

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

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

Commencing at 7:30pm

The Garfield Zoning Board of Adjustment:

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

**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  
November 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 PUBLIC MEETING ACT" PUBLIC HEARING  
November 25, 2019 Council Chambers, City Hall Commencing at 7:30pm.

**Motion to Approve the October 28, 2019 Minutes**- Kathy Rozmus

**Second**- Salvatore Lamendola

Kathy Rozmus- Aye

John Easom- Obstain

Carmin Breonte Jr- Obstain

Romi Herrera- Obstain

Salvatore Lamendola- Aye

Arlene Patire- Obstain

Carmin Breonte- Aye

**\*October 28, 2019 Minutes Approved\***

**38 Garfield Avenue**

**Applicant is requesting variance relief to convert a former textile sewing facility and a one residential unit into three (3) residential units and a warehouse space.**

**Gary Zalarick- Attorney**

- Currently this building is a commercial space on the 1<sup>st</sup> floor and on the 2<sup>nd</sup> floor there is a residential unit.

**Patrick Emiliano**

**Owner of the building**

**Sworn in by Beth Calderona**

**38 Garfield Avenue, Garfield, NJ**

- He is the owner of the property. This property has been within his family forever. His cousin was the owner of the building. The commercial space was a sewing facility. The 1<sup>st</sup> floor commercial space has been vacant for over 40 years. He wants to convert the existing commercial space into two (2) residential units.

**Mrs. Patire** asked how many bedrooms are in each unit?

**Mr. Emiliano** stated that each unit has two bedrooms and he believes that in today's world they need an office.

**Mrs. Patire** stated that the bedrooms look like they are the same size, so if someone does not have a computer or need the office, they can use it as a bedroom.

**Tomasz Bona**

**26 Fourth Street, Wood-Ridge, NJ**

**Architect for the applicant**

**Sworn in by Beth Calderone**

- The property is filling most of the property and there is not much green space around the property.
- **Parking:** there are two existing spaces facing Clark Street. they were able to propose an additional two (2) parking spaces in the garage that are adjacent to the existing parking spaces.
- Stated that they can open the wall for the office and make it so that it does not have a door. Maybe someone can use it as a playroom, dining room, exercise area, etc.

**Mr. Lamendola** stated that if they got rid of the office, they could make the bedrooms larger.

**Mrs. Patire** stated that the bedrooms are relatively smaller; maybe they can combine the "office" and bedroom and make it like a master suite or a larger bedroom.

**Mr. Zalarick** stated that the applicant will concur to taking the wall down and combining the bedroom and "office" to make it a large bedroom.

**Mr. Paparozzi** asked about the office in the existing apartment, the office is larger than the bedroom.

**Mr. Emiliano** stated that the current tenant works out of his apartment, so he uses it as an office.

**Mr. Paparozzi** asked about the room that was labeled a kitchen on the plans.

**Mr. Bona** stated that it is a mistake on the plans

**Mr. Paparozzi** stated that when they submit revised plans, they need to correct them to change the label.

**Mrs. Patire** asked who made them change that one room to be part of the apartment?

**Open to the public**

**Nobody came forward – public session closed**

**Gary Zalarick** stated that this building is built on about 85% of the property, so there is not much we can do with the building. Every wall between the office and the bedroom, will be eliminated, to make it one bedroom on each floor. On the 2<sup>nd</sup> floor the office room is currently being used as an office.

**Mr. Conte**

**Variances:**

1. **Minimum Lot Area**
2. **Minimum Lot Width**
3. **Parking**
4. **Minimum SF per Dwelling Unit**
5. **Density Variance**

**Motion to Approve-** Carmin Breonte Jr- **stated that this is the best option they could do with the building**

Second- Romi Herrera

Kathy Rozmus- Aye

John Easom- Aye

Carmin Breonte Jr- Aye

Romi Herrera- Aye

Salvatore Lamendola- Aye

Arlene Patire- No

Carmin Breonte- Aye

**\*Application Approved\***

**Mr. Conte stated that we need revised architectural plans prior to the resolution\***

**183 Cedar Street**

**Applicant is requesting variance to convert the existing single-family home into a two (2) family dwelling.**

**Gary Zalarick- Attorney for the applicant**

**Anthony LaGattuta**

**183 Cedar Street, Garfield, NJ**

**Sworn in by Beth Calderone**

**Owner with his wife**

- He purchased the property approximately thirty-(30) years ago. He currently still resides there. His father and himself built the existing house.
- In order to change the current dwelling into a two family home, the only thing that needs to be done is to add a staircase to the exterior.

