

City of Garfield
Garfield Zoning Board of Adjustment
Regular Meeting, February 13, 2023

In the matter of:
Public Hearings, Public Comment
February 13, 2023

Commencing at 7:30pm

The Garfield Zoning Board of Adjustment:

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

Appearance:

Wilfredo Ortiz, ESQ., Attorney to the Board
Beth Calderone, Certified Court Reporter
Thomas Solfaro, Neglia Engineering

Reported by Jacqueline Anello, Secretary
February 13, 2023 (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 January 9, 2023 Minutes- Paul Houlis
Second- Salvatore Lamendola
Kathy Rozmus- Aye
Salvatore Lamendola- Aye
Francisco Sanchez- Abstain
Paul Houlis- Aye
Tony Lio- Aye
Arlene Patire- Aye
Carmin C. Breonte- Aye
Minutes Approved

Motion to Approve the January 30, 2023 Minutes- Arlene Patire

Second- Tony Lio
Kathy Rozmus- Aye

Salvatore Lamendola- Aye
Francisco Sanchez- Abstain
Paul Houllis- Abstain
Tony Lio- Aye
Arlene Patire- Aye
Carmin C. Breonte Aye
Minutes Approved

561 Harrison Avenue (Osmar Olivo)

Applicant is seeking to convert the existing two-family dwelling to a three-family dwelling

Gary Zalarick

Attorney for the Applicant

- Currently there is a 2 family, and they are looking to convert to a 3 family

John Bryjak

345 Boulevard, Suite 4

Hasbrouck Heights

Architect

Sworn in by Beth Calderone

- He prepared the drawings
- Sheet A1: site plan as well as the zoning data. Shows the existing one-family dwelling, there is an existing frame shed. The new proposed parking shows five (5) parking spaces

Q: Carmin C. Breonte stated that he needs six (6) spaces, not five (5)

A: John Bryjak stated that they are proposing five (5) spaces, but there is also a parking space in the front of the property that is paved.

Q: Thomas Solfaro asked if the parking space will be striped

A: John Bryjak stated that if required they can stripe the parking space

Sheet A2: Basement Floor Plan:

- Converting two (2) existing spaces to the bedrooms, there is an existing bathroom, existing kitchenette, and living room.
- No renovations will be done outside
- There is an existing entrance in the rear with a door and stairs to access the basement apartment

Sheet A3: 1st floor Plan: Unit #2

- Existing stoop, common entrance
- Existing dining room
- Existing kitchen
- Sunroom
- Existing hallway that leads to bathroom, bedroom #2 and master bedroom

Sheet A4: 2nd floor plan, Unit #3

- Hallway
- Existing living room, kitchen, bathroom, bedroom #2, and bedroom #1

Gary Zalarick: Unit #2 and Unit#3 there will be no renovations being made, the only renovations are to Unit #1.

Carmin C. Breonte asked how the existing storage space is accessed

John Bryjak stated that the access door is off the hallway

Tony Lio stated there is a back door existing and the front, is that the 2nd egress
John Bryjak stated that there is only an entrance in the back of the property. There will be egress windows

Carmin C. Breonte- the furthest parking space, how would they maneuver. Tom is there adequate space

Thomas Solfaro stated that there looks like to be ample room to move from there.

Harry Tuvel

629 Ridge Court, Ridgefield, NJ

Sworn in by Beth Calderone

- He believes there is enough space for the car parked in the furthest parking space to get out of the driveway without backing out
- Thomas Solfaro would like a turning template provided upon approval
- Drainage: there is a catch inlet located in the right-side corner of the parking lot and there are two (2) seepage pits for the drainage to go to.
- All comments made can be taken care of in Thomas Solfaro report

Tony Lio asked if 60 watt spotlight is sufficient enough for that lot

Harry Tuvel stated that you do not want to have a situation of over lighting or a glare.

