

PLANNING BOARD, CITY OF GARFIELD
MINUTES OF THE WORK SESSION
Conducted on November 18, 2021

The work session was conducted via Zoom Conference and was called to order by Chairwoman Visotcky at 6:35 p.m. who thereupon read the statement required by the Open Public Meeting Act. Secretary called the roll.

WORK SESSION ROLL CALL:

Mayor Richard Rigoglioso – Joined the Work Session at 6:50 p.m.
Councilman, Romi Herrera
Chairwoman, Lou Ann Visotcky
Vice Chairman, Michael Wisnovsky
Gracie Williams
James Clark
Michael Garcia
Costantino Conte, 2nd Alternate

Absent:

Jack LoBue
Dan Golabek
Peter Santacroce, 1st Alternate

Others present were:

Alyssa A. Cimino, Esq., Attorney/Secretary of the Planning Board
Carl O'Brien – Planning Board Engineer
Beth Calderone, Certified Court Reporter

The Chairwoman asked for a motion to approve the Work Session and Regular Session of the minutes from the meeting held on August 19, 2021.

Motion to approve the Minutes of Meeting held on August 19, 2021.

Moved: Michael Garcia
Second: Vice Chairman, Michael Wisnovsky

Councilman, Romi Herrera - Aye
Chairwoman, Lou Ann Visotcky - Aye
Vice Chairman, Michael Wisnovsky – Aye
Gracie Williams - Abstain
James Clark – Aye
Michael Garcia – Aye
Costantino Conte - Aye
Motion Approved.

The Chairwoman asked if there were any bills or correspondence.

Ms. Cimino presented a bill for a fruit basket sent to Lou Ann Visotcky.

The Chairwoman asked for a motion to approve payment of the bill.

Motion to Approve Payment of the bill presented to the Board.

Moved: Michael Garcia
Second: James Clark

Councilman, Romi Herrera - Aye
Chairwoman, Lou Ann Visotcky - Abstain
Vice Chairman, Michael Wisnovsky – Aye
Gracie Williams - Aye
James Clark – Aye
Michael Garcia – Aye
Costantino Conte - Aye
Motion Approved.

The Chairwoman asked for a motion to close the Work Session.

Motion to close the Work Session.

Moved: Gracie Williams
Second: James Clark

Mayor Richard Rigoglioso – Aye
Councilman, Romi Herrera - Aye
Chairwoman, Lou Ann Visotcky - Aye
Vice Chairman, Michael Wisnovsky - Aye
Gracie Williams - Aye
James Clark – Aye
Michael Garcia – Aye
Costantino Conte - Aye
Motion Approved.

Respectfully submitted,


Alyssa A. Cimino
Planning Board Secretary

Approved at the meeting on December 16, 2021.



ALYSSA A. CIMINO
Planning Board Secretary

PLANNING BOARD, CITY OF GARFIELD
MINUTES OF THE REGULAR MEETING
Conducted on November 18, 2021

The Regular Meeting was called to order by Chairwoman Visotcky at 7:00 p.m. who thereupon read the statement required by the Open Public Meeting Act. Secretary called the roll.

ROLL CALL:

Mayor Richard Rigoglioso
Councilman, Romi Herrera
Chairwoman, Lou Ann Visotcky
Vice Chairman, Michael Wisnovsky
Gracie Williams
James Clark
Michael Garcia
Costantino Conte, 2nd Alternate

Absent:

Jack LoBue
Dan Golabek
Peter Santacroce, 1st Alternate

Others present were:

Alyssa A. Cimino, Esq., Attorney/Secretary of the Planning Board
Carl O'Brien, Planning Board Engineer
David Juzmeski, Planning Board Planner
Gabriel Bailer, DMR Architects
Beth Calderone, Certified Court Reporter

(Flag Salute)

SUNSHINE LAW: Read by Chairwoman Lou Ann Visotcky
PUBLIC LAW 1975 CHAPTER 231 "OPEN PUBLIC MEETING ACT" PUBLIC
HEARING: November 26, 2020 Council Chambers, City Hall Commencing at 7:00 p.m.

A subsequent Notice of change of the Regular Meeting venue change from Council Chambers, Second Floor, City Hall to a Zoom Conference Meeting has been provided at least 48 hours in advance by publication in The Bergen Record and The Herald News on November 14, 2021.

Resolutions

- a) Resolution memorializing approval of the Application for Preliminary Site Plan Approval and Final Site Plan Approval regarding the property located at 844-858 River Drive, also known as Block 200, Lots 16, 18 & 21 as shown on the Official Tax Map of the City of Garfield.

Motion to memorialize Resolution PB-09-2021 approving the Preliminary Site Plan and Final Site Plan (844-858 River Drive).

