

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

IN RE:

MATTERS AND DECISIONS RENDERED

ON WEDNESDAY, JANUARY 23, 2013

JANUARY 23, 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
RONALD VICARI, Bd. Secty.
DEBORAH ALVAREZ, Member
JAMES GOLEMBISKI, 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
AGENDA:		
POPOVSKI (A12-027)	Granted	4
THALER (A12-030)	Carried	4
MUZAL (A13-001)	Carried	6
BANK 46 LLC (A13-002)	Carried	6
SERRA (A13-003)	Granted	6
SETTING OF MEETING DATES FOR 2013		3
RESOLUTIONS:		
PGM HOLDING (A12-028)		3
101 GROUP LLC (A12-029)		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, Morgan.

(Whereupon there is a flag salute.)

Mr. Panetta made a motion to adopt the minutes of the meeting of December 19, 2012, (Ms. Alvarez noting the correction that she is listed as being present when she was absent), seconded by Mr. Golembiski.

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

Mr. Panetta made a motion to accept the Resolution of Denial regarding PGM Holding (A12-028), seconded by Mr. Golembiski.

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

Mr. Golembiski made a motion to accept the Resolution of Approval regarding 101 Group LLC (A12-029), seconded by Mr. Freitag.

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

At this time, Mr. Baglieri made a motion to adjourn and close the completed agenda for the year 2012, seconded by Mr. Golembiski.

Roll call vote: All voted in favor.

The Chairman opened the Reorganization meeting for 2013 and read the notices requirements, and that the meeting is being held in compliance with the Open Public Meetings Act.

Roll call: Present were Members Beniamini,

Panetta, Freitag, Baglieri, Alvarez, Vicari, Golembiski and Morgan.

The Chairman announced the four-year re-appointment of Mr. Vicari as Board Secretary.

At this time, nominations for 2013 were conducted and resulted as follows:

Board Secretary: Ronald Vicari.
 Chairman: G. Byron Morgan, II.
 Vice Chairman: James Golembiski.
 Board Attorney: Matthew P. DeMaria, Esq.
 Board Engineer: Boswell Engineering.
 Board Stenographer: Joseph Natale, C.S.R.

At this time, the Chairman announced the annual Resolution pertaining to the meetings for 2013.

Mr. Baglieri made a motion to approve the Resolution, seconded by Mr. Golembiski.
 Roll call vote: All voted in favor.

Mr. Golembiski made a motion to adopt the Rules and Regulations for 2013, seconded by Mr. Baglieri.
 Roll call vote: All voted in favor.

The Chairman announced a request for an adjournment of A12-030 (ROBERT THALER).

Mr. Golembiski made a motion to carry this matter to the 2/27/13 meeting, seconded by Mr. Panetta.
 Roll call vote: All voted in favor.

The Chairman announced A13-002 (BANK 46 LLC) requested to be carried to the 2/27/13 meeting.

Mr. Vicari made a motion to carry this matter to 2/27/13, seconded by Mr. Golembiski.
 Roll call vote: All voted in favor.

JOVAN POPOVSKI (A12-027) (GRANTED)
 PREMISES AFFECTED: 121 Franklin Street, Block 1114, Lot 26.
 PURPOSE: Variance for existing garage; rear setback.

BENNETT WASSERSTRUM, ESQ., 3 Botany Village Square, Clifton, New Jersey, appeared on behalf of the applicant.

Mr. Wasserstrum indicated his client applied and received permission to construct a three-car wooden frame garage; it was later determined that the sideyard structure was a non-conforming use and there was a major soil permit required and the applicant applied for a minor.

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

At this time Mr. Stearns reviewed Boswell's letter/report dated 12/17/12.

Mr. Stearns described the property in question and the surrounding area. He testified that the garage does have 3 feet from the rear property but does not have 3 feet when measured from Franklin.

After further discussion and questioning by the Board, the applicant agreed to move the wall away from the property line adjacent to the driveway, giving 2 feet between the wall and the property line. A perforated pipe will run through this area to catch any runoff. There will also be a seepage pit installed to accept the water.

The applicant is also requesting a major soil movement permit.

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

ROSINA FIORE, 123 Franklin Street, Elmwood Park, New Jersey, sworn.

Ms. Fiore questioned the need for this variance. She testified the garage is massive and could have been built to meet all the requirements. She also testified this is a flood area and this has exacerbated the problems. She also testified that the applicant's brother has the same or similar problem with his garage.

Ms. Fiore produced photographs of her patio blocks, which have been uprooted from water, as a result of this construction. She further testified that as a result of the dirt, her home is in a bigger ditch now.

JOVAN POPOVSKI, 45 Charles Street, Elmwood Park, New Jersey, sworn.

Mr. Popovski testified he is the contractor for this project and testified the mistake was made in measuring from the monument, from North Street, which is 4 inches; it's different in the other direction.

He testified they agree to any and all

modifications made by the Engineers on both sides.

He testified in the future he will demolish the house and build a two-family house.

Mr. Stearns testified his client also agrees to all the recommendations made, including bringing the property down to existing grade and/or original grade, i.e., not to exceed 18 feet; the wall not the exceed the garage floor.

There will also be a minor soil removal permit.

The applicant also agreed to all the provisions in Boswell's letter.

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

Mr. Vicari made a motion to approve, with all the agreed-to revisions, seconded by Ms. Alvarez.

Roll call vote: All voted in favor; Chairman Morgan voted no.

ALUSH MUZAL (A13-001) (CARRIED)
 PREMISES AFFECTED: 346 East 54th Street, Block 1103, Lot 6.
 PURPOSE: Variance for front yard, lot coverage and height variance.

ALUSH MUZAL, 346 East 54th Street, Elmwood Park, New Jersey, sworn.

Mr. Muzal testified the correct size lot area is 70x110. He further testified that his architect has the answers to most of the questions the Board is posing.

The Chairman suggested the applicant adjourn this matter to the February 27, 2013 meeting, at which time the applicant should return with his architect; the applicant agreed.

The applicant waived all time constraints that may be imposed.

Mr. Vicari made a motion to carry this matter to the February, 2013 meeting, seconded by Mr. Golembiski.

Roll call vote: All voted in favor.

MICHAEL SERRA (A13-003) (GRANTED)
 PREMISES AFFECTED: 27 Bellevue Avenue, Block 108, Lot 5.
 PURPOSE: Variance for green area and accessory use area.

MICHAEL SERRA, 27 Bellevue Avenue, Elmwood Park, New Jersey, sworn.

Mr. Serra testified they have 3 young children and would like to install this in-ground pool. They investigated and this is the smallest pool that would be cost efficient.

SCOTT BLEEKER, 31 Club Road, Fairfield, New Jersey, sworn.

Mr. Bleeker testified he is the builder and he will be helping Mr. Serra install the pool; he prepared the plan for same.

Mr. Bleeker drew the Board's attention to a revised plan showing the pool being moved over 6 feet away from the sideline.

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.

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

Roll call vote: All voted in favor.

The Chairman announced E-mails will be sent to all Board members regarding the rules and regulations for 2013, and also a copy of the roster.

At this time, Mr. Vicari made a motion to go into executive session, seconded by Mr. Golembiski.

Roll call vote: All voted in favor.

At this time, Mr. DeMaria discussed with the Board pending litigation.

After coming out of closed session, and there being no further matters before the Board, all members voted in favor of adjournment; the meeting was adjourned by the Chairman.

RONALD VICARI, Board Secretary