

City of Garfield
Garfield Zoning Board of Adjustment
Regular Meeting, November 14, 2022

In the matter of:
Public Hearings, Public Comment
November 14, 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 Houllis
Kathy Rozmus
Salvatore Lamendola
Francisco Sanchez- 1st Alternate- **Absent**
Tony Lio- 2nd Alternate
Alban Gaba- 3rd Alternate- **Absent**
Daniel Rigoglioso- 4th Alternate- **Absent**

Appearance:

Wilfredo Ortiz, ESQ., Attorney to the Board
Beth Calderone, Certified Court Reporter
Lindsay Knight- Engineer

Reported by Jacqueline Anello, Secretary
November 14, 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 C. Breonte PUBLIC LAW 1975 CHAPTER 231
"OPEN September 23, 2019, Council Chambers, City Hall Commencing at 7:30pm.

Motion to Approve the October 11, 2022 Meeting Minutes- John Easom

Second- Kathy Rozmus

Kathy Rozmus- Aye
Salvatore Lamendola- Aye
Paul Houllis- Abstain
John Easom- Aye
Carmin V. Breonte- Abstain
Arlene Patire- Aye
Carmin C. Breonte- Aye

Minutes Approved

50 Jewell Street- 50 Jewell Street LLC

Applicant Seeks to convert the existing first floor office space into a 2-bedroom apartment

Gary Zalarick- Attorney for the applicant

John Bryjak- architect

245 Blvd

Hasbrouck Heights

Sworn in by Beth Calderone

- A1: two drawings October 14, 2022
 - o Drawing A- floor plan of the existing space
 - Basement is a store front then there is a few steps down to get into the tenant space
 - Utility room, meters, furnaces, water heaters, abandoned stairs that lead to the first floor
 - Existing storage space
 - o Drawing B: proposed basement floor plan
 - Replace the existing store space
 - Access to lead to the 1st floor
 - Living room/kitchen area, utility room, office space, stackable washer/dryer, hallway bathroom, master bedroom in the rear
 - They will remove the stair and door that accesses the side yard (this is not to code)
- A2: Drawing A existing 1st floor plan
 - o Door to the side that leads to the access stair
 - the floor has one unit
 - Accessing the unit is a dining/living room, two existing bedrooms, there is a porch that is off bedroom #3, bathroom in the hallway, kitchen
 - o Drawing B:
 - 2nd floor unit
 - Front bedroom, bedroom #2, bedroom #3, there is another porch off bedroom #3, living room/dining room, kitchen, bathroom.
 - There is an attic that is accessed from the staircase.
 - Attic is an empty space, it is finished with drywall
 - Existing chimney
 - Attic at the highest point is 6 foot 10 inches. The access stair doesn't provide appropriate head room

Salvatore Lamendola- who has access to the attic?

John Bryjak- only the 2nd floor unit has access to the attic, you need to enter the unit in order to get to the attic

Carmin C. Breonte- asked if he was up in the attic

John Bryjak- he did go in the attic it is an empty space

Arlene Patire- on the basement floor plan there is an office, what is the size

John Bryjak- it is 10x8, there are electrical units.

Carmin C. Breonte- bedroom #3 was marked as an office and now it is marked as a bedroom

Lindsay Knight- the drawings originally were labeled as an office and now it is marked as a bedroom.

Thomas G. Stearns III
144 Jewel Street, Garfield, NJ
Sworn in by Beth Calderone

- In the parking chart he includes the 2nd and 3rd floor as three-bedroom units. The first floor is a two-bedroom unit.

Carmin C. Breonte- when Mr. Bryjak went to visit the site was that being used as a bedroom or office.

John Bryjak- the last time he was there was about 1 year ago and there was a couch and a bed

Gary Zalarick- the application is not looking for any changes on the 2nd and 3rd floor, it is only for the basement to go from a business to a residential dwelling.

