

**PLANNING BOARD, CITY OF GARFIELD**  
**MINUTES OF THE REGULAR MEETING**  
**Conducted on February 23, 2023**

The Regular Meeting was called to order by Chairwoman Visotcky at 7:10 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  
James Clark  
Michael Garcia  
Costantino Conte, 1<sup>st</sup> Alternate  
Caty Polanco, 2<sup>nd</sup> Alternate

Absent:

Dan Golabek

Others present were:

Alyssa A. Cimino, Esq., Attorney/Secretary of the Planning Board  
Eileen Boland, Planning Board Engineer  
Lyndsay Knight, Planning Board Planner  
Susan Bischoff, Certified Court Reporter

(Flag Salute)

SUNSHINE LAW: Read by Chairwoman Lou Ann Visotcky  
PUBLIC LAW 1975 CHAPTER 231 "OPEN PUBLIC MEETING ACT" PUBLIC  
HEARING: December 22, 2022 Council Chambers, City Hall Commencing at 7:00 p.m.

The Chairwoman asked for a motion to approve the Regular meeting minutes from the meeting held on January 26, 2023.

**Motion to approve the Minutes of the Meeting held on January 26, 2023.**

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  
James Clark – Aye  
Michael Garcia - Abstain  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye  
**Motion Approved.**

The Chairwoman asked if there were any bills or correspondence.

Ms. Cimino stated that there were no bills or correspondence.

### **Resolutions**

- a. Resolution memorializing approval of application for Amended Preliminary and Final Site Plan Approval and Minor Subdivision Approval regarding Block 50.01, Lot 1, commonly known as 290 River Drive, Garfield (Kalama Site).

### **Motion to memorialize Resolution PB-01-2023 approval of application for Amended Preliminary and Final Site Plan Approval and Minor Subdivision Approval (290 River Dr.).**

Moved: Mayor Richard Rigoglioso  
Second: Caty Polanco, 2<sup>nd</sup> Alternate

Mayor Richard Rigoglioso - Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky – Aye  
Vice Chairman Michael Wisnovsky - Aye  
James Clark – Aye  
Michael Garcia - Abstain  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye  
**Motion Approved.**

- b. Resolution memorializing approval of the Redevelopment Plan prepared by Francis Reiner of DMR Architects entitled 94-104 Passaic Street & 43-45 Spencer Place Redevelopment Plan dated November, 2022 for property 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, more commonly known as 94, 100 & 104 Passaic Street and 43 & 45 Spencer Place, Garfield.

### **Motion to memorialize Resolution PB-02-2023 approval of Redevelopment Plan (94, 100 & 104 Passaic and 43 & 45 Spencer Pl.).**

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  
James Clark – Aye  
Michael Garcia - Abstain  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye  
**Motion Approved.**

- c. Resolution memorializing approval of application for a Change of Use Permit regarding Block 57, Lot 41, commonly known as 115 Lincoln Place, Garfield.

**Motion to memorialize Resolution PB-03-2023 approval of application for Change of Use Permit (115 Lincoln Pl.).**

Moved: Vice Chairman Michael Wisnovsky  
Second: James Clark

Mayor Richard Rigoglioso - Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky – Aye  
Vice Chairman Michael Wisnovsky - Aye  
James Clark – Aye  
Michael Garcia - Abstain  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye  
**Motion Approved.**

**New Business**

1. Hearing on application for Conditional Use Approval regarding Block 203.01, Lot 50.01 as shown on the Official Tax Map of the City of Garfield, more commonly known as 141 Lanza Avenue, Garfield. Dean Stamos, Esq. appeared on behalf of the applicant.

Michael Terranova, co-owner – sworn. Mr. Terranova testified that he has received approval from the State of New Jersey for a Class 2 Cannabis Manufacturer license. This location will only be used for manufacturing. They will be processing the raw plant materials into various forms for wholesalers, distributors, back to the cultivators or to dispensaries. The machinery used does not produce any odor or noise. There will be a maximum of 5 employees on the site. The NJ Cannabis Regulatory Commission (“NJ-CRC”) has outlined stringent security requirements. The doors will have key fob entry, cameras with motion detection, guard service, motion detectors on the roof and a safe in the warehouse to store the inventory.

The Chairwoman asked how the machine works.

Mr. Terranova testified that the machine consists of two large pressurized tanks. The raw plant material goes into one tank and butane is added. The machine uses pressure to heat the mixture to 105-110 degrees. The useable material is put into the second tank.

Mayor Rigoglioso asked how long the process takes.

Mr. Terranova testified that it takes about 3 hours per run. The machine can process about 10 lbs. at a time. The business is considered a micro-business and is restricted to produce approximately 1,000 lbs. of useable cannabis per month. The machine would run 3 times a day which will produce approximately 900- 950 lbs. per month.

