

City of Garfield  
Garfield Zoning Board of Adjustment  
Regular Meeting, April 22, 2019

In the matter of:  
Public Hearings, Public Comment  
Applications heard before the Garfield Zoning Board of Adjustment  
April 22, 2019

Commencing at 7:30pm

**The Garfield Zoning Board of Adjustment:**

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

Francisco Sanchez 1<sup>st</sup> Alt.- **Absent**  
Carmin Breonte, Jr. 2<sup>nd</sup> Alt.- **Absent**  
Kathy Rozmus 3<sup>rd</sup> Alt.  
Tony Lio 4<sup>th</sup>Alt.

**Appearance:**

Joseph J. Conte, ESQ., Alternate Attorney to the Board  
Mary Bauman, Certified Court Reporter  
Gary Paparozzi, Planner

Reported By Jacqueline Fiola, Clerk  
April 22, 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 April 22, 2019 Council Chambers, City Hall Commencing at 7:30pm.

Motion to Approve the March 25<sup>th</sup>, 2019 Minutes- Salvatore Lamendola  
Second- John Easom  
Tony Lio- Obstain  
John Easom- Aye  
Robert Cochrane- Aye  
Salvtatore Lamendola- Aye  
Romi Herrera- Aye  
Arlene Patire- Aye  
Carmin Breonte- Aye  
**\*Minutes Approved\***

**Paul Houlis is now present**

**42-46 Outwater Lane**

**Santoni's Pizza**

**Gary Zalarick**

**Attorney for the Applicant**

- Requesting an adjournment again, they are waiting on the engineer plans to draw the two lots to one lot

Mrs. Patire stated that she has no problem with the adjournment, but she believes that the applicant should renounce  
Mr. Zalarick stated that there would be a few things that are going to change.  
Mr. Breonte stated that on the application it stated that there was only two (2) apartments on the  
Mr. Zalarick stated that he would like to withdrawal the application and submit a whole new application with new set of plans with the changes.

Mr. Conte stated to the audience that if anyone was here that the application was going to be withdrawn and new plans will be submitted

**168 Frederick Street**

**Pricilia Triola**

**Attorney for the applicant**

- this is a two (2) family house, the applicant used the garage primarily for dry tools and eventually she purchased a new home and her brother who is an employee to her company moved into her apartment. Her brother to get materials will use the garage.

**Doris Lichteberger**

**Sworn in by Beth Calderone**

- She is the owner of the property. Her business is ran by her husband, brother, daughter, and herself. Only her brother, herself, or her husband will have access to the garage to get materials as needed for jobs. The materials that will be kept there are pipes, copper, fittings, etc. There is nothing that is toxic, flammable, etc that will be kept there. Her brother occupies the 1<sup>st</sup> floor and there is a tenant on the 2<sup>nd</sup> floor.
- There are three (3) doorbells because the building is older and they purchased another doorbell because the one that was wired was no longer working, the one that they put there is a battery operated one.

Mr. Conte marked A1 as the doorbell (one picture), A2 will be the photographs of the basement (4 pictures), A3 will be the photographs of commercial businesses that are around her (5 pictures).

Mrs. Lichteberger stated that she took those pictures herself within the past 48 hours. She is not planning on changing anything with the property, except use the garage as part of her business.

Mr. Houlihan asked if she wants to use the garage just for parts? Would this be done during the day, what time will it be done where loading the parts.

Mrs. Lichteberger stated the

Mrs. Patire stated she is looking at the picture of the basement, when the fire inspector went to the building they stated it is a finished basement with three rooms and a bathroom no kitchen. When this house built, it was allowed to be built because it is a two family with 4 parking spaces, where are the tenants going to park?

Mrs. Lichteberger stated that the tenants are not allowed to park there.

Mrs. Triola stated that the tenants park on the side of the garage not in front of the garage.

Mr. Breonte stated that right now they could park 4 cars because they can fit two cars on the side next to each other and 2 more parking spaces inside the driveway; so you are taking away the parking for the tenants.

Mr. Paparozzi stated that they are not allowed to stack park, if you park two car in the driveway you are allowed to park a car behind the car in the driveway. When he went to visit there were a lot of items on the side of the property, such as a boat. The survey states that there is not 36 feet of concrete to fit 4 cars.

Mr. Conte stated that he is going to mark the photograph of a van parked in the driveway, with a boat next to it as A4.

Ms. Triola stated that the boat could be removed if needed, but if you give each tenant two (2) parking spaces each; the boat would be considered as a parking space for her tenant that is her brother.

Mrs. Lichteberger stated that when the fire marshal visited the property, she had materials stored from the business and he asked her if she is running a business out of the basement, she told him no and then she moved everything into the garage.

Mrs. Patire stated that her question is the basement was finished or not because the photographs show unfinished.

Mrs. Lichteberger stated that she runs a business and she does not have enough money to go rent somewhere to store leftover material.

