

**PLANNING BOARD, CITY OF GARFIELD
MINUTES OF THE REGULAR MEETING
Conducted on April 26, 2018**

The Regular Meeting was called to order by Chairman Clark at 8:00 p.m. who thereupon read the statement required by the Open Public Meeting Act. Secretary called the roll.

Mayor Richard Rigoglioso
Councilwoman, Erin Delaney
Chairman, James Clark
Michael Garcia
Michael Wisnovsky
Richard Derrig
Michael Garcia
Gerald Walis
Daniel Tummillo
Lou Ann Visotcky, 1st Alternate

Absent:

Vice Chairwoman, Gracie Williams
Peter Santacroce, 2nd Alternate

Others present were:

Alyssa A. Cimino, Esq., Attorney/Secretary of the Planning Board
Dennis Harrington, Engineer
Beth Calderone, Certified Court Reporter

(Flag Salute)

SUNSHINE LAW: Read by Chairman James Clark
PUBLIC LAW 1975 CHAPTER 231 "OPEN PUBLIC MEETING ACT" PUBLIC
HEARING: November 16, 2017 Council Chambers, City Hall Commencing at 8:00pm.

The Chairman stated that there were two resolutions that needed to be addressed. The first resolution is approving the Application from Mehtis, LLC for minor subdivision approval of Block 153, Lot 15 as shown on the Official Tax Map of the City of Garfield more commonly known as 19 Morris Avenue, Garfield, NJ.

Motion to approve Resolution PB-06-2018 for minor subdivision of 19 Morris Avenue.

Moved: Mayor Richard Rigoglioso
Second: Daniel Tummillo

Mayor Richard Rigoglioso - Aye

Councilwoman, Erin Delaney – Abstain
Chairman, James Clark – Aye
Michael Garcia – Aye
Michael Wisnovsky – Aye
Richard Derrig – Abstain
Gerald Walis – Aye
Daniel Tummillo – Aye
Lou Ann Visotcky, 1st Alternate - Aye
Motion Approved.

The Chairman stated that the next resolution is approving the Application from Crystal Holdings, LLC at a Special Meeting held on April 12, 2018 for Amended Site Plan Approval to construct a parking lot at Block 109, Lots 2.01, 9.01 and 36 as shown on the Official Tax Map of the City of Garfield, New Jersey, more commonly known as 474-484 River Drive, Garfield, New Jersey.

Motion to approve Resolution PB-07-2018 for Amended Site Plan of 474-484 River Drive.

Moved: Councilwoman, Erin Delaney
Second: Mayor Richard Rigoglioso

Mayor Richard Rigoglioso - Abstain
Councilwoman, Erin Delaney – Aye
Chairman, James Clark – Aye
Michael Garcia – Aye
Michael Wisnovsky – Aye
Richard Derrig – Aye
Gerald Walis – Abstain
Daniel Tummillo – Abstain
Lou Ann Visotcky, 1st Alternate - Aye
Motion Approved.

The Chairman asked for a motion to be made for a continuation of the Hearing on Resolution No. 17-289 of the Garfield City Council to examine whether the property known as Block 203.01, Lot 50.01 as shown on the Official Tax Map of the City of Garfield, more commonly known as 141 Lanza Avenue, should be determined to be an area in need of redevelopment, specifically a Condemnation Redevelopment area pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1, et seq. The Chairman stated that the applicant asked for the Hearing to be adjourned to the May meeting. However, it would have to be adjourned to the June 28, 2018 Planning Board Meeting since the May 26, 2018 meeting was being canceled due to lack of a quorum.

Motion to Adjourn Hearing on Resolution 17-289 to June 28, 2018 Meeting.

Moved: Councilwoman, Erin Delaney
Second: Mayor Richard Rigoglioso

Mayor Richard Rigoglioso - Aye
Councilwoman, Erin Delaney – Aye
Chairman, James Clark – Aye
Michael Garcia – Aye
Michael Wisnovsky – Aye
Richard Derrig – Aye
Gerald Walis – Aye
Daniel Tummillo – Aye
Lou Ann Visotcky, 1st Alternate - Aye
Motion Approved.

