



**BOROUGH OF
WALLINGTON, NJ**
Incorporated December 31, 1894

**24 Union Boulevard
Wallington, NJ 07057
Tel: 973-777-0318**

*From the Office of:
Zoning Board of Adjustment*

MINUTES OF THE JANUARY 30TH, 2024 MEETING OF THE WALLINGTON ZONING BOARD

THE JANUARY 30, 2024 MEETING OF THE WALLINGTON ZONING BOARD WAS CALLED TO ORDER BY CHAIRMAN JOHN REBECKY AT 7:30 PM, CITING THAT THE RULES OF THE SUNSHINE LAW WERE FOLLOWED WITH RESPECT TO ADVERTISING SAID MEETING.

**ROLL CALL: PRESENT: JAMES FURTAK, WALTER SURDYKA, JOHN REBECKY, JOSEPH IVANICKI,
JOSEPH AIELLO, ANDREW DONALDSON, DOMINICK CHIRLO**

**ALSO PRESENT: SUE MCGUIRE, CCR - MCGUIRE REPORTING
DAVID JUZMESKI, PE, PP – NEGLIA ENGINEERING
MARTA GOLDYN – RECORDING CLERK**

FLAG SALUTE.

OATH OF OFFICE GIVEN TO JOHN REBECKY AND JOSEPH IVANICKI BY MARTIN CEDZIDLO, ESQ.

RE-ORGANIZATIONAL PORTION OF THE MEETING. MOTION TO DISPENSE WITH THE REGULAR ORDER OF BUSINESS TO PROCEED WITH THE RE-ORGANIZATION OF THE BOARD WAS MADE BY IVANICKI AND SECONDED BY DONALDSON.

ROLL CALL: AYE: FURTAK, SURDYKA, REBECKY, IVANICKI, AIELLO, DONALDSON, CHIRLO.

THE FOLLOWING NOMINATIONS WERE MADE:

CHAIRMAN: JOHN REBECKY

MOTION: DONALDSON. **SECOND:** CHIRLO.

ROLL CALL: AYE: FURTAK, SURDYKA, REBECKY, IVANICKI, AIELLO, DONALDSON, CHIRLO.



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VICE –CHAIRMAN: JOSEPH IVANICKI

MOTION: DONALDSON. **SECOND:** REBECKY.

ROLL CALL: AYE: FURTAK, SURDYKA, REBECKY, IVANICKI, AIELLO, DONALDSON, CHIRLO.

SECRETARY: JAMES FURTAK

MOTION: SURDYKA. **SECOND:** REBECKY.

ROLL CALL: AYE: FURTAK, SURDYKA, REBECKY, IVANICKI, AIELLO, DONALDSON, CHIRLO.

RESOLUTIONS:

- a. RESOLUTION, REAPPOINTMENT OF ATTORNEY MARTIN CEDZIDLO AS BOARD ATTORNEY FOR THE CALENDAR YEAR OF 2024.
- b. RESOLUTION, REAPPOINTMENT OF MARTA GOLDYN AS CLERK/RECORDING SECRETARY.
- c. RESOLUTION, REAPPOINTMENT OF SUE MCGUIRE AS SHORTHAND REPORTER FOR THE ZONING BOARD FOR TAKING MINUTES.
- d. RESOLUTION, APPROVAL OF RETAINING NEGLIA ENGINEERING AS ZONING BOARD ENGINEER FOR THE CALENDAR YEAR OF 2024.
- e. RESOLUTION, RE-ADOPTION OF THE BY-LAWS AND PROCEDURES OF THE ZONING BOARD.
- f. RESOLUTION, NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT.

A MOTION WAS MADE BY FURTAK AND SECONDED BY DONALDSON TO APPROVE THE RESOLUTIONS “EN MASS”.

ROLL CALL: AYE: FURTAK, SURDYKA, REBECKY, IVANICKI, AIELLO, DONALDSON, CHIRLO.

A MOTION WAS MADE BY FURTAK AND SECONDED BY DONALDSON TO END THE RE-ORGANIZATION OF THE BOARD AND RETURN TO THE REGULAR ORDER OF BUSINESS.

ROLL CALL: AYE: FURTAK, SURDYKA, REBECKY, IVANICKI, AIELLO, DONALDSON, CHIRLO.

A MOTION WAS MADE BY DONALDSON AND SECONDED BY CHIRLO TO ACCEPT THE NOVEMBER 28, 2023 MEETING MINUTES.

