

The City of Garfield
Garfield Zoning Board of Adjustment
Regular Meeting, February 8, 2021

In the matter of:
Public Hearings, Public Comment
Applications heard before the Garfield Zoning Board of Adjustment
February 8, 2021

Commencing at 7:30pm

The Garfield Zoning Board of Adjustment:

Carmin C. Breonte- Chairman
Arlene Patire-Vice-Chairwoman
Carmin V. Breonte
John Easom
Paul Houllis
Kathy Rozmus
Salvatore Lamendola
Tony Lio- 2nd Alternate-
Irv Harrove- 3rd Alternate- **Absent**

Appearance:

Alyssa Cimino, ESQ., Attorney to the Board
Beth Calderone, Certified Court Reporter
Gary Paparozzi, Planner
Thomas R. Solfaro, Engineer

Reported by Jacqueline Fiola, Clerk
February 8, 2021 (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" February 8, 2011 Commencing at 7:30pm.

Motion to Approve the January 11,2021 Meeting Minutes-

Moved- Carmin V. Breonte

Second- Salvatore Lamendola

Salvatore Lamendola- Aye

Kathy Rozmus- Aye

Paul Houllis- Aye

John Easom- Aye

Carmin V. Breonte- Aye

Arlene Patire- Aye

Carmin C. Breonte- Aye

January 11, 2021 Meeting Minutes Approved

754 River Drive (IDS Group LLC)

- Applicant is requesting permission to demolish the existing residential dwelling and construct a new mixed-use dwelling with retail space on the first floor and office space on the floors above

Kathy Rozmus needs to recuse herself
Tony Lio will be sitting in for Kathy Rozmus

Gary Zalarick
Attorney for the Applicant IDS Group LLC

- Igor Sekuloski is the owner
- There is a residential dwelling currently on the lot

Alyssa Cimino stated to the board that she received the signed Certified Green Cards and Receipts from Mr. Zalarick's office for notice of tonight's meeting.

Thomas G. Stearns III
144 Jewel Street, Garfield, NJ
Sworn in by Beth Calderone

- Prepared the site plan dated revised 2/18/2020
- Easterly side of River Drive
- Intersection of Semel Avenue and River Drive
- The property consists of 1.5 story dwelling where the seepage pit is, it is set back on River Drive
- Proposed is to demo any features on site and construct the four (4)-story dwelling.
- 5.08 foot setback on River Drive
- Parking lot will be off of Semel Avenue with a curb cut
- Proposing 6 parking spaces in the rear of the property
- He had a discussion with Michael Venar from the County, and he stated that he can provide that there will be no taking from this property. He indicated verbally that the 5.08 foot setback is what the county would agree on.
- They plan on keeping parking space #6.
- The applicant will later testify that he is going to hire a private hauler and that they will pick up trash and recycling during off hours. Parking spaces #5 and #6 will not be occupied during the off hours to enable this.
- **Mr. Paparozzi** asked if they can go tandem parking for parking spaces #5 and #6 and they wouldn't have to worry about a fence and
 - **Mr. Solfaro** stated that he agrees stacking the parking spaces #5 and #6 and maybe keeping the refuse area on the building side rather than the other side.
 - **Mr. Zalarick** stated that they will make spaces #5 and #6 as stacked parking and keep refuse to be picked up during off hours
- **Mr. Stearns** stated that they are going to take the entire building footprint and entire parking lot and run it to the seepage pit system. This system complies with the three (3) inch per hour

- **Mr. Solfaro** asked if Mr. Stearns can submit the seepage pit calculations to him and if they comply with DEP. Can they slide the seepage pits down to take them off the property line.
 - **Mr. Stearns** stated that he will send Mr. Solfaro the seepage pit calculations and that they do comply with DEP. They can slide the seepage pits so that they are not on the property line
- **Mr. Stearns** stated that the 1st floor will be retail, the 2nd and 3rd floor will be the insurance company, and the 4th floor is not a full floor. Mr. Paparozzi stated that he came up with 20 parking spaces and he came up with 16 spaces. He did not include the 4th floor as needed for parking because it is an open area not a usable area.
- **Mr. Paparozzi** stated that a usable area is any area that can be used by any of the tenants. The rear yard setback needs to be revised

Tomas Adach

345 Boulevard, Suite #4, Hasbrouck Heights, NJ

Sworn in by Beth Calderone

Architect

- Prepared the architectural plans dated revised 2/11/2020
- Building will be completely ADA accessible
- Ground Floor:
 - Entrance is adjacent to the parking spaces. Main entrance is a vestibule to access the east stair tower or the elevator . There will be a utility space in the stair tower with the electrical panel
 - The two retail spaces have double door entrances
 - On the right there is a double door that leads to Semel Avenue
 - On the right there is the West Stair Tower
 - There is a Mechanical Room on the ground floor
 - There are no lavatories in the retail spaces because each tenant will rent their own space and get their own plans to have the lavatories and get their own CO.
 - There will be one lavatory for each retail space

Mrs. Patire stated that Mr. Adach stated that it was a three story building, but it is a four-story building.

