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

IN RE:
MATTERS AND DECISIONS RENDERED
ON WEDNESDAY, FEBRUARY 27, 2013

FEBRUARY 27, 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:

JAMES GOLEMBISKI, Acting Chairman
RONALD VICARI, Bd. Secty.
DEBORAH ALVAREZ, Member
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
(732) 477-6710

	I N D E X		
	APPLICANT	DISPOSITION	PAGE
1			
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3			
4	AGENDA:		
5	THALER (A12-030)	Withdrawn	3
6	MUZAL (A13-001)	Withdrawn	3
7			
8	BANK 46 LLC (A13-002)	Carried	4
9	WOJTAZEK (A13-004)	Granted	4
10	DECAN REALTY (A13-005)	Granted	4
11			
12			
13	RESOLUTIONS:		
14	JOVAN POPOVSKI (A12-027)		3
15	MICHAEL SERRA (A13-003)		3
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1 THE CHAIRMAN: Good evening, the regularly
2 scheduled meeting of the Elmwood Park Zoning Board of
Adjustment is called to order.

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

4 Roll call vote: Present were Members Beniamini,
Panetta, Freitag, Baglieri, Alvarez, Vicari, Golembiski;
Mr. Morgan was absent.

5 *****

6 (Whereupon there is a flag salute.)

7 *****

8
9 Mr. Panetta made a motion to adopt the minutes
of the meeting of January 23, 2013, seconded by Mr.
Freitag.

10 Roll call vote: All voted in favor.

11 *****

12 Mr. Baglieri made a motion to accept the
13 Resolution regarding POPOVSKI (A12-027), seconded by Mr.
Freitag.

Roll call vote: All voted in favor.

14 *****

15 Mr. Panetta made a motion to accept the
16 Resolution regarding SERRA (A13-003), seconded by Mr.
Baglieri.

17 Roll call vote: All voted in favor.

18 *****

19 The Chairman announced the matter of THALER
(A12-030) has been withdrawn.

20 Mr. Baglieri made a motion to accept the request
to withdraw this application, seconded by Ms. Alvarez.

21 Roll call vote: All voted in favor.

22 *****

23 The Chairman announced A13-001 (ALUSH MUZAL) has
been withdrawn.

24 Mr. Panetta made a motion to dismiss this matter
without prejudice, seconded by Ms. Alvarez.

25 Roll call vote: All voted in favor.

1 *****

2 The Chairman announced A13-002 (BANK 46 LLC)
3 requested to be carried to March 27, 2013.

4 GUISEPPE C. RANDAZZO, ESQ. Appeared on behalf of
5 Thomas Duch, Esq. and agreed to waive all time
6 constraints.

7 Mr. Freitag made a motion to accept the request
8 to carry this matter, seconded by Mr. Baglieri.

9 Roll call vote: All voted in favor.

10 *****

11 MICHELLE WOJTZEK (A13-004) (GRANTED)
12 PREMISES AFFECTED: 175 Philip Avenue, Block 703, Lot 22.
13 PURPOSE: Variance for front yard.

14 MICHELLE WOJTZEK, 173 Philip Avenue, Elmwood
15 Park, New Jersey, sworn.

16 Ms. Wojtazek testified she had storm damage
17 during Hurricane Sandy and is seeking a variance to
18 replace a roof overhang that was damaged. She testified
19 the roof will provide protection from the elements,
20 i.e., ice, rain and snow. It will not be enclosed. It
21 will replace a previous overhang, but this one will
22 extend out slightly further so it covers the steps, a
23 total of 2 feet from the house.

24 After further discussion and questioning by the
25 Board, the Chairman opened the meeting to the public.
Hearing no one from the public, the Chairman closed the
public portion.

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

Roll call vote: All voted in favor.

DECAN REALTY (A13-005) (GRANTED)
PREMISES AFFECTED: 109 Midland Avenue, Block 1810, Lot
6.
PURPOSE: Atmiya Adult Day Care LLC, use variance and
parking variance.

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

MIHIR PATEL, 4 Mara Street, Edison, New Jersey,
sworn.

THOMAS STEARNS, 144 Jewel Street, Garfield, New

1 Jersey, sworn.

2 ANTHONY GARRETT, 161 Main Street, Ridgefield
3 Park, New Jersey, sworn.

4 Mr. Duch indicated this is an application for a
5 portion of 109 Midland Avenue for an adult day care
6 facility. There will be some interior and exterior
7 changes to the building. They are seeking a use variance
8 for a second principle use, approval for a new driveway.

9 Mr. Patel testified he is the sole
10 member/principal in Adult Day Care LLC, He testified he
11 operates 5 other similar facilities. He employs
12 approximately 80 people throughout the 5 locations.

13 Mr. Patel explained the various services and
14 activities they offer to their clients. He testified
15 their hours are Monday through Friday, 7 am to 7 pm, and
16 Saturday, 8 am to 3 pm; they are closed on Sunday.

17 He testified most clients are provided
18 transportation by the facility, via a shuttle type
19 minivan. They provide this service for about 120 clients
20 daily. He testified they are licensed/regulated by the
21 State.

22 He testified he employs roughly 22 employees
23 during peak hours.

24 Mr. Patel described security measures they
25 employ, which prevents clients from leaving the premises
unauthorized. There is no medical care provided other
than blood pressure, etc.

