

City of Garfield
Garfield Zoning Board of Adjustment
Regular Meeting, February 15, 2022

In the matter of:
Public Hearings, Public Comment
February 15, 2022

Commencing at 7:30pm

The Garfield Zoning Board of Adjustment:

Carmin C. Breonte- Chairman- **Absent**
Arlene Patire-Vice- Chairwoman
Carmin V. Breonte
John Easom
Paul Houlis
Kathy Rozmus
Salvatore Lamendola
Francisco Sanchez- 1st Alternate- **Absent**
Tony Lio- 2nd Alternate- **Absent**
Alban Gaba- 3rd Alternate

Appearance:

Wilfredo Ortiz, ESQ., Attorney to the Board
Beth Calderone, Certified Court Reporter
Gary Paparozzi, Planner

Reported by Jacqueline Anello, Secretary
February 15, 2022 (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 January 10, 2022 Meeting- Salvatore Lamendola

Second- Carmin V. Breonte
All in Favor- Aye

124 Passaic Street
Michael Herbert- Parker MaCay- Attorney for the applicant
Mr. Herbert- applicant is seeking to create a parking lot that will be used by the Holy Name
Church. Looking to remove the single-family home and garage and create a parking lot. They
will be putting a fence around the parking lot.

Arthur Kuyan- Stonefield Engineering- Engineer
Sworn in by Wilfredo Ortiz

Mr. Kuyan: site is currently occupied by a single-family house and garage. C1 marked as
exhibit 1. There will be an ADA space for the Holy Name Church. Parking spaces have been

designed for pedestrian access. The parking lot will be enclosed by a 6-foot vinyl fence. A planted buffer will be placed with evergreen trees as well as shrubs. Four (4) LED lights will be used to illuminate the parking lot. The parking lot will drain into Passaic Street. There was a comment regarding the drainage. The project complies with the city ordinance. The fence will provide an additional buffer from neighboring properties. They have no objections to Neglia February 9, 2022 letter and will comply with everything.

Gary Paparozzi- They are eliminating the sliding gate for the parking lot, how are you going to prevent people from parking there besides Holy Name Church.

- Arthur Kuyan stated that they can agree to leave a gate there to keep cars from parking there. If cars are parked there that are not supposed to they will be towed.

John Easom asked about cameras

- Arthur Kuyan stated that there are no cameras proposed for the parking lot

Gary Paparozzi stated that if the city needs to widen the road, they would need to realign the parking. The parking would have to be angled parking or slide the entire lot.

Christine Nazzaro Cofone
125 Half Mile Road
Red Bank, NJ
Planner for the applicant
Sworn in by Wilfredo Ortiz

Christine Cofone: she would submit to the board; this parking lot is going to serve the Holy Name Church. The bulk variance she thinks that it could call under C2 criteria. Having the parking and lay out allows them to have the fence and the ability to have the landscaping and creates a better zoning ordinance.

- Salvatore Lamendola: would the time that the parking is being used would it only be on Sundays. Would it be possible for someone to utilize that parking during the course of the week?
 - o Christine Cofone stated that they would be using it on Sunday.
 - o Arlene Patire stated that it would be up to the applicant and should maybe send a letter to the Board of Education that the parking lot is private.
 - o Gary Paparozzi stated that it would be up to the church to decide what they want to do with the parking lot on the days that it is not occupied

Gary Paparozzi stated that the parking lot is a perfect accessory for the church, he agrees with Christine Cofone's testimony.

Monk Senior- the parking lot becomes a piece of property for the church and he disagrees that the church is not just being occupied on Sunday's, the church is utilized during the week as well. There is a need of parking without the need of additional apartments.

- Gary Paparozzi stated that he recommended some sort of gate to prevent anyone from parking there that is not supposed to park there.

Carmin V. Breonte asked about snow removal, will it be hauled off site or placed somewhere? Where will the electrical meter be? Do there need to be signage that if someone parks there they will be towed.

- Arthur Kuyan stated that they would use the perimeter of the parking lot where there is landscape to put the snow, it will be handled on the parking lot itself. There is no electrical meter yet, they will put it on the plans once it is reviewed.

- Gary Paparozzi stated that they are going to have a gate, so anyone that has access can park there.

