

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a special meeting on August 16th, 2016 in the Council Chambers, City Hall, 330 Passaic Street at 7:30 p.m. and opened the meeting at 7:50 p.m. by requesting a roll call. The invocation was given and all recited pledge of allegiance.

ROLL CALL:

		PRESENT	ABSENT
Menachem Bazian	Chairman	√	
Deiby Martinez	Vice Chairman	√	
Yaacov Brisman		√	
William Diaz		√	
Harold T. Hess			√
Vanessa Meghnagi			√
David M. Blumenthal		√	
Heidi Diaz	Alt # 1		√
Moshe Stareshesky	Alt # 2	√	

ALSO PRESENT: Julio Santana, Zoning Officer
 Douglas Kinz, Esq., Board Attorney
 Mark E. Everett, P.P., AICP, Board Planner

MINUTES:

1. Minutes of **August 2nd, 2016** were brought before the Board for Approval. A motion was made by Vice Chairman Martinez, seconded by Commissioner Blumenthal, to approve Minutes of August 2nd, 2016, on a roll call vote, all in favor the motion passed.

ESCROW CLOSEOUTS

NONE

APPLICATIONS:

1. Docket #ZB16-12, 228 Monroe Street, Block 4092 Lots 35 in the R-3 Zone, applicant MJ Real Estate from REC Monroe LLC is requesting an extension to the approvals granted by Resolution on March 25, 2014 to construct a mixed-use residential/commercial building containing a sub-dividable commercial unit on the first floor and five dwelling units above for One (1) additional year. ***First Appearance.***

Item #2 of the agenda was read in the record. Alan J. Mariconda, Esq. Attorney for the applicant was present at the hearing.

A motion to approve the request for an extension, was made by Commissioner Brisman, seconded by Commissioner W. Diaz, on a roll call vote, all in favor the motion passed.

2. Docket #ZB16-10, 199 Madison Street. Block #4128 , Lot(s) #5, 7, 10 & 17 in the C-R Zone District, applicant Little Achievers Academic Child Care LLC., is seeking preliminary & final site plan approval & D-3 conditional use variance to conduct a day care center on a portion of the first floor. This application will also require variances for left side yard setback along with any other variances, exceptions, or waivers that may be required. ***First Appearance.***

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Item #1 of the agenda was read in the record. Thomas De Vita, Esq. Attorney for the applicant was present at the hearing.

Mr. DeVita presented the application to the Board.

Katherine Rosario, of 245 Passaic Avenue, Passaic was sworn into the record.

They will be serving 58 children, with Certified Teachers and Teacher Assistants. Hours of operation will be Mon-Fri 8:00am-7pm. Staggered arrival time from 7am-9am. Drop-off & pick-up will be done in the parking lot of the property.

Parents will have access to children via camera during operating hours.

Board Planner M. Everett asked about the fenced in area by the playground, will it be closed off to other parking lot.

Commissioner Brisman had a question about parking spaces affecting other tenants.

Board Attorney D. Kinz asked if parking was guaranteed on the Lease.

Commissioner Stareshesky asked about the camera system.

Board Attorney D. Kinz asked how long ago State Inspection was done.

Exhibit A-1 Courtesy Life Safety Checklist was marked and brought into evidence for Board Attorney's revision.

Chairman Bazian asked if site has been inspected for contamination.

Mr. DeVita requested hearing to be adjourned to October 13th, 2016.

Before next hearing date, Board Attorney D. Kinz requested a copy of the Lease Agreement and Response Action Outcome as per LSRP.

A motion to adjourn hearing to October 13th, was made by Commissioner Blumenthal, seconded by Commissioner W. Diaz, on a roll call vote, all in favor the motion passed.

