

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a special meeting on January 28th, 2020 in the Council Chambers, City Hall, 330 Passaic Street at 7:30 p.m. and opened the meeting at 7:45 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	Secretary	√	
Harold T. Hess		√	
David M. Blumenthal		√	
Moshe Stareshefsky			√
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

MINUTES:

1. Minutes of the January 14th, 2020 meeting were presented to the Board for approval.

A motion was made to approve Minutes of January 14th, 2020, by Commissioner Graham-Woodson, seconded by Vice Chairman Martinez, on a roll call vote, all in favor the motion carried.

RESOLUTIONS:

1. Docket #ZB19-14, 30 Howe Avenue, Block 2157, Lot 47, in the C Zone, applicant 30 Howe Avenue Realty LLC, is seeking preliminary & final site plan and D1 use variance approval to convert an existing three (3) story building into mixed-commercial/residential consisting of 12 units of six (6) one-bedroom and six (6) two-bedroom on the 2nd and 3rd floors and any other variances and/waivers that may be required. ***Approved December 10th, 2019.***

A motion was made to approve Resolution of 30 Howe Avenue by Commissioner Hess, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor, the motion carried.

2. Docket#ZB19-03, 115 President Street, Block#4064, Lot#28 in the R-3 Zone, applicant Zuniga Entertainment LLC is seeking preliminary and final site plan approval and D (2) expansion of non-conforming use variance to construct an outside patio area and stage area, an expansion of their nightclub and restaurant operations. This application will also require variances for front yard fence and side yard fence height and parking variance along with any other variances and/or waivers that may be required. ***Approved December 10th, 2019 with conditions.***

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Board imposed the following conditions:

1. Programmable digital limiter password protected with amplification
2. Installation be overseen by Mr. Dotti
3. No amplification other than the house system
4. Contract with entertainers must be made to reflect conditions
5. Lighting must not spill out to neighbors to satisfaction of City Engineer.
6. Full force & effect of 10-year parking Lease.

A motion was made to approve Resolution of 115 President Street by Vice Chairman Martinez, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor, the motion carried.

3. 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 Revised Resolution of 64 Broadway by Commissioner Blumenthal, seconded by Vice Chairman Martinez, on a roll call vote, all in favor, the motion carried.

APPLICATIONS:

1. 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 JANUARY 14TH, 2020.***

Item #1 of the agenda was read in the record. Mr. Gary Cohen, Esq., Attorney for the applicant was present at the hearing. Mr. Cohen gave a recap of the resolution made on this application at last hearing to the Board.

Chairman Bazian had comments for Mr. Cohen.

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 and describe the property.

Exhibit A-1 – Site Photographs (Twenty-eight (28)) 14 Pages by Mr. Vince 12/10/19 were marked into evidence.

Chairman Bazian asked the relevance of the second set of photographs as it relates to this application.

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Mr. Zechariah Zahler, Managing Partner of Ace Holding Partners LLC was sworn into the record. He was questioned about the validity of photographs being presented as Exhibit A-2 for evidence.

Exhibit A-2 – Interior Photographs of the Property – six (6) Pages by Mr. Zahler 10/18/19 were marked into evidence.

Commissioner Brisman questioned about the location of the parking spaces for the property for Mr. Vince.

Chairman Bazian had a question for D.Kinz, Board Attorney.

Commissioner Blumenthal also had a question for the witness.

Chairman Bazian had additional questions for the witness.

D.Kinz, Board Attorney had comments regarding Parking Standards.

Chairman Bazian had additional questions and comments for Mr. Vince.

Mr. Joe Conoscenti, resident of 170 Broadway had questions for the witness.

D.Kinz, Board Attorney addressed a concern of Chairman Bazian in regards to the Density. Clarification was made once again.

Mr. Louis Garfinkel, Licensed Architect of Toms River, NJ was sworn into the record. Mr. Garfinkel Presented his qualifications to the Board. The Board accepted his qualifications. Mr. Garfinkel continued with his testimony as it relates to Architectural Plans for this application.

