

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

IN RE:
MATTERS AND DECISIONS RENDERED
ON
WEDNESDAY, JANUARY 28, 2009

JANUARY 28, 2009
Municipal Building
Elmwood Park, New Jersey 07407
Commencing at 7:45 pm

B E F O R E:

THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH
OF ELMWOOD PARK.

PRESENT:

JAMES GOLEMBISKI, Chairman
RONALD VICARI, Vice Chairman
JAMES DE PADOVA, Bd. Secty.
ANGELO PANETTA, Member
FRANK BAGLIERI, Member
JACK CLEELAND, Member
DEBORAH ALVAREZ, Member
GEORGE NESTORY, Member
PETER TEN KATE, Bd. Engineer
MATTHEW DE MARIA, ESQ., Bd. Attorney

JOSEPH NATALE, C.S.R.
30 Cedar Island Drive
Brick, New Jersey 08723
732-477-6710

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The Chairman opened the January, 2009 meeting and announced that this is the regularly scheduled meeting of the Elmwood Park Zoning Board of Adjustment. The meeting was called to order, the Public Laws of 1975, effective 1/19/76 and NJSA 10:4-1, in compliance with the Open Public Meetings Act.

Roll Call: Present were Members Baglieri, Cleeland, DePadova, Alvarez, Golembiski, Nestory, Panetta and Vicari; Mr. Roveccio was absent.

At this time, Mr. Golembiski stepped down as Chairman and Mr. Baglieri temporarily chaired the meeting during nominations for the year 2009.

Mr. Baglieri opened nominations which resulted as follows:

James Golembiski, Chairman;
 Ron Vicari, Vice Chairman;
 James DePadova, Board Secretary;
 Matthew DeMaria, Esq., Board Attorney;
 Boswell Engineering, Board Engineer;
 Joseph Natale, CSR, Board Stenographer.

Mr. Baglieri made a motion to adopt the Elmwood Park Zoning Board of Adjustment rules and regulations, seconded by Mr. Vicari.

Roll call vote: All voted in favor.

Mr. Panetta made a motion to accept the monthly meeting dates as outlined, seconded by Ms. Alvarez.

Roll call vote: All voted in favor.

VERRU DHILLON (A08-019) (Denied)
 PREMISES AFFECTED: 551 River Drive, Block 1001, Lot 1.
 PURPOSE: Use and miscellaneous variances.

PAUL KRISAN, ESQ. Appeared on behalf of the applicant.

KARTER ISRANI, 9 Tomalyn Hill Road, Montville, New Jersey, sworn.

VERRU DHILLON, 16 Fingal Street, Staten Island, New York, sworn.

Mr. Krisan indicated that he represents Mr. Dhillon.

Mr. Dhillon testified that he is the owner of River Drive Mark, LLC and he is proposing a gas

station/convenience store and an office complex at the subject premises.

Mr. Israni was qualified and testified as a professional engineer. He described the current condition/status of the subject premises. He testified his client is proposing four gas pumps and the first floor of the building to be used as a food mart and the second floor as an office building. He further testified his client intends to remove the garage building and have a total of four gas pumps with a canopy.

Mr. Israni testified parking for the food mart will be gained via Chamberlain Drive in front of the building. He further testified the property is located in a CG Zone and his client is requesting a variance for three uses on a single parcel.

Mr. Dhillon testified three people will occupy the office. He also testified his hours of operation for gas will be 5 to 11 and the convenience store will close at 8:00, and open at 7:00 am. He testified two people will man the gas pumps and one person will operate the convenience store. He testified the hours of operation for the office will be 8 to 6.

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

Roll call vote: Voting yes in favor of motion to deny were Members Vicari, Baglieri, Cleeland, Nestory, Panetta and Golembiski; Ms. Alvarez voted no to motion.

TERESA WOJTACH (A09-002) (Granted)
 PREMISES AFFECTED: 121 Grove Street, Block 713, Lot 20.
 PURPOSE: Variance for height.

The record notes the recusal of Matthew DeMaria, Esq. as Board Attorney, and the appearance of Robert Frega, Esq. sitting in for him.

The record further notes the recusal of Member Baglieri.

PAUL KRISAN, ESQ., appeared on behalf of the applicant.

THOMAS STERNS, engineer, sworn.
ROBERT DEJA, 15 Maple Lake Road, Kinnelon,
New Jersey, sworn.
TERESA WOJTACH, 915 Lincoln Complex,
Teaneck, New Jersey, sworn.

Mr. Krisan stated he represents Teresa Wojtach, who is a principal in this project.

Mr. Sterns was qualified and testified as a licensed professional engineer. He testified that there is a variance being requested regarding the height of the subject building. Mr. Sterns described the subject premises and testified that the property slopes from the northwest corner of the property, on a diagonal, to the southeast, sloping down to Grove, towards the east, and then forward toward the south.

He testified his client is proposing a two-story duplex with the unit on the left side raised up and the unit on the right side stepped down, creating a 2'8" difference between the finished floors of each building due to the land topography. There also is proposed a 2' high wall on the right side of the property to accommodate the grading differential. He also testified they reduced the wall in front of the property to create a modest grading.

Mr. Sterns next reviewed the zoning requirements. He testified they are providing six parking spaces and five are required. Mr. Sterns next went over in detail Boswell's letter.

At this time, A-1 was marked into evidence (packet of photographs). Mr. Sterns reviewed A-1 with the Board.