Mr. Conte stated just to clarify that she will be using the garage just for storage, no desk and no customers in and out

Open to the public

**Bzdel**

**22 Morell Place**

- The applicant has more than one truck
- Her concern is the parking

Nobody else came forward

Mrs. Lichteberger stated that there are three (3) vans and her brother drives one, her husband, and her daughter. Not all three (3) vans park overnight only one is parked there.

Mr. Paparozzi stated if 5 parking spaces are needed; 4 for the apartments and 1 for the business. He stated that if the board looks favorable upon the application, the variance should be changed and the survey should be changed.

Ms. Triola stated she disagrees with Mr. Paparozzi because the van is the applicant's brother's car that he drives. If her brother didn't live there, then there is no reason for the van to be parked there.

Mr. Conte believes that they do need the five (5) parking spaces

Mr. Easom asked if the other tenant lives or is related to her?

Mrs. Licheteberger stated that the tenant has one car, they have been her tenant for 5 years

Mr. Lamendola asked how long she has been running the business and been using the property for her business.

Mrs. Licheteberger stated that she has been using the property for her business since 2013.

#### **Mr. Conte**

##### **Variances:**

1. Front Yard Setback (pre-existing)
2. Rear Yard Setback (pre-existing)
3. Main Building Coverage (pre-existing)
4. Maximum Total Coverage (pre-existing)
5. Parking- 5 Required and 0 proposed
6. Minimum SF per Dwelling Unit (pre-existing)
7. R2 to B1 zone (although garage is only used for storage, it is used for a business)

##### **Stipulations:**

1. If the board looks favorably upon application, the applicant needs to submit a revised survey
2. The driveway should be used just for parking and there should be nothing placed there that takes up parking such as storage
3. Description of the basement

**Motion to Approve the Application**- Salvatore Lamendola- **With everything that was discussed is taken care of.**

**Motion to Deny the Application**- Arlene Patire- **one because of the parking and the second because it opens a can of worms to the rest of the town to use their garage for storage for businesses. She does not agree with an attached garage be used for a business.**

**Second**- Robert Cochrane- **Same reasons as Mrs. Patire**

Salvatre Lamendola- No

Romi Herrera- Aye

Paul Houllis- Aye- **Due to parking situation**

Robert Cochrane- Aye

John Easom- Aye- **He disagrees with running a business out of a residence**

Arlene Patire- Aye

Carmin Breonte- Aye- **parking is an issue, it is taking away parking and it is in an R2 zone and it is attached to a residential unit**

**\*Application denied\***

#### **175 Belmont Avenue**

**Mrs. Patire and Mr. Cochrane has to recuse themselves from the application**

**Mr. Lio and Ms. Rozmus will be sitting in for Mrs. Patire and Mr. Cochrane**

#### **Jennifer Caneric**

- They are appearing before the board for two reasons:
  - o 1. Why they are not proposing the facility at the New Police Station
  - o 2. Screening options

#### **Lukauch**

**Sworn in by Beth Calderone**

Mr. Conte stated he is going to mark the detailed site map as A9 dated April 19, 2019. He is marking the nine pages titled New Era Concealment brochure for the screening options as A10.

Mr. Lukauch stated that previously he went over a few maps of other facilities around the area. He prepared an exhibit of the Detailed Site Map; it is the same as the ones that he went over at the last meeting. The pink dot in the center is 175 Belmont Avenue, there are a few red dots is 160 Belmont Avenue which is the old police station, they were not able to come up with a lease agreement with them. The blue dots were documented data recently that was one day that was lit up where the population is. Considering where to put a site is to put a site in the middle of where all the data is coming from. The new police department is out of the blue area and would not be sufficient. There is also a 15-foot height difference.

Mr. Breonte asked about most of the antennas are 48 inches, why are these 9 feet?

Mr. Lukauch stated that the height difference is because of the different frequencies that they carry.

Mr. Paparozzi asked if they went to the site furthest north and the antennas were pointed south, would you get the same result?

Mr. Lukauch stated that it would not provide the same result; it is idea to be in the center of where the traffic is coming from the volume of usage.

**Katherine Gregory  
Planner**

**Sworn in by Beth Calderone**

- 110 Washington Street, East Orange has the antennas on the building and there are some antennas that have the film and some that do not.
  - o Mr. Conte marked the pictures as A11

Mr. Paparozzi asked about the equipment box and is there any concealment for that

Ms. Canceric stated that she discussed with At&T and they can put anything around the equipment box that the board would like.

Mr. Conte stated that the applicant agrees to use the conceal film as the concealment that would be put around the antennas.

