

City of Garfield
Garfield Zoning Board of Adjustment
Regular Meeting, April 12, 2021

In the matter of:
Public Hearings, Public Comment
April 12, 2021

Commencing at 7:30pm

The Garfield Zoning Board of Adjustment:

Carmin C. Breonte- Chairman
Arlene Patire-Vice-Chairwoman
Carmin V. Breonte - **Absent**
John Easom
Paul Houllis
Kathy Rozmus
Salvatore Lamendola
Francisco Sanchez- 1st Alternate - **Absent**
Tony Lio- 2nd Alternate
Irv Hargrove- 3rd Alternate - **Absent**
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, Secretary
April 12, 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 the March 8,2021 Meeting Moved by: Tony Lio

Second: John Easom
Salvatore Lamendola- Aye
Kathy Rozmus- Aye
Paul Houllis- Abstain
John Easom- Aye
Tony Lio- Aye
Alban Gaba- Aye
Arlene Patire- Aye
Carmin C. Breonte- Aye

March 8, 2021 Meeting Minutes Approved

Applications:

418 Madeline Avenue (Mariusz Usmial)

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

Mr. Carmin C. Breonte asked the audience if anyone was here for this application.

Alketa Cadri

412 Madeline Avenue, Garfield, NJ

Sworn in by Susan Bischoff

- Her concern is how far the house will be from her house and how big is the house

Thomas G. Stearns III- GB Engineering

144 Jewel Street, Garfield, NJ 07026

Sworn in by Susan Bischoff

Gary Zalarick

Attorney for the applicant

Mr. Zalarick put the site plan up on the screen

Mr. Stearns stated that the proposed structure is about 13.54 feet from the property line. He stated that it is a residential house and it is 27 feet. The proposed dwelling is within the height requirement and the side where her house is required is 10 feet and they are at 13.54 feet. There is an existing fence there now, which is a short fence.

Mr. Paparozzi stated that it is up to the applicant if they want to put a higher fence up. Right now they are building to code and are within all requirements.

Mr. Breonte asked if the applicant is willing to put a 6 foot fence up

Mr. Zalarick stated that the applicant is thinking of putting greenery such as shrubs. He had a conversation with his client. He is going to put a four (4) foot fence for some privacy. He will put it on his side of property.

No one else came forward

Public session closed

Ms. Cimino stated that having heard an objector for 418 Madeline Avenue application. We are now at the point to see if the board's vote remains the same. This meeting is to give the objectors an opportunity to voice their opinion.

Mrs. Patire stated that she does not believe the six (6) foot fence would make a difference and it will not cover any privacy.

Mr. Lio stated that the only coverage would be a basement

Ms. Rozmus stated that she also does not believe two (2) feet will make a difference in the fence whether it is a four (4) foot or six (6) foot fence

Ms. Cimino stated that there were stipulations that the board asked for. She is asking if there is anyone who is going to ask for a stipulation of the fence.

Motion to Vote if you stand with the vote: Tony Lio

Second: Arlene Patire

Salvatore Lamendola- Aye to maintain his original vote as no

Kathy Rozmus- Aye to maintain her original vote as aye

Paul Houllis- Abstain

John Easom- Aye to maintain his original vote as aye

Tony Lio- Aye to maintain his original vote as aye

Arlene Patire- Aye to maintain her original vote as aye

Carmin Breonte- Aye to maintain her original vote as aye

Application approved

151 Dewey Street (David Dennis)

- Applicant is requesting permission to subdivide the existing vacant lot and 1-family residential dwelling into 2 properties with one new 2-family residential dwelling

Gary Zalarick

Attorney for the Applicant

- Block 127 Lot 79
- 12,000 SF property

David Dennis

Applicant

Sworn in by Susan Bischoff

- He is the owner of 151 Dewey Street and has been the owner since 2017
- A family consisting of a husband, wife and two children currently reside at the property
- He is proposing to leave the existing dwelling and construct a new 2-family dwelling on the new lot
- The existing dwelling is a single family home that is 3 bedrooms 1.5 bathrooms.
- He bought the house and renovated it and beautified the property including the outside. The driveway holds about six (6) cars, it is currently gravel and it is going to be paved this year.
- If the board looks favorably he is planning on constructing a two-family dwelling on the new lot

Thomas G. Stearns III

144 Jewel Street, Garfield, NJ 07026

Sworn in by Susan Bischoff

- He drew up the site plan dated March 2, 2021
- This is on the northerly side of Dewey Street
- There is a garage in the back and there are two (2) sheds. Since the application has been submitted, the two (2) sheds have been removed.

