

City of Garfield  
Garfield Zoning Board of Adjustment  
Regular Meeting, September 24, 2018

In the matter of:  
Public Hearings, Public Comment  
Applications heard before the Garfield Zoning Board of Adjustment  
September 24, 2018 Commencing at 7:30pm

**The Garfield Zoning Board of Adjustment:**

Carmin Breonte- Chairman	Francisco Sanchez 1 <sup>st</sup> Alt.- <b>Absent</b>
Arlene Patire-Vice-Chairwoman	Carmin Breonte, Jr. – 2 <sup>nd</sup> Alt.
Robert Cochrane	Kathy Rozmus 3 <sup>rd</sup> Alt.
Paul Houlis- <b>Absent</b>	John Calandriello 4 <sup>th</sup> Alt. – <b>Absent</b>
Romi Herrera	
Salvatore Lamendola	
John Easom	

**Appearance:**

Joseph J. Conte, ESQ., Alternate Attorney to the Board  
Beth Calderone, Certified Court Reporter

Reported By Jacqueline Fiola, Clerk  
September 24, 2018 (Work Session) 7:00pm  
Board members reviewed submitted plans for the evening's agenda

GARFIELD ZONING BOARD MEETING CALLED TO ORDER: 7:30PM

(Flag Salute)

SUNSHINE LAW: Read by Chariman Carmin Breonte PUBLIC LAW 1975 CHAPTER 231 "OPEN September 24, 2018 Council Chambers, City Hall Commencing at 7:30pm.

**Motion to Approve the August 27<sup>th</sup>, 2018 Minutes-** Salvatore Lamendola

**Second-** Robert Cochrane

Carmin Breonte Jr- Aye

John Easom- Aye

Robert Cochrane- Aye

John Easom- Aye

Romi Herrera- Aye

Salvatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

**\*August Minutes Approved\***

**Onyx LLC**

**121 Harrison Avenue**

**Gary Zalarick- Attorney for the applicant**

- This application is being adjourned because the structure that they were proposing is being put on town land, the attempts to get on the calendar with the town at the meeting to ask for a grant to build on town land. They could not get on in August and could not do anything on September 25<sup>th</sup>. They are on for tomorrow Wednesday September 25<sup>th</sup>.
- **Mr. Conte** asked if there are two (2) separate apartments on the second floor.
- **Mr. Zalarick** got a verbal from Mr. Schultz that there was only one apartment and a bakery.
- **Mr. Conte** stated that he received something this evening confirming that it is a one apartment and a bakery.

**Motion to Adjourn this Application to the October 22, 2018-** John Easom

**Second-** Salvatore Lamendola

Carmin Breonte Jr- Aye

John Easom- Aye

Robert Cochrane- Aye

Romi Herrera- Aye  
Salvatore Lamendola- Aye  
Arlene Patire- Aye  
Carmin Breonte- Aye

**\*Application adjourned to the October 22<sup>nd</sup> Meeting\***

**New Concept for Living Inc.**

**526 McDonald Street**

**Applicant is seeking variance relief to construct an addition to the existing dwelling which is currently being used as a community residence**

**William Smith- Attorney for the Applicant**

- they are appearing before the board because the State is requiring that they supply a bedroom for each resident living in the home. There are 6 residents currently living there. They are requesting to add 2 bedrooms and a sprinkler system.
- For parking, the law requires since this is a group home that you use the parking variance for a single-family dwelling.