Carmin C. Breonte- asked if Gary Paparozzi put it in his letter to change the plans to label on the 2nd and 3rd floor offices to bedrooms.

John Bryjak stated that Gary Paparozzi stated in his testimony at the last meeting to label the offices on the 2nd and 3rd floor to bedrooms

Carmin C. Breonte read the minutes from last month for Gary Paparozzi testimony and it did not say to change the label of the offices but that offices with closets are bedrooms

Arlene Patire made a motion to vote on the plans as we see them

Second- Carmin V. Breonte

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Paul Houllis- Aye

John Easom- Aye

Carmin V. Breonte- Aye

Arlene Patire- Aye

Carmin C. Breonte- No

Thomas G. Stearns

Plans dated 11/2/2022

- Per Gary Paparozzi and Neglia they made some changes
- They revised the zoning chart with his zoning with the exception of minimum side yard
- Read through all the variances
- There was a proposed egress window in the back of the dwelling they provided it
- There is a concrete walk, it is a combination with the neighbor, they are not cutting off any walkway by putting that window in that location.
- They are providing a fence that will wrap around the entire property. It will be a 6 foot PVC fence, they will stop the fence to allow for the clearance on the street
- Drainage- they relocated the retention area to the North to get away from the neighboring property.
- Refuse- the back of the parking lot there will be a fenced in concrete pad for refuse. The owner will be responsible for bringing the garbage out
- Currently there is no lighting on the property. There will be motion sensitive spotlights to illuminate the parking lot and driveway. They can provide photometrics if needed
- Existing:
 - o Adjacent driveway to the dwelling that is narrow that leads to the garage in the back. The issue was people were parking on the grass
 - o There will need to be some grading done to meet the parking on the property
- Two spaces in the back and three spaces in the southerly side

- There is a turnaround in the back of the property mainly for the garage spaces to back out and turn around

Carmin C. Breonte- parking space #3 if he pulls forward, he will be in the garage. The car would have to pull forward and then back out

Lindsay (Neglia) asked if there will be a barrier to separate the refuse from the parking

Thomas Stearns said there was a comment about a stop sign. They will provide either a stop sign or a stop bar.

Arlene Patire asked if it is one garage door or two garage doors

Thomas Stearns stated that it is one garage door

Salvatore Lamendola asked what warrants someone from putting a fire escape on the house and is there heat in the attic.

John Bryjak stated that he does not recall seeing any heat or cooling in the attic. There is no bedrooms in the attic so it does not warrant a fire escape.

Carmin C. Breonte- how much of the 1st floor is under the ground

John Bryjak- it was about a foot and change down about 60%

Paul Houllis- with the bedrooms it is the plan for the parking, if they are not bedrooms they have enough of parking.

Alex Perez

Sworn in by Beth Calderone

- Real estate developer
- Buys property and develops them
- Intentions are to convert the existing store into an apartment
- He will leave the 2nd and 3rd floor the way they are
- The two tenants are not the same as when he bought them
- The problem with the current tenant for the business is he is there at all hours of the night and he has gotten multiple complaints from his tenants that he makes a lot of noise and has people in and out at all hours
- He has no problem taking the door off and putting an archway to prevent it from being used as a bedroom. He will put in the lease that it is not to be used as a bedroom
- Carmin C. Breonte- who is responsible for taking the refuse out? Snow?
 - o Alex Perez stated that his tenants take out the refuse if not his maintenance crew does. His maintenance crew takes care of the snow as well.

Carmin C. Breonte- right now the 2nd and 3rd floors office spaces are currently being used as bedrooms.