**Bryjak**

**135 Sworn in by Beth Calderone**

**Planner**

- Sheet A1 has the zoning requirements for the R1 zone.
- Existing is a one family, proposed is a two family
- The two apartments will contain two (2) bedrooms in each unit.

**Mr. Breonte** asked what the ceiling height was in the 2<sup>nd</sup> floor unit

**Mr. Bryjak** stated that the ceilings are eight (8) feet high in both apartments.

**Open to the public**

**Nobody came forward- public session closed**

**Gary Zalarick-** this application the applicant built this home and his children grew up in it and he wants to add another dwelling to have his family continue to live there.

**Mr. Conte**

**Variances:**

- 1. Minimum Lot Area**
- 2. Minimum Lot Width**
- 3. Side Yard Setback**
- 4. SF per Dwelling Unit**
- 5. D Variance**

**Motion to Approve this Application- Arlene Patire- they meet all the requirements and exceed the parking, and she believes it is a great application**

**Second- Salvatore Lamendola**

Kathy Rozmus- Aye

John Easom- Aye

Carmin Breonte Jr- Aye

Romi Herrera- Aye

Salvatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye- **he does not believe it will be a deterrent to the area.**

**\*Application Approved\***

**372-376 Semel Avenue- Mark Wallace Real Estate**

**Applicant is requesting variance relief to remove the existing structure and detached garage and construct seven (7) townhouses**

**Gary Zalarick- attorney for the applicant**

**Mark Wallace**

**Applicant**

**22 Schley Street, Garfield**

**Sworn in by Beth Calderone**

- He is the owner of the property.

- He is coming before this board to construct two buildings: one building will contain four (4) units and the other building will contain three (3) units
- He bought this property as an investment property.
- These units will be sold separately as townhouses and will not be rentals.

**Thomas Stearns II**

**Engineer**

**GB Engineering**

**144 Jewell Street, Garfield, NJ**

**Sworn in by Beth Calderone**

- Currently there is a 2.5 story building on the property with a driveway and a garage only taking up about 50 feet of the property on the westerly side and the other side is completely open
- There is a 9 foot grade change
- Their proposal is to demolish the existing dwelling and construct two (2) buildings; one building with three (3) units and the other building will have four (4) units.
- Each unit will have a one-car garage and then one space to park behind it. There is a visitor space and a handicap space. There is a striped area that will be where the refuse area is going to be.
- The buildings will be facing one another
- Each unit has a twelve (12) foot parking space that gives a better radius to back out of the parking space.

**Mr. Lamendola** asked the distance from the rear of the three units building to the end, they are approximately four (4) feet.

**Mrs. Patire** asked where the air conditioner units are

**Mr. Stearns** stated that they are not on the plans, however; they are proposing to put them in the rear of each unit. The adjacent units are pretty far away from the property.

**Mr. Pappozzi** asked if they show where the refuse area will be on the property.

**Mr. Stearns** stated that they showed a striped area, but it is not labeled on the plans.

**Mr. Wallace** stated he would have one container that holds both refuse and recycling.

**Mr. Palus** stated that would make another variance. He asked if they could move the planted area back more to allow more room for the car to maneuver.

**Mr. Stearns** stated that they could move the planted area.

**Mr. Breonte Jr** asked how high the garage door is.

**Mr. Stearns** stated that the garage door is eight (8) feet high.

**Mr. Lamendola** stated that he has drawings that have doors in the rear.

**Mr. Zalarick** stated that there are doors that come from the basement, but there are no doors from the 1<sup>st</sup> floor because there are no stairs, that was a mistake and will be corrected.

**Mr. Palus** asked if there would be any lighting and landscape because there are no plans. What about cameras?

**Mr. Stearns** stated that there would only be grass and a few plants. They will have building mounted lights.

**Mr. Zalarick** stated that these are going to be individually owned, so it is up to the owner of the townhouse to put up cameras or not. There will be a condo association, and they will have to decide who will service the refuse area and who will do the snow removal.

**Mr. Zalarick** asked Mr. Wallace what the bonus room will be used as.

**Mr. Wallace** stated that he would put it in the master deed that the bonus room behind the stairs will not be used as a bedroom.