**Steve Setteducati**

**CEO of New Concept for Living Inc. as of 2016**

**688 Passaic Street, Rochelle Park, NJ**

**Sworn in by Beth Calderone**

- They operate 13 group homes. The one in Garfield was established in 2012. Since he became CEO he has remodeled the interior of the homes to make them better and improved the staff.
- They currently have the issue with the state where they need to have a bedroom for each resident living in the home. They have had six (6) residents living there since they opened it. Although New Concept runs the group home, the state has the mortgage for the home and it will need to continue remaining a group home. They will do everything they need to do to accommodate the board and neighbors. This is licensed by the state.
- The residents that are living there are declared having a disability.
- About a year in a half ago he received a call from a neighbor stating that there was a staff member that was arriving to work for a 7AM shift was arriving early and playing loud music. They have since terminated the staff member because they continuously did it.
- He has received calls that there are busses arriving to pick up residents at 7AM beeping the horn to pick up residents for day activities.
- None of the residents that live in the group home drive.
- **Mrs. Patire** asked if the application was not approved, those 2 residents that would not have a bedroom would have to leave.
- **Mr. Setteducati** stated that they would keep them in a shared bedroom until they could be placed somewhere else.
- **Mr. Breonte** asked how many shifts and do the residents all go out during the week?
- **Mr. Setteducati:**
  - o 11PM-9AM shift- about 3 staff members
  - o 7AM-3PM shift- about 1 staff member
  - o 7AM to 9AM- about 1 staff member
  - o 3PM to 11PM- about 3 staff members
  - o He stated that they have their own van there where about 2 or 3 members go to their day program. The other residents are picked up by another bus service for other day programs. They have a resident that is 88 years old and sometimes he does not feel like going to the day program.
  - o The state has been pushing for the residents to go out to day programs.
- **Mrs. Patire** asked if this is granted would the staff or residents change?
  - o **Mr. Setteducati** stated that the staff and residents would not increase.
- **Mr. Easom** asked how long has there has been 6 residents there. What determined that the residents couldn't double up the rooms?
  - o **Mr. Setteducati** stated that the state now requires that each resident have their own room, he can guarantee that there will not be more than 6 residents. This specific home is licensed for 6 residents and has been licensed for 6 residents for a very long time.
- **Mr. Easom** asked if the staff is license or certified
  - o **Mr. Setteducati** stated that the staff goes through 8 or 9 courses to be trained. They do have 3 nurses that do go to the home. It takes about 2 months for the staff to be trained.
- **Mr. Paparozzi** asked how many times a week do the residents have visitors?

- **Mr. Setteducati** stated that for Garfield they almost never have any family members visit the residence, about 2/3 of the residents have been forgotten. About once a month there is a staff meeting at the residence there would be about 8 cars. He has received a concern from neighbors about cars parking directly across from someone driveway because it makes it difficult for the neighbor to back out of their driveway. They have about 7 cameras on the residence. He is unsure if there is a doctor that ever visits the residence. There has been a physical therapist come to the residence because a resident broke his hip.
- **Mr. Lamendola** asked if they could make the driveway wider or extend it for parking?
  - **Mr. Setteducati** stated that if they need to make the driveway wider they would be willing to.
- **Mr. Cochran** asked what goes on at 3PM at the residence?
  - **Mr. Setteducati** stated that it could have been the van to pick up for the New Concepts program; the other van could have been from another day program.
  - **Mrs. Patire** stated that they could apply to have a handicap-loading zone in front of the residence specifically for picking up and dropping off residents.
  - **Mr. Conte** stated that would be great if they could even have it the driveway.

**Ken Karle**

**445 Godwin Avenue**

**Sworn in by Beth Calderone**

**Architect/Planner/Engineer for Applicant**

- The intent is to add two (2) bedrooms to the dwelling
- Currently there are 4 bedrooms with 6 residents. The goal is to give each resident his or her own bedroom. They are proposing to add the addition to the rear of the property.
- They are going to add sprinklers
- They are proposing to add a larger living room
- He would like to add a Tax Map as an Exhibit.
  - **Mr. Conte** will mark the City Tax Map as A1
- He does not believe there is a negative impact because there is no change in population and no change in staff.
- **Mr. Easom** asked if they ever sold the facilities.
  - **Mr. Smith** stated that the state has the mortgage for each group home and they are not allowed to sell the property.
- **Mr. Paparozzi** stated that the office in the back would become a bedroom and the office in the front would remain an office. He also agrees that the driveway needs to stay the way it is and not piggyback cars in the driveway.
  - **Mr. Karle** stated that either the bedroom will be in the front or the back
- **Mr. Smith** stated that they are handing out a pamphlet for New Concepts.
  - **Mr. Conte** will mark it as A
- **Mr. Paparozzi** suggested that regardless the outcome tonight, they should make a request to the police department for a handicap loading area in the front of the property for picking up and dropping off the residents because it can be dangerous to pick up and drop off the residents. He believes it is just an application process

