

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a special meeting on September 13th, 2016 in the Council Chambers, City Hall, 330 Passaic Street at 7:30 p.m. and opened the meeting at 7:52 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 16th, 2016** were brought before the Board for Approval. A motion was made by Commissioner Stareshesky, seconded by Commissioner Blumenthal, to approve Minutes of August 16th, 2016, on a roll call vote, all in favor the motion passed.

ESCROW CLOSEOUTS

NONE

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 July 19th, 2016.**

Item #1 of the agenda was read in the record. Charles Sarlo, Esq. Attorney for the applicant was present at the hearing.

Opposing council present, Bruce Rosenberg, Attorney for residents of the area and Phillip Laporte, Attorney for the Borough of Rutherford.

Mr. Sarlo gave a brief summary of the application to the Board.

Board Attorney D.Kinz referenced Mr. Nemeth testimony during the appeal process about operations being conducted on the site. Expressed to the Board that all testimony given during the appeal process must not be disregarded by the Board members in making their decision for this Use Variance.

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

Exhibit A-14 – Chapter 113 Recycling Enhancement was introduced into the record.

Exhibit A-15 – City of Passaic Recycling Update was introduced into the record.

Exhibit A-16 – Resolution of the Board of Adjustment of July 21, 1986 for 703 River Drive was introduced into the record.

Exhibit A-17 – Craigslist Advertisement printed by Mr. Nemeth was introduced into the record.

Exhibit A-18 – Four (4) pages of photographs starting w/pictures of Craigslist Advertisement was introduced into the record.

Exhibit A-19 – Four (4) pages of photographs starting w/picture of FedEx truck was introduced into the record.

Exhibit A-20 – Six (6) pages of photographs of the exterior of the property with a white van unloading was introduced into the record.

Exhibit A-21 – Five (5) pages of photographs of debris was introduced into the record.

No objections from either opposing Council about exhibits introduced.

Mr. Rosenberg had questions regarding Exhibit A-13 – Tonnage Report items contained within the report.

Mr. Rosenberg questioned Mr. Nemeth regarding the Site Plan submitted to the Board dated November 13, 2015.

Mr. Laporte had questions for Mr. Nemeth regarding the terms of his Occupancy Certificate and about the equipment used to unload, load and sort materials.

Fred Galler, resident of Fairlawn, NJ owner of 703 River Drive had questions for Mr. Nemeth.

Steve Siklosi, resident of 23 Orchard Street, Passaic had questions for Mr. Nemeth.

A motion to adjourn hearing to Nov 29th, was made by Commissioner Stareshesfsy, seconded by Commissioner Blumenthal, on a roll call vote, all in favor the motion passed.

RESOLUTIONS:

1. Docket #ZB16-04 168 Passaic Avenue, in the OR-1A Zone (Front Portion) and R-1A (Rear Portion), applicant Congregation Tifereth Israel is requesting a minor subdivision of an oversized lot with two principal use and two principal structures so that the existing House of Worship will be on its own lot and the single family residential structure will be on its own lot. The proposed subdivision will create (1) a “flag lot” for the House of Worship as a corner lot, proposed as Lot 1; and (2) an oversized rectangular lot for the residential structure, as an interior lot with lot frontage, proposed as Lot 1.01. As a result of the proposed subdivision a non-conforming land use will be made conforming. The application

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

will also require a D(3) Conditional Use Variance and Variances for side yard setback, any other that may be required. **Approved.**

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

2. Docket #ZB16-06, 883 Main Avenue Block 2178 Lots 3 in the C-R Zone, applicant 883 Main Avenue LLC is requesting an extension to the approvals granted by Resolution on October 29, 2007 to demolish an existing use car dealership and construct a new three story building containing two (2) commercial and nine (9) residential units for One (1) additional year. **Request for Extension Approved.**

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

3. Docket #ZB16-09, 315 Oak Street, Block 2178 Lots 3 in the C-R Zone, applicant Seventh Day Adventist Church is requesting an extension to the approvals granted by Resolution on July 13, 2009 to expand an existing house of worship onto two adjacent lots for One (1) additional year. **Request for Extension Approved.**

A motion was made by Commissioner Blumenthal, seconded by Vice Chairman Martinez 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 16th, 2016

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present					
William Diaz		Present					
Harold T. Hess		Present					
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 adjourn 705-713 River Drive hearing & close meeting on Nov 29th, 2016

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present					
William Diaz		Present					
Harold T. Hess		Present			√		
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 Approve Resolution of 883 Main Avenue Permit Extension

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present					
William Diaz		Present					
Harold T. Hess		Present			√		
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 Approve Resolution of 168 Passaic Avenue

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present					
William Diaz		Present					
Harold T. Hess		Present		√	√		
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	-----					

5. ACTION: Motion to Approve Resolution of 315 Oak Street

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present					
William Diaz		Present					
Harold T. Hess		Present			√		
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	-----					

6. ACTION: Motion to adjourn Meeting.

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present					
William Diaz		Present					
Harold T. Hess		Present			√		
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	-----					