Mr. Adach stated that for zoning purposes we can state it is a four-story building

Mr. Adach presented the 2nd Floor Plan:

- Left side of this floor has the East Stair Tower, Elevator and Lobby.
- There is a reception area that leads to the main area that has eleven (11) work stations with flexible work stations that face Semel Avenue
- There is a meeting room on the bottom left
- There are two lavatories
- Break Room
- There is a balcony that serves as a coverage for the ground floor entrances

Mr. Adach presented the 3rd Floor Plan:

- Left side is a lobby area, stair tower, elevator and reception.
- A majority of the floor will be the server room for owner equipment
- There will be executive offices
- Conference room
- Unisex bathroom

Mr. Adach stated that the double staircase and two elevators serve for fire purposes.

Mr. Paparozzi stated that on the East Side the bump out is a 2nd floor overhang, on the 3rd floor it is just a roof area. What was the reason for the bump out?

Mr. Adach stated that the reason for the bump out was to make the break room larger

Mr. Paparozzi asked why they could not just make the break room smaller and keep that part a little further from the property line.

Mr. Zalarick asked Mr. Adach if they made the wall go completely across would it still be compliant.

Mr. Adach stated that it would be in compliance with the code but would not be convenient. The two windows are not necessary, however, for quality of work day he would most likely put them on the exterior wall if they take the two foot wall away.

Mr. Adach presented the 4th Floor Plan:

- Lobby, Kitchenette are covered areas
- The other spaces are uncovered
- The spaces where the low-pitch roof spaces are where the condensers are going to be.
- Women's and Men's Restrooms
- Kitchenette will be open to the outdoor break area with a roof covering.
- Break Area has some furniture and some planters with lounge chairs

Mr. Zalarick asked if we can allow the elevator to be accessed from the 2nd and 3rd floor only

Mr. Adach stated that the elevators are only accessible by owner and employees. They can restrict it by having access cards. It will be only used by the 2nd and 3rd floor

Mr. Carmin V. Breonte asked about any noise for the neighboring properties

Mr. Adach stated that where the condensers are there is guardrails and noise reducers

Mr. Carmin C. Breonte asked if there will be anything to block the noise

Mr. Adach stated that there will almost be a parapet wall to block the noise

Mr. Solfaro asked about the Logo, will it comply.

Mr. Adach stated that the logo will comply

Mr. Carmin V. Breonte asked about lighting

Mr. Adach stated that there is no lighting plan.

Mr. Zalarick stated that Mr. Stearns stated that he does have a lighting unit and they can go back to those plans

Mr. Solfaro asked about a generator

Mr. Adach stated that there was no discussion about putting a generator

Mrs. Patire asked about sprinkler room

Mr. Adach stated that it is on the 1st floor

Mr. Carmin V. Breonte asked why they did not continue the roof straight across on the South Elevation

Mr. Adach stated that he did not want to make the building look just like a large building and wanted it to have a break in between

Mr. Carmin V. Breonte asked if the address would be lit up

Mr. Zalarick stated that we can address that with the owner. They can have a condition that the address sign will not illuminate out.

Mr. Solfaro asked if any grade components were being put into the building.

Mr. Adach stated that there was no discussion regarding this

There will be a 5 minute recess at 8:39pm

Meeting called to order 8:44pm

Roll Call:

Salvatore Lamendola- Aye

Tony Lio- Aye

Paul Houlis- Aye

John Easom- Aye

Carmin V. Breonte- Aye

Arlene Patire- Aye

Carmin C. Breonte- Aye

Kathy Rozmus- Aye

Beth Calderone- Aye

Jacqueline Anello- Aye

Mr. Zalarick is recalling Mr. Stearns

Mr. Stearns discussed the landscape and lighting plans

- Landscaping and Lighting Plan
- Landscaping- boxwood shrubs in the front on River Drive.
- Southern corner there will be Green Giants to give a buffer
- Lighting- one building mounted light in the back of the building and a pole mounted light at the end of the parking lot where the Green Giants are
- There will be a fence that cannot be seen through.
- The plan will be revised to show shielding

Mr. Carmin V. Breonte asked if there will be shielding

Mr. Stearns stated that there will be shielding

Mr. Carmin C. Breonte stated that there needs to be lighting by Semel Avenue

Mr. Zalarick asked if there is recess lighting on the overhangs, there are lights on the overhangs by the entrances. Asked if they can put wall mounted lights by the mechanical room and by the emergency entrances.