**Open to the Public**

**Joe Demayczrk**

**542 McDonald Street**

- He is having a problem all together with parking. They park in the street and cannot get out and could not get up the street. There are medical gloves in the driveway and on his lawn every week. They already did an addition and added another bedroom there.
  - **Mr. Paparozzi** stated that they are legal parking spaces.
- His mother is handicap; he could not get a parking sticker.
  - **Mrs. Patire** asked how many cars he has and how many cars can he fit in the driveway
    - **Mr. Demayczrk** stated that his driveway can fit 11 cars but he has trailers in his driveway.
- Stated that when buses are blocking the road and the buses are honking the horn
- **Mr. Paparozzi** stated that the group homes are to be considered as a one family residence.
- His main concern is the noise, parking, and garbage
- **Mr. Cochran** stated that they are only adding 2 bedrooms and keeping the 1 office, so there will be 1 office and 6 bedrooms
- **Mr. Lamendola** the people of this residence are totally dependent on the people that the company hires to help them.

## **James Gilhooley**

### **Sworn in by Beth Calderone**

- this is a business in an R1 zone, there are 3 shifts. He stated that sometimes the cars are running at night when it is cold and music blasting
- he has found gloves on his property as well.
- This is a one family dwelling
  - o **Mr. Pappozzi** stated that this is to be treated as a one family dwelling. It is a group home that by state law is to be treated as a one family dwelling.
- He asked if by the state it is mandated that there should not be shared bedrooms. They can technically put two residents in one bedroom in a couple years
  - o **Mr. Pappozzi** stated that that is for a rooming house. He stated that there is a state law that there cannot be 2 residents in one bedroom.
- Traffic: between 9:00 and 9:15AM and 3:00 and 3:30pm that is when there is traffic and they are not even pulling up close enough to the curb and are honking their horn multiple times.
  - o **Mrs. Patire** asked if they called the police department
  - o **Mr. Gilhooley** said that by the time they call the police they are leaving
- There has been a car parked on the grass

**Mr. Conte** stated that they have a letter stated in 2005 addressed to Nick Melfi the building inspector at the time. The letter states that the residence is supposed to be only 5 residents.

**Mr. Smith** stated that the letter states that it is a training facility to the school, the letter states that they object to the training, but not a residence.

**Mr. Conte** stated that once of the residents in the neighbor Mr. Gilhooley stated about the state law about the residents sharing one bedroom.

**Mr. Smith** stated that if the board looks favorably that they put in the resolution that they receive the state law that requires each resident has one resident in each bedroom.

**Mr. Conte** asked when the new state law came into play

**Mr. Steve** stated that when he started he's been hearing about the state law. He stated that there is a male there and the guardians of the women living in the home did not have an objection to having a male in the home. They also got permission from the state.

Mr. Conte

## **Edward Puzio**

### **Sworn in by Beth Calderone**

- He is against the application and against the staff members, he is not against residents that live there.
- Stated that two men and 1 aide was added to the residence
- The cars that are at the residence now are New York, North Dakota and Pennsylvania.
- The sewers were backing up, raw sewage flooded 5 homes around the group home that came from the group home. The soap that they were using caused the back up.
- On garbage days there were gloves and other garbage that were all over the place. He has picked up syringes.
- When it snowed there weren't anyone that came there for days, the neighbors helped them clear the snow
- The aides park in front of neighbors houses and refuse to park in front of the group home. He has been parking his car in front of his home to keep them from parking there.
- There noise from the buses horns and the beeping of the vans backing up.
- He thinks this is being done as an excuse
- He has seen many males going in and out of the residence
- **Mrs. Patire** stated that even if the board denies the application, it would not change the problems that are going on.
- **Mr. Lamendola** stated that if the board denies the application, tomorrow all the problems will still remain the same.
- **Mr. Breonte** stated that the concerns do have to do with the application, but even if they deny the application the problems will still remain.

**Mr. Conte** stated that regardless what happens this evening, the applicant stated that there have been problems that he has been aware of, if there are further issues they need to take it up with the city and council.

## **Michelle Gilhooley**

### **531 McDonald Street**

### **Sworn in by Beth Calderone**

- She understands what everyone is saying that if this gets passed or denied that it would not change

- This is nothing against the residence, it is the workers.
- The people that are picking up and dropping off, it has gotten progressively worse.
- **Mr. Breonte** stated that he has tried to get a record on the property; they did not have too much. Now everything is being documented and it will be in a legal document.