D.Troast, Board Planner questioned photograph #18 on Exhibit A-1. He had additional questions.

Mr. Joe Conoscenti, resident of 170 Broadway had questions for the witness.

Chairman Bazian questioned about how many means of egress are necessary for basement units.

D.Troast, Board Planner responded two (2), which is being satisfied by the egress window being proposed. He had clarifications for the Board.

Mr. Vince was recalled to testify. He is testifying as a License

Exhibit A-3 Site Investigation Labeled Land Use Exhibit conducted by Mr. Vince 12/10/19 was marked into evidence.

Exhibit A-4 Aerial Google Earth Photograph labeled Aerial Exhibit dated 12/10/19 was marked into evidence.

Commission Brisman had a question for Mr. Vince.

Chairman Bazian had comments for the witness.

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Commissioner Brisman also had comments for Mr. Vince. He also had follow-up questions.

D.Kinz, Board Attorney had clarifications for the Board as it relates to the Alpine case Mr. Vince referenced.

Chairman Bazian had several questions for the witness.

Commissioner Bazian & D. Kinz, Board Attorney had comments for Mr. Vince.

Commissioner Graham-Woodson had comments.

Chairman Bazian opened the public portion of the hearing.

A motion to close public portion of the 92 Lafayette Avenue hearing was made by Commissioner Blumenthal, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion passed.

A motion to deny application of 92 Lafayette Avenue was made by Commissioner Blumenthal, seconded by Vice Chairman Martinez, on a roll call vote, all in favor the motion passed.

2. Docket #ZB19-23, 23-25 Van Houten Avenue Block #1292, Lot (s) # 16 & 17, in the R-2 Zone, applicants Mr. & Mrs. Fernando Rivera are requesting an interpretation of Zoning Ordinance #317-25 standards for parking spaces and parking areas as it relates to legalizing a previously installed driveway on their property. **FIRST APPEARANCE.**

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

Mr. Sarlo submitted Site Plan for informational purposes and marked them Exhibit A-1.

Mr. Sarlo referenced and commented on Zoning Ordinance #317-25.

Commissioner Brisman had comments for Mr. Sarlo.

Mr. Sarlo referenced three (3) photos of the property and marked them Exhibit A-2 for informational purposes.

Commissioner Brisman had several questions for Mr. Sarlo.

J.Santana, Zoning Officer gave the Board his interpretation of the Ordinance.

D.Kinz, Board Attorney had comments for the Board.

Commissioner Blumenthal had questions for Mr. Santana.

J.Santana, Zoning Officer responded.

Chairman Bazian had comments for Mr. Sarlo.

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D.Troast, Board Planner had comments for the Board.

Chairman Bazian had additional comments.

Commissioner Brisman asked D.Troast, Board Planner the meaning of “required” yard.

D.Troast, Board Planner responded.

Commissioner Brisman gave his interpretation of the Ordinance.

Chairman Bazian had additional comments and gave his interpretation.

D.Kinz, Board Attorney gave his interpretation to the Board and advised the decision should be if the Zoning Officer’s decision is unreasonable.

A motion to accept interpretation of Mr. Sarlo for 23-25 Van Houten Avenue as was made by Commissioner Brisman, seconded by Vice Chairman Martinez, 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 10:54 p.m.



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

VOTING ON ACTIONS:

1. ACTION: Motion to approve Minutes of January 14th, 2020

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

2. ACTION: Motion to approve Resolution of 30 Howe Avenue application

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

3. ACTION: Motion to approve Resolution of 115 President Street application

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

4. ACTION: Motion to approve revised Resolution of 64 Broadway application

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

5. ACTION: Motion to close public portion of 92 Lafayette Avenue hearing

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

6. ACTION: Motion to deny application of 92 Lafayette Avenue

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

7. ACTION: Motion to accept interpretation of Mr. Sarlo of 23-25 Van Houten Avenue

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

8. ACTION: Motion to adjourn Meeting.

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