**Open to the public**

**Nobody came forward- public session closed**

**Mr. Conte**

**Stipulations:**

1. **Applicant consented that the HVAC units will be behind the units**
2. **Before any construction starts on the retaining wall, there will be a structural report.**
3. **The retaining wall to the left, will be moved onto his property, they will get permission from the neighbor**
4. **The owner will create a condo association that will take care of refuse, snow removal, and landscaping. The association will also have that the bonus room will not be used as a bedroom**
5. **Applicant will install new curbs and sidewalks and pave the portion from the curb to the middle of the road and from one trench to the other**
6. **All requirements from the DPW.**
7. **There are four (4) areas on the site plans noted as planters that will be moved back two (2) feet and be striped**
8. **The back doors will be removed from the site plans as well**

9. Refuse/Recycling will be shown on revised plans- It will be comingled

**Variances:**

1. Rear Yard Setback
2. Minimum Lot Depth
3. Side Yard Setback
4. Maximum Building Coverage
5. Maximum Building Height
6. Square Feet per Dwelling Unit
7. Side Yard Setback Both
8. Minimum Lot Area
9. Townhouse Setback
10. Joint Refuse/Recycling
11. Use Variance
12. D Variance

**Motion to Deny the Application-** John Easom- **He believes it is too much for the lot and there is a lot of variances. He does not see a quality of life for the residents**

**Second-** Salvatore Lamendola

Kathy Rozmus- Aye- **She believes there are too many units and too many variances. There is no open space anywhere.**

John Easom- Aye

Carmin Breonte Jr.- Aye- **The parking is very tight, there is no green area for seven (7) families and is too big for this property.**

Romi Herrera- Aye- **They are asking for too much, too many variances**

Salvatore Lamendola- Aye

Arlene Patire- Aye

Carmin Breonte- Aye- **Looking at it you have rear yard and side yard setbacks, there is too many variances**

**\*Application Denied\***

**Roll Call**

Kathy Rozmus- Here

John Easom- Here

Carmin Breonte Jr.- Here

Romi Herrera- Here

Salvatore Lamendola- Here

Arlene Patire- Here

Carmin Breonte- Here

**103-107 Jewell Street- BCR Holdings LLC**

**Applicant seeks to consolidate two (2) of the lots to construct a six (6)-unit apartment of building with a parking lot**

**Dr. Charles Rigolosi**

**550 Muller Blvd, Elmwood Park**

**Sworn in by Beth Calderone**

**Owner**

- Back in 2015 there was a fire at the property, by the time he got the call the fire was already on the first floor.
- These units will be rental units replacing the ones that were there

**Mrs. Patire** before there were two businesses and 6 units

**Dr. Rigolosi** stated that there would be six (6) units and no businesses

**Mr. Zalarick** asked how many off street parking spots were there for the previous property

**Dr. Rigolosi** stated that there was no off street parking. The other lot had two spaces

**Thomas Stearns III**

**Engineer**

**GB Engineering**

**144 Jewell Street, Garfield**

**Sworn in by Beth Calderone**

- The old buildings were right on the right of way line and they are setting the new buildings back

- They are setting back on the Market Street section as well
- The proposed building is a six (6)-unit three (3) story building
- There is a 44 yard setback
- In the rear of the property is where the parking lot will be
- The 1<sup>st</sup> floor will consist of a footprint as well as a handicap space as well as four additional spaces
- There are five (5) covered spaces with the second floor right above them.
- There is a refuse and recycling area that is separate on the southerly side. They can either be privately carted or the cans can be brought out by the super

**Dr. Rigolosi** stated that he would have a private carting company come in and have two dumpsters

**Mr. Stearns:**

- The AC condensers will be on the southerly side adjacent to Jewell Street.
- Access to the parking lot will be on Market Street. There is a 25-foot drive aisle.

**Mr. Palus** asked if the parking spaces would be assigned or first come first serve

**Dr. Rigolosi** stated that the parking spaces would be assigned. He stated that the sidewalks on Jewell Street were replaced a few years ago, so whatever gets damaged he will replace

**Mrs. Patire** asked about lighting

**Mr. Stearns** stated that there will be lights illuminating the parking lot and there will be building lights that the architect will go over

**Mrs. Patire** asked about cameras

**Dr. Rigolosi** stated that there would be cameras covering the parking lot and the common areas. He is also willing to share the video footage with the police department.