**Michael Peralta**  
**524 McDonald Street**  
**Sworn in by Beth Calderone**

- he lives to the right of the property.
- He has witnessed everything that goes on in the residence.
- One thing with the addition that they are considering, he lives right next door, when they add the two rooms. In the summer, around 6PM a neighbor came outside and said they need to stop making noise.
- He will get the CEO number and discuss the issue

**Mr. Conte** stated that Mr. Gilhooley provided him with a bunch of photographs and a law that entitles bedrooms.

**Public session closed**

**Mr. Smith** stated that if he were in their position he would be complaining as well. His client wants to be a good neighbor; they hire people that don't always do what their supposed to do. He guarantees that if the neighbors call the CEO that he will take care of it immediately. To the point that was made, if this is not granted this would not go away, he thinks that it was a good opportunity to hear from the neighbors, they will make things better as much as they could. The only change would be that 4 people would have a better quality of life.

**Mr. Conte** asked if they have a copy of the law directly.

**Mr. Smith** stated that they would provide it.

**Mr. Easom** is looking at two problems parking and space for residents. Is there a better way to address the parking or make sure the employees park somewhere else and get picked up and brought to the residence.

**Mr. Breonte Jr.** with the drop offs and pick-ups, aren't you able to schedule the timings? It gets congested when there is everything at once.

**Mr. Pappozzi** addressed that wanting to be a good neighbor, the new property manager should be overseeing the staff, staff meetings is there another facility where it could be held at where parking isn't as severe.

**Mr. Steve** stated that he was not aware of the sewer back up and there are occasions where a resident leaves the residence and has a problem it is common. He has not experience any of the garbage; maybe they are prior to him being at the site. He offers his cellphone number and office number and the neighbors can call him with any concerns.

**Mr. Easom** asked what his procedure is for medical waste

**Mr. Steve** stated that they do not have urine bags and the syringes are placed in a red bin and disposed of properly. The complaint about the loud music was addressed and the staff member did it again and she was terminated. They want to be a good neighbor and are there for the neighbors and will be there for them.

**Motion to Approve the Application – Robert Cochrane**-we have a CEO here that is under oath, he does not see any negative impact, it would stay the same but give a better quality

**Second- Arlene Patire**- she believes this was great, there will be more communication with the CEO and believes he is a man of his word and will watch the video provided by Mrs. Gilhooley. The sprinkler system is a good idea and that they will make the exterior look better. The staff needs to be mindful of the gloves they are disposing. She strongly suggests that they go to the police station to get handicap loading in the front. Please get in touch with the mayor and deputy mayor to hire Garfield residents.

**Carmin Breonte Jr-** Aye- hopefully with the CEO saying that it will work and that he will work with everyone for their well being.

**John Easom-** Aye- He is not happy with the way things have transpired and would like to see the letter from the state with the regulation. He would like to know how it went from 5 residents to 6 residents. He still go backs to the residents and quality of life.

**Robert Cochrane-** Aye

**Romi Herrera-** Aye- he believes that the traffic and garbage can be fixed

**Salvatore Lamendola-** Aye- Both sides have their ways of saying things and it is an open door.

**Arlene Patire-** Aye

**Carmin Breonte-** Aye- he believes the neighbors are better off tonight because everything is documented regarding conversations, concerns

**\*Application Approved\***

\*5 Minute Recess Taken\*

**Roll Call**

Carmin Breonte Jr- Here

John Easom- Here

Robert Cochrane- Here

Romi Herrera- Here

Salvatore Lamendola- Here

Kathy Rozmus- Here

Arlene Patire- Here

Carmin Breonte- Here

**Lion's Paw Builders LLC- Zoran Milevski**

**472 MacArthur Avenue**

**Gary Zalarick- Attorney for the Applicant**

**Zoran Milevski**

**42 Plauderville Avenue, Garfield, NJ**

**Sworn in by Beth Calderone**

- he is a member and is a representative for tonight. The other member is Tony Milevski his brother.
- He is proposing to construct 5 townhouses.
- Collection of Garbage:
  - o The garage area is 10.5 by 21 there is plenty of room for each dwelling to have a garbage can and a recycling bin to store in the garage. Whenever garbage and recycling is picked up they are responsible to take the garbage and recycling out.
- Attic:
  - o HVAC- upper portion where the bedrooms are that is where the handlers will be. The condensers will be outside in the rear of each unit.
  - o The attic will not be livable for anyone.
  - o To get into the attic there will be a pull down staircase
- The units will be individually owned. There will be a homeowners association.
- **Mr. Paparozzi** asked about signage for the development?
  - o **Mr. Milevski** stated that they have not considered it and if it would be a problem they would not put it.
  - o **Mr. Zalarick** stated that if the tax assessor determines each one as a different address.
  - o **Mr. Milevski** stated that they would comply