The Chairwoman asked how the chemical solvents would be disposed.

Mr. Terranova testified that the butane is re-used for as long as the business is in operation.

Mr. Garcia asked what the raw plant material is delivered in.

Mr. Terranova testified that it typically is delivered in sealed tote bags. The State uses a system called "Metrc". Each chain of custody from the cultivator to the manufacturer is logged and bar coded. It is tested when the manufacturer receives the material. Once it is manufactured it is tested again. After it gets sealed into the final packaging, it is tested again and entered into Metrc and then gets shipped to the client.

Mayor Rigoglioso asked if the delivery trucks have any markings to show that it is transporting cannabis materials.

Mr. Terranova testified that there will not be any markings on the trucks.

Ms. Boland asked if there is any solid waste going into the dumpsters that could be a danger to the public.

Mr. Terranova testified that the State has procedures for the disposal of useable waste. Any plant matter left in the machine needs to be rendered unusable and picked up by a State agency. In some cases it can be recycled into pellets for animal food.

Emmanuel Kaurakis, Architect – sworn. The site is a multi-tenant building. The construction is Class 1 construction which is basically all non-combustible material. The building consists of structural steel columns and roof joists and concrete block walls. There is a full sprinkler system and a fire alarm system throughout the entire building. The processing room has additional fire alarms and fire detection. There is an interior loading dock for shipping and receiving.

Ms. Knight asked about the parking for employees.

Mr. Terranova testified that there are two assigned spaces for the owners and approximately 40-50 spaces shared with the other tenants.

**Motion to open the meeting to the public.**

Moved: Councilman Romi Herrera  
Second: Caty Polanco, 2<sup>nd</sup> Alternate

Mayor Richard Rigoglioso - Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky – Aye  
Vice Chairman Michael Wisnovsky - Aye  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye  
**Motion Approved.**

The Chairwoman asked if anyone from the public wanted to come forward regarding this application.

Helena Szczech from the public is concerned about the distance from the school and the drug free zone.

Mr. Stamos stated that the applicant is in compliance with the ordinance regarding the distance from a school. In addition, there will be no retail sales and there is a high level of security in place.

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: Costantino Conte, 1<sup>st</sup> Alternate

Mayor Richard Rigoglioso - Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky – Aye  
Vice Chairman Michael Wisnovsky - Aye  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye  
**Motion Approved.**

The Chairwoman asked for a motion to approve the application for Conditional Use Approval for 141 Lanza Avenue.

**Motion to approve application for Conditional Use Approval (141 Lanza Ave.)**

Moved: James Clark  
Second: Michael Garcia

Mayor Richard Rigoglioso – Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky - Aye  
Vice Chairman, Michael Wisnovsky – Aye  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate - Aye  
Caty Polanco, 2<sup>nd</sup> Alternate – Aye  
**Motion Approved.**

2. Hearing on Resolution R-64-23 of the Garfield City Council to examine whether the properties located at 32 & 46 Passaic Street, also known as Block 10, Lots 1 & 3 and 19, 21, 25 & 31 Passaic Street, 45 Cambridge Avenue and 12, 16 & 20 Bloomingdale Avenue, also known as Block 26, Lots 1, 3, 5, 6, 8, 9, 12 & 14 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.

The Chairwoman asked for a motion to approve this resolution.

**Motion to approve City Council Resolution R-64-23 (32 & 46 Passaic St., 25 & 31 Passaic St., 45 Cambridge Ave. & 12, 16 & 20 Bloomingdale Ave.)**

Moved: Vice Chairman Michael Wisnovsky  
Second: Councilman Romi Herrera

Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky - Aye  
Vice Chairman, Michael Wisnovsky – Aye  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate - Aye  
Caty Polanco, 2<sup>nd</sup> Alternate – Aye  
**Motion Approved.**

3. Hearing on whether to adopt the City of Garfield Housing Element and Fair Share Plan prepared by Joseph Burgis, P.P., AICP of Burgis Associates, Inc. January, 2023.

Allison Fahey, Project Planner – sworn. According to the Municipal Land Use Law, every municipality is required to provide its fair share of affordable housing. There are three basic components for a fair share obligation for affordable housing. However, because Garfield is an urban aid community, it is only required to fulfill the Rehabilitation Obligation. The Rehabilitation Obligation for the City of Garfield is 96 units. The City of Garfield has its own Housing Authority. According to the head of the Housing Authority, the City has fulfilled its obligation with 104 units.

Mayor Rigoglioso asked if the City meets all the requirements for one, two or three bedroom units.

Ms. Fahey testified that the Fair Share Plan does not specify a breakdown of bedroom requirements.

Mr. Clark asked if the City's obligation will change.

