

City of Garfield
Garfield Zoning Board of Adjustment
Regular Meeting, March 25, 2019

In the matter of:
Public Hearings, Public Comment
Applications heard before the Garfield Zoning Board of Adjustment
March 25, 2019

Commencing at 7:30pm

The Garfield Zoning Board of Adjustment:

Carmin Breonte- Chairman	Francisco Sanchez 1 st Alt.- Absent
Arlene Patire-Vice-Chairwoman	Carmin Breonte, Jr. 2 nd Alt.
Robert Cochrane	Kathy Rozmus 3 rd Alt.
Paul Houlis- Absent	Tony Lio 4 th Alt.- Absent
Romi Herrera	
Salvatore Lamendola	
John Easom	

Appearance:

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

Reported by Jacqueline Fiola, Clerk
February 25, 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 March 25, 2019 Council Chambers, City Hall Commencing at 7:30pm.

Motion to Approve the February 25, 2019 Minutes- Romi Herrera

Second- John Easom

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

January 28, 2019 Minutes Approved

42-46 Outwater Lane (Santoni's Pizza)

Gary Zalarick- Attorney for the Applicant

- He believes there are some other issues that need to be resolved, and there are some revisions that need to be made to the plans

Motion to Adjourn the Application to the April 22nd Meeting- Arlene Patire

Second- Carmin Breonte Jr.

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

Application adjourned to the April 22, 2019 Meeting

T-Mobile Northeast LLC-

Allison Casetta

- She is requesting an adjournment due to there not being enough members, as they do need 5 affirmative votes for this application.

Motion to Adjourn to the April 22, 2019 Meeting- John Easom

Second- Romi Herrera

Salvatore Lamendola- Aye

Romi Herrera- Aye

Carmin Breonte Jr- Aye

John Easom- Aye

Carmin Breonte- Aye

Application adjourned to the April 22, 2019 Meeting

48 Semel Avenue

The applicant is requesting variance relief to construct an addition to the first floor of the building, which would result in a larger dining room

Gary Zalarick- Attorney for the applicant

Kristof Kowal- Applicant

48 Semel Avenue, Garfield, NJ

Sworn in by Beth Calderone

- he resides at 48 Semel Avenue
- the purpose of this application is to expand the kitchen into the dining room

Thomas Stearns III

144 Jewel Street, Garfield, NJ

Sworn in by Beth Calderone

Engineer

- The variance in this case is maximum lot coverage 25% is required and proposed is 27%
- Parking will remain the same
- They have submitted the drainage for the new roof
- The existing house is over building height, but the height will not change

Mr. Palus stated that they should include the shed in the back when calculating the total lot coverage

Mr. Zalarick stated that even including the shed in the back; it goes from 27% to 29%, which is under the 33%

Mr. Palus asked if there was a door in the back of the house

Mr. Kowal stated that there is a door in the back that goes to the basement; you can access the basement through the 1st floor. In the basement there is storage, a playroom and a bathroom.

Mrs. Patire asked if there was a kitchen and if the bathroom was a full bathroom or half bathroom

Mr. Kowal stated that there is a full bathroom in the basement, but there is no basement. The basement is one open space. There is a laundry room.

Mr. Palus asked the height of the basement

Mr. Kowal stated that the basement is about 6'7"

Mr. Zalarick asked about the attic and how you get into it

Mr. Kowal stated that the attic is unfinished and there are no bedrooms.

Open to the public

Nobody came forward

Mr. Conte:

Variances

1. Side Yard
2. Main Building Coverage
3. Modification to Zoning Table- Total Building Coverage (Not a variance)
4. Building Height

Stipulations:

1. The applicant testified that there is a full bathroom in the basement, there are no partition walls, no kitchen, not bedroom. There is a laundry room, utilities, and an open space used as storage and a playroom

Motion to Approve- Salvatore Lamendola

Second- Carmin Breonte Jr.

Romi Herrera- Aye

Salvatore Lamendola- Aye

Carmin Breonte Jr.- Aye

John Easom- Aye

Robert Cochrane- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

Application Approved

259 Malcolm Avenue

Gary Zalarick- Attorney for the Applicant

Anthony Luduka

95 Malcolm Avenue, Garfield, NJ

Sworn in by Beth Calderone

- He is the owner of 259 Malcolm Avenue
- He is requesting a variance to make a two-family into a 3-family
- The porch is going to be changed and there are two windows one in each building will be changed to egress windows
- The basement will have sprinklers, the basement is little under 8 feet

Mrs. Patire asked what was in the basement

Mr. Laduka stated that when they bought the house it was a finished basement; they have recently gutted the whole basement.

Mr. Paparozzi asked if the basement plan is proposed?