**Thomas G. Stearns III**

**144 Jewel Street, Garfield, NJ**

**Sworn in by Beth Calderone**

- The site is 480 MacArthur also known as 472 MacArthur Avenue.
- 12,500 SF
- The site currently has a two family dwelling. The driveway goes out onto High Street
- The curb cut is currently on High Street and will be replaced.
- They are proposing to construct one building with 5 units.
- There are 5 driveways going out onto High Street.
- Due to grade change there will be a wall on the Easternly side and Southernly side.
  - o What that does is the driveways are different pitch
- The garage is basement level, then the first floor that you can walk out into the backyard, then a 2<sup>nd</sup> floor and an attic.
- There is currently no drainage on site, they are taking the whole building and having two seepage pits and a trench drain.
- Fence: the applicant will work with the neighbor in regards to the wall and the fence
- Shade Trees- there are trees there, if they are in the way they will be replanted or updated
- **Mr. Paparozzi** asked if the site plan was revised
  - o Mr. Stearns stated that he will submit a revised site plan

**Mrs. Patire** asked what is in the back room of the basement

- **Mr. Stearns** stated that the back room is for storage and utilities. There are no bathrooms, bedrooms, or windows.

## **Open to the Public**

**Laura Stanchfield**  
**472 MacArthur Avenue**

**Sworn in by Beth Calderone**

- Her first concern is her address is 472 MacArthur Avenue
- Her other concern is she never received the certified letter.
- Whatever they build next door is going to be a big improvement
- Her other concern is the air condensers will be behind the property next to her building
  - o **Mr. Stearns** stated that their property is below her property and there is a retaining wall.

**Janice**

**116 High Street**

**Sworn in by Beth Calderone**

- the demolition was done last week
- anything that goes there would be better than what is there.
- The parking was her main concern
  - o Will the driveway cut out the parking on High Street, some of the parking will be taken away.
- She has no objection except the parking.

**Usema Oramr**

- he owns 475 and 484 MacArthur Avenue and 221 MacArthur Avenue
- he has a huge concern about parking, they usually have an accident and why there is no stop sign over there.
- His concern is the driving on the street and the cars pulling in and out of there.
  - o **Mr. Stearns** explained the way the building will work and that the wall that was on the property is removed
- He thinks 5 family is too much for the area

## **Open public session closed**

**Mr. Zalarick** believes something needs to be put on this corner and it will make it better for the neighborhood. This project has 2,500 SF per dwelling unit. They are not overcrowding this project.

### **Mr. Conte Stipulations**

- Retaining wall on the southerly side to move the wall and get the neighbor permission
- Applicant will reroute the trench drains and get calculations
- They will put new water and sewer lines
- Shade trees
- Retaining wall will have a finished face
- Structure calculations for all walls over 4 feet
- Sign will conform with ordinance
- No living conditions in the attic
- Basement back room is only for utilities and non-livable and no bathrooms
- There will be a non-profitable homeowners association

**Mr. Breonte Jr** asked if it would have a sprinkler system

**Mr. Zalarick** stated that it is not required

**Motion to Approve the Application-** **Robert Cochrane-** he believes it will be a huge improvement.

Second- **Salvatore Lamendola**

**Carmin Breonte Jr.-** Aye

**John Easom-** Aye

**Robert Cochrane-** Aye

**Romi Herrera-** Aye

**Salvatore Lamendola-** Aye

**Arlene Patire-** Aye

**Carmin Breonte-** Aye- he believes it will be positive for the area and will improve the site distance at the corner

**\*Application Approved\***

**Motion to Adjourn Meeting-** Arlene Patire

**Second-** Carmin Breonte

**All in Favor-** Aye