

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a special meeting on July 19th, 2016 in the Senior Center, City Hall, 330 Passaic Street at 7:30 p.m. and opened the meeting at 7:35 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 Stareshfsky	Alt # 2	√	

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

Vice Chairman Deiby Martinez arrived at 7:41pm.

Harold Hess arrived at 7:45pm.

REORGANIZATION - Six (6) month appointments due to the City of Passaic's change from Fiscal Year to Calendar Year.

Election of Officers

Board Chairman: A motion was made by Commissioner Brisman to nominate Commissioner Bazian, seconded by Commissioner Blumenthal; there being no other nominations, on a roll call vote, all in favor, the motion carried.

Vice-Chairman: A motion was made by Commissioner H. Diaz to nominate Commissioner Martinez, seconded by Commissioner Blumenthal; there being no other nominations, on a roll call vote, all in favor, the motion carried.

Secretary: A motion was made by Commissioner Brisman to nominate Commissioner Blumenthal, seconded by Chairman Bazian; there being no other nominations, on a roll call vote, all in favor, the motion carried.

Recording Secretary: A motion was made by Commissioner Brisman to keep Miriam R. Perez as the Board Secretary, seconded by Commissioner Stareshfsky; there being no other nominations, on a roll call vote, all in favor, the motion carried.

Attorney: A motion was made by Vice Chairman Martinez to appoint Douglas Kinz, Esq as the Board Attorney, seconded by Commissioner Brisman; there being no other nominations, on a roll call vote, all in favor, the motion carried.

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Board Planner: A motion was made by Vice Chairman Martinez to continue with Remington & Vernick Engineers as the Board Planner, seconded by Commissioner Blumenthal; there being no other nominations, on a roll call vote, all in favor, the motion carried.

Newspaper: A motion was made by Commissioner Hess, seconded by Commissioner Meghnagi to keep the Herald Newspaper as the official Newspaper for Publication; there being no other nominations, on a roll call vote, all in favor, the motion carried.

BOARD CALENDAR

Revision of Board Calendar previously approved on the June 21st, 2016 meeting, due to conflicts with City Council meetings and City changing to Calendar Year. July 2016-December 2016 Board Calendar was presented for approval.

A motion was made by Vice Chairman Martinez, seconded by Commissioner Hess, to approve Board calendar of July 2016- December 2016 on a roll call vote, all in favor the motion passed.

APPLICATIONS:

1. Docket # ZB13-08, 705-713 River Drive, Block 1326, Lot 1, in the M-2 Zone, applicant River Drive Associates, LLC, is seeking site plan approval, a D-1 use variance, along with variances for front yard, parking, and any other variances that may be required to utilize the property as a junkyard. **Adjourned from May 17th, 2016.**

Item # 1 was read in the record. Charles Sarlo, Esq. Attorney for the applicant was not present at the hearing.

Mr. Sarlo requested to have hearing adjourned to September 13th due to conflicts in scheduling of Professionals for tonight's hearing. Furthermore, he requested to close September 13th to any other applications. Hearing will solely be dedicated to the application of 705-713 River Drive.

A motion was made by Commissioner Blumenthal, seconded by Vice Chairman Martinez to adjourn hearing to September 13th and close hearing to any other applications, on a roll call vote, all in favor the motion passed.

2. Docket #ZB16-03, 81 Market Street, Block#1042 Lot#26, in the CR Zone, applicant Tina Estates LLC is requesting preliminary & final site plan approval and D (5) variance to construct an one (1) retail/office on 1st floor and one (1) additional (2) bedroom residential unit on the 3rd floor of an existing mixed commercial/residential building consisting of one (1) vacant commercial unit on the 1st and three (3) 3-bedroom residential units on the 2nd & 3rd floor, along any other variances that may be required.

First Appearance

Item #2 read into the record. Applicant's attorney Khaled Klele was present at the hearing.

Neil Tanis, Licensed Architect of Clifton, NJ & Frank Mileto, Licensed Planner of Clifton, NJ were sworn into the record.

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Mr. Tanis presented the application to the Board.

Board Attorney D.Kinz had a question about the use of the first floor unit.

Mr. Klele asked Mr. Tanis to testify in regards to the façade of the building and a metal grate that was removed.

Board Attorney D.Kinz asked what type of fire suppression system will be utilized in the building.

Board Planner M.Everett pointed out for the record that the plans included and cited the proposed sprinkler system being installed.

Mr. Mileto testified about the Planning perspective of the application. He referred to the Zoning Officer's report regarding the Parking requirements for the application.

Board Attorney D.Kinz asked that in regards to a D (5) Variance, what other prominent criteria is present to qualify for this variance.