The Chairman stated that the next item was a continuation of hearing on Application for Minor Subdivision approval and Minor Site Plan Approval regarding Block 177.03, Lots 38 & 40, commonly known as 69 & 75 Alpine Street. Gary Zalarick, Esq. appeared on behalf of the applicant, Meredith Enterprises, Inc. Mr. Zalarick testified that in June, 2008 this application was brought before the Garfield Zoning Board and it was denied because the application received only 4 affirmative votes. The Zoning Board indicated that the property would need a density variance, and therefore needs 5 affirmative votes to pass. The applicant appealed the decision in Bergen County Court and the ruling indicated that no density variance was required, however it needed to be presented to the Garfield Planning Board, not the Zoning Board.

Mark Wallace, President of Meredith Enterprises, Inc., sworn on behalf of applicant. Mr. Wallace testified that he was requesting approval for a minor subdivision in order to build 2 two-family homes on the property (side-by-side).

Thomas Stearns, P.E., sworn on behalf of applicant. Mr. Stearns testified that the property is 9,900.50 square feet. The variances on the 50 x 100 lot include a square footage per dwelling unit variance; building coverage requirement variance; and a height variance. The Chairman then questioned Mr. Stearns regarding the issue of the deck minimum side yard variance because there is a zero clearance. Mr. Stearns testified that 6 ½ feet is required, however, the platform of the deck and steps are adjacent to the side yard in this case which creates zero clearance. Mr. Stearns testified that the steps could be relocated to the back of the deck and have the steps come down into the rear yard instead of the side yard. That would eliminate the need for a side yard variance. Mr. Stearns testified that the height variance was created because the garages would be under the house. Mr. Stearns then addressed the second lot which is 4,900.5 feet (5,000 feet is required). There would be a variance for lot width (50 feet is required). The second lot is 48.22 feet in front and 49.79 feet in back. The square foot per dwelling unit for this lot is 2,450.25 square feet. 2,000 square feet is required so that creates a variance. The Chairman then asked about the width of the driveways. Mr. Stearns testified that currently the driveways have a 25 foot curb cut. The curb cut could be reduced to 20 feet each, which would allow for another shade tree.

Dennis Harrington, Boswell Engineering asked where the air conditioning units would be located. Mr. Zalarick stated the air conditioning units would be located in the rear.

The Chairman then opened the meeting to the Public.

Piotr Vankowski, 61 Alpine St., Garfield, NJ – sworn. Mr. Vankowski testified that he is concerned about parking and the safety regarding the space between the buildings for emergency personnel to get through. Mr. Vankowski suggested that people be allowed to park on the side of the street that the school is located between the hours of 6 p.m. and 7 a.m. when school is closed. Members of the City Council that were present stated that this was not an option. The Chairman asked Mr. Stearns what the distance was between the properties. Mr. Stearns testified that there is 8 feet between the building on the left of the property and 34 feet on the other side.

Patricia Vincete, 65 Alpine St., Garfield, NJ - sworn. Ms. Vincete testified that she is concerned about parking and the distance between her property and the new building. Mr. Zalarick stated that there is 8 ft. from Ms. Vincete's property line to the new structure.

Anthony Ghattas, 51 Alpine St., Garfield, NJ - sworn. Mr. Ghattas asked how many cars can fit inside the garage and the driveway? Mr. Stearns testified that 2 cars fit in the garage and 2 cars fit in the driveway. Each unit has 4 spaces. Mr. Ghattas then asked if the cars in the garage would be able to get out if 2 cars are parked in the driveway. Mr. Stearns testified that they would not. The cars in the driveway would have to move out in order for the cars in the garage to get out.

Frank Grambowitz, 141 Lanza Ave., Garfield, NJ – sworn. Mr. Grambowitz testified that the parking issue will affect Alpine Street and also will impact the surrounding area closest to Alpine Street.

The Chairman asked if there was anyone else from the Public that would like to come forward. No one else came forward.

The Chairman then asked for a Motion to close the Public Portion of the meeting.

Motion to Close Public Portion.