Open to the public

Nobody came forward

Franklin Marquez

74 Marsellus Place

- His biggest concern is traffic, Marsellus Place is becoming a very busy road and the light at the intersection is very short. Many vehicles come very fast because they do not want to miss the green light. He stated that the Chase Bank has a large parking lot and wonders if the church can work with Chase Bank to maybe utilize their parking lot for the church when it is not utilized by the bank.
 - o Arthur Kuyan stated that this parking lot is not to create more traffic, the driveway to the parking lot is in the safest place, Passaic Street was not an option to put the entrance to the parking lot

Gary Paparozzi stated that Neglia stated that during construction if there is any damage, the applicant would be responsible for full repair work.

- Michael Herbert stated that they agree to that condition.

Motion to close public session- carmin v breonte

Second- paul Houlis

All in favor- aye

Wilfredo Ortiz stated that the sliding gate was removed, will there be a private access that the board recommends. Signage required?

- Gary Paparozzi stated that some sort of private access such as gated be made will be a condition and a signage that states that unauthorized vehicles will be towed. Another condition will be that if the town widens the road, they will need to move the parking lot

Motion to Approve Application- Carmin V. Breonte

Second- Salvatore Lamendola

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Paul Houlis- Aye

Carmin V. Breonte- Aye

John Easom- Aye

Alban Gaba- Aye

Arlene Patire- Aye

Application Approved

257 MacArthur Avenue

Alan Maricondo

726 Market Street, Paterson, NJ

Attorney for the applicant

- This application has been pending for a few months now, all proof of publications were submitted during the first meeting this application was supposed to be held.

Jose Carballo

Architect

Sworn in by Wilfredo Ortiz

- There are two (2) structures on the site currently. There is a residential building and an accessory building currently on site.

Wilfredo Ortiz marked the drawing as A1

Jose Carballo stated that in the basement there was a living room, bedroom, kitchen, full bathroom. Apparently at some point the basement was being used as a residential. They will be leaving the basement as is except adding a range in the kitchen and making it full. They are here tonight to make this structure a legal two-family dwelling. There is a full height door that exits to the driveway. The bedroom has a full-size window for safety for the tenant. Parking point of view they are ok. When he conducted his inspection there was no furniture in the unit it was vacant. This area is generally two-family dwellings.

Gary Paporozzi stated that on the Zoning Chart he marked the lot size as a new variance and it is not a new variance it is pre-existing. On parking it says variance required and there is not variance required.

Kley Peralta

Sworn in by Wilfredo Ortiz

He manages the property for the LLC

- They have owned this property for several years. Since he purchased the property, it has been used as a single unit.

Carmin V. Breonte asked if the parking is going to work. Snow removal? Will the parking spaces be assigned? Where will garbage be stored?

- **Gary Paporozzi** stated that the parking is going to work because both cars will not pull out of the garage at once.
- **Kley Peralta** stated that there is plenty of room to store snow there. He is unsure if they will be assigned. He stated that the garbage will be stored in the rear of the property.

Kathy Rozmus asked if this apartment was ever rented to anyone? Are there egress windows? Is the owner looking to move in there or is this a full income property?

- **Jose Carballo** stated that they cannot confirm that it was rented out to someone, but the way it was designed it does look like it was rented to someone, or someone did live there. There is an egress window in the bedroom. There are two (2) means of egress, going up to the second floor or going out to the back porch.
- **Kley Peralta** intends to fully rent the two (2) units

Salvatore Lamendola asked if taxes were paid as a one (1) family home.

Alban Gaba asked on existing basement, what is the actual ceiling height. The rear entrance stated that it is about 4-feet high, what is the height of the door to go into the basement.

- **Jose Carballo** stated that it is above 7 feet. The door from the back porch to the outside is a full size door existing. There are two steps going down to that door. He can amend his plan to show it as a full size door with the stairs

Carmin V. Breonte stated that he is looking on google earth and the door does not look like a full size door.

Jose Carballo stated that they will ensure that it is a full size door.

Wilfredo Ortiz stated that we will put it as a condition that it must be a full-size door and the plans will be revised to show the door correctly.

Open to the public
Public Session Closed

Wilfredo Ortiz stated that the only condition would be that the applicant will amend the plans to indicate on the plans that there will be a full-size door. The plans will need to be resubmitted to show the full-size door.

