

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a special meeting on January 14th, 2020 in the Council Chambers, City Hall, 330 Passaic Street at 7:30 p.m. and opened the meeting at 7:40 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			√
Harold T. Hess			√
David M. Blumenthal			√
Moshe Stareshesky		√	
Jonathan Pittinsky			√
Sheila Graham-Woodson	Alt # 1	√	
Yolanda Soto	Alt # 2	√	
Juan C. Lozano-Rosas	Alt # 3	√	
Vacancy	Alt # 4		

ALSO PRESENT: Julio Santana, Zoning Officer
David Troast, Board Planner
Douglas Kinz, Esq., Board Attorney

REORGANIZATION:

Election of Officers

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

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

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

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

Attorney: A motion was made by Commissioner Bazian to appoint Douglas Kinz, Esq. as the Board Attorney, seconded by Commissioner Graham-Woodson; 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 Commissioner Stareshesky, to appoint Plan 2 Consultants as the Board Planner, seconded by Commissioner Martinez; there being no other nominations, on a roll call vote, all in favor, the motion carried.

Newspaper: A motion was made by Commissioner Martinez, seconded by Commissioner Lozano-Rosas 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.

MINUTES:

1. Minutes of the July 9th, 2019 meeting were presented to the Board for approval.

A motion was made to approve Minutes of July 9th, by Commissioner Stareshesky, seconded by Commissioner Soto, on a roll call vote, all in favor the motion carried.

2. Minutes of the September 17th, 2019 meeting were presented to the Board for approval.

A motion was made to approve Minutes of September 17th, by Commissioner Stareshesky, seconded by Vice Chairman Martinez, on a roll call vote, all in favor the motion carried.

3. Minutes of the September 19th, 2019 meeting were presented to the Board for approval.

A motion was made to approve Minutes of September 19th, by Commissioner Graham-Woodson, seconded by Commissioner Lozano-Rosas, on a roll call vote, all in favor the motion carried.

4. Minutes of the October 29th, 2019 meeting were presented to the Board for approval.

A motion was made to approve Minutes of October 29th, by Commissioner Stareshesky, seconded by Commissioner Soto, on a roll call vote, all in favor the motion carried.

5. Minutes of the December 10th, 2019 meeting were presented to the Board for approval.

A motion was made to approve Minutes of December 10th, by Vice Chairman Martinez, seconded by Commissioner Stareshesky, on a roll call vote, all in favor the motion carried.

RESOLUTIONS:

1. Docket #ZB19-04, 64 Broadway, Block 2152 Lot(s) 32 in the C-R Zone District, Applicant Shree Vasudev Krishnay LLC. is requesting preliminary and final site plan approval and D (5) density variance, to convert an existing office space on 2nd floor and 3rd floor into residential apartments for a total of three (3) residential units and commercial units on the first floor along with variances for lot size, lot width, lot depth, front yard setback, rear yard setback, side yard setbacks, lot coverage, open space, parking and any other variances and/or waivers that may be required. ***Approved with Conditions November 26th, 2019.***

A motion was made to approve Resolution of 64 Broadway by Commissioner Stareshesky, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor, the motion carried.

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2. Docket #ZB19-12, 81 Hope Avenue, Block #4089 Lot(s) #12, in the R-3 Zone, applicant Chrag Patel & Shital Patel, are seeking preliminary & final site plan approval and D (5) Density Variance for the adaptive re-use of ground floor/first floor vacant recreational space into one (1) residential unit consisting of one (2) bedroom apartment and any other variances and/or waivers that may be required. ***Approved December 10th, 2019***

A motion was made to approve Resolution of 81 Hope Avenue by Commissioner Stareshesky, seconded by Commissioner Soto, on a roll call vote, all in favor, the motion carried.

APPLICATIONS:

1. Docket #ZB19-16, 510 Harrison Street, Block 2185.01, Lot 16, in the R-3 Zone, applicant Mocanito LLC, is seeking approval to construct a two family home on a vacant lot. This application will require variances for minimum lot width, minimum lot area, minimum side yard setback, minimum rear yard setback and any other variances and/or waivers as may be required. ***ADJOURNED FROM DECEMBER 10TH, 2019. FIRST APPEARANCE.***

Item #5 of the agenda was read in the record. Mr. Bennett Wasserstrum, Esq., Attorney for the applicant was present at the hearing. Mr. Wasserstrum presented the application to the Board.