Mr. Stearns stated that they can put wall mounted lights by the mechanical room and emergency exits

Mr. Carmin V. Breonte asked Mr. Paparozzi who addressed the lighting.

Mr. Solfaro stated that he will review the lighting and ensure there are shields

Mr. Carmin V. Breonte asked if there are any retaining walls on the property.

Mr. Stearns stated that there are retaining walls around the perimeter on the south westernly corner by the current refuse area. The fence will be on top of the retaining wall. The fence will be six (6) feet high on top of the wall.

Mr. Paparozzi has a concern with the wood board fencing because it requires a lot of maintenance.

Mrs. Patire asked what is going to happen with delivery trucks, maintenance men, etc. where do they leave their trucks while delivering. There are forty (40) chairs, there is not enough parking for all those employees. Will they leave every two (2) hours to move their cars? If they are going in and out, why not get rid of the 4th floor if the employees are not there the whole time? The snow would have to be removed from the site because there is nowhere to put the snow on the site. Traffic pattern?

Mr. Zalarick stated that he is unsure if there will be any deliveries because any food will be brought in by the owner. He stated that if there are any repairmen they would probably park across the street and walk across and deliver and bring any materials needed. The agents come in to meet their clients and leave, they are only in the office for about two (2) hours.

Mr. Stearns stated that there is a 25 foot aisle for the cars to back up and plenty of room for traffic patterns

Mr. Salvatore Lamendola asked how big the lot was

Mr. Zalarick stated that Mr. Stearns stated that it is 52.28 feet by 135 feet by 25x47.6 feet (rear portion)

Igor Sekuloski

400 River Drive, Garfield, NJ

Sworn in by Beth Calderone

Owner of the Property/Applicant

- IDS Group is the owner of the property and he is the owner of IDS Group
- They sell insurance
- He holds a license for Insurox which is his company
- He has more than one location, currently on River Drive he rents the 1st floor retail space and there is zero off street parking spaces. They currently park on VanWinkle.
- At the River Drive location there are five (5) people.
- He has another location in Hasbrouck Heights, with no off street parking and the people park on the street. There are four (4) employees. He owns that building.
- He plans on moving both offices to the new building.
- He does not have the retail spaces rented out yet.

- They have outside contractors and agents that work for him that do not work from the office, but work from home. They sell insurance in fifty (50) states. The employees that work from home want to meet them in person so they come to the office, meet their clients and then go home.
- How often would an outside agent stay? Maximum two (2) hours.
- **Mr. Lamendola** asked if the owner will supply enough parking spaces for the two retail spaces
 - **Mr. Sekuloski** stated that most likely it will be used for Insurox
- Both locations are open Monday-Friday, Saturday it is by appointment only
- He would like to have the extension of the breakroom, but he is willing to make the wall flush against the building by the breakroom
- He stipulates that there will be no separate CO for the 4th floor, nobody will have access to the rooftop except the owner and employees.
- The purpose of the 4th floor is for the employees to have a quality work environment
- They will implement the key fobs to ensure that nobody else has access to the 4th floor
- He has been operating in Garfield for seventeen (17) years.

Mrs. Patire stated that he is shy fourteen (14) parking spaces and are only providing six (6) parking spaces. Taking away the fourth (4th) floor if the employees are in and out all day except a few, he stated that the employees need about two to three hours to “chill out”.

Mr. Zalarick stated that the employees that work in Garfield and Hasbrouck Heights stay there all day and have outside contractors.

Mr. Sekuloski stated that he is not willing to take away the 4th floor

Mr. Lamendola asked the size of the cubicles

Mr. Sekuloski stated the cubicles are 4x6 and what you see on the plans is not what it is going to look like it was from three (3) years ago.

Mr. Lamendola stated that they go off the drawings, now you are saying they will not be there. We go by what the drawings show and what the professionals represent.

Mr. Zalarick stated that there will be around nine (9) or ten (10) full-time employees at this location. Six (6) of the employees are going to park in the parking lot, the rest will have to park on the street.