Mr. Laduka stated that the plan that was submitted for the basement is proposed.

Mr. Zalarick stated that in this case the basement is really the 1st floor because when you walk in, you do not need to go down steps.

Thomas Stearns

144 Jewel Street, Garfield, NJ

Engineer

- There is a three (3) car garage on the property
- Everything pertaining to the exterior will remain the same; nothing is going to be changed.
- The only variance is the density

Mr. Paparozzi stated that the zoning chart that is on the plan is for a R1 not an R2 Multi-Family.

Mr. Stearns stated that he would revise to show the Zoning Chart for an R2 Multi-Family

Mr. Paparozzi asked since it is a multi-family is there going to be a dumpster?

Mr. Laduka stated that he will be providing regular garbage cans and it will be on the right side of the garage.

Open to the public

Rosa Polmay

262 Malcolm Avenue, Garfield, NJ

Sworn in by Beth Calderone

- She has known Anthony for a long time, and she lives across the street from the property. Since she has been living there it has always been a three (3) family home. The parking lot is large enough where they can fit 6 cars in the parking lot. Anthony is a great landlord and she is not against the application

Nobody else came forward

Mr. Conte

VariANCES

1. Minimum Lot Area
2. Minimum Lot Width
3. Front Yard Setback
4. Side Yard Setback
5. Maximum Building Height

6. Square Feet per dwelling unit

Motion to Approve- Arlene Patire

Second- Salvatore Lamendola

Romi Herrera- Aye

Salvatore Lamendola- Aye

Carmin Breonte Jr.- Aye

John Easom- Aye

Robert Cochrane- Aye- He believes it is a great thing to do

Arlene Patire- Aye

Carmin Breonte- Aye

Application Approved

1 Cedar Street

Gary Zalarick- Attorney for the Applicant

- This property was the old Mazza Oil Property
- This is a commercial 1st floor, 2 residential dwellings on the 2nd floor and a commercial office on the 2nd floor

Lau Popstefanov

139 Vanwinkle Avenue/1 Cedar Street

Sworn in by Beth Calderone

- He resides in Garfield and has been a resident since 1997
- He also has a business in Garfield
- He is the management member for 1 Cedar Street, LLC
- He has done extensive renovations to the building
- He is having difficulty renting the commercial space on the 1st floor; his business is located on the 2nd floor. He is coming before the board to change the commercial space on the 2nd floor into a residential dwelling and move his business onto the first floor and will occupy the entire 1st floor

Mr. Papanozzi stated that the application is using 8 feet of city parking on VanWinkle and 4 feet on Cedar Street.

Mr. Popstefanov stated that nobody has ever complained to him that the cars are parked on city property.

Mr. Zalarick stated that when it was Mazza Oil, there were oil trucks that were parked on that property

Open to the public

Nobody came forward

Mr. Conte

Variances

1. Square feet per dwelling unit
2. Minimum lot area
3. Minimum lot width
4. Parking
5. Pre-existing- rear setback
6. Side yard setback- pre-existing
7. Side yard setback 2nd from the front- pre-existing
8. Maximum building coverage- pre-existing
9. Maximum lot coverage- pre-existing
10. Maximum height- pre-existing

***The engineer testified that there would be some changes:**

1. Spaces 1 and 2 will be eliminated
2. Space #1 will be where the dumpster will be
3. Spaces #3-#8 will be moved
4. Handicap space will remain

Motion to Approve- Robert Cochrane- He loves what was done to that property

Second- Salvatore Lamendola

Romi Herrera- Aye

Salvatore Lamendola- Aye

Carmin Breonte Jr. – Aye

John Easom- Aye

Robert Cochrane- Aye
Arlene Patire- Aye
Carmin Breonte- Aye
Application Approved

5 Minute Recess

Meeting called back to order at 8:53PM

Roll Call

Salvatore Lamendola- Aye
Romi Herrera- Aye
Carmin Breonte Jr- Aye
John Easom- Aye
Robert Cochrane- Aye
Arlene Patire- Aye
Carmin Breonte- Aye
Kathy Rozmus- Aye

277 Lanza Avenue, Garfield, NJ

Gary Zalarick- Attorney for the applicant

- There was an application for this address that was heard before the board and was denied. That application had 8 units, this one as 6 units

Mariusz Truchel

272 Lanza Avenue, Garfield, NJ

Sworn in by Beth Calderone

- He lives directly across the street from this property
- Currently the building is old and destroyed and needs work
- He would like to demolish the building and construct 6 units dwelling, they will be rentals.

