

City of Garfield  
Garfield Zoning Board of Adjustment  
Regular Meeting, March 8, 2021

In the matter of:  
Public Hearings, Public Comment  
March 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- **Absent**  
Kathy Rozmus  
Salvatore Lamendola  
Francisco Sanchez- 1st Alternate- **Absent**  
Tony Lio- 2<sup>nd</sup> Alternate-  
Irv Harrove- 3<sup>rd</sup> Alternate  
Alban Gaba- 4th Alternate

**Appearance:**

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

Reported by Jacqueline Anello, Clerk  
March 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 Chairman Carmin Breonte PUBLIC LAW 1975 CHAPTER 231 "OPEN  
September 23, 2019 Council Chambers, City Hall Commencing at 7:30pm.

**Motion to Approve Minutes of the February 8th, 2021 Zoning Board Meeting-** Tony Lio

**Second-** John Easom  
Salvatore Lamendola- Aye  
Kathy Rozmus- Abstain  
John Easom- Aye  
Carmin V. Breonte- Aye  
Patire- Aye  
Carmin C. Breonte- Aye  
Tony Lio- Aye

**\*February 8, 2021 Meeting Minutes Approved\***

### **418 Madeline Avenue (Mariusz Usmial)**

Applicant is requesting permission to convert a 1-family dwelling into a 2-family dwelling.

**Gary Zalarick**

**Attorney for the Applicant**

- Corner of Madeline and Herman
- 5,484 SF property size
- Currently a small one (1) family home
- The applicants intentions are to add a detached garage and convert it to a two (2) family dwelling

**Mrs. Patire** stated that we need to go into closed session for a few minutes

Meeting was called back to order at 7:51pm

**Thomas G. Stearns III**

**144 Jewel Street, Garfield, NJ 07026**

**Engineer**

**Sworn in by Susan Bischoff**

- Created the site plan for 418 Madeline Avenue dated 8/26/2019 revised 1/22/2021
- Lot 29, Block 206.01
- **Existing Dwelling:**
  - One story dwelling
  - The entrance to the dwelling is on Herman Street
  - There is a brick garage on the South side of the property
- **Proposed:**
  - Put an addition on the dwelling
  - Raise it from a one family dwelling to a two (2) family dwelling
  - The entrance would then be on Madeline Avenue
  - Two stories proposed
  - Wood deck
  - Seepage tank
- There are similar properties that have the same setbacks that this dwelling has
- Zoning Chart:
- They are going to make the driveway a paved driveway
- **Mr. Carmin C. Breonte-** asked about the 2nd floor and if it is going to overhang six (6) feet making it over the wood deck. Will sidewalks be replaced?
  - **Mr. Stearns** stated that is correct, it will overhang over the wood deck
  - **Mr. Gary Zalarick** stated that the applicant will testify, but he will replace them
- **Mr. Thomas Solfaro** asked if they will comply with the comments in his letter
  - **Mr. Thomas Stearns III** stated that they will comply with all comments in his letter
- **Mr. Gary Paparozzi variances**
  1. Minimum lot area
  2. Minimum lot width

3. Front Yard Setback on Madeline Street
  4. Setback on Herman Street
  5. Main Building Coverage
  6. Density
- **Mr. Carmin C. Breonte** asked about the four parking spaces per Gary Paparozzi letter.
    - **Mr. Gary Paparozzi** stated that there will be two cars in the driveway and two in the garage.

**Raffaele Persico**

**Architect**

**Sworn in by Susan Bischoff**

- Sheet 1 of 3:
  - The front elevation on Madeline Avenue, two (2) story dwelling with a basement
  - They are putting a second floor onto the existing structure
  - The bottom of sheet 1 of 3 is the Herman Street side with the garage and the wooden deck that wraps around.
  - The dark black line indicates the existing structure and the “L-Shape” depicts the addition.
  - There will be two doors in the front- one will go to the 1st floor dwelling and one to the 2nd floor dwelling
  - The existing garage there will be nothing done to that garage.
- Sheet 2 of 3:
  - Existing 1st floor: Living Room, Kitchen, Master Bedroom with a bathroom and a walk in closet, additional bedroom and bathroom. There is a set of stairs that goes down to the basement (both floors will have access to the basement).
  - Basement: Space, there is an existing bathroom (toilet and sink) (he believes there used to be a shower). Proposed use will be storage, but it is up to the owner.
  - **Mr. Carmin C. Breonte**- on the Herman Street side, southeast side, there is a set of stairs going down near the garage.
    - **Mr. Perisco** stated that there is a set of stairs that goes to the basement, it is a separate entrance. He said when he designs his buildings he wants two means of egress entrance. He stated there was an existing entrance to the basement.
    - **Mr. Carmin V. Breonte** asked the height of the ceilings in the building . Asked if they are willing to get rid of the bathroom in the basement.
      - **Mr. Perisco** stated that the ceiling height is more than 6’10”, he stated that he has not discussed with the client about the bathroom
- Sheet 3 of 3:
  - 2nd Floor Plan for the proposed dwelling: Master Bedroom with a walk-in closet and bathroom, living room, 2nd bedroom with a closet, kitchen/dining room, and washer and dryer in the hallway. There is a set of stairs to exit the apartment
- **Mr. Alban Gaba** asked what the front setback is and the overhang wall. His concern is with the 2nd floor overhang being on posts.

