

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

IN RE:

MATTERS AND DECISIONS RENDERED

ON WEDNESDAY, DECEMBER 19, 2012

DECEMBER 19, 2012  
Municipal Building  
Elmwood Park, New Jersey 07407  
Commencing at 7:35 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:		
PGM HOLDING (A12-028)	Denied	3
101 GROUP LLC (A12-029)	Granted	6
JOVAN POPOVSKI (A12-027)	Carried	6
SETTING OF MEETING DATES FOR 2013		9

THE CHAIRMAN: 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, Morgan; Ms. Alvarez was absent.

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(Whereupon there is a flag salute.)

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Mr. Panetta made a motion to adopt the minutes of the meeting of November 28, 2012, seconded by Mr. Freitag.

Roll call vote: Voting yes in favor of motion were Members Panetta, Freitag, Beniamini, Vicari, Golembiski, Morgan; Mr. Baglieri abstained.

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PGM HOLDING, COMPLETE  
 AUTO GROUP CORPORATION  
 (A12-028) (DENIED)  
 PREMISES AFFECTED: 272 Route 46 East, Block 1804, Lot 1.  
 PURPOSE: Use Variance.

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

JAMES MOSCATELLO, 1 Roman Court, West Nyack, New York, sworn.

Mr. Moscatello testified he is the Vice President of Complete Auto Group for four months. They propose to lease the subject premises. His business consists of sales/leasing of high line cars.

They will occupy the entire building. The first floor will consist of sales people and 6 cars. The second floor will be the finance operation. The hours of operation will be Monday through Friday 9-7, Saturday 9-5, and closed on Sunday.

He testified that car deliveries come via a one-car enclosed carrier, sometimes driven by retired people. No tractor trailers or multi-car carriers will come to the site.

He testified they have 36 available parking spaces, 26 of which will be used for display purposes, 6

customer spaces and 4 employee spaces. He testified their employees drive vehicles which are for sale and get a replacement vehicle when they are sold.

Mr. Duch reviewed the Engineer's report with Mr. Moscatello.

DAVID SCILLIERI, ESQ., 406 Route 46, Elmwood Park, New Jersey, appeared on behalf of PGM.

PETER MANOUSOS, 709 Four Seasons Drive, Wayne, New Jersey, sworn.

Mr. Manousos testified he is the owner of PGM for 42 years. He testified that currently the ground floor, first floor and half of the second floor are vacant. He testified there were 2 previous tenants; a doctor and a pharmaceutical company, upstairs is a dental facility and next to that was an accountant - four tenants for the last 10/12 years.

He testified there has always been heavy parking usage. He further testified that parking has always been accomplished, for the last 42 years, in the spaces in the Dept. Of Transportation easement. He has never received any complaints from the DOT.

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

Mr. Stearns was qualified and testified as an expert engineer licensed in the State of New Jersey.

Mr. Stearns testified he prepared the subject site plan and reviewed same with the Board. He testified the proposal is to keep the current layout and have a car dealership inside the building. They intend to create a doorway to be able to bring 6 cars in and out. There will be no footprint changes to the building other than the proposed doorway.

KENNETH OCHAB, 1216 Fair Lawn Avenue, Fair Lawn, New Jersey, sworn.

Mr. Ochab was qualified and testified as a licensed planner in the State of New Jersey.

Mr. Ochab reviewed the site with the Board.

At this time, A-1 (aerial photograph) and A-2 (site plan) were marked into Evidence and Mr. Ochab reviewed A-2 with the Board.

At this time, A-3 (photoboard) was marked into Evidence, and Mr. Ochab reviewed same with the Board.

Mr. Ochab testified this is a permitted use. He further testified this use fits within the property.

Mr. Duch stated that his client agrees that if DOT decided to do a taking, they would agree to return before the Board and stipulate to a Deed restriction.

Mr. Moscatello testified that any prep work, repair work and/or body work would be accomplished off site at a location in Garfield, and same can be made part of the Resolution.

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

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

JEFF LEIDER, 34 Stone Avenue, Elmwood Park, New Jersey, sworn.

Mr. Leider testified he has resided here for 42 years and has concerns about another used car lot; increased traffic, safety to children in the area with test driving high end cars on the block, and cars which already use their street as a cut-through.

KEITH PRANDSTATTER, 26 Stone Avenue, Elmwood Park, New Jersey, sworn.

Mr. Prandstatter expressed concern that only one person on the block received a letter about tonight's meeting. He complained of excessive traffic on their block and the need for speed bumps.

DONALD LEIDER, 25 Stone Avenue, Elmwood Park, New Jersey, sworn.

Mr. Leider testified he's lived in town for 51 years. He expressed concern about car traffic using the block as a cut-through. He also testified the Town doesn't need another car lot.

He expressed concern for children's safety coming to and from school with the high traffic volume.

ROGER TILLMAN, 37 Stone Avenue, Elmwood Park, New Jersey, sworn.

Mr. Tillman testified he is a father of two children that live on the block and is concerned for their safety as cars travel 40-50 miles per hour on this block, with cars parked on both sides of this street, and they only have their backyards and the street for children to play.

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

After further discussion and questioning by the Board, the Chairman asked for a motion.

Mr. Vicari made a motion to deny, seconded by Mr. Panetta.

