

City of Garfield
Garfield Zoning Board of Adjustment
Regular Meeting, January 28, 2019

In the matter of:
Public Hearings, Public Comment
Applications heard before the Garfield Zoning Board of Adjustment
January 28, 2019

Commencing at 7:30pm

The Garfield Zoning Board of Adjustment:

Carmin Breonte- Chairman
Arlene Patire-Vice-Chairwoman
Robert Cochrane
Paul Houlis- **Absent**
Romi Herrera
Salvatore Lamendola
John Easom

Francisco Sanchez 1st Alt.- **Absent**
Carmin Breonte, Jr. 2nd Alt.
Kathy Rozmus 3rd Alt.
Tony Lio 4thAlt.

Appearance:

Joseph J. Conte, ESQ., Alternate Attorney to the Board
Beth Calderone, Certified Court Reporter
Mark Palus, Engineer
Gary Paparozzi, Planner

Reported By Jacqueline Fiola, Clerk
January 28, 2019 (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 January 28, 2019 Council Chambers, City Hall Commencing at 7:30pm.

Motion to Approve the December 14th, 2018 Minutes- Arlene Patire

Second- Salvatore Lamendola
Carmin Breonte Jr- Aye
John Easom- Aye
Robert Cochrane- Obstain
Romi Herrera- Aye
Salvatore Lamendola- Aye
Arlene Patire- Aye
Carmin Breonte- Aye

December 14, 2018 meeting minutes approved

Motion to Approve the January 2, 2019 Reorganization Minutes- John Easom

Second- Robert Cochrane
Carmin Breonte Jr- Obstain
John Easom- Aye
Robert Cochrane- Aye
Romi Herrera- Aye
Salvatore Lamendola- Aye
Arlene Patire- Aye
Carmin Breonte- Aye

January 2nd, 2019 Reorganization Minutes Approved

175 Belmont Avenue

T-Mobile

Mr. Conte stated that council wrote a letter requesting an adjournment to get some more paperwork. If anyone is here for that application, it will be heard on February 25th, 2019 meeting.

Motion to adjourn to February 25th- Arlene Patire

Second- Romi Herrera

Carmin Breonte Jr- Aye

John Easom- Aye

Robert Cochrane- Aye

Romi Herrera- Aye

Salvatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

Application Adjourned

473 Harrison, LLC

471-473 Harrison Avenue

Applicant is requesting variance relief for a minor subdivision of the subject parcel. The existing parcel contains a single family dwelling which has four (4) single bedroom units and one (1) 3 bedroom unit. As part of the application, the property is to be subdivided into two separate lots. The existing building will be converted into six (6) single bedroom units and the proposed new building will be two (2), three (3) bedroom units.

Mr. Conte stated that Mr. Paporozzi mentioned that residents should be noticed within 200-foot radius and that Lodi residents needed to be notified as well. The applicant's lawyer showed proof of notice.

Danielle LaMake

Attorney for the application

Thomas G. Stearns III

144 Jewel Street, Garfield, NJ

Sworn in by Beth Calderone

- He prepared the site plan for this application dated March 2018 and revised October 2018.
- Currently on the property is a three (3) story 5 unit building, which is over height.
- Parking is a 10 foot wide driveway adjacent to the building and can hold 2 cars stacked
- Existing Bulk Variances
 - o Lot Size- 7,500 SF required they are at 7,660
 - o SF Per Dwelling Unit- 3,500 SF required they are at 1,532 SF
 - o Rear- 50.45 and 30 is required
 - o Side yard- 10 feet is required and 2.80 is existing
 - o Lot Coverage- 22% is required they are 22.2%
 - o Height- is over
 - o Parking- required is 10 and 2 are existing
- Proposed Subdivision
 - o Designed to create a 5 foot side yard
 - o 32.7 foot wide front yard
 - o 42.33 foot wide frontage on the other lot
 - o Existing building will remain as is, but will get renovated on the inside and outside.
 - o They will pave the back parking lot and create 4 parking spaces, one (1) will be handicap
 - o Proposed duplex will have a paved rear lot and will have garage parking
- Existing site as is as a 7 foot grade change from the front to the back
- They are providing two (2) large seepage pits in the rear, it will pick up the existing building, proposed building and the parking lot. They will have open grates and the driveway will steep to those pits.
- There will be a wall that surrounds the parking spaces with a guardrail to prevent cars from going onto the neighboring properties
- **Mr. Lamendola** asked if it is all mechanic in the rear
 - o **Mr. Stearns** stated that there is not green area in the rear.
- **Mrs. Patire** asked if since it is a subdivision, down the road if they sell the two properties who has access to that driveway?
 - o **Mr. Stearns** stated that would have to be written in an easement.

