

PLANNING BOARD, CITY OF GARFIELD
MINUTES OF THE REGULAR MEETING
Conducted on October 24, 2019

The regular meeting was called to order by Chairwoman Williams at 6:00 p.m. who thereupon read the statement required by the Open Public Meeting Act. Secretary called the roll.

ROLL CALL:

Mayor Richard Rigoglioso
Councilwoman, Erin Delaney
Chairwoman, Gracie Williams
Vice Chairwoman, Lou Ann Visotcky
Michael Garcia
Michael Wisnovsky
Gerald Walis
Jack LoBue
Peter Santacroce, 1st Alternate
Cosentino Conte, 2nd Alternate

Absent:

James Clark

Others present were:

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

(Flag Salute)

SUNSHINE LAW: Read by Chairwoman Gracie Williams
PUBLIC LAW 1975 CHAPTER 231 "OPEN PUBLIC MEETING ACT" PUBLIC
HEARING: December 27, 2018 Council Chambers, City Hall Commencing at 8:00 p.m.
Subsequent Notice of time change published October 11, 2019 Commencing at 6:00 p.m.

Old Business

Continuation of hearing on Application for Preliminary Site Plan Approval, Final Site Plan Approval, Variances and Waiver Approval regarding Block 14.02, Lot 4.01, more commonly known as 100 Passaic St. and Block 23, Lots 25, 28 and 29, more commonly known as 95-109 Passaic St., Garfield, NJ.

Charles Olivo, Engineer, Stonefield Engineering was sworn to testify before the Board. Mr. Olivo testified that currently there is no storm water best management practices at this site. During a rain event the water flows into the roadways and the water collects under the trestle. As part of this redevelopment project, the roof drainage system ties into downspouts in the

leaders that transition into a detention basin. The detention basin has the ability to hold the stormwater and release it at a much slower rate. This will improve the stormwater management infrastructure in the area. Mr. Olivo testified that the traffic analysis was conducted based on industry standard guidelines. The traffic analysis indicated that the proposed development would not have a significant impact on traffic in the area. The locations of the driveways have been designed to provide effective access to and from the properties and would not impact the external roadways.

The Chairwoman asked if anyone from The Board had any questions for Mr. Olivo.

The Board asked how many handicapped parking spaces would be in each garage.

Mr. Olivo testified that there are two handicap parking spaces in each garage.

The Board asked what if there are more handicap tenants than there are handicapped parking spaces.

Mr. Olivo testified that regular parking spaces would be converted into handicap spaces to accommodate any additional handicapped tenants.

The Board asked if the parking spaces would be assigned to each tenant or is it on a first come, first served basis.

Mr. Olivo testified that in this building the parking is not bundled with the unit. Tenants can choose not to have a parking space. If the tenant chooses to have a parking space, they would have to pay an additional fee.

Dennis Harrington, Planning Board Engineer, asked Mr. Olivo to clarify his previous statement regarding the size of the parking spaces. Are all of the proposed parking spaces deficient when compared to the residential site improvement standards?

Mr. Olivo testified the parking spaces are deficient. The standard size is 9' x 18'. Some spaces are shorter than the 18', some are longer than the 18', some are at 9' or slightly smaller, but yes, technically all spaces are deficient.

Mr. Harrington stated that Mr. Olivo previously stated that the storm water management detention system will be provided for the one of the buildings. Mr. Harrington inquired whether the applicant would be willing to provide detention in both buildings to improve the situation of storm water runoff even more.

Mr. Olivo testified the applicant would be willing to work with Mr. Harrington's office to accomplish this.

The Board asked if we have the proper sewer lines.

Mr. Olivo testified that they have done a preliminary analysis of what the demand is and he believes it can be accommodated.

The Board asked if a flow test of the hydrants in the system was done.

Mr. Olivo testified that they will provide flow tests before construction starts.

The Board asked what happens if standard water capacity is not there.

Mr. Olivo testified that if water flow does meet the standard, the construction of the buildings cannot go forward.

The Chairwoman then opened the meeting to the public.

Dennis Malicki from the public asked what is the proximity of each building to the railroad tracks and also when is garbage pickup?