- Westerly side of the property is grass and wooded
- There is a six (6) foot of grade change
- The lot is 12,000 SF
- They are proposing to subdivide the two lots.
- They will keep the existing dwelling of the one-family home
- The proposed two-family building is 1,430 SF proposed
- There will be a proposed seepage pit in the front of the proposed dwelling, the entire footprint of the dwelling will go into that seepage pit during a rainfall.
- **Mrs. Patire** asked about the parking situation

Mr. Paparozzi asked if there is going to be an architect to testify

- **Mr. Stearns** stated that the architect will testify to the parking

Mr. Paparozzi stated the required variances

- **Mr. Stearns** stated that he agrees with the required variances per Mr. Paparozzi

Mr. Solfaro reviewed his letter:

- Existing utilities- will there be any easements. Mr. Stearns stated that according to the applicant there is nothing crossed over, but if there is they will create an easement
- Drainage- it is a 2 inch storm
- Curbing & Sidewalk- Mr. Stearns stated that the applicant stated that currently it is fully brand new, if any damages occur he will take care of that.

Mr. Gaba asked by the front entrance of the garage it looks like there is a drop.

- **Mr. Dennis** stated that when he did the improvement he put that drop curb there.

Robert Puzio

Sworn in by Susan Bischoff

Architect

The board accepts him as a professional

- Existing dwelling that is currently on the lot
 - Basement: unfinished open space with a crawlspace towards the front and back with an exit in the back
 - 1st Floor: Enter through a porch, living room, dining room, kitchen, bedroom, full bathroom and a rear exit to the backyard
 - 2nd Floor: 2 bedrooms and a powder room

Mr. Carmin C. Breonte asked if the existing basement is completely unfinished and if there are any walls up.

- **Mr. Puzio** stated that the basement is unfinished and there are no walls

Mr. Paparozzi stated that there is no porch that is on the plan and no dimensions.

- **Mr. Puzio** stated that it is a covered porch and the dimensions are to scale.

New Dwelling Drawings:

- The entrance is two doors one leads to the 1st floor apartment and one to the second floor apartment
- 1st Floor: living room, dining room. Kitchen, three (3) bedrooms, 2 full bathrooms, there is access to the backyard.
- In the front of the house there is a staircase to lead to the basement
- Basement: 2 car garage, laundry room, mechanical room, full bathroom, kitchen. There are windows in the basement.
- 2nd Floor: Laundry, living room, dining room, kitchen, three (3) bedrooms, two (2) full bathrooms.
- The basement is more exposed on the right side of the dwelling.
- There is a two (2) car garage and can accommodate two cars to park directly behind outside of the garage.
- There is a door that leads directly into the basement from the side of the dwelling
- In the back of the house there is a door that leads directly to the 1st floor dwelling and gives the 1st floor access to the backyard

Mr. Carmin C. Breonte stated that there is a full kitchen, full bathroom, bedroom and a separate entrance, can be used as an apartment. This is their biggest concern.

- **Mr. Zalarick stated** that the applicant will remove the kitchen, remove the shower out of the bathroom, and take down the walls of the guest bedroom to make it one big open area. It will not be used as a living space, but it will be used in conjunction with the 1st floor as a recreation room.
- **Mr. Dennis** stated that he agrees to remove the kitchen, shower, and the walls and closet by the guest room to make it one large open space in the basement.

Mr. Lamendola asked if the owner plans on living there

Mr. Easom asked if he plans on selling one of the properties

- **Mr. Dennis** stated he plans on building the property and renting it out. His neighbor is his mother. A year ago he was in a different position and things have changed.

Mr. Paparozzi stated that the parking requirement for the new lot is four (4) spaces. There is a two car garage but how do they share the same garage?

- **Mr. Puzio** stated that they would share the same garage.
- **Mr. Paparozzi** stated that he does not think it is a good idea to have the two floors share a garage. He believes there should be a wall in between.
- **Mr. Puzio** stated that they will put the wall up in the garage to separate the garage.

