

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a special meeting on February 2, 2016 in the Council Chamber, City Hall, 330 Passaic Street at 7:30 p.m. and opened the meeting at 8:00 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		√	
Luis A. Solano	Alt # 1		√
David M. Blumenthal	Alt # 2	√	
Heidi Diaz	Alt # 3	√	
Moshe Stareshesky	Alt # 4	√	

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

1. Docket # ZB13-08, 705-713 River Drive, Block 1326, Lot 1, in the M-2 Zone,

Item #1 read into record. Applicant was not present at this hearing. Acting Chairman Hess informed the Board this case not going to be heard tonight. Next available meeting date is February 16, 2016. A consent for tolling of time will be sent and requested by Board Secretary.

A motion was made by Commissioner Stareshesky, seconded by Commissioner W.Diaz to adjourn the hearing until February 16, 2016, on a roll call vote, all in favor the motion passed.

2. Docket #13-13, 117 Passaic St., Block 1032, Lot 6 in the CR-HD Zone District,

Item #2 read into record. Applicant was present at this meeting. Alan J. Mariconda, Esq. Attorney representing the applicant brought evidence into the record regarding the legality of the seven (7) apartment units. State of NJ Department of Community Affairs, Division of Codes & Standards, Bureau of Housing Inspections – Certificate of Inspections (A1) & Certificate of Insurance for 117 Passaic Street. (A2)

George Williams, Licensed Professional Planner was sworn in to the record.

Mr. Williams reviewed Site Plan and Application, site of the subject property.

Zero parking provided on site, but Public Transportation is available. Brought Photographs as evidence A3 Aerial Photograph & A4 Front Elevation & Streetscape Views.

Mr. Williams stated he observed substantial Pedestrian Traffic all hours of the day.

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Mr. William cited the City's Master Plan and that it has a specific reference to this issue on page #26.

Board Attorney D.Kinz questioned Mr. Williams.

Commissioner Blumenthal questioned about Evidence A1 turned in by the Applicant. Board Attorney stated this does not reflect legality of the number of dwelling units.

Acting Chairman Hess opened the floor to the public for questions.

Joe Conoscienti, of 170 Broadway had a question about the number of apartments.

Steve Siklosi, 26 Orchard Street asked about the number of bedrooms in the unit they're seeking to legalize. Also asked when was this unit last occupied and last inspected.

John Paciulli, 284 Pennington Avenue had questions for the applicant.

Acting Chairman Hess opened the floor to the public for comments only.

Joe Conoscienti, 170 Broadway had questions for the Board, D.Kinz, Board Attorney advised Mr. Conoscienti that his questions had no bearing on the Board's decision to approve the application.

Steve Siklosi, 26 Orchard Street gave his favorable opinion on his case.

A motion was made by Commissioner Stareshesky, seconded by Commissioner Meghnagi to approve the application with conditions, on a roll call vote, all in favor the motion passed.

3. Docket # ZB15-13, 25-29 Sherman Street. Block 4069, Lot 14 & 16 in the R-3 Zone District,

Item #5 read into record. Applicant was present at the meeting. Thomas DeVita, Attorney for the Applicant was present.

Applicant requested to be carried to next available meeting. Applicants are available for the March 15, 2016 meeting.

A motion was made by Vice Chairman Martinez, seconded by Commissioner Blumenthal to adjourn the hearing until March 15, 2016, on a roll call vote, all in favor the motion passed.

4. Docket # ZB15-10, 26 Central Ave., Block 2145, Lot 18 in the C Zone District,

Item #4 read into record. Applicant was not present at the meeting.

Applicant requested to be carried to February 16, 2015 meeting. Board had no objection. Consent of Tolling of Time was received from the Applicant.

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5. Docket # ZB15-07, 247-255 Gregory Ave, Block 2203, Lot 7, 17-19, 22 in the R-3 Zone,

Item #3 read into record. Applicant was present at the meeting. Richard S. Schkolnick, Attorney for the Applicant was present.

Mr. Edwin Reimon, Professional Engineer was sworn into record.

Address the concern of property Lighting spilling over to other properties. They have changed the programmatic of the lamps.

Commissioner Stareshesky had a question for Mr. Reimon about the additional parking spaces being added to Lot #7.

Board Planner, Mark Everett has questions on the plan. What's the operating practice for the garbage collection, who will open the gate?

Acting Chairman Hess opened the floor for questions from the public.

Joe Conoscienti, 170 Broadway had questions for Mr. Reimon.

John Paciulli, 284 Pennington Avenue had two questions for the Applicant.

Mr. McCroy Jensen, member of the Church was sworn into record.

Commissioner Stareshesky had a question about the number of membership.

Acting Chairman Hess opened the floor for questions from the public.

Joe Conoscienti, 170 Broadway had questions for Mr. Jensen.

Mr. Gustavo Rios, of Lodi, NJ & member of the Church had questions.

A motion was made by Commissioner Stareshesky, seconded by Commissioner H.Diaz to adjourn the hearing until March 1, 2016, on a roll call vote, all in favor the motion passed.

RESOLUTIONS:

1. 177 Hope Avenue, Block #4097 Lot #8

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

2. 74 Hamilton Avenue, Block #4091.01 Lot#1

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

3. 88-92 South Street, Block#1032, Lot#23

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

4. Commission David Blumenthal was sworn in to office by Board Attorney, D.Kinz.

MINUTES:

Minutes of December 15, 2015 brought before the Board for Approval.

A motion was made by Commissioner Stareshefsky, seconded by Commissioner W.Diaz to approve Minutes, on a roll call vote, all in favor the motion passed.

Minutes of January 5, 2016 brought before the Board for Approval.

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

ESCROW CLOSEOUTS

1. 9 Quincy Street – Goldilocks Children Learning Center, Inc. (ZB14-02)
Block#4072 Lot#1
\$1818.54 reimbursed to applicant, \$181.46 paid to City Escrow General Account.

A motion was made by Commissioner Stareshefsky, seconded by Commissioner W.Diaz to approve Minutes, on a roll call vote, all in favor the motion passed.

2. 354 Passaic Street – Omojola & Associates, P.C. (ZB15-04)
Block#1131.A Lot#30
\$291.40 reimbursed to applicant, \$114.71 paid to City Escrow General Account,
\$837 paid to Douglas J. Kinz – Legal Fees & \$6.89 paid to North Jersey Media Group.

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

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned at approximately 11:10 p.m.



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

VOTING ON ACTIONS:

1. ACTION: Motion to carry 705-713 River Drive to February 16th.

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

2. ACTION: Motion to close public portion of 117 Passaic Street hearing.

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

3. ACTION: Motion to approve 117 Passaic Street application w/conditions.

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

4. ACTION: Motion to adjourn 25-29 Sherman Street to March 15th.

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

5. ACTION: Motion to adjourn 247-255 Gregory Avenue to March 15th.

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

6. ACTION: Motion to adopt Resolution for 177 Hope Avenue.

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

7. ACTION: Motion to adopt Resolution for 74 Hamilton Avenue.

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

8. ACTION: Motion to adopt Resolution for 88-92 South Street.

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

9. ACTION: Approval of December 15th, 2016 Minutes

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

10. ACTION: Approval of January 5th, 2016 Minutes

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

11. ACTION: Approval of Escrow Closeout 9 Quincy Street

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

12. ACTION: Approval of Escrow Closeout 354 Passaic Street

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

13.ACTION: Motion to adjourn Meeting.

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