Mr. Olivo testified that the distance from 99 Passaic St. is approximately 120' and from 100 Passaic St. is approximately 110'. The trash receptacles will be located at the southwest portion of the building north of Passaic St. and western most portion of the building south of Passaic St. Trash pickup will be 2-3 times per week by a private company.

Dolores Capizzi from the public asked to relay the concerns of Monsignor Reilly.

The Chairwoman stated that she would allow Ms. Capizzi to speak for Monsignor Reilly.

Ms. Capizzi stated that Monsignor Reilly is concerned about 2 handicapped parking spaces between the trestle and Marcellus Pl. and extremely limited parking. He is also concerned about the parking on the streets around School No. 10 which also has very limited parking. Are there any provisions in the plans to address overflow of traffic from the proposed project?

Mr. Olivo testified that any new development project is required to provide the adequate amount of parking set by the redevelopment plan and that is what the applicant will do.

Elaine DeGiordino from the public asked if a tenant is disabled but does not want to pay for a parking space, or if there is a disabled individual who is visiting a tenant, how do they enter the building?

Mr. Olivo testified that the buildings are ADA compliant. The entrance from the parking garage is ADA accessible and the entrance from the street is ADA accessible. The individual would then take the elevator to get to the apartment.

William Capozzi from the public is concerned about the flooding under the trestle.

Mr. Olivo testified that as redeveloper they are required to improve the conditions at the site and they have a plan to address this issue.

Louis Aloia from the public asked if the Board addressed anything with regard to the Green Space. Also, he feels that the parking is inadequate. Mr. Aloia would like the Board to consider these things when making their decision.

Marcel Wurms from the public asked at what time of day the traffic study was conducted.

Mr. Olivo testified that for the traffic study they looked at peak hours, between 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m. during the week.

Mr. Wurms asked if they looked at parking on a Sunday.

Mr. Olivo testified that they did not have to look at Sundays because they meet the requirement that was set in this redevelopment.

Mr. Wurms asked what the requirements were and how does he determine the requirements.

Mr. Olivo testified that he does not determine the requirements. The redevelopment plan sets the requirements.

Mr. Wurms stated that the State regulations regarding 1-bedroom apartments require 1.5 parking spaces per unit.

Mr. Olivo testified that State regulations grants flexibility for municipalities to apply alternative standards in downtown areas and areas well served by public transit and areas of walkability.

Mr. Wurms stated that the State regulations allow for visitor parking and the plan does not provide for any visitor parking.

Mr. Olivo testified that there may be visitor parking in the garage because not every resident will have a car. In other projects in a similar area, only 60-70 percent of residents own a car. Therefore, the empty spaces could be allocated for visitors.

Frank Calandriello from the public asked if the applicant is not including more parking to avoid creating more traffic.

Mr. Olivo testified that what he previously testified to was that when you provide too much parking and a bigger parking field you generate more traffic.

Joan Banez from the public asked if there was a live traffic study done monitoring the traffic flow in all four directions of Passaic St., Midland Ave. & Marcellus Pl.

Mr. Olivo testified that they used drone technology to monitor traffic for the study.

Ms. Banez asked if the traffic generated from the school and Walmart were included in their traffic study.

Mr. Olivo testified that the numbers that come from the formula in the manual that is used in the industry, is based on real counts. Traffic engineers count built projects in the area then submit that to the institute of transportation engineers. It is vetted, then it is published and updated. The information is compiled from actual sites and based on real observations.

Ms. Banez asked if there is enough pressure and volume of water to support fire-fighting needs.

Mr. Olivo testified that the water main lines were surveyed and he believes the lines are sufficient. There would likely be further study of the lines before construction begins. A letter is also sent to the water authority to confirm that lines exist and that they have adequate capacity.

William Polcari from the public asked where maintenance vehicles would park if service was needed at the building.

Mr. Olivo testified that the company doing repairs would need to get permission for an allocated parking area that would be blocked off on the street for the duration of the repairs.

Paula Tamburo from the public asked how many projects in New Jersey that Mr. Olivo has been involved in that were built and occupied.

Mr. Olivo testified he has worked on 40-50 projects.

Ms. Tamburo then asked if he ever had to alter the parking plan after the project is approved and also expressed that she is in favor of the project.

Mr. Olivo testified that it is not uncommon that after construction process begins you might need to move something a foot or two, however, the approval that is memorialized holds.