Moved: Mayor Richard Rigoglioso
Second: Councilman, Romi Herrera

Mayor Richard Rigoglioso - Aye
Councilman, Romi Herrera – Aye
Chairwoman, Lou Ann Visotcky - Aye
Vice Chairman, Michael Wisnovsky - Aye
Gracie Williams - Abstain
James Clark – Aye
Michael Garcia – Aye
Costantino Conte, 2nd Alternate – Aye
Motion Approved.

- b) Resolution authorizing the Board Secretary to publish the Requests For Qualifications for the Board Professionals for the year 2022.

Motion to authorize Board Secretary to publish RFQs for Board Professionals for 2022.

Moved: Michael Garcia
Second: Vice Chairman, Michael Wisnovsky

Mayor Richard Rigoglioso - Aye
Councilman, Romi Herrera – Aye
Chairwoman, Lou Ann Visotcky - Aye
Vice Chairman, Michael Wisnovsky – Aye
Gracie Williams - Aye
James Clark – Aye
Michael Garcia – Aye
Costantino Conte, 2nd Alternate – Aye
Motion Approved.

- c) Resolution establishing and authorizing the meeting dates for the calendar year 2022.

Motion to Establish and Authorize Meeting Dates for 2022.

Moved: Gracie Williams
Second: Vice Chairman, Michael Wisnovsky

Mayor Richard Rigoglioso - Aye
Councilman, Romi Herrera – Aye
Chairwoman, Lou Ann Visotcky - Aye
Vice Chairman, Michael Wisnovsky - Aye
Gracie Williams - Aye
James Clark – Aye
Michael Garcia – Aye
Motion Approved.

Old Business

NONE.

New Business

1. Hearing to approve the Study conducted by DMR Architects examining whether the property located at 69 Hepworth Place, also known as Block 34.02, Lot 28, as shown on the Official Tax Map of the City of Garfield should be determined to be 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.

Gabriel Bailer, Planner - sworn. Mr. Bailer testified that the subject property is located in the Light Manufacturing (LM) Zone. This property meets three of the criteria for an "Area in need of Redevelopment". The first is that the buildings are unsafe, dilapidated or obsolete or are lacking in light, air or space, as to be conducive to unwholesome living or working conditions. The second is the discontinuance of the use of the buildings, the abandonment of the buildings that fall into disrepair and are untenable for at least two consecutive years. The third is areas with buildings that are dilapidated, obsolete, overcrowded, faulty arrangement or design or unsanitary and are detrimental to the safety, health and welfare of the community.

Mr. Bailer testified that the property is an irregular, 20,689 sq. ft. corner lot. There are four buildings on the property. Two of the buildings have been vacant for more than 2 years and are in very poor condition. The other two buildings are occupied by businesses. There is a 6,000 sq. ft. unpaved parking lot next to a NJ Transit Line. There is no turn around area within the parking lot, which forces trucks to back up onto Hepworth Place.

Mayor Rigoglioso asked how many criteria need to be met.

Mr. Bailer testified that the property needs to meet one criteria.

Michael Garcia asked what the plan is for this property.

Mr. Bailer testified that he does not know what the plans are. That is the redevelopment part of the project.

2. Hearing to approve the Study conducted by DMR Architects examining whether the properties located at 252 Midland Avenue and 143 Clark Street, also known as Block 58, Lots 1 & 3, as shown on the Official Tax Map of the City of Garfield should be determined to be an area in need of redevelopment, specifically a Condensation Redevelopment Area, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Gabriel Bailer, Planner - sworn. Mr. Bailer testified the properties are located in the R-2/1 & 2 Family, Multifamily, Medium Density Residential Zone. The restaurant and auto mechanic are non-permitted uses in the R-2 Zone, and the existing multi-family home is permitted. The parking lot in front of the auto mechanic business is not compliant with front yard setback of 20 ft. This property meets three of the criteria for an "Area in need of Redevelopment". The first is that the buildings are unsafe, dilapidated, or obsolete or are lacking in light, air or space, as to be conducive to unwholesome living or working conditions. The second is the discontinuance of the use of the buildings, the abandonment of the buildings that fall into disrepair and are

untenable for at least two consecutive years. The third is areas with buildings that are dilapidated, obsolete, overcrowded, faulty arrangement or design or unsanitary and are detrimental to the safety, health and welfare of the community.

Mr. Bailer testified that Lot 1 is a 5,000 sq. ft. corner lot occupied by a two-story multi-family dwelling and a one-story building occupied by an auto mechanic. The parking in front of this building does not have a 20 ft. setback which is required. Cars entering and exiting are in the public right of way where pedestrians could be walking. There are also significant cracks in the buildings' exterior walls.

Mr. Bailer testified that Lot 3 is a 12,500 sq. ft. lot occupied by a vacant restaurant. The restaurant has been vacant for the past two years. The roof of the building is in poor condition and there is cracking in various areas of the exterior wall. The parking lot contains 16 angled spaces with a one-way aisle. The turn around area in this narrow one-way aisle will cause cars to make multiple interior turns or reverse out of the parking lot onto Midland Ave. to exit.