Open to the public

Nobody came forward

Public Session Closed

Mr. Zalarick stated that the applicant is looking to split the lot and keep the existing dwelling and construct a two-family dwelling. This is an application that brings new construction to Garfield. The applicant has made modifications to the basement to ensure that there is no illegal apartment.

Mr. Paparozzi: Variances: Proposed: Lot 79.01

1. Minimum Lot Area
2. Minimum Lot Width
3. Minimum Side Yard Setback
4. Minimum Side Setback
5. Main Building Coverage
6. Minimum SF per Dwelling Unit
7. Density Variance

Variances: Existing: Lot 179.02

1. Side setback

Ms. Cimino: Modifications

- Basement: remove kitchen, shower. Applicant will remove the walls and closet in the guest room
- Put a wall up in the garage to separate the garage
- They are going to pave the driveway on the existing dwelling
- Submit revised engineering plans consistent with Mr. Solfaro's review letter dated March 3, 2021.

Motion to Approve the Application Moved By: Arlene Patire- she passed the property and it is kept in great condition.

Second: Salvatore Lamendola

Salvatore Lamendola- Aye

Kathy Rozmus- Aye

Paul Houllis- Aye

John Easom- Aye

Tony Lio- Aye- he likes this application

Arlene Patire- Aye

Carmin C. Breonte- Aye- he believes it will be an improvement to the area.

Application Approved

397 Van Bussum Avenue (Andrzej D. Kalata)

- Applicant is requesting permission to convert existing 1-family residential dwelling to a 2-family residential dwelling and add a 2-car detached garage.

Gary Zalarick

Attorney for the applicant

Andrzej D. Kalata

Applicant

Sworn in by Susan Bischoff

- He is the owner of the property
- He is proposing to convert the property to a 2-family dwelling
- He is currently building a garage in the rear right now

Mr. Houlis asked if the owner plans to reside there

- **Mr. Kalata** stated that he plans to live on the 1st floor with his wife and for his brother to live on the 2nd floor

Mr. Paparozzi asked if he received a fine for the garage being built

- **Mr. Kalata** stated that he has the permits with the building department. The garage although it was part of the application is no longer a part of this application.

Thomas G. Stearns III

144 Jewel Street, Garfield, NJ

Sworn in by Susan Bischoff

- He was retained to do the drawings at 397 Van Bussum Avenue
- Lot 60 Block 208.07
- Property is on the northerly side of Van Bussum Avenue
- It is an irregular shape property
- The property is 6,297 SF
- Site plan dated January 21, 2021
- Existing Conditions: 1.5 story frame dwelling, there is no driveway shown on this plan. There is a garage that is currently being built. They will show that with the dimension on the revised site plan.
- Garage will be on the west side of the property
- There will be an addition to the rear of the property
- There will be a covered porch in the rear of the property
- They are providing two (2) seepage pits. One to pick up the driveway and garage runoff. The other seepage pit will pick up runoff from the roof of the addition.

Mr. Paparozzi Variances:

- 1. Minimum Lot Area
- 2. Minimum Lot Width
- 3. Front Yard Setback
- 4. Side Yard Setback for one
- 5. Side Yard Setback for both
- 6.. Total Maximum Coverage
- 7. SF per Dwelling Unit
- 8. Density Variance

Mr. Paparozzi stated that he did not call a parking variance. He asked where will the other tenants park without blocking the garage.

- **Mr. Stearns** stated that it is going to be all the same family so they will coordinate together.

Mr. Paparozzi stated that if they sell there would be a parking variance.

- **Mr. Stearns** stated that they will concede a parking variance.

Mr. Solfaro stated that it should be noted that the driveway is only 8 feet wide.

- **Mr. Stearns** stated that they do have some room to widen the driveway maybe to 10 feet.

Mr. Paparozzi stated that Mr. Chudzinsky should remove his zoning chart because it is incorrect. Also, Mr. Chudzinsky's plans show a full bathroom, and a bedroom with a separate entrance.