Carmin C. Breonte stated that the people need to walk from the parking lot to the front of the property, so he would like to make sure that there is lighting for that as well

Osmar Olivo

561 Harrison Avenue, Garfield

Sworn in by Beth Calderone

- Owner of the property
- Lives there with his mother
- Rents out one of the apartments
- Intends to live there after renovations
- Willing to comply with Neglia Engineering Letter

Open to the Public

Adach

75 Highland Avenue

Sworn in by Beth Calderone

- His property is in the south corner adjacent to the proposed parking
- Guardrails- is the parking aligned with the guardrails
- Thomas Solfaro stated that in their review letter they asked for clarification and dimensions on the guardrail, needs to be NJDOT compliant
- Would like shielding on the lights so the glare does not go into his property
- Seepage tanks- are they designed for the proposed parking
 - o Tuvel stated that the seepage tanks will take the stormwater and runoff

Nobody else came forward

Thomas Solfaro

Variances

1. Minimum Lot Width
2. Side Setback
3. Parking Variance- they are proposing 5 and have another in the front

Stipulations:

1. Parking space in the front of the property to be striped
2. Comply with Neglia Engineering Report

Motion to Approve application- Arlene Patire- one of the nicer applications she seen, the striping of the 6th space, and

Second- Tony Lio- he likes the application with all stipulations and take into consideration the lighting in the back for the neighbors

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Francisco Sanchez- Aye

Paul Houllis- Aye

Tony Lio- Aye

Arlene Patire- Aye

Carmin C. Breonte- Aye

Application Approved

101-105 Harrison Avenue (Joel Nunez)

Applicant is seeking to convert the existing structure and construct a three-unit residential dwelling

Gary Zalarick

Attorney for the applicant

- R2 zone
- Lots 8 and lot 10
- Convert to a three-family home

Soufiane Elmoussi

9 Skyview Road, Bloomfield, NJ

Sworn in by Beth Calderone

Engineer

- Proposed: related to the parking lot, proposing seven (7) parking spaces with an ADA Parking space
- There are stairs that lead down the grade to access the rear units
- There will be a wraparound retaining wall, as the grade difference gets more/less the retaining wall relates to it.
- Proposing seepage pits with a stonepail around it that will pick up all the drainage and there will be an overflow to the curb
- There will be wheel stops in front of every parking space.
- Refuse will be
- Single light pole to illuminate the parking lot
- C4: Lighting:
 - o Light pole near the rear of the property
- They will comply with all comments in Neglia Engineer letter

Q: Carmin C. Breonte asked if five (5) trash cans will be enough for a three-family for trash and recycling. Driveway will be pitched toward the seepage pit.

A: Soufiane Elmoussi stated that the refuse area can fit around six (6). Yes, they are proposing to pitch the parking lot to the seepage pit.

Thomas Solfaro asked if there was a bulk table on the plans.

Soufiane Elmoussi stated that the bulk table is on the architect plans because there were differences.

Q: Thomas Solfaro asked who the owners were of Lots 8 and Lot 10

A: Gary Zalarick stated that the

Arlenis Dominguez

299 Forest Avenue, Suite Q, Paramus, NJ

Sworn in by Beth Calderone

Architect

- Currently existing is a one-story dwelling
- Proposing to add a story onto the street portion of the building, so it would be two story in the front and three in the back
- D100- demolition plans (existing)
 - o 1st floor- existing three bedrooms
 - o Partial below- two bedroom
- A100: Proposed
 - o Partial ground floor- two bedroom what exists, reconfigured the layout. Keeping the utility room
 - o 1st floor- three-bedroom, kitchen, bathroom
 - o New story- three-bedroom, bathroom and kitchen
 - o Adding a side stairwell that will be fire rated.
- Front elevation will be all brick

Gary Zalarick stated that the zoning chart was removed from the architect and engineer

Variances:

1. 10,00 SF per dwelling unit
2. Lot Width
3. Front setback
4. Side setback
5. No front yard parking

Arlenis Dominguez stated that right now there is a five-foot bumper for the ADA spot, but they can put a five-foot space and then the bumper

Salvatore Lamendola asked the size of the rooms

Arlenis Dominguez- smallest width is 8.5 feet in length.

Carmin C. Breonte what they will be doing where. Northern side of the building is on the property line. What are the intentions on the overhang of the roof

Arlenis Dominguez- base is masonry and then siding. They will be putting new brick and removing the old brick. There will be lap siding as well. There is a small eave of about 0.3 feet, it may encroach a little. They can modify the roof type to make it a flat roof.

Carmin C. Breonte stated that we cannot go changing the drawings because then we would need to see the change.

Roll call
Kathy- here
Sal- here
Francisco sanchez

Carmin C. Breonte stated that if they took the overhang completely off and put the gutter on the actual building.