- **Mr. Carmin C. Breonte** stated that the first step in the front is directly on the property line
- **Mr. Salvatore Lamendola** asked what the SF of the 2nd floor apartment is
  - **Mr. Perisco** stated that it is 1,505 SF
- **Mr. John Easom** asked on the 1st floor apartment where is the washer and dryer?
  - **Mr. Perisco** stated that on the 1st floor apartment the washer and dryer is going to go in the basement or it might be on the 1st floor
- **Mr. Paparozzi** asked the date of the plans. On sheet 1 of 3 the main building coverage is incorrect and it is different from the engineer.
  - **Mr. Perisco** stated that it is dated 6/20/2019 revised 9/10/2020
  - **Mr. Zalarick** stated that they will go with Mr. Paparozzi calculations

## **Mariusz Usmial**

### **Applicant**

#### **Sworn in by Susan Bischoff**

- He is the owner of the property and currently lives there by himself
- He wants to make this into a two (2) family.
- He is going to live there with his brother
- He is a contractor and will be doing most of the work himself
- There is no entrance on Madeline Avenue, so he enters on Herman Street
- Basement: there will be no apartment in the basement. It will be used for storage and the bathroom will be used to wash up after outside work.
- **Mr. Carmin C. Breonte** asked about the curbs and sidewalks if he is willing to replace them. There were three (3) commercial vehicles
  - **Mr. Usmial** stated that he is willing to replace the curbs and sidewalks. He stated that one of the vehicles is storage and the other one is for his business.
  - **Thomas Solfaro** asked if he will be using pervious pavers
    - **Mr. Usmial** stated that he will use pervious pavers

**Mr. Tony Lio** has a concern about the bathroom and is he willing to remove the shower from the bathroom

- **Mr. Usmial** wants to keep the bathroom
- **Mr. Gary Zalarick** stated that he is willing to remove the shower and put a slop sink in there. He stated that he will eliminate the bathroom and put a slop sink, and if he cannot get a washer and dryer on the 1st floor he would like it in the basement.

**Mr. John Easom** asked how many years he has owned the property. Has he ever received a ticket for anything illegal.

- **Mr. Usmial** stated that he has owned the property for three (3) years and never received a ticket for using the property illegally.

**Ms. Kathy Rozmus** asked about the attic.

- **Mr. Usmial** stated that just the AC units are in the attic

**Mr. Carmin V. Breonte** asked if the basement will remain unfinished

- **Mr. Usmial** stated that he will put sheetrock on the ceiling

**Mr. Carmin C. Breonte** stated that they will open to the public

**Ms. Alyssa Cimino** asked if anyone in the public is here for this application

Record: Nobody came forward

**Mr. Gary Paparozzi**

**Variances:**

1. Minimum Lot Area-
2. Minimum Lot Width
3. Front Setback on Madeline Avenue
4. Front Setback on Herman Street
5. Main Building Coverage
6. Total Building Coverage
7. Minimum SF per dwelling unit

**Ms. Alyssa Cimino**

**Stipulations:**

1. Sidewalks will be replaced
2. Basement will be used for himself, he is willing to get rid of the bathroom and put a slop sink and possibly washer and dryer
3. No cars to be parked in front of the garage
4. If there is a car in front of the garage and someone complains he will receive a summons
5. Garage will be used for the tenants not business
6. Revised plans will be submitted by the engineer and architect
7. Pervious pavers
8. Mr. Stearns stated that they will comply with Mr. Thomas Solfaro letter

**Motion to Approve Application 48 Madeline Avenue-** Tony Lio

**Second-** Kathy Rozmus- **with all stipulations**

Salvatore Lamendola- No

Kathy Rozmus- Aye

John Easom- Aye- with all stipulations

Carmin V. Breonte- Aye

Arlene Patire- Aye

Carmin C. Breonte- Aye

Tony Lio- Aye with all stipulations

**\*Application Approved\***

**Closed Session**

**Ms. Alyssa Cimino** stated that we received a phone call from the mayor that there were people down at city hall and there were issues with the notice. Unfortunately, when the applications

were noticed by the applicant, the applicant did not indicate that the meeting will be held virtual. It states that the application will be held at city hall. Ms. Cimino's office offered to provide the applicant's counsel with the appropriate Zoom link, but counsel indicated that they did not need it. The notice is therefore deficient. The board stated that all notices need to be re-noticed with the zoom link

**Mr. Gary Zalarick** stated that he notices fourteen (14) days prior to the meeting and he is not getting the link that quick.

**Ms. Alyssa Cimino** stated that objectors must be offered the opportunity to object if they choose.

**Mr. Gary Zalarick** stated that if there are any objectors to the application, he can have his professionals on the zoom call

**Mrs. Arlene Patire** asked if they can post if there are any objectors

**Ms. Alyssa Cimino** stated that when his office is getting ready to notice the public, within an hour or two they will generate the link in advance and supply his office with it. The notice and the link is also provided to City Hall, so if for some reason they misplace the letter they can call City Hall.

**Mr. Carmin C. Breonte** stated that there will be a new notice with a new date.

#### **Resolutions: 754 River Drive**

**Mr. Paparozzi** stated that there have not been revised plans submitted for 754 River Drive.

**Mr. Solfaro** stated that he has not received any revised plans either for 754 River Drive.

#### **Motion to Hold Resolution until New Plans are Submitted and Approved for 754 River Drive-** Arlene Patire

**Second-** Tony Lio

Salvatore Lamedola- Aye

Kathy Rozmus- Abstain

John Easom- Aye

Carmin V. Breonte- Aye

Tony Lio- Aye

Arlene Patire- Aye

Carmin C. Breonte- Aye

\*Resolution held\*

#### **Motion to Adjourn Meeting-** Arlene Patire

**Second-** Tony Lio

**All in Favor-** Aye

**\*Meeting Adjourned\***