William Jackson from the public asked whether Air BnB has been a problem in other developments Mr. Olivo had been involved.

Mr. Olivo testified that it has not been an issue in the areas that he has been involved with. He is aware that some municipalities have passed ordinances that restrict Air BnB.

Mr. Jackson stated that he is concerned that it could be an issue going forward and his suggestion to the Board is to consider passing an ordinance to restrict Air BnB before it becomes a problem.

Dolores Capizzi from the public asked if there would be any access for services and deliveries to be conducted within and on these apartments.

Mr. Olivo testified that a service vehicle or delivery truck, that fits into the parking space, could come into the garage and occupy a visitor parking space. Otherwise, curbside parking is available on Midland Ave.

The Chairwoman asked if there were any other questions from the public for Mr. Olivo.

The Chairwoman stated that no one else from the public came forward.

The Chairwoman stated that Mr. Mistry would take questions regarding the architecture.

Dennis Harrington, Planning Board Engineer, asked if a single elevator is sufficient in the larger building.

Mr. Mistry testified that a single elevator meets the requirements for a building that size and it is also stretcher compliant which is also a requirement.

Mr. Harrington asked if there will be trash chutes in the buildings.

Mr. Mistry testified that the smaller building, 100 Passaic St. does not have a trash chute. The tenants will have to bring trash down to the trash room. The larger building does have a trash chute.

The Chairwoman then asked if anyone from the public had any questions for Mr. Mistry.

Alan McDaniel from the public asked if there was a way to improve on the architecture of these buildings to give them some character because they look like square boxes.

Mr. Mistry testified that looking at this as a new project from the ground up would meet all the new codes and the applicant thinks that this will enhance the site.

Joan Banez from the public asked how many elevators there would be.

Mr. Mistry testified that each building will have one elevator which are stretcher compliant.

Ms. Banez asked if every bedroom has a window.

Mr. Mistry testified that every bedroom will have a window.

Frank Calandriello from the public asked why there are no room layouts on these plans.

Mr. Mistry testified that this is a systematic plan. At some point the units will be developed to show more detail.

Mr. Calandriello asked where the garbage trucks will go in to pick up the garbage.

Mr. Mistry testified that in the larger building there will be double doors that open so that the dumpster could be rolled out and emptied into the garbage truck. In the smaller building there are also double doors on Passaic St. that open so that the dumpster could be wheeled out and emptied into the garbage truck.

William Jackson from the public asked why they never considered putting more than 1-bedroom apartments for this project.

Mr. Mistry testified that this question is for the developer to answer.

Dolores Capizzi from the public stated that Mr. Benecke testified that there would be room for a fire truck to drive around the entire building. She inquired if that's still the case and are there reports from the fire chief. She inquired whether there is a penthouse suite.

Mr. Mistry testified that there is not a penthouse suite. Also, in order for a fire truck to circle the building, it would diminish the size of the building.

The Board responded that the fire chief reviewed the plans and he had no issues with the buildings plans as they are.

Ms. Capizzi stated if that is the case, it must be on record that what Mr. Benecke presented is not reflected in these actual plans. Also, are there fire walls between apartments.

Mr. Mistry testified that there are not vertical fire walls. There is a horizontal fire wall, a 3 hour concrete slab, in both buildings between the garage and the apartment levels.

Ms. Capizzi asked how many stairwells are in each building.

Mr. Mistry testified that there are two stairwells in each building.

Alan McDaniel from the public asked if the aspects of sustainability and energy efficiency were considered and are there any solar panels.

Mr. Mistry testified that energy efficiency is built into the plan. They have to use energy star products and quality materials for sustainability. They use quality wood flooring and granite counters.

Elaine DeGiordino asked if it is possible to include solar or other alternative energy sources.

Mr. Mistry testified that they have looked at some of those options. However, based on the size of the building and shape of both lots, it really doesn't lend itself to include solar panels.

William Polcari from the public asked how many levels of apartments there are.

Mr. Mistry testified that there are four stories of apartments and the windows do line up.

Marcel Wurms from the public asked what is the overall height of the building.

Mr. Mistry testified that one building is 65'3" and the other building is 70'.

Mr. Wurms asked why the smaller building only has one garage level.