3. Docket #ZB16-08, 169 Lexington Avenue, Block#4110 Lot#1, in the O-R Zone, applicant Whairhouse Limited LLC is requesting preliminary & final site plan approval and D(5) variance to convert an existing vacant social club and one (1) apartment unit to a seven (7) multifamily residence consisting of five (5) three-bedroom units and two (2) two-bedroom units. This application will also need a Parking Variance along any other variances that may be required. *Adjourned from August 2nd, (First Appearance)*

Item #3 of the agenda was read in the record. Alan J. Mariconda, Esq. Attorney for the applicant was present at the hearing.

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Mr. Mariconda requested hearing to be adjourned to October 13th, 2016.

A motion to adjourn hearing to October 13th, was made by Commissioner Stareshesky, seconded by Commissioner Blumenthal, on a roll call vote, all in favor the motion passed.

4. Docket #ZB16-11, 425 Van Houten Avenue, Block 3279, Lot 9 in the C-R Zone District, applicant Garden State Realty & Investments is requesting preliminary & final site plan approval for an addition to an existing residential building at this property. The existing building consists of a restaurant/bar on the 1st floor and one (1) residential unit on the 2nd floor. The proposed addition is of three (3) more residential units on the 2nd floor and an additional commercial unit on the 1st floor. This application will require variance for minimum lot area, minimum lot depth, minimum front yard, minimum side yard, and/or maximum lot coverage, maximum density, and minimum open space along with any other variances, exceptions, or waivers that may be required. ***Adjourned from August 2nd, (First Appearance)***

Item #4 read into the record. Bennett Wasserstrum, Attorney for the applicant was present at the hearing.

Osvaldo Martinez of 66 Limo Avenue, Hoboken, NJ Licensed Architect was sworn into the record and was qualified by the Board. Mr. Martinez continued with his testimony.

He described the existing building and structure.

Exhibit A-1 – Site Plan-2 pages was marked and brought into evidence.

Exhibit A-2 – Drawing of building from Van Houten Avenue angle was marked and brought into evidence.

Exhibit A-3 – Drawing addition to the building from Van Houten Avenue angle was marked and brought into evidence.

Exhibit A-4 – Aerial View Drawing of the building from Howe & Van Houten Avenue was marked and brought into evidence.

Mr. Martinez addressed comments provided on the Board Planner's report on LED lighting on the property.

Board Attorney D. Kinz had questions on the parking.

Board Planner M. Everett questioned on the leasing of the apartments to employees or will it be out-sourced.

Frank D. Mileto, of Long Valley, NJ was sworn into the record and was qualified by the Board. Mr. Mileto continued with his testimony and described the surrounding area from the Planning perspective.

Board Attorney D. Kinz asked about the parking deficit being created by the proposed plan.

Commissioner Brisman asked about the utilization of the grassy open space.

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Board Planner M. Everett asked about the advantage of having a larger lot in regards to parking for the purposes of this proposed plan.

Commissioner Stareshesky asked if they considered making addition smaller to accommodate parking.

Chairman Bazian opened the public portion of the hearing.

A motion to close the public portion, was made by Commissioner Stareshesky, seconded by Commissioner W.Diaz, on a roll call vote, all in favor the motion passed.

A motion to approve application with conditions that the façade of the new building is conforming with the existing building and that there be no expansion of the bar, was made by Commissioner Brisman, seconded by Commissioner Diaz, on a roll call vote, all in favor the motion passed.

RESOLUTIONS:

1. Resolution approving application of Docket # ZB15-13, 25-29 Sherman Street. Block 4069, Lot 14 & 16 in the R-3 Zone District, Applicant Iglesia Pentecostal Smirna, is requesting preliminary & final site plan approval and D-3 use variance to demolish a home adjacent to existing church to be used for parking. The application will also require variances for parking, existing lot size, lot area, lot coverage, and front and side yard setbacks.

Conditions of the Board: no rental of parking spaces, no non-church related activities in the lot, yellow stripping of k-turns in the parking lot, installation of tire stops and on-site curbing per recommendation of City Engineer, no net increase of surface run-off.

A motion was made by Commissioner Stareshesky, seconded by Commissioner Blumenthal to approve the Resolution, on a roll call vote, all in favor the motion passed.