ROLL CALL: AYE: FURTAK, SURDYKA, REBECKY, IVANICKI, AIELLO, DONALDSON, CHIRLO.



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MR. JAMES FURTAK BROUGHT UP CONCERNS ABOUT A BAGEL SHOP ON PATERSON AVE. AND PROJECT'S COMPLETION TIMEFRAME, EXPRESSING WORRIES ABOUT INACTIVITY AND ITS IMPACT ON THE NEIGHBORHOOD IF LEFT INCOMPLETE.

MARTIN CEDZIDLO, ESQ PROVIDING LEGAL PERSPECTIVE, EMPHASIZED THE DIFFICULTY IN IMPOSING STRICT COMPLETION TIMELINES, PARTICULARLY FOR USE VARIANCES, AS THEY ARE TYPICALLY INDEFINITE. HE HIGHLIGHTED THE LIMITATIONS IN ENFORCING TIMEFRAMES FOR PROJECTS, CITING INSTANCES WHERE BOARDS HAVE FACED LEGAL CHALLENGES. DAVID JUZMESKI, PE, PP SHARED EXPERIENCES FROM OTHER BOARDS, SUGGESTING THE INCLUSION OF EXPIRATION DATES IN APPROVALS, ALLOWING APPLICANTS TO REQUEST EXTENSIONS IF NECESSARY. ATTORNEY CEDZIDLO CAUTIONED AGAINST OVERSTEPPING LEGAL BOUNDARIES IN IMPOSING CONDITIONS, NOTING THAT SOME DEMANDS MAY NOT BE ENFORCEABLE. HE EMPHASIZED THE IMPORTANCE OF DISCRETION IN REQUIRING OFF-SITE IMPROVEMENTS AND THE CHALLENGES IN UNIFORMLY APPLYING REGULATIONS. THE DISCUSSION REVOLVED AROUND THE COMPLEXITIES OF ENFORCING COMPLETION TIMELINES, THE LEGAL CONSTRAINTS FACED BY BOARDS, AND THE BALANCE BETWEEN REGULATORY OVERSIGHT AND PRACTICAL FEASIBILITY IN DEVELOPMENT PROJECTS.

CORRESPONDENCE:

CHAIRMAN JOHN REBECKY PRESENTED LETTERS OF ADJOURNMENT FROM THE FOLLOWING APPLICATIONS:

- 37 HATHAWAY ST.
- 84 LOCUST AVE.

BOARD ATTORNEY MARTIN CEDZIDLO PRESENTED THE FOLLOWING RESOLUTIONS:

- a. APPLICATION FOR VARIANCE – ADDITION OF A SECOND FLOOR OFFICE SPACE
 - COACH'S LLC – 150 ANDERSON AVE. BLOCK 28, LOT 34

A MOTION WAS MADE BY DONALDSON AND SECOND BY CHIRLO TO ACCEPT THIS RESOLUTION.

ROLL CALL: AYES: FURTAK, SURDYKA, REBECKY, IVANICKI, AIELLO, DONALDSON, CHIRLO



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b. RESOLUTION 2024-01 – 2024 MEETING DATES

A MOTION WAS MADE BY DONALDSON AND SECOND BY CHIRLO TO ACCEPT THIS RESOLUTION.

ROLL CALL: AYES: FURTAK, SURDYKA, REBECKY, IVANICKI, AIELLO, DONALDSON, CHIRLO

THERE BEING NO FURTHER BUSINESS BEFORE BOARD, A MOTION FOR ADJOURNMENT WAS MADE AT 7:55 PM BY IVANICKI AND SECONDED BY CHIRLO WITH UNANIMOUS CONSENT BY ALL BOARD MEMBERS.

RESPECTFULLY SUBMITTED,

Marta Goldyn

MARTA GOLDYN
RECORDING CLERK

CC: BOROUGH ADMINISTRATOR – JENNIFER APPICE (VIA: EMAIL),
ACTING CLERK (VIA: EMAIL),
POLICE CHIEF - SHAWN KUDLACIK (VIA: EMAIL),
FIRE OFFICIAL - EDDIE TANDERIS (VIA: EMAIL),
DEPT. OF PUBLIC WORKS - RAY DYNES (VIA: EMAIL),
BUILDING DEPARTMENT - NICK MELFI (VIA: EMAIL),
BOROUGH ENGINEER – DAVID JUZMESKI NEGLIA ENGINEERING (VIA: EMAIL)
RESPECTIVE FILES