Mr. Mistry testified that to put another garage level, you would need to put a ramp from the first level to the next. It was determined that more spaces would be lost than gained.

Dennis Harrington, Planning Board Engineer, asked if there was any provision for an emergency generator.

Mr. Mistry testified that there is not.

The Chairwoman asked if there were any other questions for Mr. Mistry.

The Chairwoman stated that no one else from the public came forward.

Kathryn Gregory, Planning Consultant, Gregory Associates, LLC was sworn to testify before the Board. Ms. Gregory testified that the variances they are seeking include maximum building coverage, lot coverage, rear yard setback and side yard setback. We know that we do not necessarily meet the requirements regarding the size of the parking spaces. However, we are trying to maximize utilization of available space to provide sufficient parking. The side yard

setback and the rear yard setback are both at zero at the garage level in order to maximize the available space to provide sufficient parking. They are setting it back further at the higher elevations. The idea is to have redevelopment in areas with existing infrastructure. I do not believe that the variances are going to impact any adequate light, air and open space on any adjacent properties. We are providing transit-oriented development to this location. In terms of the environmental requirements, our engineer spoke about the plan for storm water management. This is obviously an improvement to the environment at this location. I also do not believe that we are out a conformity with the neighborhood. There is a building that is across Midland Ave. that also has a zero foot setback. There is also an apartment building like that on the other corner.

The Chairwoman then asked if anyone from The Board had any questions for Ms. Gregory.

Dennis Harrington, Planning Board Engineer, asked what would be the purpose for the variance being requested for the highest floor 5 foot setback.

Ms. Gregory testified that she believes the purpose might be in order to minimize the height of the building.

The Chairwoman asked if anyone from the public had any questions for Ms. Gregory.

Marcel Wurms from the public stated that the new Zoning Ordinance requires a setback from the sidewalk and the back and side yards. Mr. Wurms inquired if the building was smaller whether the variances would be needed.

Ms. Gregory testified that they need the variances in order to meet all the clearance requirements for vehicles to get around the building.

William Jackson from the public asked why the redevelopment did not consider including 2-bedroom apartments instead of only 1-bedroom.

Ms. Gregory testified that would be a question for the developer who would be testifying later.

Frank Calandriello from the public asked if the principles of planning were to establish ridership for the train station.

Ms. Gregory testified the idea is that for economic development to happen you want to bring people in and that is how the train station figures in.

Mr. Calandriello asked if this project could work with less density. Mr. Benecke previously testified that the project had to be 105 units, however he did not explain why.

Ms. Gregory testified that would be a question for the developer.

Elaine DeGiordino asked how adequate light and space is defined when the project is six stories and the buildings around it are two-story houses.

Ms. Gregory testified that the variances they are seeking will not impact any adequate light, air and open space on any adjacent properties.

Ms. DeGiordino asked whether a density analysis was performed and whether the project could be a 3 story building instead of 6 stories.

Ms. Gregory testified that the City Council adopted the redevelopment plan which stated that the buildings would be up to 6 stories. Ms. Gregory also testified that a density analysis was not done.

Alan McDaniel from the public asked whether the health and safety of the neighborhood will be affected by increased traffic.

Ms. Gregory testified that there would still be traffic on the streets even if the project was less units and she did not believe the project would negatively impact the public's health, safety and general welfare.

Joan Banez from the public inquired about the accuracy of the property line on the plans.

Ms. Gregory testified that the black line is the property line. The plan is showing the pavers and the driveway going into the parking garage.

The Chairwoman asked if there were any other questions for Ms. Gregory.

The Chairwoman stated that no one else from the public came forward.

Dennis Liloia, General Counsel, Meridia Capodaglia Property was sworn to testify before the Board.

The Chairwoman asked if anyone from the public had any questions for Mr. Liloia.

Marcel Wurms from the public asked if the lease agreement discloses that there is no on-street parking and that if they do not pay for off-street parking they will not have a place to park.

Mr. Liloia testified that that information would not be in the lease. However, it would be included in the disclosures that the leasing agent would explain to prospective renters.

Mr. Wurms stated that as part of the application, he should include that all tenants in these buildings needs to pay for off-street parking because on-street parking is not available.

The Board asked if since parking is contingent on both buildings being together, (some tenants from one building need to park at the other building), would these buildings ever be separated and sold individually or would they have to be sold together.