Architect- Mr. Stearns will discuss the plans dated 11/29/2019

- 1st Page shows the front elevation and the site plan
- 2nd Page: 1st Floor: Living Room, Dining Room, Kitchen, two (2) Bedrooms, 1 Full Bathroom, access to the backyard and access to the basement
- 3rd Page: 2nd Floor: Living Room. Dining Room, Kitchen, two (2) Bedrooms, 1 Full Bathroom. Washer and dryer are in a closet
- 4th Page: Rear Elevation showing the basement entrance and the porch in the back
- 5th Page: Right Side Elevation
- 6th Page: Left Side Elevation
- 7th Page: Entrance in rear, Rec Room, Full Bathroom, Equipment Room
- 8th Page: Garage Plans
- 9th Page: Floor Plans and Foundation Plans for Garage

Mr. Zalarick stated that he is sure there are concerns about the bathroom being in the basement.

- **Mr. Kalata** stated that he is a firefighter and his wife is a nurse and there are occasions especially right now regarding exposures where they need to shower as soon as possible. He stated that there will not be any kitchen in the basement.

Hailey Kalata

Applicant Wife

Sworn in by Susan Bischoff

- Her reason for the bathroom is the same as her husbands especially with covid and other illnesses. She would like to be able to come into the basement and go straight into the bathroom to shower immediately rather than going through the whole house.

Mr. Paparozzi stated that there is no kitchen, but there is a pantry

- **Mr. Kalata** stated that the pantry is more for storage purposes

Mrs. Patire asked if we could go back to parking.

Mr. Paparozzi stated that they agreed to make parking a variance.

Open to the Public

Noemi Goici

398 Van Bussum Avenue

Sworn in by Susan Bischoff

- She does not believe it is a big lot to put all of this there
- The street is crowded.
- Her biggest concern is the basement
- She wants to keep it as safe as possible for her kids

Ingrid Gagmon

390 Van Bussum Avenue

Sworn in by Susan Bischoff

- Her biggest concern is with the absentee landlord, what is to guarantee that a year from now they decide to move and rent it out.

Juan Garcia

389 Van Bussom Avenue

Sworn in by Susan Bischoff

- He shares the same concerns
- He met Andrzej
- He just hopes that it does not change and that it is a family oriented block and very quiet. There are special needs children in the neighborhood.
- He believes it will beautify the lot
- Their concerns are just that the neighborhood stays the way it is
- He is like a watchdog around the block, they keep an eye on what goes on in the neighborhood

Grzegorz Kalata

427 Grace Avenue

Sworn in by Susan Bischoff

- He is the brother of the applicant
- He would be the one that would be living on the 2nd floor.
- He would like to keep his ties to the community.

Public Session Closed

Mr. Zalarick stated that he listened to the concerned neighbors. Currently there is zero parking on the property, this owner is putting a driveway and garage in to take three (3) parking spaces off the street. The basement is important due to strange times currently going on and for other circumstances due to Mr. Kalata being a firefighter and Mrs. Kalata being a nurse. They agreed that there would be no kitchen in the basement, and it would be occupied by the 1st floor only. The applicant is from Garfield and has grown up in Garfield.

Mr. Paparozzi: Variances

1. 1. Minimum Lot Area

2. 2. Minimum Lot Width
3. 3. Front Yard Setback
4. 4. Side Yard Setback for one
5. 5. Side Yard Setback for both
6. 6.. Total Maximum Coverage
7. 7. SF per Dwelling Unit
8. 8. Density Variance
9. Parking

Modifications:

1. Add Minimum Lot Area, Minimum Lot Width, Parking
2. Mr. Chudzinski needs to remove his zoning chart
3. Mr. Chudzinski should remove the building height from his plans
4. Mr. Chudzinski needs to submit revised plans
5. Widen the driveway per Tom Solfaro recommendation

Motion to Approve the Application Moved By: Tony Lio

Second- Paul Houlis

Salvatore Lamendola- Aye

Kathy Rozmus- Aye

Paul Houlis- Aye

John Easom- Aye- he believes they will have a nice neighborhood

Tony Lio- Aye- there is a lot to be admired. Kudos to the great neighbors and he wishes he had neighbors like them who want to keep everything the way it is. He will make an exception to the basement because they are first responders. All the variances are all in line and they will widen the driveway. It is a great house.

Arlene Patire- Aye- she was going to say the same thing as Mr. Lio. She believes Andrzej and his wife will fit right in with their neighborhood.

Carmin C. Breonte- Aye- He thinks it will be a positive thing for the neighborhood.

Application Approved

Motion to Adjourn the Meeting- Arlene Patire

Second- Tony Lio

All in Favor- Aye