**Michael Romanik**

**291 Crooks Avenue, Paterson**

**Architect/Planner**

**Sworn in by Beth Calderone**

**Architectural Testimony**

- It is a three (3)-story structure. The rear of the building is facing the parking lot
- The condensers will be in the rear left side of the property
- Jewell Street is considered the front of the building
- There are decorative lights that are around the whole building that will light up the entire building
- They want to have the building height has 30 feet
- They are providing the required 12 parking spaces
- The air condensers will be located inside the building themselves
- There is a washer/dryer in each apartment
- There are two units that are handicap accessible
- The basement will be for utilities, maintenance area, gas meters, electric meters, water meters, alarm system. The owner may want just a partial basement not a full basement. This would be used for the owner

**Planning Testimony:**

- He walked around the area a few times. As he looked at the buildings on Jewell Street, this is a B1 Zone. Looking at the land use map, it is completely surrounded by R2 zone. This area here is somewhat mixed, there are more residential than mixed use.
- Most of the buildings do not have on site parking
- He sees this application as an improvement to the area especially with parking because they are providing onsite parking. The apartments are very spacious and he thinks it is something that is good for the general welfare

**Open to the public**

**Contino Ranieri**

**Sworn in by Beth Calderone**

- His concern is the front sidewalks and curbs on Jewell Street going to be replaced
  - o **Mr. Rigolosi stated that he would replace the curb and sidewalks on Jewell Street. The biblical doors will be filled in. He would put curb, grass, sidewalk, grass**
- He asked what the maximum height of the building would be
  - o **Mr. Zalarick** stated that the maximum building height to be 30 feet.
- Fire Escapes?
  - o **Mr. Romanik stated that there will not be fire escapes in the building**

**Rich Derrig**

**Sworn in by Beth Calderone**

- How is this application being accepted in Garfield especially since this is the mayor's brother; he thinks there is a conflict of interest
- The bedrooms look relatively large, who is saying that they will not put multiple beds in the apartment.
- Is there a play area for the kids

**Public session closed**

**Mr. Zalarick** stated that this project provides parking, complies with having two handicap accessible parking spaces. Onsite parking off of Jewell Street, this street used to be a viable two way street and now they turned it to a one-way street. There are buildings on that street that are right on the sidewalks, no parking and now you have a developer that wants to develop a nice property.

**Mr. Conte**

**Stipulations:**

1. He would have the building sprinklered
2. He would replace the sidewalk on the Jewell Street side
3. He would comply with the DPW
4. He would register with the Division of Community Affairs

**Variances:**

1. Minimum Lot Area
2. Minimum Lot Width
3. Front Yard Setback
4. Side Yard Setback
5. Other Front Yard Setback
6. Maximum Building Coverage
7. Maximum Total Coverage
8. Maximum Building Height
9. Square Feet per Dwelling Unit
10. Fence Height

**\*\*There are two D Variances\*\***

**Motion to Approve- Salvatore Lamendola- Jewell Street is a very active street, it seems that this building is an eye sore right now and what was there previously was beautiful. He thinks it will enhance that area immensely**

**Second- Carmin Breonte Jr- He thinks this project does look very nice for the area. The bedrooms are a lot bigger and are not crammed in there.**

**Kathy Rozmus- Aye- She thinks it's a very nice improvement area for the area, there are enough parking spaces there are multiple buildings on Jewell Street that are residential that do not have parking. She likes the layout of the units. Previousl there were two retail stores**

**John Easom- Aye- This is a no brainer and he thinks it is a great project**

**Carmin Breonte Jr.- Aye**

**Romi Herrera- Aye- He thinks this project will be very good for the area and they are improving the parking by taking it off Jewell Street**

**Salvatore Lamendola- Aye**

**Arlene PATire- Aye- She agrees with everything that the board has said, with what was there and what happened and what is going there. She like seeing an applicant coming in that is making**

**Carmin Breonte- Aye- The condition prior had no setbacks; the proposed plan has setbacks and no parking variance. Before there were thirteen bedrooms now there are eleven bedrooms. There were two retail stores and now there are none**

**\*Application Approved\***

**Resolutions:**

**184 Midland Avenue**

**Motion to Approve- Carmin Breonte**

**Second- Kathy\_Rozmus**

**Kathy Rozmus- Aye**

**Salvatore Lamendola- Aye**

**Tony Lio- Aye**

**Carmin Breonte- Aye**

**\*Resolution Approved\***

**88 Clark Street**

**Motion to Approve**- Kathy Rozmus

**Second**- Tony Lio

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Tony Lio- Aye

**\*Resolution Approved\***

**Motion to Adjourn Meeting**- John Easom

**Second**- Carmin Breonte

**All in Favor- Aye**