Michael Garcia asked if these properties were owned by one person.

Mr. Bailer testified that they are not owned by the same person.

Mr. Garcia asked if the owner of the multi-family house is in agreement with this redevelopment.

Mr. Bailer testified that he does not think they are in agreement.

Mayor Rigoglioso asked if the mechanic was still in business.

Mr. Bailer testified that it is operational.

3. Hearing to approve the Study conducted by DMR Architects examining whether the properties located at 94, 100 & 104 Passaic Street and 43 & 45 Spencer Place, also known as Block 14.02, Lots 1, 4.01, 4.02, 9 & 10, as shown on the Official Tax Map of the City of Garfield should be determined to be an area in need of redevelopment, specifically a Non-Condemnation Redevelopment Area, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Gabriel Bailer, Planner - sworn. Mr. Bailer testified the properties are located in the B-1 Neighborhood Retail Zone. The three existing parking lots are not a permitted use in the B-1 Zone. The vacant two-story manufacturing building on Passaic Street is not a permitted use. The one-story building located on the corner of Passaic Street and Spencer Place, which is occupied by Spencer Savings Bank is the only permitted use.

Mr. Bailer testified that 94 Passaic Street is an existing parking lot and is .23 acres. This property is a deleterious land use not permitted in the B-1 Zone. It is 100% impervious and there are no mechanisms to control storm water drainage. It is also a lack of proper utilization of land. The property is owned by Most Holy Name Church and is primarily used during Sunday services, but not fully utilized during the week. It is within walking distance to the Garfield Train Station and a mixed use development supports smart growth principles with a development within walking distance to a train station.

Mr. Bailer testified that 100 Passaic Street is a two-story industrial building which has been vacant since June 2020. This building meets criteria a) the building is substandard and unsafe

and d) the building is in dilapidated condition. There is evidence of water infiltration on the ceilings including cracking and parts of the ceiling and exposed wires are hanging down. Also, on the exterior of the building there are several areas with holes and cracking in the brick.

Mr. Bailer testified that the properties at 43 & 45 Spencer Place are 2 parking lots associated with Spencer Savings that meet criteria d) faulty arrangement and excessive land coverage and h) which supports smart growth. The properties are 100% impervious with no adequate mechanisms for runoff. There are cracks in the asphalt and there are no turn around areas within the parking lots. The parking lot at 43 Spencer Place has 6 parking spaces adjacent to a single family home. There are curb stops approximately 3 ft. from the house but no other barrier.

Mr. Bailer testified that the last property of the study is 104 Passaic Street which is an existing bank. This property meets criteria d) a faulty arrangement or design. The rear of building is not ADA accessible. The property is 100 impervious and there is no storm water management mechanism which adds to potential flooding in the area.

Michael Garcia asked if Spencer Savings was in agreement with the redevelopment.

Mayor Rigoglioso stated that the parking lot next to the old auditorium has been purchased by the developer and made arrangements with Holy Name Church for a land swap. The developer is in contract talks with Spencer Savings.

Mr. Garcia asked if this study was premature since Spence Savings' agreement is pending.

Ms. Cimino stated that the Board is acting on the resolution from the City Council. For the Planning Board it is not premature because they are following the directive of the City Council.

The Chairwoman then asked for a motion to open the meeting to the public.

Motion to open the meeting to the public.

Moved: Gracie Williams

Second: James Clark

Mayor Richard Rigoglioso - Aye

Councilman, Romi Herrera - Aye

Chairwoman, Lou Ann Visotcky – Aye

Vice Chairman, Michael Wisnovsky – Aye

Gracie Williams - Aye

James Clark – Aye

Michael Garcia - Aye

Costantino Conte, 2nd Alternate - Aye

Motion Approved.

The Chairwoman asked if anyone from the public wanted to come forward regarding the 69 Hepworth Place property.

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

The Chairwoman asked if anyone from the public wanted to come forward regarding the 252 Midland Avenue and 143 Clark Street properties.

Richard Kapner, Esq. has been retained by the owner of the 143 Clark Street property to address the inclusion of this property in this Study. Mr. Kapner stated that this property is occupied and fully operational should not be designated as a condemnation property. There are 2 multi-family dwellings, both occupied, and the auto mechanic business. The Study by DMR states that the auto mechanic building is in substandard condition with cracking on the exterior wall. These were cosmetic cracks and have been repaired. The building has also been repainted. Another issue included in DMR's report regarding a roof gutter has also been repaired. This property and these 3 uses, are valid, legal and existing and there are no zoning violations, building violations, or any other violations on this property.