Mr. Stearns was accepted as a professional
engineer.

He testified he is familiar with the project and
prepared the plans before the Board. He described the
subject premises and the surrounding area. He also
testified there is ample parking on the site.

Mr. Patel testified normally clients stay 5 hours
and they are brought in and depart at staggered hours.

Mr. Stearns reviewed Boswell's report with the
Board.

Mr. Garrett was qualified and testified as a
licensed planner and architect in the State of New
Jersey. He reviewed his report with the Board.

At this time, A-1 (aerial photograph) was marked
into Evidence.

1 Mr. Garrett testified via A-1 and described same.
2 He described the layout of the facility and indicated it
3 is not a kitchen, per se, as food will be delivered from
4 off-premises.

5 He testified there was previously a sub-tenant in
6 the subject space which has departed.

7 Mr. Garrett further testified there will be no
8 changes to the ingress/egress to Midland Avenue.

9 At this time, A-2 (photoboard containing 30
10 photographs) was marked into Evidence.

11 Mr. Garrett testified via A-2 and explained same.
12 He described the surrounding area. He reviewed the
13 positive and negative criteria for the Board. He also
14 testified two uses in the subject premises will work.

15 Mr. Patel testified they use disposable dishes
16 and they have an arrangement with Dorwin to share their
17 dumpster. They can also provide a 2-cubic foot dumpster,
18 if need be. There will be a daily pickup.

19 GIUSEPPE C. RANDAZZO, ESQ. Appeared on behalf of
20 Decan Realty and Dorwin Window.

21 SARA CANGIOLOSI, 28 Trudy Drive, Lodi, New
22 Jersey, sworn.

23 Ms. Cangiolosi testified she is the President of
24 Decan Realty, the landlord of this subject premises and
25 the Vice President of Dorwin Windows.

Dorwin Windows has been there since 1988,
manufacturing vinyl windows and doors. They have
approximately 20 employees; in their busiest times they
had 50 employees. Most of their employees carpool. They
have 10 used parking spaces and at busy times, 15-20.

They receive daily deliveries via UPS, FedEx.
Trailers go to shipping by the loading docks and do not
interfere with parking spaces. There are approximately
180 parking spaces available.

At this time, A-3 (Certificate of Occupancy) is
marked into Evidence.

Ms. Cangiolosi testified while the previous
tenant was there, the Fire Marshall performed periodic
inspections. The previous tenant left in either 2006 or
2007.

Ms. Cangiolosi explained the layout of both uses.
She testified they would comply with the Engineer's

1 report.

2 After further discussion and questioning by the
3 Board, the Chairman opened the meeting to the public.
4 Hearing no one, the Chairman closed the public portion.

5 Mr. Freitag made a motion to approve, with all
6 agreed-to stipulations, which motion was seconded by Ms.
7 Alvarez.

8 Roll call vote: All voted in favor.

9 ****

10 21 SUMMIT AVENUE LLC (A13-006) (GRANTED)
11 PREMISES AFFECTED: 21 Summit Avenue, Block 606, Lot 10.
12 PURPOSE: Continuation of a non-conforming use.

13 At this time, the record notes the recusal of
14 Frank Baglieri for this matter.

15 HAROLD P. COOK, III, ESQ. Appeared on behalf of
16 the applicant.

17 JOVAN SKEPAPOSKI, 12 North First Avenue, Kenil,
18 New Jersey, sworn.

19 Mr. Cook indicated this is a pre-existing
20 non-conforming structure. His client intends to occupy
21 the premises as offices and storage for his construction
22 business, and there will be no fabrication.

23 Mr. Skepaposki testified there will be 4
24 employees at the premises. They are interior contractors
25 for offices. This site will be used for clerical type
work and storage of materials from jobs. There will not
be deliveries to this site.

Approximately 2,100 square feet will be used for
storage of materials. There will be interior renovations
but no exterior renovations.

He testified they have 4 parking spaces and they
will stripe the lot. They are not open to the public.
There will be no overnight parking of vehicles nor any
storage of materials outside. He testified the existing
underground oil tank will be removed and the concrete
repaired at that time.

The hours of operation will be Monday through
Friday, 8 am to 4 pm with no weekend hours.

JOSE TORRES, 31 Mountain Terrace, Hackensack, New
Jersey, sworn.

Mr. Torres testified he is the owner of Brighter
Scene, LLC, and he is a member of same. The previous

1 tenant was a manufacturing company and was there for 6
2 years. They were a machine shop that manufactured tools,
3 small bits, and also had an office with hours of
4 operation 8 am to 5 pm, 5 1/2 days per week. He also
5 operated his own cleaning service with 2 employees and
6 had an office, 5 days per week.

7 After further questioning and discussion by the
8 Board, the Chairman opened the meeting to the public.
9 Hearing no one, the Chairman closed the public portion.

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

12 Roll call vote: All voted in favor.

13 *****

14 There being no further matters before the Board,
15 Mr. Panetta made a motion to adjourn, seconded by Mr.
16 Freitag, and all members having voted in favor of
17 adjournment, the meeting was adjourned by the Chairman.

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RONALD VICARI, Board Secretary