

BERGENFIELD ZONING BOARD OF ADJUSTMENT  
MINUTES - REGULAR MEETING  
JUNE 6, 2016

Meeting opened at 8:15 p.m. by S. Stein, chair, with pledge of allegiance and in accordance with sunshine law.

Resolution to approve absence of following members approved: B. Deauna.

Roll call:

Shimmy Stein – present

Richard Morf - present

Steve Madsen –present

Buddy Deauna – present

Richard Daly – present

Sara Berger – absent (e)

Amnon Wenger – 1<sup>st</sup> alternate – present

Rafael Marte, 2<sup>nd</sup> alternate- absent (e)

Ronald Mondello, Esq. – present

Remington Vernick & Arango Engineers:

David Gleassey - present

Charles Steinel, Council liaison – absent

\_\_\_\_\_, Planning liaison - absent

**MINUTES** – Minutes of May 2, 2016 were held for approval for July meeting.

**COMMUNICATIONS** – None

**PUBLIC COMMENT** - None

**RESOLUTIONS** –

**Galligan, 12 Momar Drive** - On motion by R. Morf and seconded by B. Deauna, the Resolution was approved as submitted.

**OLD BUSINESS**

**Pachter** \_\_\_\_\_ - On motion by S. Stein, seconded by A. Wenger, request to extend variance for one more year was approved.

**Love and Truth Church, 169 North Washington Avenue** – Attorney for applicant Mark Madaio, Esq. said he was here to answer any final questions.

Board asked Chief Madalone and Lt. Stapleton, traffic officer, from Bergenfield Police Department to address safety issues. Document submitted by Lt. Stapleton marked as Exhibit B-1. Chief went to site and talked to neighbors. Reviewed Exhibit A-3 and okay with drop off and pickup traffic pattern. Area by church from curb to back of house to be open at all times. Area under overhang to be fenced or shrubbery so children not playing under there. There is no play area in back. Church rents space at 171 and going to rent more which also gives more parking space. Street parking will happen but limited. Teachers can park on property M-F. Chief said church accommodating to public. Will consult Mayor and Council to make no parking from South Washington Avenue to driveway. Floor opened to property owners within and outside 200 feet. Chief said no need for crossing guard during school hours. Floor closed.

Former Chief Jerry Naylis of Bergenfield Fire Department reviewed Exhibit A-3. Turn around for size of vehicles okay. School agreed to supply in writing for approval to BFD and BPD a fire safety plan for to get everyone out of school in case of emergency. School has sprinklers now and willing to have BFD inspect. Floor opened to property owners within and outside 200 feet.

Safety concerns for children outside building expressed. Suggested Jae Lee give a phone number to neighbor to call if he sees any problems. Floor closed.

Mr. Madaio stated that the church and school are determined inheritantly beneficial under federal and state law as well as all activities incidental to church such as scouts or homeless needs. He requested a straw vote since only 5 members can vote and 5 approvals needed. Request denied.

Applicant agreed to no parking between church and house; fencing around overhang; fire safety plan to be submitted to BFD and BPD; sprinklers inspected; defribulator to be available; fence in back of property; monitor to be outside when children are outside.

On motion by R. Morf, seconded by A. Wenger, the application was approved as amended.

**NEW BUSINESS –**

**Liss, Michael and Shoshana, 41 Addison Road** - Application deemed complete and marked as Exhibit A-1. David Carmel, Esq., explained that the applicants want to erect a deck to extend 12.5 feet into yard resulting in a setback of 21.25 feet instead of required 25 feet. The concrete slab currently there would be demolished making the yard more impervious. The property slopes down and the deck would make it more usable. Applicant will meet board engineer's requirements. Floor opened and closed to property owners within and outside 200 feet with no response. On motion by A. Wenger, seconded by R. Morf application was approved.

**Katz, Jonathan and Rebecca, 44 Dudley Drive** – Application deemed complete and marked as Exhibit A-1. Rebecca Katz was affirmed. Ms. Katz stated they want to construct a 14x24 deck in the backyard. There will be only grass underneath. Board questioned steps on the side of the deck. Applicant felt steps in the rear would be dangerous. Steps on side 5 ½ feet from neighbor. Floor opened and closed to property owners within and outside 200 feet with no response. On motion by A. Wenger, seconded by B. Deauna application was approved.

**Church Street Bergenfield Associates LLC, 90 West Church Street** - Application deemed complete and marked as Exhibit A-1. Gerald Salerno, Esq. explained that applicant wants to utilize the property as a tire wholesale and retail distribution center to install tires and alignments. Tires only, no motors. Warehousing not permitted in B-2 zone. Applicant will have less intense use than what existed previously.

Board has safety concerns and had Jerry Naylis of the Bergenfield Fire Department ask questions. Owner Mr. Kim sworn in and said he has been in the business for 9 years and has another place. Tires stored on end up to 10 feet high. Store 100 tires plus or minus up to 150 limit. No sprinklers. Early detection system but antiquated system now. Naylis recommended sprinklers because warehouse goes up fast. Chair said it can be done inexpensively in limited area. Main warehouse in Paterson and will get tires from there. Initial delivery will be by trailer but regular truck after that. No oil rags stored that could be ignited by sparks. Old tires picked up by outside company on regular basis with no more than 50 on premises at one tie. Will be stored away from residential area in a locked bin. All permits will be obtained and will meet construction code and fire inspection. Naylis advised sufficient hydrants around property and very strong water supply in area.

Floor opened to property owners within and outside 200 feet for Mr. Naylis and owner. Business will be closed Sundays. Noise will be totally inside. Deliveries will be during regular business hours Monday through Saturday. Floor closed.

Yongho Kim gave credentials as architect and accepted by Board. He described plans submitted. Will meet engineer's letter. Advised use variance requires ADA bathroom with door to open out. No questions by Board or property owners.

Site engineer Nicoletta Louloudis, PE, of Bertin Engineering gave credentials and accepted by Board. Referred to site plan marked as Exhibit A-3. New lighting will be downward. Parking lot in good shape and will be striped. Board request for a bin for scrap metal okay. Limited to retail only so not a storage facility. Other flammables like solvents, gasoline, oil or kerosene not on premises. Heated by gas. No questions by property owners.

Planner Mia Petrou, PP, AICP, of Kenneth Ochab Associates gave credentials and accepted by Board. She gave positive and negative criteria – good use of property and for town. Not detrimental to neighborhood even though surrounded by residences. Tire sales are permitted but tire stores are not. Prohibited because just not included. Floor opened by property owners within and outside 200 feet. Deliveries to be made between 8 am and 5 pm by van or box truck which will pull right into facility and not park on the street.

Applicant agreed to following: Retail tires only; tire changes, alignment, brakes, all restricted to tire related only; light repairs; fire and building code; update fire alarm system; install limited area sprinkler system; safety fire plan to be worked up with fire department; 100 tires stored here; tire salvage pickup on regular basis with dumpster locked and placed away from residential area; ADA requirements met; drains; handicap parking as indicated in site plan; striped parking; van or box truck deliveries only except initial delivery; conform to all engineer comments except sidewalk which meets building department code.

On motion by R. Morf, seconded by A. Wenger, application approved as amended.

Meeting adjourned at 10:45 pm.

Respectfully submitted,  
Joan Compton, Clerk

**Next meeting July 11, 2016.**