

City of Garfield
Garfield Zoning Board of Adjustment
Regular Meeting, May 9, 2022

In the matter of:
Public Hearings, Public Comment
May 9, 2022

Commencing at 7:30pm

The Garfield Zoning Board of Adjustment:

Carmin C. Breonte- Chairman
Arlene Patire-Vice- Chairwoman
Carmin V. Breonte
John Easom
Paul Houlis
Kathy Rozmus
Salvatore Lamendola
Francisco Sanchez- 1st Alternate- **Absent**
Tony Lio- 2nd Alternate
Alban Gaba- 3rd Alternate
Daniel Rigiloso- 4th Alternate

Appearance:

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

Reported by Jacqueline Anello, Secretary
May 9, 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 April 11, 2022 Meeting- Tony Lio

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

April 11, 2022 Minutes Approved

52-56 Dewitt Street

Gary Zalarick

Attorney for the Applicant

- They are requesting an adjournment because their professionals were not able to attend tonight's meeting and will address the parking issue

Gary Paparozzi stated that Andersens are not engineers they only do surveys

Wilfredo Ortiz- the list that was used but the problem that we have is, he reviewed the notices and they are good.

Gary Zalarick stated that they will provide the list that he used to notice and the new list and if there is people on there they will notice them.

Motion to Adjourn the Application to the July 11, 2022 meeting- tony lio with conditions

Second- Salvatore Lamendola

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Alban Gaba- Aye

John Easom- Aye

Tony Lio- Aye

Arlene Patire- No- the agenda was already made, was this a last-minute thing.

Carmin C. Breonte- Aye

Application adjourned to the July 11, 2022 Meeting

439-441 Palisade Avenue

Eric Weiss- Attorney for the applicant

- He has the proof from the record of publication and all the green cards

Wilfredo Ortiz- he reviewed the publications, and they are all good

Grisel Jover- interpreter

Sworn in by Beth Calderone

Minerva Menendez

Sworn in by Beth Calderone

- She currently lives at 439-441 Palisade Avenue
- She has lived there since 2013
- She is the owner
- Requesting permission to convert a one-family home to a two-family home
- She is bringing her mom from Cuba and she also has a sister in Florida that wants to come here and she wants them to have their own space and be comfortable

Carmin C. Breonte asked if she owns the property by herself

Grisel Jover stated that the applicant does own the property by herself

Gary Segal

272 Closter Dock Road

Closter, NJ

Architect & Planner

Sworn in by Beth Calderone

***The board will accept him as a professional**

- They addressed the letter from Gary Paparozzi to the best of their knowledge

Gary Paparozzi stated that he does not have the revised drawings. It seems there was a revision without a revision date. The plans that the board has are different than the ones that they have.

Wilfredo Ortiz stated that if Gary Paparozzi can go along with the plans during testimony

Gary Segal stated that if the 2nd floor proposed has a hatch to the attic, they are looking at the correct plans

Kathy Rozmus stated that everyone has different plans, and everyone is confused as to what plans and what and she believes the correction should be made

Salvatore Lamendola- agrees

Carmin C. Breonte stated that unfortunately the board is not ready to proceed.

Eric Weiss would like to know if everyone has the correct plans, would you accept a certification from the planner

Wilfredo Ortiz stated that the best thing would be for them to correct the plans and put a revision date on them to ensure everyone has the same set of plans.

Engineer stated that his office neither him do not have the correct plans

Carmin C. Breonte stated that they need to address the comments from the board's professionals

Motion to Adjourn the Application to the September 12, 2022 Meeting- Tony Lio

Second- Alban Gaba

Kathy- Aye

Salvatore Lamendola- Aye

Alban Gaba- Aye

John Easom- Aye

Tony Lio- Aye

Arlene Patire- Aye

Carmin C. Breonte- Aye

Application adjourned to the September 12,2022 Meeting

50 Belmont Avenue

Wilfredo Ortiz stated that the notice is proper

Kathy Rozmus needs to recuse herself

Daniel Rigiloso will be sitting in

Gary Zalarick- Attorney for the Applicant

- Block 83 Lot 4
- Currently it is zoned for commercial 1st floor and two (2) apartments above
- Carlos Gushen is the owner and the brother is the applicant

Carlos Gushiken- current owner

50 Belmont Avenue

Sworn in by Beth Calderone

- He is the owner of 50 Belmont Avenue and has owned it since 2006
- When he purchased the property it was a commercial space on the 1st floor and two (2) apartments on the 2nd floor
- Nobody wanted to rent the commercial space on the 1st floor

- It was very difficult to rent the commercial space
- His mother was going to try and open a medical supply store that they have in Florida but it was very difficult to get the licenses
- Currently there
- The two (2) apartments upstairs are two (2) bedrooms
- He noticed that in the past two (2) years, 52 Belmont Avenue used to have two (2) commercial spaces and they are now two (2) studio apartments

Arlene Patire asked what is in the basement and it has its own separate entrance

Carlos Gushiken stated that there is just storage, the full bathroom was there since he purchased the property, he just fixed it up a little bit. There is no kitchen; only cabinets with just a sink. Everything that is down there was there when he purchased the property. He repaired as much as he can, he did not build anything himself. Nobody lives there and nobody has ever lived there. There have been several inspections from Mr. Schultz.

