seconded by Mr. Freitag.
 Roll call vote: All voted in favor.

SHAILESH KADAKIA (A13-020) (GRANTED)
 PREMISES AFFECTED: 34 West Street, Block 719, Lot 15.
 PURPOSE: Variance for side yard, lot width, lot size and lot coverage.

The record notes the appearance of Mr. and Mrs. Kadakia.

CARLOS RODRIGUEZ, 924 East 26th Street,
 Paterson, New Jersey, sworn.

Mr. Rodriguez testified Mr. and Mrs. Kadakia wish to add a family room and an additional bedroom to accommodate the parents of Mrs. Kadakia.

He testified Mrs. Kadakia is the only living relative and needs to care for her two elderly parents who reside out of the Country. They are proposing a 390 square foot addition at the rear of the home. The home is a one-family and will remain a one-family.

Mr. Rodriguez testified the adjacent property owners basically have the same home. When the addition is complete it will be even with their neighbor's setback in the rear yard.

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

WILLIAM MANDARA, 1 Beechwood Avenue, Elmwood Park, New Jersey, sworn.

Mr. Mandara testified that in his opinion, the addition is extremely excessive. It is also close to the property line and encroaching into the house next door, obliterating the dining room window. He testified his sister, who lives next door, would look out her dining room window into a wall. She is not present this evening as she is incapacitated. He testified in his opinion, a 20x20 living room is excessive.

After further discussion and questioning by the Board, the applicant agreed to modify his plans to bring the setback in another half foot, bringing him within

the setback requirements of 5 feet, and also come in 6 inches on the north side, and instead of the 20-foot bump out from the rear of the home, it would go to the depth of the existing deck. They also will eliminate the porch. The applicant agreed the new square footage is 1,367 square feet, or 29.2%. They will not have a garage and the front yard will remain unchanged.

Mr. Kadakia indicated he understands the changes and modifications and agrees with same.

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

Roll call vote: All voted in favor.

MARBLE ARCH HOLDINGS (A13-019) (CARRIED)
 PREMISES AFFECTED: 100B Main Avenue, Block 1104, Lot 16.
 PURPOSE: Site Plan and Use Variance transferred from the Planning Board.

CARMINE R. ALAMPI, ESQ., appeared on behalf of the applicant.

Mr. Alampi indicated they are under a lease agreement to occupy the warehouse located on the subject parcel. He added this application is for a use variance which is typically common for this area and this is a reduction in use. They are here because this is not listed as a permitted use.

PAUL R. O'BRIEN, 2 Gowin Street, Sayreville, New Jersey, sworn.

Mr. O'Brien testified he is the district manager of First Transit, covering New Jersey, Connecticut and Delaware. His company provides transportation to persons with disabilities. It also is in the business of transportation and mass transit. Mr. O'Brien explained the corporate structure of the company. They also have contracts with the State of New Jersey, said contract is for 7 years.

(At this time, A-1 is marked into Evidence; 3 photographs.)

Mr. O'Brien testified via A-2 and described same. This location will be used to provide scheduling and performing pick-ups, etc., dispatching, etc. There will also be vehicle maintenance, washing etc. And parking of same.

Initially they will have approximately 100 employees, including drivers, employees working on vehicles, administrative staff, etc.

Although shifts fluctuate, they generally are 3:45 am to midnight.

(At this time A-3 is marked into Evidence; shift schedule.)

Mr. O'Brien testified via A-3 and described same. Each driver's shift is approximately 8 hours. Mr. O'Brien agreed to a limit of 100 vehicles. He also stated they are prevented by New Jersey Transit from co-mingling these vehicles for any other purposes. Mr. O'Brien testified they will not access local streets except for pick-up of passengers. Their vehicles will enter in the front and exit to the rear more directly to Route 80.

Mr. O'Brien testified drivers will be instructed to take specific routes avoiding local streets. The buses are equipped with mobile computers and will be tracked by dispatch.

Mr. O'Brien testified each driver receives about 105 training hours. He agreed to specified routes as part of the Resolution.

COLEEN MARTIN, 540 Gotham Parkway, Carlstadt, New Jersey, sworn.

Ms. Martin testified she is familiar with the routing of vehicles. She testified the vehicles will enter from Main Avenue to the front of the building, through the building, park inside the building and when they leave, the vehicles will exit from the rear of the building down East 54th Street.

Staff parking, approximately 20 employees, will arrive at 7 am, and park in front, 7 days a week, but they all do not arrive at the same time. The applicant agreed to restrictions to East 54th Street and Main Avenue.

Ms. Martin testified the maximum number of employees will be 55 and approximately 70 vehicles. All vehicles used for transportation will be housed in the building.

Mr. O'Brien agreed that the routing will be through 54th Street from the rear of the building and limiting such activity in the early morning and in the late evening on Main Avenue. They will perform maintenance such as brake jobs, water pumps, etc., but no body work, painting, etc.

There is no storing of fuel on site. There is an oil/water separator to accommodate washing of vehicles.

FREDERICK C. MEOLA, 28 Whippany Road, Whippany, New Jersey, sworn.

Mr. Meola was qualified and testified as a

licensed professional engineer in the State of New Jersey.

(At this time, A-4 is received and marked into Evidence; as-built site plan.)

Mr. Meola testified he is familiar with this property from many years ago, and had the original survey and thus was contacted to prepare the as-builts presented this evening. Mr. Meola prepared the 2002 boundary survey. He testified he went back and visited the site and determined this is in the IR zone and not the IG zone.

Mr. Meola reviewed the requested variances with the Board and described the premises in question. He testified the rear portion has 47 9x20 parking spaces with 24' aisles.

(At this time, A-5 is received and marked into Evidence; Google aerial map.)

Mr. Meola testified via A-5 and described same.

(At this time, A-6 is received and marked into Evidence; Google map.)

Mr. Meola testified via A-6 and described same.

Mr. Alampi indicated they have the landlord present to explain the agreement and could subsequently produce the title to Mr. DeMaria.

After further discussion and questioning by the Board, Mr. Meola testified he's reviewed Mr. TenKate's (Boswell's) letter and can comply with same.

After further discussion and questioning by the Board, the Chairman indicated this matter would be carried until the September 25, 2013 meeting, and the applicant should be prepared to go over the Boswell July 10th letter in detail.

The Chairman directed that all witnesses who testified this evening return on the 25th. The public was also instructed that questions/comments would be entertained on the 25th.

MICHAEL YEVCHAK, 580 Wellington Road, Ridgewood, New Jersey, sworn.

Mr. Yevchack testified he's a partner in the building, and he and his wife are the principal owners. He testified when they purchased the building in 2002, they made sure they would have egress out of the rear in perpetuity filed with the County. He testified the paperwork can be provided, and same is provided via a rolling gate.

Mr. Panetta made a motion to carry this to September 25, 2013, seconded by Mr. Golembiski.

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