Gary Paporozzi stated that the variances need to be changed regarding the lot size and per dwelling unit.

Motion to Deny Application- Carmin V. Breonte- he feels there are issues with the application, the parking situation alone does not feel it will be utilized the way it is supposed to.

Second- Salvatore Lamendola

Kathy Rozmus- Aye- by looking at the house it looks like a low tiny house and does not see the basement unit being a legal unit and is not a good fit as a two-family house

Salvatore Lamendola- Aye

Paul Houllis- Aye- he agrees with Kathy and Carmin, he does not feel it is safe

John Easom- Aye

Carmin V. Breonte- Aye

Alban Gaba- Aye

Arlene Patire- Aye- she agrees with the board members

Application Denied

5 minute recess

Roll Call:

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Paul Houllis- Aye

John Easom- Aye- he will be recusing himself

Carmin V. Breonte- Aye

Alban Gaba- Aye

Carmin Breonte- Aye

Arlene Patire- Aye

92 Gaston Avenue

Gary Zalarick- Attorney for the applicant

- This is the corner property. There are two building structures on one lot. 92 Gaston is an existing three (3) family dwelling, the applicant intends to keep this. The other structure is a commercial retail coffee shop (vacant currently) the second use is a commercial warehouse. The applicants intends to convert the building on Charles Street to two (2) units. One unit will be two bedrooms and the other unit will be three bedrooms.

Carmin V. Breonte stated that on the application it states both units will be three bedrooms

Gary Zalarick stated that is a mistake, one unit will be two bedrooms and the other unit will be three bedrooms.

Wilfredo Ortiz asked if Gary Zalarick will submit an amendment stating that this application is that one unit will be two bedrooms and the other unit will be three bedrooms.

Carmin C. Breonte asked how this application was noticed

- **Wilfredo Ortiz** stated that it was noticed improperly because it was noticed as two (2) three-bedroom apartments.

Gary Zalarick stated that he noticed for more intensive bedrooms, if the board wants him to renote then he will renote.

- **Wilfredo Ortiz** stated that it is not noticed properly, although he did over notice. He feels they should renote.

Arlene Patire stated that she would like to take a vote whether to hear the application or renote

Wilfredo Ortiz said the safest for the board would be to have the applicant renote properly.

Carmin C. Breonte are we adjourning the application, or will it be a new application?

- **Wilfredo Ortiz** stated that the application and notice are not accurate.
- **Gary Zalarick** stated that the application was deemed complete, the reports were completed. In theory it needs to be renoted, if they will be heard in March they will renote for March if not they can do April.
- **Wilfredo Ortiz** stated that if the professionals reviewed the application as a two-bedroom unit and a three-bedroom unit then that is ok.

Carmin C. Breonte legally can we hear the application today?

- **Wilfredo Ortiz** stated that he does not feel comfortable allowing the application to continue tonight.

Gary Pappozzi stated that he has a safety issue with the application, he suggests some sort of site triangle and site distances from the engineer regarding backing out onto Charles Street and can potentially be dangerous

Arlene Patire stated that we have two applications on for the April meeting, so this will be the third application. We have 561 Harrison Avenue and 23 Frederick Street

Motion to have this application renoted for the April 11, 2022 meeting- Salvatore Lamendola

Second- Carmin V. Breonte

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Paul Houllis- Aye

Carmin V. Breonte- Aye

Alban gaba- Aye

Carmin C. Breonte- Aye

Arlene Patire- Aye

This Application will be renoted to the April 11, 2022 meeting

Carmin C. Breonte stated that he spoke to Gary Zalarick about River Road and we still have not received the revised drawings. The resolution has not been approved.

- **Gary Zalarick** stated that they received county approval, from his knowledge the architect that was working on the project is no longer with the firm, he will contact the office and find out what is going on. Mr. Stearns revised the plans with the proper revisions.

Wilfredo Ortiz stated that he has all the mail from City Hall, he also has the escrow checks for 124 Passaic Street which he will bring to Finance.

Motion to Adjourn Meeting- Carmin V. Breonte

Second- Paul Houlis

Kathy Rozmus- Aye

Salvatore Lamendola- aye

Paul Houlis- aye

Carmin v. Breonte- Aye

Alban Gaba- Aye

Carmin C. Breonte- Aye

Arlene Patire- Aye