Commissioner Brisman had concerns on the increase in Density.

Board Planner M.Everett had a question regarding the tenant that will occupy the commercial space and will it be occupied by a 24-hour use.

Commissioner H.Diaz had a question about the quantity of the bedrooms. For the record the application is revised to an additional two (2) bedroom. She also had concerns on the egress door in the proposed apartment.

Chairman Bazian opened the public portion of the hearing.

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

A motion was made by Commissioner Brisman, seconded by Commissioner Blumenthal to approve application of 81 Market Street with condition that no 24-hour business is conducted and a Sprinkler System is required on the property, on a roll call vote, all in favor the motion passed.

3. Docket #ZB16-05, 299-303 Oak Street Block 2172.01 Lot 66 in the R-3 Zone District, applicant Gomez Ventures, LLC is requesting preliminary & final site plan approval and D (1) use variance to convert an existing two (2) family dwelling unit into a real estate office on the first floor and a residential unit on the second floor along any other variances that may be required. **First Appearance**

Item #3 read into the record. Applicant's attorney Bennett Wasserstrum was present at the hearing. Mr. Wasserstrum introduced the application the Board.

Frank D. Mileto, Licensed Planner of Long Valley, NJ & Allen Feld, Licensed Architect of Jersey City, NJ were sworn into the record.

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Mr. Feld entered his credentials into the record and gave his testimony describing the property and its structure. He stated the property is currently vacant and will need complete renovations to both floors.

Board Planner M.Everett asked about handicap space designated in the parking lot.

Commissioner Hess asked about the landscaping in the rear yard.

Board Attorney asked about illumination of the parking lot as requested by Board Planner and referenced on his report.

Steve Siklosi, 23 Orchard Street had questions about the parking and removal of trees to increase parking. How are they going to handle drainage?

Board Attorney D.Kinz questioned why a Site Plan was not submitted with the existing & proposed changes in open space.

A motion was made by Commissioner Brisman, seconded by Commissioner Blumenthal to adjourn hearing of 299-303 Oak Street to September 27th, 2016; on a roll call vote, all in favor the motion passed.

MINUTES:

Minutes of **June 21st, 2016** were brought before the Board for Approval. Will be approved at the next meeting.

RESOLUTIONS:

1. Resolution appointing Douglas Kinz as the Board Attorney for the period of July 1, 2016 to December 31, 2016.

A motion was made by Vice Chairman Martinez, seconded by Commissioner Blumenthal, to approve Resolution appointing Douglas Kinz, Esq as the Board Attorney for the period of July 1 to December 21, 2016 on a roll call vote, all in favor, the motion carried.

1. Resolution rejecting application of Docket #ZB16-02, 249 Paulison Avenue. Block 3215, Lot 27 in the OR-1A Zone District, Applicant Satish H and Nayana S Kharawala are requesting preliminary and final site plan approval and D-1, and D2 variance to convert a two family home into a three family home. The application will also require variances for lot area, and side yard setback, and any other variances that may be required.

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

ESCROW CLOSEOUTS

NONE

***CITY OF PASSAIC BOARD OF ADJUSTMENT
MINUTES***

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned at approximately 9:28 p.m.



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

VOTING ON ACTIONS:

1. ACTION: Motion to select Menachem Bazian as Chairman of the Board

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

2. ACTION: Motion to select Deiby Martinez as Vice-Chairman of the Board

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

3. ACTION: Motion to select David Blumenthal as Secretary of the Board

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

4. ACTION: Motion to select Miriam R. Perez as Recording Secretary of the Board

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

5. ACTION: Motion to appoint Douglas Kinz as Board Attorney

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

6. ACTION: Motion to approve Resolution appointing Douglas Kinz as Board Attorney

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

7. ACTION: Motion to continue with Remington & Vernick Engineers as the Board Planners

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

8. ACTION: Motion to continue with Herald & News as Official Newspaper of the Board

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

9. ACTION: Motion to approve revised Board Calendar Jul-Dec 2016

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

10.ACTION: Motion to adjourn hearing of 713-715 River Drive to September 13, 2016

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

11.ACTION: Motion to close public portion of 81 Market Street hearing

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

12.ACTION: Motion to approve 81 Market Street w/conditions

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

Vacant	Alt # 4	-----					
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13.ACTION: Motion to adjourn 299-303 Oak Street hearing to Sept. 27, 2016

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

14.ACTION: Motion to approve Resolution rejecting application of 249 Paulison Avenue

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

15.ACTION: Motion to adjourn Meeting.

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

Vacant	Alt # 3	-----					
Vacant	Alt # 4	-----					