Moved: Michael Garcia

Second: Richard Derrig

Mayor Richard Rigoglioso - Aye

Councilwoman, Erin Delaney – Aye

Chairman, James Clark – Aye

Michael Garcia – Aye

Michael Wisnovsky – Aye

Richard Derrig – Aye

Gerald Walis – Aye

Daniel Tummillo – Aye

Lou Ann Visotcky, 1st Alternate - Aye

Motion Approved.

The Chairman then asked for a motion on the application for 69 & 75 Alpine Street.

Motion to approve the application for 69 & 75 Alpine Street.

Moved: Richard Derrig
Second: Chairman, James Clark

Mayor Richard Rigoglioso - Aye
Councilwoman, Erin Delaney – Aye
Chairman, James Clark – Aye
Michael Garcia – Aye
Michael Wisnovsky – Aye
Richard Derrig – Aye
Gerald Walis – Nay
Daniel Tummillo – Nay
Lou Ann Visotcky, 1st Alternate - Aye
Motion Approved.

The Chairman then asked for a motion to open the Public Portion of the Meeting.

Motion to open the Public Portion of the Meeting.

Moved: Michael Garcia
Second: Daniel Tummillo

Mayor Richard Rigoglioso - Aye
Councilwoman, Erin Delaney – Aye
Chairman, James Clark – Aye
Michael Garcia – Aye
Michael Wisnovsky – Aye
Richard Derrig – Aye
Gerald Walis – Aye
Daniel Tummillo – Aye
Lou Ann Visotcky, 1st Alternate - Aye
Motion Approved.

Joan Banez, 20 Hepworth Pl., Garfield, NJ - sworn. Ms. Banez asked who paid for the master plan that the City had done, who paid for the Burgis Study in the first ward and when is the study for the second phase of the development going to be presented pursuant to Resolution 17-057?

The Chairman stated that the City paid for the master plan and the Burgis study. The Chairman then stated that the second phase study has not come to the Planning Board at this time and that the study would be presented to Redevelopment first.

Louis Aloia, 169 Harrison Ave., Garfield, NJ - sworn. Mr. Aloia asked about the resolution to determine 394 Outwater Lane a/k/a Columbus Park as an area of redevelopment that was denied at the meeting on January 23, 2018 and then approved before the February 22, 2018 meeting.

Mr. Aloia also testified that he has not received a response to the letter that he sent to Planning Board Attorney regarding this resolution. He also questioned why another resolution regarding 141 Lanza Ave., Garfield has been adjourned numerous times.

The Chairman stated that since the lawsuit filed by the City Council against the Planning Board is pending, he is not at liberty to answer questions regarding the Columbus Park resolution.

Ms. Cimino, Attorney/Secretary stated that she is in receipt of the Complaint filed by Mr. Aloia and Frank Calandriello against the Planning Board, so the Planning Board will not answer any questions regarding the approval of the Columbus Park resolution. Ms. Cimino stated that the Complaint was received immediately after receiving Mr. Aloia's letter, therefore the letter would be addressed in the course of the lawsuit. Also, the response to his request for documents would be addressed in discovery.

Ms. Cimino then addressed the application for 141 Lanza Ave. She stated that the adjournments for this application were requested by Jack Curly, attorney for the applicant. The recent adjournment to the June 28th Planning Board Meeting is due to the May 24th meeting being canceled for lack of a quorum.

The Chairman confirmed that Ms. Cimino's explanation regarding the adjournments of the 141 Lanza Ave. application is accurate.

Mr. Aloia asked the Board to make a Motion to rescind Resolution PB-02-2018 regarding the redevelopment of 394 Outwater Lane a/k/a Columbus Park.

Dennis Malicki, 54 Maitland Place, Garfield, NJ - sworn. Mr. Malicki testified that he was confused about the vote regarding 394 Outwater Lane a/k/a Columbus Park and asked whether the original vote failed and subsequently was re-voted on without public notification?

Ms. Cimino stated that since this matter was in litigation, the Board could not comment.

Mr. Malicki voiced his concerns about the 394 Outwater Lane a/k/a Columbus Park property being developed. Mr. Malicki admitted that the field is currently underused. However, there are several organizations that have said that they want to use the field.

The Chairman again stated that he could not answer Mr. Malicki's questions because of the pending litigation.