Chairman Bazian referenced ZB case Loechner vs. Campoli where property owners adjacent to empty lots have the opportunity to purchase the empty lot being developed. Property owners of adjacent lot present at this hearing were asked if they had any interest in buying the empty lot.

Mrs. Diane Ciriaco, owner of 504 Harrison Street was sworn into the record. Mrs. Ciriaco did not have an interest in purchasing the lot.

Mrs. Karen Smyre, owner of 520 Harrison Street was sworn into the record. Mrs. Smyre did not have an interest in purchasing the lot.

D.Kinz, Board Attorney advised Mr. Wasserstrum to obtain sworn statements/affidavits from the adjacent owner to the right of the lot stating they are not interested in purchasing the lot at fair market value.

Mr. Allende Matos, Licensed Architect & Planner of Passaic, NJ was sworn into the record. Mr. Matos has testified before this Board on various occasions and has been qualified by the Board. Mr. Matos continued with his testimony.

Commissioner Stareshesky had a question about the proposed changes.

Chairman Bazian had questions for Mr. Matos.

Chairman Bazian asked for clarification from D. Kinz, Board Attorney for the Payment in Lieu of Parking ordinance as it relates to this application.

Commissioner Stareshesky had additional questions for the witness.

D.Troast, Board Planner had a question about how many existing one family & two family home are in the area. He also had additional questions and concerns about the parking spaces.

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The applicant will accept the parking variance for one (1) parking space if the Board does choose to grant it.

Commissioner Stareshesky had follow-up questions.

Commissioner Graham-Woodson had questions for the applicant.

Mrs. Diane Ciriaco, owner of 504 Harrison Street had questions for Mr. Matos.

Chairman Bazian asked for some clarification from D. Kinz, Board Attorney.

Commissioner Stareshesky had questions for the applicant.

Mrs. Karen Smyre, owner of 520 Harrison Street had a question for the applicant.

Mr. Joseph Buie, owner of 512 Harrison Street had questions for the applicant.

Mr. Joseph Buie, owner of 512 Harrison Street was called to testify. Mr. Buie was sworn into the record. did not have an interest in purchasing the lot.

Mr. Alberto Gomez, owner of 510 Harrison Street was sworn into the record. Mr. Gomez continued with him testimony.

Chairman Bazian opened the public portion of the hearing.

A motion to close public portion of 510 Harrison Street hearing was made by Commissioner Stareshesky, seconded by Vice Chairman Martinez, on a roll call vote, all in favor the motion passed.

The Board imposed the following conditions:

1. Three (3) Parking Spaces
2. Basement apartment not be used for living space
3. Half bathroom only
4. Walls of basement be constructed with reinforced materials.

A motion to approve application of 510 Harrison Street with conditions as listed above, was made by Vice Chairman Martinez, seconded by Commissioner Lozano-Rpsas, on a roll call vote, four (4) in favor, two (2) deny, the motion passed.

2. Docket #ZB19-10, 92 Lafayette Avenue, Block #3211, Lot #1, in the R-1A Zone, Ace Holding Partners LLC are proposing preliminary and final site plan approval, D1 & D2 Variances to convert an existing legal non-conforming three family home in the R-1A zone to a four family home. This application will require variances for, side yard setback, and any other variances and/or waivers that may be required. ***ADJOURNED FROM DECEMBER 10TH, 2019. FIRST APPEARANCE.***

Item #6 of the agenda was read in the record. Mr. Gary Cohen, Esq., Attorney for the applicant was present at the hearing. Mr. Cohen introduced the application to the Board.

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D. Kinz, Board Attorney had several concerns with this application on whether this is a Density variance and if noticing is deficient.