Mr. Liloia testified that the buildings can be sold separately, but the parking is subject to the sale. That restriction still stands.

Frank Calandriello from public asked how the applicant arrived at 105 units.

Mr. Liloia testified that the process includes looking at the redevelopment plan and what the parameters are. The applicant looks at the shape of the lots. They conduct a marketing analysis and a financial analysis and come up with the best plan to stay within the plan parameters.

Marcel Wurms from the public asked if there is going to be any visitor off-street parking.

Mr. Liloia testified that it would depend on whether there were any parking spaces not utilized by tenants.

Alan McDaniel asked if the developer, as owner of the property, receives a tax break if this project is approved.

Mr. Liloia testified that he is not aware of any tax breaks.

Elaine DeGiordino asked in case of fire, how is a wheelchair bound person going to get out of the building since they would not be able to use the elevator in case of fire.

Mr. Mistry testified that there is an area of refuge inside the stairwell. It is a protected area where a person in a wheelchair can stay until they are taken down the stairs when the fire department arrives.

The Chairwoman then opened the meeting to the public for comments.

Frank Calandriello from the public inquired about conflicts of interest and stated his objections to the site plan.

Dennis Malicki from the public inquired about who on the Planning Board is employed by the Board of Education and stated his objections to the site plan.

Dolores Capizzi from the public stated her objections to the site plan.

William Polcari from the public stated his objections to the site plan.

Tana Raymond from the public stated her objections to the site plan.

Louis Aloia from the public stated his objections to the site plan.

Marcel Wurms from the public stated his objections to the site plan.

James Ferinks from the public stated his objections to the site plan.

Alan McDaniel from the public stated his objections to the site plan.

Elaine DeGiordino from the public stated her objections to the site plan.

Miguel Marsiel from the public stated his objections to the site plan.

Joan Banez from the public stated her objections to the site plan.

Richard Derrig from the public stated his objections to the site plan.

The Chairwoman asked if anyone else from the public wanted to come forward.

The Chairwoman stated that no one else from the public came forward.

Motion to Close the Public Session.

Moved: Mayor Richard Rigoglioso
Second: Peter Santacroce, 1st Alternate

Mayor Richard Rigoglioso - Aye
Chairwoman, Gracie Williams - Aye
Vice Chairwoman, Lou Ann Visotcky - Aye
Michael Garcia - Aye
Michael Wisnovsky - Aye
Gerald Walis - Aye
Jack LoBue - Aye
Peter Santacroce, 1st Alternate - Aye
Cosentino Conte, 2nd Alternate - Aye
Motion Approved.

The Board answered the question posed by the public regarding which Planning Board Members work for the Garfield Board of Education and if any members have any relatives that work for the Board of Education.

Jack LoBue, Peter Santacroce and Richard Rigoglioso stated that they work for the Board of Education.

Michael Garcia stated that his son and daughter-in-law work for the Board of Education.

Gerald Walis stated that his daughter works for the Board of Education.

Peter Santacroce stated that his mother works for the Board of Education.

Motion to postpone vote to approve Application for Preliminary Site Plan Approval, Final Site Plan Approval, Variances and Waiver Approval (100 Passaic St. & 95-109 Passaic St.).

Moved: Michael Garcia
No one seconded.

Motion failed

Statements by Mayor Richard Rigoglioso in support of the site plan:

1. Would reduce crime in the area.
2. Developer is rated in the top 10 builders in NJ and NY.
3. Passaic St. isn't going to survive without major development. What is currently there is not working. It will be more distressed if redevelopment isn't done.
4. New stores expressed interest in moving onto Passaic St. after redevelopment was announced.

5. Train trestle was inspected by engineer from NJ Transit and he said it's fine.
6. This redevelopment will bring revenue to the area.

Peter Santacroce stated that he supports the redevelopment plan. He believes that this project will springboard us forward to see better things happen on Passaic St.

Gracie Williams stated that she supports the redevelopment plan. She feels that it will definitely improve the area.

Motion to approve Application for Preliminary Site Plan Approval, Final Site Plan Approval, Variances and Waiver Approval (100 Passaic St. & 95-109 Passaic St.).