John Bryjak

135 Hiawatha Avenue

Sworn in by Beth Calderone

Architect/Planner

- They are proposing 6 units and 2 bedrooms in each unit
- Each apartment has a separate entrance
- 1st Floor plan- Units #2,4, and 6
- 2nd Floor Plan- Units #1,3,5
- There is a living room, kitchen, dinette, laundry area, bathroom, two bedrooms with closets in each bedroom and a utility closet

Mr. Zalarick asked where the utilities come in?

- **Mr. Bryjak** stated that the utilities will come in from the Lanza Avenue side

Mrs. Patire asked where the air conditioning units are

- **Mr. Bryjak** stated that they are located on the side yard
- **Mr. Palus** stated that are they opposed to putting the air conditioning units on the opposite side of Lanza Avenue
- **Mr. Zalarick** stated that maybe they could do 3 on one side and 3 on the other side

Mr. Lamendola asked where the door on the side leads to

- **Mr. Bryjak** stated that the door leads to the sprinkler room

Thomas Stearns III

144 Jewel Street

- The existing condition is a two (2)-story frame dwelling; it is about 10 inches off the front setback in the middle of the property. It is difficult to tell when driving by what the property is. There is a garage located in the rear of the property
- Proposed is to demolish the existing structure and provide a building consisting of 6 units.
- They now have an area in the back for snow and there is an open space area.
 - o **Mr. Lamendola** asked if the open space will be grass
 - **Mr. Stearns** stated that it will be grass and will be used by the residents
- They are providing a handicap parking space
- The driveway is for 2-way traffic

- Stormwater runoff plan is to propose 4 seepage pits with a stonebed that will capture the entire roof and capture the parking lot (there is an inlet in the rear of the property) and a trench drain in the driveway. Their goal is to store an entire storm from the building and parking lot into the seepage pit.
- There are two refuse and recycling areas separated by fence
- They provide a landscape and lighting plan. The lights will have shields to prevent runoff onto neighboring properties. There is 30 feet of open grass space. They provide plants in the front of the property.
- The ADA parking space will be striped.
 - o **Mr. Palus** stated that the ADA needs to be graded to the standards
- There is a retaining wall in the rear
- Variances:
 - o Maximum Lot Coverage
 - o Square Feet Per Dwelling Unit
 - o Building Length
 - o Rear Entry/Exit
 - o Open Space
- **Mr. Palus** asked if the dumpsters will have lids on them and are they being picked up by a private company
 - o **Mr. Truchel** stated that they will be using Pinto Company for the dumpster pick up
- **Mr. Palus** asked if the curbs and sidewalks will be replaced and is the electrical going to be underground or overhead?
 - o **Mr. Stearns** stated that the curb and sidewalks will be replaced and they are going to try and have the electrical underground, it will be up to PSE&G
- **Mr. Lamendola** asked if the people on the 2nd floor have access to the attic
 - o **Mr. Bryjak** stated that they will have access to the attic with a pull down staircase. The attic will be used for storage and may contain an air handler
- **Mrs. Patire** asked if the owner will be willing to put security cameras on the property
 - o **Mr. Truchel** stated that they will have security cameras on the property

Open to the public

Ellen

173 Prospect Street, Garfield, NJ

Sworn in by Beth Calderone

- She asked about the sewage on her side of the property. The sewer backs up and it comes down her block and it comes into part of her driveway; it even goes into some of the sewage
- She also had to call the water department because there was not enough water pressure
- **Mr. Stearns** stated that they are going to take all the roof runoff and parking lot runoff and the water will percolate into the ground and all the water in that extreme storm will be captured. Lanza Avenue is pitched to the westerly side and so if the water does go into Lanza Avenue, it will not go towards her property. The water pressure will be tested prior to construction for the sprinklers.

Nobody else came forward, public session closed

Mr. Conte

Variances

1. Maximum Lot Coverage
2. Square Feet Per Dwelling Unit
3. Maximum Building Length
4. Parking Lot Maximum Coverage
5. Rear Entry/Exit
6. Open Space/Usable Space Requirement
7. Fence

Stipulations

1. Applicant will install security cameras
2. They will be at least 3 of the air conditioning units to the other side
3. The building will be having a sprinkler system
4. Will provide spot elevation for the ADA Parking Space
5. Will replace the curb and sidewalks
6. They will run testing for the seepage pits

Motion to Approve this Applicatino- Lamendola- He believes this will improve the area, the prior application had two more and he made the

Second- Herrera

Herrera- Aye

Lamendola- Aye

Breonte Jr- Aye

Easom- Aye

Cochrane- Aye

Patire- Aye- what is there right now is atrocious and what he is putting there now is beautiful and will improve the area

Breonte- Aye

Application Approved

Motion to Adjourn Meeting- Robert Cochrane

Second- Salvatore Lamendola

All in favor- Aye

Meeting Adjourned