Mr. Joseph Vince, Licensed Engineer & Planner of NJ was sworn into the record. Mr. Vince presented his qualifications to the Board. The Board accepted his qualifications. Mr. Vince continued with his testimony.

After calculations by Board Professionals it was determined that there is no Density Variance.

A motion to adjourn hearing 92 Lafayette Avenue to January 28th, 2020 was made by Commissioner Graham-Woodson, seconded by Commissioner Soto, on a roll call vote, all in favor the motion passed.

ESCROWS:

NONE

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned at approximately 10:45 p.m.



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

VOTING ON ACTIONS:

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

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present		√	√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present	√		√		
Juan C. Lozano-Rosas	Alt # 3	Present			√		
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present			√		

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

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√		√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present		√	√		
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present			√		

3. ACTION: Motion to select Commissioner Brisman as Secretary of the Board

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√		√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present		√	√		
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present			√		

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		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√		√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present		√	√		
Juan C. Lozano-Rosas	Alt # 3	Present			√		
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present			√		

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

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present			√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present		√	√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present			√		
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present	√		√		

6. ACTION: Motion to select with Plan 2 Consultants as the Board Planners

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√		√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present			√		
Vacant	Alt # 4	---					
Deiby Martinez		Present		√	√		
Menachem Bazian		Present			√		

7. 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		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present			√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present		√	√		
Vacant	Alt # 4	---					
Deiby Martinez		Present	√		√		
Menachem Bazian		Present			√		

8. ACTION: Motion to approve Minutes of July 9th, 2019

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√		√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present		√	√		
Juan C. Lozano-Rosas	Alt # 3	Present					
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present			√		

9. ACTION: Motion to approve Minutes of September 17th, 2019

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√		√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present					
Vacant	Alt # 4	---					
Deiby Martinez		Present		√	√		
Menachem Bazian		Present					

10. ACTION: Motion to approve Minutes of September 19th, 2019

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present					
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present	√		√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present		√	√		
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present					

11. ACTION: Motion to approve Minutes of October 29th, 2019

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√		√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present					
Yolanda Soto	Alt # 2	Present		√	√		
Juan C. Lozano-Rosas	Alt # 3	Present					
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present			√		

12. ACTION: Motion to approve Minutes of December 10th, 2019

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present		√		√	
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present				√	
Yolanda Soto	Alt # 2	Present				√	
Juan C. Lozano-Rosas	Alt # 3	Present					
Vacant	Alt # 4	---					
Deiby Martinez		Present	√			√	
Menachem Bazian		Present					

13.ACTION: Motion to approve Resolution of 64 Broadway application

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√				
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present		√	√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present					
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present			√		

14.ACTION: Motion to approve Resolution of 81 Hope Avenue application

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√		√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present		√	√		
Juan C. Lozano-Rosas	Alt # 3	Present					
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present					

15.ACTION: Motion to close public portion of 510 Harrison Street hearing

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present	√		√		
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present			√		
Vacant	Alt # 4	---					
Deiby Martinez		Present		√	√		
Menachem Bazian		Present			√		

16.ACTION: Motion to approve application of 510 Harrison Street with conditions

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Present				√	
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	Present				√	
Juan C. Lozano-Rosas	Alt # 3	Present		√	√		
Vacant	Alt # 4	---					
Deiby Martinez		Present	√		√		
Menachem Bazian		Present			√		

17.ACTION: Motion to adjourn application of 92 Lafayette Avenue to January 28th, 2020

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Absent					
Harold T. Hess		Absent					
David M. Blumenthal		Absent					
Moshe Stareshefsky		Absent					
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present	√		√		
Yolanda Soto	Alt # 2	Present		√	√		
Juan C. Lozano-Rosas	Alt # 3	Present			√		
Vacant	Alt # 4	---					
Deiby Martinez		Present			√		
Menachem Bazian		Present			√		

18.ACTION: Motion to adjourn Meeting.

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman	Secretary	Present					
Harold T. Hess		Absent					
David M. Blumenthal		Present					
Moshe Stareshefsky		Absent					
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present	√		√		
Yolanda Soto	Alt # 2	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present		√	√		
Vacant	Alt # 4	---					
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		