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned at approximately 9:24 p.m.



Miriam R. Perez
Board of Adjustment Secretary
Municipal Land Use Law

VOTING ON ACTIONS:

1. ACTION: Motion to Approve Minutes of August 2nd, 2016

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present					
William Diaz		Present					
Harold T. Hess		Absent					
Vanessa Meghnagi		Absent					
David M. Blumenthal		Present		√	√		
Heidi Diaz	Alt # 1	Absent					
Moshe Stareshesky	Alt # 2	Present			√		
Deiby Martinez	Vice Chairman	Present	√		√		
Menachem Bazian	Chairman	Present					
Vacant	Alt # 3	-----					
Vacant	Alt # 4	-----					

2. ACTION: Motion to approve extension request of 228 Monroe Street

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present	√		√		
William Diaz		Present		√	√		
Harold T. Hess		Absent					
Vanessa Meghnagi		Absent					
David M. Blumenthal		Present			√		
Heidi Diaz	Alt # 1	Absent					
Moshe Stareshesky	Alt # 2	Present			√		
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		
Vacant	Alt # 3	-----					
Vacant	Alt # 4	-----					

3. ACTION: Motion to adjourn hearing of 169 Lexington Avenue to October 13th, 2016

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present			√		
William Diaz		Present		√	√		
Harold T. Hess		Absent					
Vanessa Meghnagi		Absent					
David M. Blumenthal		Present	√		√		
Heidi Diaz	Alt # 1	Absent					
Moshe Stareshesky	Alt # 2	Present			√		
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		
Vacant	Alt # 3	-----					
Vacant	Alt # 4	-----					

4. ACTION: Motion to adjourn hearing of 199 Madison Street to October 13th, 2016

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present			√		
William Diaz		Present		√	√		
Harold T. Hess		Absent					
Vanessa Meghnagi		Absent					
David M. Blumenthal		Present			√		
Heidi Diaz	Alt # 1	Absent					
Moshe Stareshesky	Alt # 2	Present	√		√		
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		
Vacant	Alt # 3	-----					
Vacant	Alt # 4	-----					

5. ACTION: Motion to close public portion of 425 Van Houten Avenue hearing

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present			√		
William Diaz		Present		√	√		
Harold T. Hess		Absent					
Vanessa Meghnagi		Absent					
David M. Blumenthal		Present			√		
Heidi Diaz	Alt # 1	Absent					
Moshe Stareshesky	Alt # 2	Present	√		√		
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		
Vacant	Alt # 3	-----					
Vacant	Alt # 4	-----					

6. ACTION: Motion to approve application of 425 Van Houten Avenue with Conditions

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present	√		√		
William Diaz		Present		√	√		
Harold T. Hess		Absent					
Vanessa Meghnagi		Absent					
David M. Blumenthal		Present			√		
Heidi Diaz	Alt # 1	Absent					
Moshe Stareshesky	Alt # 2	Present			√		
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		
Vacant	Alt # 3	-----					
Vacant	Alt # 4	-----					

7. ACTION: Motion to approve Resolution for application of 25-29 Sherman Street

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present			√		
William Diaz		Present			√		
Harold T. Hess		Absent					
Vanessa Meghnagi		Absent					
David M. Blumenthal		Present		√	√		
Heidi Diaz	Alt # 1	Absent					
Moshe Stareshefsky	Alt # 2	Present	√		√		
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		
Vacant	Alt # 3	-----					
Vacant	Alt # 4	-----					

8. ACTION: Motion to adjourn Meeting.

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present			√		
William Diaz		Present			√		
Harold T. Hess		Absent					
Vanessa Meghnagi		Absent					
David M. Blumenthal		Present		√	√		
Heidi Diaz	Alt # 1	Absent					
Moshe Stareshefsky	Alt # 2	Present	√		√		
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		
Vacant	Alt # 3	-----					
Vacant	Alt # 4	-----					