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

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

BENNETT WASSERSTRUM, ESQ. appeared on behalf of the applicant.

Mr. Wasserstrum stated that due to the lateness of the hour and himself and his engineer just receiving a copy of Boswell's report, they will need to address certain issues so they asked for an adjournment and waived any time constraints until the 1/23/13 meeting.

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

Roll call vote: All voted in favor.

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101 GROUP LLC (A12-029) (GRANTED)  
 PREMISES AFFECTED: 101 Van Riper Avenue, Block 1008, Lot 2.  
 PURPOSE: Use Variance.

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

Mr. Duch stated his applicant is seeking to operate a roofing operation with some outside storage and also an application for Lost Souls Entertainment film cars.

RUSSELL LANGFIELD, 322 Sunset Boulevard, Wyckoff, New Jersey, sworn.

Mr. Langfield testified he and his brother are the owners of 101 Group, LLC and his brother consents to his speaking on his brother's behalf. His sister, who is also a part owner, consents to his speaking on her behalf.

He testified his company, ELCO, imports equipment

from Germany and the Midwest that breaks rock/concrete with no manufacturing on site. They will continue to occupy the 18 square feet they presently occupy.

At this time A-1 (brochure) is marked into Evidence.

Mr. Langfield described their current layout and where they will lease the balance. He testified 99% of what they ship out is via UPS and that is every couple of months. They have operated since 1967.

He testified they have 2 part-time and 2 full-time shifts, with a total of 5 employees, and he and his brother are never there at the same time.

He testified the previous tenant was United Rentals and they occupied the balance of the building.

JOHN PECK, 5 Fern Lane, Denville, New Jersey, sworn.

Mr. Peck testified he and his brother are both principals of Peck Bros., and he has authority to speak on his brother's behalf. He testified he has his own business for approximately 6 years, which is a commercial roofing business. They do not service shingle type roofs.

At this time, A-2 (Field Safety report) is marked into Evidence.

Mr. Peck testified no tar is used in their business. He testified they operate 6 two-man crews and one six to seven-man crew for larger contract work. The foreman of these type jobs usually picks up the crew at their personal residences and gets straight to the jobs. Occasionally a crew member will come on site to pick up material. The trucks they utilize are primarily Chevy Silverado pick-up trucks with enclosed caps and ladder racks. There are approximately 10; 7 will be stored on site.

Mr. Peck testified that office personnel and workers are usually finished for the day at approximately 4:00. He testified that Saturdays are also 7-4.

At this time, A-3 (photograph) is marked into Evidence, and Mr. Peck described A-3 as an example of a membrane they apply to a flat roof.

At this time, A-4 (roof membrane sample) is marked into Evidence.

Mr. Peck described for the Board how the building will function. He testified the storage area would consist of 2 trailers, 7'x10', a drop deck trailer, scissor lift and a forklift, a 5'x10' dump trailer that needs to be protected from the elements. As regards outside storage, that area would house service vehicles

that employees do not take home on a daily basis.

MATTHEW MESANO, 3 Melissa Drive, North Haledon, New Jersey, sworn.

Mr. Mesano testified he is the sole member of Lost Souls, a business where he supplies vehicles and props for films, Broadway shows, stage and photo shoots and events. He testified all the vehicles are operational and when he receives a call that someone needs a vehicle, he brings same to said location.

He owns over 100 vehicles and not all are stored on the premises. Any maintenance repairs, etc. are done off-premises. He testified if a job is at 6:00 am, he is at the lot retrieving the vehicle at 3:00 am. Sometimes he is not there for a week or two. He does not have an office on site, he runs his office from home.

He testified he is contacted by cell phone, e-mail, and advertises in different production guides, etc.

He testified he would store approximately 60 vehicles at this location. He testified when he does remove vehicles, he does same by flatbed truck.

He testified that although his hours are 9-5, they are off-site. He sometimes has a helper, but for the most part, he moves the cars himself. The most there would be are 3, including himself.

KENNETH OCHAB, previously sworn.

Mr. Ochab was qualified and testified as an expert planner licensed in the State of New Jersey.

Mr. Ochab reviewed the site plan with the Board. He described the one existing and two proposed, total of 3, uses on the property.

Mr. Peck agreed to eliminate the outside storage area and limit same to vehicles and not equipment. Same will be striped for parking.

After further questioning and discussion by the Board, the applicants agreed the Resolution would be limited to no office use in one use, no use of the building in connection with same, limited to the film and photo industry, etc., no on-site employees. The intensity of use will be as described in the Resolution, subject to review and approval by the Board.

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

LINDA BATEMAN, 75 Van Riper Avenue, Elmwood Park,

New Jersey, sworn.

Ms. Bateman discussed concerns about the high visibility to the cars and relating same to a view to a junkyard in her backyard.

The applicant agreed to increase the privacy fence by 2 more feet with privacy slats; from the fence line 9' up no vehicles will be parked.

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.

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Mr. Baglieri made a motion to have a meeting January 23, 2013, Reorganization meeting, seconded by Mr. Panetta.

Roll call vote: All voted in favor.

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There being no further matters before the Board, and all members voting in favor of adjournment, the meeting was adjourned by the Chairman.

RONALD VICARI, Board Secretary