- **Mr. Breonte Jr.** asked if both properties would use the same drainage. If there is a problem down the road who is responsible for that.
 - o **Mr. Stearns** stated that is something that will have to be in an easement.
- **Mrs. Patire** asked that on the 6- one (1) -bedroom unit, how many parking spaces are required? On the two- (2) bedroom units how many parking spaces are required?
 - o **Mr. Stearns** stated that they have four (4) for the six (6) units, where 11 are required and two (2) parking spaces for the two (2) bedrooms units where 4 are required.
- **Mr. Stearns** stated that they could put a mirror at the end of the driveway so that the cars can see other cars going in and out. The driveway is 12 feet, where 24 feet is required.
- **Mr. Breonte Jr.** asked about snow removal
 - o **Mr. Stearns** stated that the applicant would provide testimony regarding snow removal and garbage.
- **Mr. Paparozzi** stated that on the plan it shows the garbage and recycling in the basement, which causes health issues
- **Mr. Palus** asked if there will be garbage pick up or will it be picked up on Harrison Avenue
 - o **Mr. Stearns** stated that it will be picked up on Harrison Avenue
- **Mr. Palus** asked about pulling into the ADA parking spot, it looks like the move requires you to encroach on spot #3.
- **Mr. Stearns** stated that there would be one sewer and two water systems.

Angelo Pogeberzinki

11 High Point Drive

Springfield Avenue, NJ

Sworn in by Beth Calderone

Architect

- 6 units is an existing dwelling that will remain. They will be renovating the entire building.
- Hallway with interior staircase
- Each unit has a one bedroom, kitchenette, living room, bathroom
- There will be storage space for each individual unit
- Each unit is roughly 535 SF per dwelling unit
- There will be no window air conditioners
- The air conditioning and heat condensers will be on the roof
 - o **Mr. Palus** asked how many condensers will there be?
 - o **Mr. Angelo** stated that there will be six (6) condensers
- Basement:
 - o Storage
 - o Garbage/Recycling: there is someone that will come and take the garbage out for pick up
 - **Mr. Paparozzi** stated that the garbage would sit down in the basement for around 6 days. Usually the garbage is in a garage not below the living spaces. That will create a health hazard
 - **Mr. Angelo** stated that the garbage pails will be covered and they won't be able to smell anything from the living spaces.
- They are replacing all the windows on the building
- **Mrs. Patire** asked about the fire escape
 - o **Mr. Pogeberzinki** stated that the fire escape will stay and just be renovated.
- **Mr. Cochran** asked about the hole in the roof
 - o **Mr. Pogeberzinki** stated that there is a fire escape in the front and rear
- Entire building will be resided and have stone

Duplex- 2 Units

- 1st floor when you enter there is an entrance into each dwelling- kitchen, living room,
- 2nd Floor
- Basement
 - o Laundry room and a one (1) car garage
- **Mr. Herrera** asked about air conditioning
 - o **Mr. Pogeberzinki** stated that the AC Units will be located in the basement and the condenser units will be located in the rear.
 - o **Mr. Palus** asked where they would go?
 - **Mr. Pogerbinzki** stated that they would be attached to the building and would not be in the way of the cars
- **Mr. Breonte Jr.** asked where the electrical units will be located and where would the meters be located

- **Mr. Pogeberzinki** stated that the electrical units will be located in the basement in the mechanical room and they will coordinate with the power company to put the meters.