Moved: Mayor Richard Rigoglioso
Second: Vice Chairwoman, Lou Ann Visotcky

Mayor Richard Rigoglioso – Aye (with the condition of Deed restriction and parking)
Chairwoman, Gracie Williams - Aye
Vice Chairwoman, Lou Ann Visotcky- Aye (with the condition of Deed restriction and parking)
Michael Wisnovsky – Nay
Gerald Walis - Nay
Jack LoBue - Aye
Peter Santacroce, 1st Alternate - Aye
Motion Approved.

Resolutions

Motion to memorialize Resolution PB-08-2019 adopting the report of Benecke Economics entitled “Redevelopment Investigation Report” dated July 29, 2019 and determining the property located at 844, 848 & 858 River Drive, also known as Block 200, Lots 16-23, as shown on the Official Tax Map of the City of Garfield (“Property”) should be determined “an area in need of redevelopment”, specifically a Non-Condensation Redevelopment Area pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1, et seq.

Motion to memorialize Resolution PB-08-2019 adopting Redevelopment Investigation Report dated 7/29/2019 (844, 848 & 858 River Dr.).

Moved: Vice Chairwoman, Lou Ann Visotcky
Second: Mayor Richard Rigoglioso

Mayor Richard Rigoglioso - Aye
Chairwoman, Gracie Williams - Aye
Vice Chairwoman, Lou Ann Visotcky- Aye
Michael Wisnovsky – Aye
Gerald Walis - Aye
Jack LoBue - Aye
Peter Santacroce, 1st Alternate - Aye
Motion Approved.

Motion to memorialize Resolution PB-09-2019 adopting the report of Benecke Economics entitled "Redevelopment Investigation Report" dated July 28, 2019, updated August 26, 2019 and determining the property located at 281, 289, 291, 297 & 301 Passaic Street and 8 Clark Street, also known as Block 41, Lots 1.01, 1.02, 5, 6, 9 & 11 as shown on the Official Tax Map of the City of Garfield ("Property") should be determined "an area in need of redevelopment", specifically a Non-Condensation Redevelopment Area pursuant to the local Redevelopment and Housing Law N.J.S.A. 40A:12A-1, et seq.

Motion to memorialize Resolution PB-09-2019 adopting Redevelopment Investigation Report dated 7/28/2019, updated 8/26/2019 (281, 289, 291, 297 & 301 Passaic St. and 8 Clark St.).

Moved: Mayor Richard Rigoglioso
Second: Vice Chairwoman, Lou Ann Visotcky

Mayor Richard Rigoglioso - Aye
Chairwoman, Gracie Williams - Aye
Vice Chairwoman, Lou Ann Visotcky - Aye
Michael Wisnovsky - Aye
Gerald Walis - Aye
Jack LoBue - Aye
Peter Santacroce, 1st Alternate - Aye
Motion Approved.

Motion to approve Minutes of Regular Meeting on September 26, 2019.

Moved: Gerald Walis
Second: Vice Chairwoman, Lou Ann Visotcky

Mayor Richard Rigoglioso - Aye
Chairwoman, Gracie Williams - Aye
Vice Chairwoman, Lou Ann Visotcky - Aye
Michael Wisnovsky - Aye
Gerald Walis - Aye
Jack LoBue - Aye
Peter Santacroce, 1st Alternate - Aye
Motion Approved.

No bills presented for payment.

No correspondence presented.

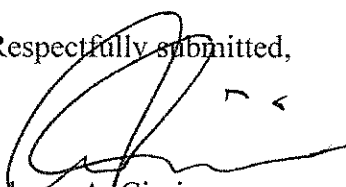
The Chairwoman asked for a motion to close the meeting.

Motion to close meeting.

Moved: Gerald Walis
Second: Jack LoBue

Mayor Richard Rigoglioso - Aye
Chairwoman, Gracie Williams - Aye
Vice Chairwoman, Lou Ann Visotcky - Aye
Michael Wisnovsky - Aye
Gerald Walis - Aye
Jack LoBue - Aye
Peter Santacroce, 1st Alternate - Aye
Motion Approved.

Respectfully submitted,



Alyssa A. Cimino
Planning Board Secretary

Approved at the meeting on November 21, 2019



ALYSSA A. CIMINO
Planning Board Secretary