Arlenis Dominguez stated they would encroach on the easement. They would have to put the internal gutter.

Carmin C. Breonte stated that they will go with the interal gutter and to ensure that it does not encroach on the easement

Joel Nunez
Sworn in by Beth Calderone
Applicant

- Owner of both lots
- He will comply with the 2/8/2023
- If the board looks favorably upon the application this will be a merge of both lots

Salvatore Lamendola asked if he will reside at the property
Joel Nunez stated that his grandmother will reside there.

Thomas Solfaro
Variances

1. Minimum Lot Area
2. Miminum Lot Width
3. Side yard setback
4. Parking within 5 feet is eliminated

Open to the Public
Nobody came forward

Wilfredo Ortiz
Comply with neglia report
Roof towards drainage pit
Install the interal gutter on the East side

Motion to approve- Tony Lio- as long as they comply with Neglia report, and the internal gutter
Second- Paul Houlis- he agrees with Mr. Lio it will improve the area

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Francisco Sanchez- Aye

Paul Houlis- aye

Tony Lio- aye

Arlene Patire- aye- she thinks it is a great thing

Carmin C breonte- aye

Application Approved

Arlene Patire stated that she is going to dismiss herself and Alban Gaba is going to be sitting in for her.

5-minute recess

400-410 Midland Avenue (Midland Gardens, LP)

Applicant is seeking to convert a commercial unit in 400 Midland Avenue into a residential unit

Larry Calli

Attorney for the Applicant

- Multi-family garden apartments
- 12 units permitted under the code, they are at 14
- Right now it is an office
- Property owner is trying to clean up the property and convert the office back to a residential unit
- Bulk variance for parking

Tom Trotto

Dynamic Engineer

245 Main Street, Chest, NJ

Sworn in by Beth Calderone

Board will accept him as an engineer

- Sheet 2 of 2: dated June 12, 2022 revised November 15, 2022
- 400 & 410 Midland Avenue
- Surrounded by commercial and residential uses
- Located in a RTH Zone
- 21 units and 1 office space
- Proposed use will be residential/garden apartments
- 2 existing residential buildings
- Total of 29 parking spaces, some do encroach on the right of way
- There are three curbcuts
- Both buildings are going to remain with no exterior changes
- The only change is going to be converting the office space to a residential unit going from 21 units to 22 units
- Parking is increased from 49 to 50 spaces
- One variance is parking
- One for lot area per dwelling unit
- One for maximum density

Carmin C. Breonte stated that the City of Garfield within the last four (4) months that if they have six or more units on a property they cannot apply for an off street parking permit.

Larry Calli stated that he does not believe it is a consequence to this application

Thomas Solfaro stated regarding the testimony, there are 29 parking spaces, how many are being taken out of the city right of way. Dumpster on site?

Tom Trotto stated that three (3) spaces are being taken away. But with the reconfiguration of the parking lot there will be 28 parking spaces with one (1) ADA Parking Space. There is a current agreement with the adjacent lot with an easement for the driveway to share the dumpsters.

Carmin C. Breonte stated that they would like to see the dumpsters on the drawings if the board looks favorably upon the application, also the agreement.

Karen Luongo

Sworn in by Beth Calderone

Architect
Board will accept her as a professional

Larry Calli is marking the photos that were passed out as Exhibit A1

Karen Luongo

- Drawing A1 6/29/2022: existing lower-level floor plan.
- There will be no exterior building changes
- It was a law office and has been vacant for nearly three (3) years
- Page 3 shows the condition of the bathroom
- Proposed: strip all existing finishes
- 13' x11' bedroom
- Put the bathroom in the center
- Kitchen where the bathroom currently is
- Demo the walls where the office and waiting room was and make it an open
- 9.6' x 12.6' bedroom will be where the other office is

Tony Lio asked why it has been vacant for so long

John Taikina
30 Newman Road
Kendall Park (South Brunswick), NJ
Sworn in by Beth Calderone
Planner

Board will accept him as a professional

- They are requiring a D variance
- Improving the parking situation for an ADA space
- 28 parking spaces after restriping

Open to the public
Nobody came forward

Thomas Solfaro

Variances:

1. Density
2. SF per dwelling unit
3. Parking: 50 required 28 proposed

Motion to approve- tony lio

Second- sal

Kathy- aye

Sal- aye

Francisco- aye

Paul- aye

Tony- aye

Alban- aye

Carmin c. breonte- aye

Application Approved

170 Division Avenue (Zahid Hossain c/o 170 Division LLC)

Applicant is seeking to convert the existing 1-family residential dwelling to a 2-family residential dwelling

Gary Zalarick

Attorney for the applicant

- R2 zone
- Currently there is a 1-family there and they are seeking to convert it to a 2-family dwelling
- What is existing will stay, the building the way it is designed is the way it will stay
- His client bought the property and were told they could only use it as a 1-family

Robert Young Lee

263 Broad Avenue, Palisade Park, NJ

Sworn in by Beth Calderone

Board will accept him as a licensed architect

- When he visited the site it was designed as a two-family
- A-100 dated 9/18/2022: currently sitting as a two-story brick residential building.
- There was an entrance on the ground level
- When he visited the site it was configured as a two-family
- A101:
 - o Shows the existing floor 1 and proposed floor 1 and existing floor 2 and proposed floor 2. The reason they put that is because they are going to make it a 2-family dwelling.
 - o There will be no changes made at all
- Parking: 3 required, 2 are proposed. Currently the two spots are located in the garage. They can fit one more parking spot to the right side of the driveway right before entering the garage door

Tony Lio asked if there was a basement

Robert Young Lee said there is no basement

Alban Gaba asked what the height of the existing garage is

Robert Young Lee stated that it is approximately 14-15 feet to the peak

Carmin C. Breonte asked if there is a door above the garage door

Gary Zalarick stated that he will have the applicant testify to that.

Thomas Solfaro the potential third parking space, is it being utilized right now. Does there need to be any protection

Robert Young Lee stated he has not seen anyone parking there right now. Next door is the same configuration and there are cars parking along the side of the driveway. They can put some sort of protection to prevent the headlights going onto the neighbor property. There is a dividing wall that is there that is about 2-3 feet high.

Alban Gaba stated that it looks like they are showing 4 parking spaces on existing plan.

Salvatore Lamendola asked if that is considered stacked parking. What type of heat? Where is that?

Robert Young Lee stated it is not stacked parking. The hot water tank is on the 1st floor

Thomas Solfaro stated that it would be parallel to the driveway would be the 3rd parking space, would it remain as gravel

Robert Young Lee stated that is correct

Houssain Zahid

Applicant

Sworn in by Beth Calderone

Managing member of 170 Division LLC

- Purchased this property 1 year ago
- Told by building department they can only use it as 1-family
- His intentions are to convert it to a 2-family
- He agrees they can put the third parking spot along the side of the driveway
- There is a 2-car garage with pull-down stairs to put storage, he understands it cannot be livable space
- Currently there is a tenant on the 2nd floor, the 1st floor is vacant

Alban Gaba asked if the applicant can show where the 3rd parking space will be

Carmin C. Breonte asked if they will do any work on the exterior of the building. Height of ceiling on first floor

Houssain Zahid stated that the ceiling is 8 foot on the 1st floor

Gary ZALARICK

Variances

1. Front yard setback
2. Side yard setback
3. Parking
4. Minimum sf per dwelling unit

Thomas Solfaro

1. Front setback
2. Side setback
3. Parking is eliminated
4. Minimum SF per dwelling unit

Carmin C. Breonte stated that the wall that borders the neighboring property.

Gary Zalarick stated that he will make any repairs to the wall as required.

Open to the public

Nobody came forward

Motion to Approve- Francisco Sanchez - it was a 2 family

Second- Alban Gaba with all changes that will happen. Show the 3rd parking space,

Kathy Rozmus- aye

Salvatore Lamendola- aye

Francisco Sanchez- aye

Paul Houllis- aye

Tony Lio- aye

Alban Gbaa- aye

Carmin C. Breonte - aye

Application Approved

Resolution:

163 Belmond Avenue (Lily Extracts LLC)

Applicant granted permission to convert the interior of an existing warehouse structure into a Class 2 Cannabis Manufacturing Microbusiness

Motion to approve- tony

Second- Kathy

Kathy- aye

Sal- aye

Francisco-

Tony-

Alban- aye

Motion to adjourn meeting- Alban Gaba

Second- Carmin C. Breonte