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

EVANNE SKORDINSKY KOCH (owner), 113 Grove Street, Elmwood Park, New Jersey, sworn.

Ms. Koch indicated she and her family are very longtime residents of Elmwood Park. She testified her mother/brother both reside in 113, and both are handicapped. Ms. Koch expressed concern about an existing wheelchair lift which, due to the narrowness of the existing driveway, she feels will now be severely compromised with what is being proposed. She also testified about a hole that has been existing, which was done without a permit, and despite many complaints, has been ignored.

Ms. Koch expressed concerns that the wall dimensions may not be accurate. She also expressed

concerns about narrow curbing and also testified that an ambulance will not be able to even get into the driveway, which has already happened.

At this time, the applicant agreed to put up a temporary fence to protect the site and also agreed to take soil erosion measures.

Ms. Koch further expressed concerns about the positioning of the wall..

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

Mr. Nestory made a motion to approve, with all the agreed-to stipulations, i.e., approving the site plan/height variances and the applicant agreed to pay any fees that are necessary, plus the applicant agreed the curb will not exceed 6" above the driveway/retaining wall, soil erosion safety measures and fence, which motion was seconded by Mr. Panetta.

Roll call vote: Voting yes in favor of motion were Members Nestory, Panetta, Vicari, Cleeland, DePadova, Alvarez and Golembiski..

The record notes the return of Mr. DeMaria and Mr. Baglieri.

TOM & SIOBHAN KELLY (A09-001) (Granted)
 PREMISES AFFECTED: 55 Orchard Street, Block 711, Lot 18.
 PURPOSE: Variance for front yard, green area and parking.

MS. QUATRONE, ESQ., appeared on behalf of the applicant.

Ms. Quatrone requested an adjournment to the February regular meeting, and waived any time constraints.

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

Roll call vote: Voting yes in favor of motion were Members Baglieri, Cleeland, DePadova, Alvarez, Panetta and Golembiski; Mr. Nestory abstained.

The Chairman announced that the matter of MARCAL MANUFACTURING (A09-003) was being carried to the February regular meeting.

C&L DEVELOPERS, LLC (A08-023) (Denied)
PREMISES AFFECTED: 259 Market St., Block 1012, Lot 12.
PURPOSE: Use variance.

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

SALVATORE CATANIA, 201 Heyward Place,
Wallington, New Jersey, sworn.

Mr. Duch indicated he is representing C&L
Developers, seeking permission to develop property
located at Block 1012, Lot 12 in the CL Zone.

Mr. Duch indicated the property was
previously a gas station and they were before the
Board previously and were granted permission to
construct an eight-family house. He further indicated
they appear tonight requesting permission to have two
uses on the property, i.e., still maintaining the
eight existing one-bedroom apartments but using the
trash/recycling area for office use.

Mr. Catania testified that he is the
President of C&L, and is approved to testify this
evening regarding this application. He testified there
are no proposed renovations to the exterior of the
building. They would like to convert the trash area
into an office/storage for C&L. The proposed office
would be used approximately Monday, Wednesday and
Friday in relation to checking the property, etc. The
area is also proposed for storing of equipment/tools
used in manicuring the property. The office area will
be 12x12 with a bathroom. Storage will be in an area
5x12. At this time, the applicant addressed concerns
raised in the Engineer's report.

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

LUBIO MARTINOSKI, 52 Falmouth Avenue,
Elmwood Park, New Jersey, sworn.

Mr. Martinoski testified he is a partner
with Mr. Catania. He testified the office is finished
although no permits were obtained. He testified they
need this office as the economy is bad and they are
trying to survive.

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

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

Roll call vote: Voting in favor of motion to deny were Members Vicari, Panetta, Nestory and Golembiski; Members Baglieri, Cleeland and Alvarez voted no to motion.

DANIEL CHUNG (A08-022) (Granted)
 PREMISES AFFECTED: 410 Falmouth Avenue, Block 803, Lot 14.
 PURPOSE: Use variance.

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

Mr. Duch described the premises in question and indicated his client is seeking permission to construct a two-family home in accordance with the R18 Zoning requirements. He indicated the property is in an I-R Zone.

DANIEL CHUNG, 42 Almadera Drive, Wayne, New Jersey, sworn.

ALAN FELD, 15 14th Street, Jersey City, New Jersey, sworn.

Mr. Chung testified he is the owner of the subject property which currently has a small single family home that has been vacant for many years. The home was purchased in conjunction with the home next to it, as well as the commercial property adjoining it. He testified he would like to construct a two-family home that he can reside in, as it would cost too much to renovate what presently exists.

At this time, Mr. Duch and Mr. Chung reviewed the Engineer's report for the Board and agreed to comply with same.

At this time, Mr. Feld was qualified and testified as a licensed architect/planner. Mr. Feld testified in regard to No. 8 in the Engineer's report. The monitoring wells will not interfere with the location of the building.

At this time, Mr. Feld reviewed his building plans with the Board.

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

FRANK GROVA, 402 Falmouth Avenue, Elmwood Park, New Jersey, sworn.

Mr. Grova testified his property is adjacent to Mr. Chung's. He stated his concerns as regards to parking shortages in the area.

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

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

Roll call vote: Voting yes in favor of motion to approve were Members Nestory, Baglieri, Cleeland, Alvarez, Panetta, Vicari and Golembiski.

There being no further matters, and all having voted in favor of adjournment, the Chairman adjourned the meeting.

JAMES DE PADOVA, Secretary