Ms. Fahey testified that the state of affordable housing as we know it in 2025 is kind of up in the air. The third round requirements for all municipalities ends in 2025.

**Motion to open the meeting to the public.**

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  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye  
**Motion Approved.**

The Chairwoman asked if anyone from the public wanted to come forward regarding the Fair Share Plan.

Gerald Walis, 77 Hartman Ave., Garfield. If the City didn't meet its obligation, as buildings are being constructed in the city, would the developers have to provide a certain number of units.

Ms Fahey testified that is not the case. This is a rehabilitation obligation, not new construction.

Mr. Walis asked if there is a cost for someone to be affordable housing.

Ms. Fahey testified that there are thresholds in the Plan. It is basically one person per household.

The Chairwoman asked if anyone else from the public wanted to come forward.

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: Costantino Conte, 1<sup>st</sup> Alternate

Mayor Richard Rigoglioso - Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky – Aye  
Vice Chairman Michael Wisnovsky - Aye  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye  
**Motion Approved.**

The Chairwoman asked for a motion to adopt the Housing Element and Fair Share Plan.

**Motion to adopt the Housing Element and Fair Share Plan.**

Moved: Mayor Richard Rigoglioso  
Second: Caty Polanco, 2<sup>nd</sup> Alternate

Mayor Richard Rigoglioso – Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky - Aye  
Vice Chairman, Michael Wisnovsky – Aye  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate - Aye  
Caty Polanco, 2<sup>nd</sup> Alternate – Aye  
**Motion Approved.**

4. Hearing on Ordinance #2979 repealing and replacing Part II, General Legislation, Chapter 341, Zoning, Article XVII, Telecommunications Facilities, Subsection 341-68, Telecommunications Facilities in the public right-of-way of the revised general ordinances of the City of Garfield.

The Chairwoman asked if any Board members had any comments. No members had any comments.

**Motion to adopt Ordinance #2979 (Telecommunications Facilities).**

Moved: Mayor Richard Rigoglioso  
Second: Costantino Conte, 1<sup>st</sup> Alternate

Mayor Richard Rigoglioso – Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky - Aye  
Vice Chairman, Michael Wisnovsky – Aye  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate - Aye  
Caty Polanco, 2<sup>nd</sup> Alternate – Aye  
**Motion Approved.**

5. Hearing on Ordinance #2987, First Reading, of the Garfield City Council adopting a Redevelopment Plan for the property known as 337 & 351 Midland Avenue, also known as Block 88.01, Lots 1 & 9, pursuant to N.J.S.A. 40A:12A-1 et seq.

**Motion to approve City Council Ordinance #2987 (337 & 351 Midland Ave.)**

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  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate - Aye  
Caty Polanco, 2<sup>nd</sup> Alternate – Aye  
**Motion Approved.**

6. Hearing on whether to adopt the Redevelopment Plan prepared by Francis Reiner of DMR Architects entitled 337 & 351 Midland Avenue Redevelopment Plan dated February, 2023 for property known as Block 88.01, Lots 1 & 9 as shown on the Official Tax Map of the City of Garfield, more commonly known as 337 & 351 Midland Avenue, Garfield.

The Chairwoman asked for a motion to accept the Redevelopment Plan for 337 & 351 Midland Avenue.

**Motion to approve Redevelopment Plan (337 & 351 Midland Ave.)**

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  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate - Aye  
Caty Polanco, 2<sup>nd</sup> Alternate – Aye  
**Motion Approved.**

**Motion to open the meeting to the public.**

Moved: Councilman Romi Herrera  
Second: Caty Polanco, 2<sup>nd</sup> Alternate

Mayor Richard Rigoglioso - Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky – Aye  
Vice Chairman Michael Wisnovsky - Aye  
James Clark – Aye  
Michael Garcia - Aye  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye  
**Motion Approved.**

The Chairwoman asked if anyone from the public wanted to come forward.

Gerald Walis, 77 Hartman Ave., Garfield. Keep in mind that the fire department needs accessibility to these buildings. The taller buildings are only accessible by aerial ladders.

The Chairwoman asked for a motion to close the meeting.

**Motion to close meeting.**

Moved: James Clark  
Second: Councilman Romi Herrera

Mayor Richard Rigoglioso - Aye  
Councilman Romi Herrera - Aye  
Chairwoman, Lou Ann Visotcky – Aye  
Vice Chairman, Michael Wisnovsky - Aye  
James Clark - Aye  
Michael Garcia – Aye  
Costantino Conte, 1<sup>st</sup> Alternate – Aye  
Caty Polanco, 2<sup>nd</sup> Alternate - Aye

**Motion Approved.**

Respectfully submitted,

Alyssa A. Cimino  
Planning Board Secretary

Approved at the meeting on March 23, 2023.

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ALYSSA A. CIMINO  
Planning Board Secretary