Open to the Public

**Moustafa Elkholy  
385 Midland Avenue**

**Sworn in by Beth Calderone**

- What is the benefit of the concealment?
  - o Mr. Paparozzi stated that the film is just so it does not look like there are poles out of the top of the building. The safety was discussed at the last meeting and the FCC controls it.
- Does the board prefer the building they are proposing or the new police station
  - o Mr. Paparozzi stated that the board wanted reasoning as to why the new police station and it does not help them.
  - o Mr. Easom stated that it does not meet their requirements for what it is needed with, he also spoke to the chief of police and he said that it could interfere with the police stations new communication system because they are getting a new one.

**Justyna Picitua  
385 Midland Avenue**

**Sworn in by Beth Calderone**

- Her concern is health and she does not think that it was discussed enough and they were notified through a certified letter. She feels that nobody cares about them and she is concerned about the health issues and she read some studies.
- It affects them and what is their building going to get from it.
- Mr. Easom asked if she had a discussion with Mr. Lukauch about the health
- Ms. Picitua stated that she did not feel that it helped her at all because he was unaware of the studies that were done.

Nobody else came forward

Mr. Paparozzi asked if Mr. Lukauch looked at the studies that were submitted

Mr. Lukauch stated that after the last meeting it wasn't that he was unaware of the studies, he did review the articles and they are physicians and thoughts. A number of the studies that are done and ongoing, this is not new technology. The proposed site comes in at 4.8%.

**Mr. Conte  
Variances**

1. Height Variance- waived
2. Front Yard Setback
3. Main Building Coverage (pre-existing)
4. Use

**Stipulations:**

1. If the board looks favorable upon the application, the applicant will put a conceal film around the antennas and work hand in hand with the city for the best option for a concealment around the equipment

**Motion to Approve Application-** Tony Lio

**Second-** John Easom

Paul Houlis- Aye

John Easom- Aye

Tony Lio- Aye

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Romi Herrera- Aye

Carmin Breonte- Aye

**\*Application Approved\***

**Mr. Cochrane and Mrs. Patire are now sitting in**

**231 MacArthur Avenue**

**Gary Zalarick**

**Attorney for the applicant**

**Thomas Stearns III**

**144 Jewel Street, Garfield, NJ**

**Sworn in by Beth Calderone**

- the exterior of the dwelling and the entire site will remain as is
- the only changes are the interior, 2 bedrooms on the second floor and 1 bedroom on the first floor
- the only variance needed is Square Feet per Dwelling Unit all other variances are pre-existing.
- Mr. Paparozzi asked about the architect plan is the second floor existing or proposed?
  - o Mr. Zalarick stated that the second floor is existing and nothing is changing; the house was

Mrs. Patire asked if anyone is living on the second floor

**Dominic Mastrolia**

**259 Maitland Place**

**Sworn in by Beth Calderone**

- He has owned the property for over 30 years
- There is a tenant that lives on the second floor, a mother and daughter
- There is nobody that is living on the first floor.
- He lived on the first floor with him, his wife, and his daughter
- His daughter was living on the first floor and that was when he received a summons for having someone living in the apartment illegally.
- He came to court for the summons and paid the fine

Mr. Conte asked about the other properties around the area

Mr. Zalarick stated that all around the area there are multiple dwellings around the area

Mrs. Patire asked Mr. Paparozzi if it changes because it is now a two (2) family

Mr. Paparozzi stated that it doesn't change because in an R2 zone one family and two family homes requirements are the same. All the variances exist except the square feet per dwelling unit.

Mr. Lamendola asked how many entrances to the lower level?

Mr. Zalarick stated that there are two entrances, you can go in the right side or walk around the back and walk right into the kitchen.

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Nobody came forward

**Mr. Conte**

**Variiances**

1. Square Feet per Dwelling Unit (Only variance needed)

\*All other variances are pre-existing\*

**Motion to Approve Applicatino-** Paul Houlis

**Second-** Salvatore Lamendola

Paul Houlis- Aye

John Easom- Aye

Robert Cochrane- Aye

Romi Herrera- Aye  
Salvatore Lamendola- Aye  
Arlene Patire- Aye  
Carmin Breonte- Aye  
**\*Application Approved\***

**Resolutions:**

**48 Semel Avenue**

**Motion to Approve Resolution-** Robert Cochrane

**Second-** Romi Herrera

John Easom- Aye

Robert Cochrane- Aye

Romi Herrera- Aye

Salvatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

**\*Resolution Approved\***

**259 Malcolm Avenue**

**Motion to Approve-** Arlene Patire

**Second-** Robert Cochrane

John Easom- Aye

Robert Cochrane- Aye

**1 Cedar Street**

**Motion to Approve-** Romi Herrera

**Second-** John Easom

John Easom- Aye

Robert Cochrane- Aye

Romi Herrera- Aye

Salvatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

**277 Lanza Avenue**

**Motion to Approve –** Arlene Patire

**Second-** Romi Herrera

John Easom- Aye

Rbert Cochrane- Aye

Romi Herrera- Aye

Salvatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye

**Motion to close-** Arlene Patire

**Second-** John Aasom

**All in favor-** Aye