Gary Paparozzi stated that he has a letter of denial stating

Tony Lio said currently it is rented out, how many cars are there right now?

Carlos Gushiken stated that they have two (2) cars each, for a total of four (4) cars.

Salvatore Lamendola asked what the ceiling height is in the basement

Carlos Gushiken stated that it is about 6 feet high ceilings

Yoshihiro Gushiken- Applicant

Sworn in by Beth Calderone

- He will be purchasing this property from his brother
- He will be occupying the property with his wife and three (3) children
- If the board grants the conversion of the commercial space to residential space, he will completely remove the kitchen and bathroom.
- He understands that nobody can live or sleep in the basement
- Him and his wife drive, but they only have one (1) car but they do plan to buy another

Arlene Patire asked which floor would he occupy?

Yoshihiro Gushiken stated that he will occupy the proposed first floor apartment. He was approved for an FHA Loan

John Bryjak

345 Boulevard, Hasbrouck Heights, NJ

Sworn in by Beth Calderone

Architect/Planner

- **A2: 1st Floor Plan**
 - o Two (2) entrance doors, one goes into the proposed space, the door on the right hand side goes to the basement
 - o Existing: There is a vacant living room, toilet room, kitchen area with a door that leads to the patio, bedroom, closet, and full bathroom
 - o The second door leads into the dwelling units on the second floor
 - o There is a side door that goes to the alley
 - o **Proposed:**
 - Two (2) bedroom dwelling unit
 - Entry door with an entrance area
 - Living room, dining room, new kitchen space, maintaining access to the basement, hallway leading to laundry, bathroom, closet, entrance to master bedroom with walk-in closet, bedroom with closet. They will be maintaining the door to the outdoor area

- Existing cellar plan (A): access to the cellar is accessible through the rear, very narrow passage that leads to the access door. There was a sink with cabinets (he testified that he did not see a refrigerator and stove, mechanical closet with two (2) water heats and a sum pump, full bathroom, hallway with stairs leading to first floor space. There is a storage room.
- **A3: 2nd Floor- Existing and no changes will be made**
 - Existing bathroom, living room, kitchen, two (2) bedrooms, and a door to lead to the deck.

John Bryjak stated that the parking requirements, city requires three (3), proposed is zero. Six (6) parking spaces are required and zero are proposed. Current use required seven (7) parking spaces and the proposed requires six (6).

Arlene Patire stated that in fairness to the parking issue, she agrees with the calculations, however; the commercial space is not open all day and night, so when people come home there would be parking at night

Gary Paporozzi stated that the existing first floor shows the tenant space with a bathroom and then he shows a living room, kitchen, bedroom, bathroom. The letter of denial and the application states a commercial space with two (2) residential dwellings.

John Bryjak stated that was what he saw when he did the field measurements

Carmin C. Breonte stated that it is showing as existing and showing an entrance.

Carlos Gushiken stated that only by the temporary gym is occupying the commercial space. He stated that the back portion comes with its own electrical meter, the commercial space as a meter for electric and gas under a different account. The apartment in the back has no gas.

Engineer stated that just to confirm there will be no improvements to the exterior. The survey that was submitted was from 2006 and was not signed or sealed. If the board looks favorably, he recommends a new survey be submitted. How will trash be handled

John Bryjak stated that if the meters need to be updated they will be updated, but he cannot say because he is not an engineer.

Carlos Gushiken stated that there is an alleyway between his building and the building next to this building on the side and that is where they keep the garbage and will continue to keep it.

Yoshihiro Gushiken stated that if the board looks favorably upon the application he will keep the garbage and recycling in the back of the property and will be bringing the garbage and recycling out himself

John Easom

Alban Gaba asked who is using the basement

Carlos Gushiken stated that he is using the basement for storage there are only two (2) rooms that are storage the back is completely open

Yoshihiro Gushiken stated that if the board looks favorably, he will remove the frames and keep everything completely open

Open to the Public

Nobody Came Forward

Gary Paporozzi

- **Variances**
 1. **Minimum Lot Area**
 2. **Minimum Lot Width**
 3. **SF per Dwelling Unit**

If the board considers approval, it would be with the condition that the kitchen in the basement be removed, Neglia Engineering needs an updated Survey, Garbage and Recycling be stored in the rear of the property, and the door jambs be removed in the basement

Motion to Approve- Tony Lio- he goes through there every day and likes the fact that they will convert a struggling commercial space and there are a lot of empty spaces. Because of the lot size is, you are right up against the adjacent properties; but that is how the city had the buildings. He is going to be a little flexible on the variances because of the way the property is. With all the conditions

Second- Alban Gaba

Salvatore Lamendola- No

Alban Gaba- Aye

John Easom- Aye- he goes with what Mr. Lio stated

Tony Lio- Aye

Daniel Rigiligoso- No- he feels it is too crowded and it is too many people in narrow space

Arlene Patire- Aye

Carmin Breonte- Aye

Application Approved

Motion to Close Meeting- Arlene Patire

Second- Tony Lio

All in favor- Aye