Alex Perez- when John Bryjak came to visit they were being used as offices, he got a reinspection recently when the new tenants moved in and they can be allowed to be used as bedrooms

Open to the Public

Nobody came forward

Lindsay Knight – Neglia

Variances

1. Minimum Lot Area
2. Minimum Lot Width

3. Front Yard Setback
4. Side Yard Setback on one side
5. Total Lot Coverage
6. Maximum Building Height
7. Parking
8. Minimum SF per dwelling unit
9. Garage Rear Yard Setback

- Carmin V. Breonte- what is going on with the retaining wall
 - o Thomas G. Stearns III- there is a retaining wall it will be removed. He will provide a wall detail.
- Carmin C. Breonte- if the curbs and sidewalk need to be redone, will the applicant replace the sidewalks and curbs
 - o Gary Zalarick stated that the applicant will replace sidewalks and curbs
- Carmin V. Breonte asked if the step that is by the door in the driveway will be in the way of the cars
 - o Thomas G. Stearns stated that they will put pilars
- Carmin C. Breonte stated to have something protect the high pressure gas meter that is in the driveway

Gary Zalarick- there is currently three uses there, if the board looks favorably there will still be three uses. Jewell street is currently going through a lot of renovations.

Motion to Deny the Application- Arlene Patire she is not crazy about the application, you do not meet the parking requirements, a basement apartment not a ground floor apartment. The parking especially with the gas meter.

Second- Salvatore Lamendola

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Paul Houllis- Aye

John Easom- No

Carmin V. Breonte- No

Arlene Patire- Aye

Carmin C. Breonte- Aye

Application denied

38 Belmont Avenue

32 Belmont Ave Realty, LLC

Applicant seeks to convert the existing three family dwelling into a four-family dwelling

Kathy Rozmus will be recusing

Tony Lio will be sitting in

Gary Zalrick- attorney for the applicant

- Property Block 82 Lot 7
- This is a building that has four units, four hot water heaters, four furnaces, five electric meters, registered with DCA as a four family. When his client purchased the property it was a four family, but when he went for the permits it is a three family in the tax office. The tax office has it has a three family. The building has been used as a four family. Why would the town give a permit for four furnaces for a three family

Arlene Patire if it was all that he said it was does the owner have proof

Andrew Fetes

613 Oradell Avenue, Oradell, NJ

Sworn in by Beth Calderone

Board will accept him as a professional architect

- Existing Floor Plans dated 6/28/2022 sheet 1 of 1
 - o Basement level- below grade
 - There is a front door that is accessed from the sidewalk
 - There is another door in the rear of the property
 - o #2- architectural site plan identifies the existing site plan for 1st floor unit #1 and #2
 - Unit #1- accessed directly off Belmont Avenue- one-bedroom apartment, living room, dining room, kitchen, bedroom, bathroom
 - Unit #2- two-bedroom unit, living room, kitchen, bathroom
 - o #3- architectural site plan for the 2nd floor unit #3 and #4
 - aCCESSED through a door on the side of the property
 - Unit #3- two-bedroom, living room, kitchen, bathroom
 - Unit #4- two-bedroom, living room, kitchen, bathroom
- There are no changes to the existing plans
- He put in an OPRA request for any permits that were taken. There was a permit for the four furnaces and that permit was closed, there was a permit with the DCA for four units that it was used as a four family since 1980s.

John Easom asked what it is registered with the city

Gary Zalarick stated that some records are not to be found. In 2010 it is being shown as three families.

Lindsay asked where the tenants have been parking. Will the existing parking area be striped?

Gary Zalarick stated that will be the only change that they can make. His client will testify to where the tenants have been parking. They are here just to clarify

Arlene Patire asked if there has always been a tenant there

Brian Drost Jr.

136 Route 46 East, Lodi, NJ

Sworn in by Beth Calderone

- He is an owner of 32 Belmont Avenue for at least 10 years
- It was always used as a four unit building and always had four tenants. Since he owned 32 Belmont Avenue he became friends with the tenants
- When the property was listed it was listed as a four-unit building, when he went to close the building it was a three-unit. Mr. Schultz told him that it is being shown as a four unit but the tax records show it as a three unit building. He went on with the purchase as a three-unit building. The tenant in the fourth unit moved out and he told Mr. Schultz that he will not rent out that fourth unit until he came before the zoning board for clarification.
- Currently there are 2 parking spaces.