Matthew Seckler

92 Park Avenue, Rutherford, NJ

Sworn in by Beth Calderone

Planner

- **Mr. Conte** will mark architects plans as A2 and Exhibit A as A3 and Exhibit B as A4
- A3 is an aerial view of the area around the property
- A4 is photographs of the property that were taken today by himself.
- The application is a D1 Variance
- A4
 - Photo A is a photo of the existing site- building is definitely in need of repair of interior and exterior
 - Photo B is a photo of the beginning of the duplex
 - Photo C is a photo looking at a property across the street
 - Photo D is a photo looking at the two dwelling units on the south of the property. The only thing separating the properties is an alley way or a driveway
 - Photo E is a photo of more dwellings from the south of the property.
- Parking
 - The existing building has 7 bedrooms with only 2 parking spaces, now they are reducing the bedrooms and providing 4 parking spaces and providing 2 parking spaces for the duplex
- The design that they are providing with the shared driveway is an advantage
- **Mr. Breonte** state that he keeps stating that they keep mentioning the lot size is 75x100 which is much bigger than other lots, but once they subdivide it they will be two undersized lots.
 - **Mr. Seckler** stated that he is stating that they can cut the property in half and created two undersized lots
- **Mr. Paparozzi** stated that with regards to parking he disagrees because the parking was required 100 years ago and the parking requirement could have been a lot different back then. The lots to the south and the north are conforming. The multi-family lot requirement is a lot larger than it was back then. Although there may be parking on Harrison Avenue that cannot be counted as parking.
- **Mrs. Patire** stated that was her mothers first apartment and back then that lot next to the property was used as a garden
- **Mr. Lamendola** stated that if there are children living in those apartments there is nowhere for them to play except a parking lot

Open to the Public

Jeff Tyahla

467 Harrison Avenue, Garfield, NJ

Sworn in by Beth Calderone

- the whole essence of what is happening today because there is so many variances that are wrong rather than making everything right. Since he's been living in his house there has been so many accidents and there is a curve in the street
- There's been accidents with people backing out onto the street from the dwelling. Putting a mirror there is not going to help
- snow removal is an issue
- living at the house next door they are extremely concerned
- parking is their major issue
- the garbage being left in the basement and being brought out on garbage night is an issue because if that doesn't happen what is it going to smell like

Al Baris

440 MacArthur Avenue

Sworn in by Beth Calderone

- he is concerned with the fact that there is going to be cars parking right by his property
- the headlights coming into the house and disturbing the people that live there. He would like to see a privacy fence to prevent any lights from coming into neighbor properties
- He's very concerned with the water coming onto his property

- Hes happy with people wanting to invest, but doing it to max it and stressing the whole thing with 100% pavement all around and not meeting parking requirements, it does not make him happy.
- He believes it is maxed out a little bit too high

**Katarina Reais
Rutherford, NJ**

- the question about snow removal was never answered, is it pushed all the way to the back of the property and then removed?
 - o **Mr. Stearns** stated that he is going to have a maintenance company that will take care of the lot, they will have to remove all of the snow from the back parking lot. If it is not done there will not be access
- She does not believe that there will be one (1) car for each unit there will likely be two (2) cars per unit
- She would like to see a fence for privacy

**Steve Borada
710 New Come Road
Ridgewood, NJ**

Sworn in by Beth Calderone

- He is the applicant and the owner of the property
- He became owner about 1 year ago
- Nobody else mentioned the type of things that used to go on at this property

**Nobody else came forward
Open Public Session Closed**

Ms. LaMake stated that she wants to go ahead and adjourn the application and submit new plans. She would like to submit new plans

Mr. Conte stated that the board heard all the plans.

Mrs. Patire stated that we heard this whole application for 2 hours and we heard from every one of the experts and from the public. She makes a motion to not adjourn this application.

Mr. Breonte stated that at this point in the application that they should vote on it.

Motion to Vote on this application tonight and not grant the adjournment- Arlene Patire

Second- Carmin Breonte

Carmin Breonte Jr- Aye

John Easom- Aye

Robert Cochrane- Aye

Romi Herrera- Aye

Salvare Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

Request for adjournment is denied

Ms. LaMake spoke to her client and they would like to request an adjournment to withdrawal the subdivision and take away the duplex and renovate the 6 unit dwelling

Mr. Conte stated that what she is saying is that they are requesting an adjournment to submit revised plans to remove the subdivision and concentrate on the 6 unit dwelling.

Mr. Breonte stated that it is a substantial change in the application, they are under the impression that we are voting on what we have in front of us and if there is something different it should be a whole new application.

Motion to Deny the 2nd Adjournment Request- Arlene Patire

Second- Carmin Breonte

Carmin Breonte Jr.- Aye

John Easom- Aye

Robert Cochrane- Aye

Romi Herrera- Aye

Salvatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

2nd Adjournment Request Denied

Ms. LaMake stated she would like to withdrawal the application

**7 Monroe Street
JMJ Real Estate**

Applicant is requesting variance relief to convert the existing medical office and one family dwelling to a two (2) family dwelling in a B2 zone.