Frank Calandriello, 65 Maitland Place, Garfield, NJ - sworn. Mr. Calandriello asked why did the Planning Board use Bogart Planning and how much did it cost?

Ms. Cimino stated that according to the resolution, no more than \$2,500.00 was allocated for the study.

The Chairman stated that it was a recommendation from the City Council to use this Planner.

Mr. Calandriello testified that he was told that the abstention votes were changed to yes and asked if abstentions were ever changed before in a vote.

The Chairman stated that abstentions have not been changed before to go with the majority vote.

Mr. Calandriello asked if the Planning Board members that abstained gave a reason for their abstention and were all Planning Board members that voted present for the presentation by Bogart Planning, LLC.

Ms. Cimino stated that because of the pending litigation the question could not be answered. However, in general, the Planning Board members would be required to have been present at the meeting for the hearing in order to vote on the resolution.

Michael Denistran, 104 Palisade Avenue, Garfield, NJ - sworn. Mr. Denistran testified that the property at 394 Outwater Lane a/k/a Columbus Park should not be developed. It should be kept as a park for use by future generations.

Mr. Aloia again asked the Planning Board to re-vote on the resolution to development the property at 394 Outwater Lane a/k/a Columbus Park.

The Chairman asked if there was anyone else who wanted to testify in the public portion. No one else came forward. The Chairman then asked for a Motion to close the Public Portion.

Motion to close the Public Portion of the meeting.

Moved: Gerald Walis
Second: Councilwoman, Erin Delaney

Mayor Richard Rigoglioso - Aye
Councilwoman, Erin Delaney – Aye
Chairman, James Clark – Aye
Michael Garcia – Aye
Michael Wisnovsky – Aye
Richard Derrig – Aye
Gerald Walis – Aye
Daniel Tummillo – Aye
Lou Ann Visotcky, 1st Alternate - Aye
Motion Approved.

The Chairman asked for a motion to place on the June 28, 2018 meeting Agenda, a motion to revoke the resolution adopting the report of Brigitte Bogart Planning, LLC pertaining to Columbus Park and to re-vote on the Columbus Park application.

Motion to place on the June 28, 2018 Agenda, a Motion to revoke Resolution to adopt report of Brigitte Bogart Planning, LLC and to re-vote on Columbus Park Application.

Moved: Chairman, James Clark
Second: Daniel Tummillo

Mayor Richard Rigoglioso - Aye
Councilwoman, Erin Delaney – Aye
Chairman, James Clark – Aye
Michael Garcia – Aye
Michael Wisnovsky – Aye
Richard Derrig – Aye
Gerald Walis – Aye
Daniel Tummillo – Aye
Lou Ann Visotcky, 1st Alternate - Aye
Motion Approved.

The Chairman asked for a motion to approve payment of bills.

Motion to pay the bill for Gann Law Books for 2018 Edition of New Jersey Zoning and Land Use Administration.

Moved: Mayor Richard Rigoglioso
Second: Daniel Tummillo

Mayor Richard Rigoglioso - Aye
Councilwoman, Erin Delaney – Aye
Chairman, James Clark – Aye
Michael Garcia – Aye
Michael Wisnovsky – Aye
Richard Derrig – Aye
Gerald Walis – Aye
Daniel Tummillo – Aye
Lou Ann Visotcky, 1st Alternate - Aye
Motion Approved.

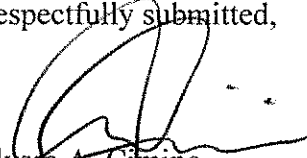
Motion to close meeting.

Moved: Councilwoman, Erin Delaney
Second: Mayor, Richard Rigoglioso

Mayor, Richard Rigoglioso – Aye
Councilwoman, Erin Delaney - Aye
Chairman, James Clark – Aye
Michael Garcia– Aye
Michael Wisnovsky – Aye
Richard Derrig – Aye
Gerald Walis – Aye
Daniel Tummillo - Aye


Lou Ann Vistocky, 1st Alternate - Aye
Motion Approved.

Respectfully submitted,



Alyssa A. Cimino
Planning Board Secretary

Approved at the meeting on June 28, 2018



ALYSSA A. CIMINO
Planning Board Secretary