Tony Lio how many parking spaces are currently there and how many are existing

Brian Drost stated that currently they have two parking spaces and need 8.

Arlene Patire asked if the first floor was ever commercial

Gary Zalarick
258 Palisade Avenue, Garfield
Sworn in by Beth Calderone

- He owns 35 Belmont Avenue and 31 Belmont Avenue
- It has always been used as a four family

Tony Lio whether it is the new owner and previous owner

Open to the public
Nobody came forward

Lindsay Knight read the variances into the record

Carmin V. Breonte asked who is Frenks Truckless Moving- 38 Belmont Avenue, Garfield. They have an LLC out of the building

Motion to Approve the Application- Paul Houlis

Second- Tony Lio

Tony Lio- Aye

Sal Lamendola- Aye

Paul Houlis – Aye

John Easom- Aye

Carmin V. Breonte- Aye

Arlene Patire- Aye

Carmin C. Breonte – Aye

Application Approved

400-410 Midland Avenue

Simone Calli- attorney for the applicant

- Here tonight seeking to convert office space to the garden space to one 2-unit dwelling. It notes a disclosure statement is attached, however, there are no 10% or more shareholders of the LP,

Carmin C. Breonte stated that there was a typographical error that the disclosure says there is an attachment that there are 10% or more shareholders in the LP, he would need a motion on how the board feels

Motion to listen to the application- Paul Houlis

Second- John Easom

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Paul Houlis- Aye

John Easom- Aye

Carmin V. Breonte- Aye

Arlene Patire- Aye

Carmin C. Breonte- Aye

Samuel Jakubovic

500 River Avenue Suite 250, Lakewood, NJ

Sworn in by Beth Calderone

- Managing member of the general
- He owns around 36%

Arlene Patire asked how many other owners there are
Samuel Jakobovic stated that there are thirteen (13) others
Simone Calli stated that she has to correct her opening statement, there is someone that has 10% or more of the shareholder which is the gentleman

The board is willing to move forward with the application

Daniel Sehnal
245 Main Street, Chester, NJ
Sworn in by Beth Calderone
Engineer

Board will accept as an engineer

- Site Plan sheet 2 of 2
- This is two lots
- 27,620 SF
- Surrounded by various uses
- Existing two buildings contain 21 residential units
- There is one existing office in 400 Midland Avenue which they are proposing to convert to a residential unit
- There are multiple curb cuts
- There are a total of 30 parking spaces on the site
- Two variances are needed

Arlene Patire stated that on the plan it states John Grevato is the owner and if that is the case she would need to recuse herself

Carmin C. Breonte stated that right now there are too many discrepancies, and he does want it to move forward, if Mrs. Patire recuses herself then there would not be a full board

Simone Calli stated that they can revise the application to show the 10% or more shareholders name, but the survey would not change

Daniel Sehnal stated that the only comment they wanted to address was the refuse

Lindsay Knight stated that Gary Paporozzi on his plan has only 26 parking spaces, they are going to revise that

Carmin C. Breonte stated that they did not approve their calendar for next year but it would probably be either the January or February meeting the latest.

Motion to Adjourn to the January 9, 2023 meeting tentatively- John Easom

Second- Carmin V. Breonte

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Paul Houllis- Aye

John Easom- Aye

Carmin V. Breonte- Aye

Arlene Patire- Aye

Carmin C. Breonte- Aye

Application adjourned to the January 9, 2023

Resolutions:

25 Shaw Street

Motion to Approve Resolution- Carmin V. Breonte

Second- Arlene Patire

Kathy Rozmus- Abstain

Salvatore Lamendola- Aye

John Easom- Abstain

Paul Houlis- Abstain

Carmin V. Breonte- Aye

Arlene Patire- Aye

Carmin C. Breonte- Aye

Resolution Approved