**Gary Zalarick
Attorney for the Applicant**

- this is the abandoned medical office that is next to the chinese restaurant.

**John Bryjak
135 Hiawatha Avenue
Oakland, NJ
Sworn in by Beth Calderone
Architect**

- there are two units there, one is a medical office and one is a one family dwelling
- they will split what was the waiting room and make it a hallway
- back unit is existing and they are not requesting an other renovations
- there is an existing door that is in the living room right now, which will be removed to make it open to the hallway
- there are no proposed closets
- Bedroom #1, would it be possible to remove the closet in the study and make that closet part of Bedroom #1, that would allow bedroom #1 to have a closet
 - o Mr. Bryjak stated that it is possible
- **Mr. Paparozzi** had a concern that there was a closet located in the living room
 - o Mr. Bryjak stated that they remove the door in the living room, close that off and put a door in the hallway so the access to the closet will be in the hallway
 - Mr. Paparozzi stated that he would like to see those changes made on the plans

**Open to the public
Nobody came forward**

Mr. Paparozzi stated that he agrees with Mr. Zalarick that the parking would be better for the residential than the business although they are not requiring any.

Mr. Conte stated that the applicant made two changes if the board looks favorably upon the application

1. the closet in the study will be closed off and Bedroom #1 will have gain a closet
2. the closet in

Motion to Approve the Application- John Easom

Second- Carmin Breonte

Carmin Breonte Jr- Aye

John Easom- Aye

Robert Cochrane- Aye- He believes it looks like a good plan

Romi Herrera- Aye

Salvatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

Application Approved

22 Steinberg Avenue

Applicant is requesting an interpretation of the current use of the existing structure. Applicant is claiming that the property has been used as a three (3) family dwelling since the 1950s. Applicant is seeking interpretation and determination from the board that the property is in fact a three (3) family dwelling.

**Dr. Brian Rebisz
Sworn in by Beth Calderone**

- Mr. Conte stated that he is going to mark the letter from Joseph Koch Jr. as A1
- Applicant stated that the letter is from a neighbor stating he is in favor
- Mr. Conte would mark architect drawing as A2
- Mr. Conte marked key points to consider as A3

- **Dr. Brian Rebisz** stated that in 1952 his father built the home and took out all the proper permits. The records would confirm that this has been a three (3) family dwelling since then. His mother has been paying taxes on a three (3) family dwelling and registered with the state as a three (3) family dwelling. They have 3 residents that have received parking permits
- **Mrs. Patire** stated that she has a building permit that states it was a one family dwelling built in 1952. She has a tax bill; they have been paying taxes on a two (2) family. It was not built as a three (3) family; it was built as a one (1) family dwelling. She's been paying taxes on a two (2) family dwelling.
- **Mr. Breonte** stated that it is currently registered as a three (3) family dwelling with the state, do you have any of the cards?
 - o **Mr. Rebisz** stated that he does not have any of the cards
- **Mr. Conte** stated that sometimes people register properties with the state, they are so backed up that they will never realize this.
- Mrs. Patire stated that she tried to look up to see if there were any permits taken out that made it a three (3) family dwelling. The paper shows that it was a one (1) family dwelling

Dr. K

430 Midland Avenue

Garifield, NJ

Sworn in by Beth Calderon

- All she wants to do is ask for consideration and just give guidance to move forward

Open to the Public

Nobody Came Forward

Public Session Closed

Mr. Conte marked a permit for parking which indicates it was a one (1) family home A4 and A5 is a tax report that shows it is a two (2) family dwelling and is being taxed as a two (2) family dwelling. Breakdown from the tax office to determine what the property would be taxed as, he marked it as A6. A7 there is another tax record that they labeled it as a one (1) family.

Motion to Deny Application- Arlene Patire- everything that she dug up and research, she can say it is not a three (3) family.

Second- Carmin Breonte – based on the facts that we have from the city stating that it was originally built as a one (1) family and there is a permit issued to Anthony Rebisz on October 1952

Carmin Breonte Jr- Aye

John Easom- Aye- he feels that going forward, we are trying to clean everything up and straighten it out

Robert Cochrane- No

Romi Herrera- No

Savatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

Application Denied

Resolutions:

47 Center Street

Motion to Approve Resolution- Arlene Patire

Second- Carmin Breonte

All in Favor- Aye

44 Lanza Avenue

Motion to Approve Resolution- Carmin Breonte

Second- Arlene Patire

All in Favor- Aye