Mr. Kapner stated that the Study by DMR sites parking in the front yard of the auto mechanic business as a non-permitted use. This auto mechanic business is considered a prior non-conforming use and parking in the front yard is permitted for this structure. In addition, the use of front yard parking by auto mechanics is permitted throughout the City of Garfield. There are also 7 other auto mechanic uses in Garfield, which have front yard parking.

Mr. Kapner stated that his client learned that there is a contract between the developer and the owner of 252 Midland Avenue for the sale of that property. Also, the same developer is now in discussions to purchase the Clark Street property. It appears that if the Midland Avenue property had not been an issue, there would be no reason to investigate the Clark Street property as an area in need of redevelopment. Mr. Kapner requested that this matter be adjourned for 30 days.

Mayor Rigoglioso agreed that the Board adjourn this matter for 30 days.

The Chairwoman asked if anyone else from the public wanted to come forward regarding Midland Avenue and Clark Street.

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

The Chairwoman asked if anyone from the public wanted to come forward regarding 94, 100 & 104 Passaic Street and 43 & 45 Spencer Place.

Msgr. Reilly from the public stated that there has been an infringement, due to the construction, to the parking lot behind the church which has been closed since June 2021. Also, people are forced to walk in the street because the sidewalk is not accessible.

The Chairwoman asked if anyone else from the public wanted to come forward regarding the Passaic Street and Spencer Place properties.

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

The Chairwoman asked for a motion to close the public session.

Motion to close the Public Session.

Moved: Mayor Richard Rigoglioso

Second: James Clark

Mayor Richard Rigoglioso - Aye

Councilman, Romi Herrera - Aye
Chairwoman, Lou Ann Visotcky – Aye
Vice Chairman, Michael Wisnovsky – Aye
Gracie Williams - Aye
James Clark – Aye
Michael Garcia - Aye
Costantino Conte, 2nd Alternate - Aye
Motion Approved.

The Chairwoman asked for a motion to adopt the Preliminary Investigation Report for 69 Hepworth Place.

Motion to adopt Preliminary Investigation Report dated September, 2021 (69 Hepworth Pl.).

Moved: Mayor Richard Rigoglioso
Second: Gracie Williams

Mayor Richard Rigoglioso – Aye
Councilman, Romi Herrera - Aye
Chairwoman, Lou Ann Visotcky – Aye
Vice Chairman, Michael Wisnovsky – Aye
Gracie Williams - Aye
James Clark – Aye
Michael Garcia - Aye
Costantino Conte, 2nd Alternate - Aye
Motion Approved.

The Chairwoman asked for a motion to postpone the adoption of the Preliminary Investigation Report regarding 252 Midland Avenue and 143 Clark Street for 30 days.

Motion to postpone adoption of Preliminary Investigation Report dated September, 2021 (252 Midland Ave. & 143 Clark St.).

Moved: Gracie Williams
Second: Michael Garcia

Mayor Richard Rigoglioso – Aye
Councilman, Romi Herrera - Aye
Chairwoman, Lou Ann Visotcky – Aye
Vice Chairman, Michael Wisnovsky – Aye
Gracie Williams - Aye
James Clark – Aye
Michael Garcia - Aye
Costantino Conte, 2nd Alternate - Aye
Motion Approved.

The Chairwoman asked for a motion to adopt the Preliminary Investigation Report for 94, 100 & 104 Passaic Street and 43 & 45 Spencer Place.

Motion to adopt Preliminary Investigation Report dated September, 2021 (94, 100 & 104 Passaic St. and 43 & 45 Spencer Pl.).

Moved: Mayor Richard Rigoglioso
Second: Lou Ann Visotcky

Mayor Richard Rigoglioso – Aye
Councilman, Romi Herrera - Aye
Chairwoman, Lou Ann Visotcky – Aye
Vice Chairman, Michael Wisnovsky – Aye
Gracie Williams - Aye
James Clark – Aye
Michael Garcia - Aye
Costantino Conte, 2nd Alternate - Aye
Motion Approved.

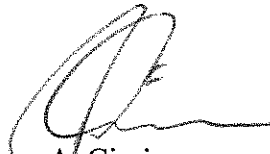
The Chairwoman asked for a motion to close the meeting.

Motion to close meeting.

Moved: Vice Chairman, Michael Wisnovsky
Second: Gracie Williams


Mayor Richard Rigoglioso - Aye
Councilman, Romi Herrera - Aye
Chairwoman, Lou Ann Visotcky – Aye
Vice Chairman, Michael Wisnovsky – Aye
Gracie Williams - Aye
James Clark – Aye
Michael Garcia - Aye
Costantino Conte, 2nd Alternate - Aye
Motion Approved.

Respectfully submitted,



Alyssa A. Cimino
Planning Board Secretary

Approved at the meeting on December 16, 2021.



ALYSSA A. CIMINO
Planning Board Secretary