Mr. Easom asked if he was the 100% owner of this property, is there any chance that you would lease out to cater the rooftop area and have you met with any neighbors to discuss what he is proposing?

Mr. Sekuloski stated he is 100% owner, he will not lease out to cater the rooftop. He spoke to the owner of the building behind the property and he stated that he would love to see him put the building. He spoke to the owner that lives by the refuse area and there was discussion about him possibly purchasing his property to extend the property. He has not spoken to anyone that has any objections.

Mrs. Patire asked if he is willing to haul the snow off the property

Mr. Sekuloski stated that he is willing to haul the snow off the property.

Mr. Carmin V. Breonte asked if he is willing to put cameras up on the building and give access to the police department.

Mr. Sekuloski stated that he did not have any intention on putting the cameras, but is willing to put the cameras up and give the police department access. He is planning on using backup battery for the building

Mrs. Patire stated that parking spaces #5 and #6 are they able to back out of those spaces.

Mr. Solfaro stated that he asked for turning radius for the parking spaces. A “K” turn would have to be made to get out of those parking spaces.

Mr. Paparozzi stated that the two retail spaces may become one. If it involves seats, it is to be a maximum of twenty (20) seats. If it is two retail spaces please take into consideration any box truck deliveries.

Mrs. Patire asked if he needs parking for the one (1) retail space?

Mr. Paparozzi stated that if it became one (1) and was a restaurant and has more than (20) seats he would need parking. If he makes it a restaurant and has twenty seats he does not need parking if he has more than he would need parking.

Mr. Houlis asked about the parking across the street, you can only park for two (2) hours

Mr. Carmin C. Breonte stated that parking is for the public

Mr. Easom asked if he is under oath and has spoken to the residents and they have no objections, and we find out there were objections, what do we do from there?

Ms. Cimino stated that it would have to be turned over to the municipality.

Open to the Public

Mr. Carmin V. Breonte asked if there was anyone from the public that wishes to be heard
Nobody Came Forward- Public Session Closed

Mr. Zalarick stated that the application itself is a lot less than what we think, the coverage is 35.6% and required is 60% so he is a lot less. This building is a lot smaller than what it could be. The parking across the street is not used just for the park that is there and there is a two (2) hour limit. Ordinance 226-1 states “There shall be a two-hour parking limit for any vehicle parked in the River Front Park, south side parking lot, spanning from Outwater Lane to the border of the City of Garfield and Elmwood Park. The City Manager shall have the authority to issue a revocable permit to park beyond this two-hour limit upon application to the City Manager for good cause. The issuance of such a permit and the revocation thereof shall be at the sole discretion of the City Manager”. The only detriment would be that the applicant is shy of parking. **Mr. Zalarick** stated that the applicant will stipulate that he will not apply with the City Manager for that extended parking time.

Mr. Paparozzi stated that there are two new variances: 1 for parking and 1 for height. The height variance is a “D” variance

Variances:

- Realign parking spaces 5 & 6
- Revise the wall to take away that overhang by the breakroom
- Show detail of the fence that is proposed on top of the wall
- Move the seepage pits to the center of the lot closer to the building
- Provide letter from the county of no further action

Ms. Cimino presented to the board stipulations made

Stipulations

- Generator
- Key fob to get to the 4th floor
- Haul snow off the site
- Put up cameras and give access to police department
- Will not apply to city manager for extension of two hour parking
- Lighting plan- if any of the signage
- 2nd and 3rd floor is for one business
-

Mr. Solfaro - Presented the board with the stipulations from Mr. Stearns

- Point by point response
- Drainage design with DEP standards
- Seepage design
- Additional grading

Motion to Approve the Application with all changes- Moved- Carmin V. Breonte

Second- Tony Lio

Salvatore Lamendola- Aye

Tony Lio- Aye

Paul Houllis- Aye

John Easom- Aye

Carmin V. Breonte- Aye

Arlene Patire- Nay- setting a precedent for other businesses when other applicants come before us shy of parking and other buildings can build over two stories high

Carmin C. Breonte- Aye

Application Approved

Ms. Cimino stated that Gary Zalarick submitted a list to her office and she will forward it to Carmin C. Breonte, Arlene Patire, and Gary Paparozzi. The goal is to do maybe two or three applications each meeting so we can catch up.

Mr. Zalarick stated that once he submits, there are a lot of easy applications, but there are three large applications.

Motion to Adjourn the Meeting- Moved-Paul Houllis

Second- Carmin V. Breonte

All in Favor- Aye