

# CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a special meeting on February 11<sup>th</sup>, 2020 in the Council Chambers, City Hall, 330 Passaic Street at 7:30 p.m. and opened the meeting at 7:38 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

**ESCROWS:**

- 315 Oak Street – ZB2009-315Oak/ZB16-09 Escrow Deposit - \$2,500.00  
 \$ 1255.50 – Board Attorney  
 \$ 44.29 – North Jersey Media Legal Ads  
 \$ 282.40 – General Account  
 \$ 917.81 – Applicant Seventh Day Adventist Church.

A motion to approve Escrow Resolution for 315 Oak Street was made by Commissioner Brisman, seconded by Commissioner Blumenthal, on a roll call vote, all in favor the motion passed.

**MINUTES:**

- Minutes of the January 28<sup>th</sup>, 2020 meeting were presented to the Board for approval.

A motion was made to approve Minutes of January 28<sup>th</sup>, 2020, by Commissioner Brisman, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion carried.

**RESOLUTIONS:**

- 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

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will require variances for, side yard setback, and any other variances and/or waivers that may be required. ***Denied on January 28<sup>th</sup>, 2020.***

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

**2. 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. ***Approved December 10<sup>th</sup>, 2019.***

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 was made to approve Resolution of 510 Harrison Street by Commissioner Sheila Graham-Woodson, seconded by Vice Chairman Martinez, on a roll call vote, all in favor, the motion carried.

## **MEETING TIME:**

Chairman Bazian recommended the change of the Zoning Board of Adjustment meeting time from 7:30p.m. to 7p.m.

A motion was made to change PB meeting time from 7:30p.m. to 7:00p.m. by Commissioner Rosario, seconded by Commissioner Lopez, on a roll call vote, all in favor, the motion carried.

## **CORRESPONDENCE:**

City of Passaic Ordinance # 2249-20, Ordinance amending the City Code of the City of Passaic, Chapter 29 "Land Development Procedures," to create Article VI, "Payment in Lieu of Parking".

Discussion was had in regards to the revised Payment in Lieu of Parking Ordinance. Chairman Bazian explained the changes that came into effect and D.Kinz, Board Attorney further clarified the ambiguities the Ordinance had prior to the revision.

## **APPLICATIONS:**

**1. Docket #ZB19-18, 76 Henry Street, Block #2159 Lot #23, in the R-3 Zone**, applicant Marko Kopic, is seeking approval to install a driveway on side of property. It will require front yard setback, side yard setback, lot coverage, parking area must be three (3) feet away from property line, parking dimension must be (9' X 19') and any other variances and/or waivers that may be required. ***FIRST APPEARANCE. TO BE ADJOURNED TO FEBRUARY 25<sup>TH</sup>, 2020.***

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Item #2 of the agenda was read in the record. Mr. Alan Mariconda, Esq., Attorney for the applicant was not present at the hearing. Mr. Mariconda requested the hearing be adjourned per applicant's request.

A motion to adjourn hearing of 76 Henry Street was made by Commissioner Blumenthal, seconded by Commissioner Brisman, on a roll call vote, all in favor the motion passed.

**2. Docket #ZB19-15, 122 Third Street, Block# 1003, Lot #3, in the R-3 Zone**, applicant 122 Garden Street LLC, is seeking preliminary and final site approval and subsequent D5(Density Variance) to convert an existing legal non-conforming structure consisting of four (4) apartments and two (2) commercial units into seven (7) residential units and one (1) commercial store. This application will require variances for minimum lot width, minimum lot area, minimum side yard setback, minimum rear yard setback, lot coverage and any other variances and/or waivers that may be required. **FIRST APPEARANCE.**

Item #1 of the agenda was read in the record. Mr. Matthew Trella, Esq., Attorney for the applicant was present at the hearing. Mr. Trella requested an adjournment.

A motion to adjourn hearing of 122 Third to February 25<sup>th</sup>, 2020 was made by Commissioner Stareshesky, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion passed.

**3. Docket #ZB19-21, 42 Ridge Avenue, Block #3305, Lot #39, in the R-1 Zone**, applicant Eli Klein is requesting variance approval to expand his one (1) family home on an existing irregular lot. This application will require variances for minimum side lot depth, rear yard setback, front yard setback and any other variances and/or waivers that may be required. **FIRST APPEARANCE.**

Item #3 of the agenda was read in the record. Mr. Eli Klein applicant was present at the hearing. Mr. Klein introduced the application to the Board.

For the Record, Commissioner Brisman stepped down from the dais due to a conflict in hearing this Application.

D.Kinz, Board Attorney also advised the Board Commissioner Stareshesky also had a possible conflict, but after further questioning no conflict was found.

Mr. Eli Klein, owner of 42 Ridge Avenue was sworn into record. Mr. Klein explained to the Board what Variances he is requesting from the Board.

Mr. John M Monchak, Licensed Architect of Montclair, NJ was sworn into the record. Mr. Monchak presented his qualifications to the Board. The Board accepted his qualifications. Mr. Monchak continued with his testimony.

Dob Gothlieb, 15 The Circle had questions for the Board about the rear yard setbacks.

J.Santana, Zoning Officer & D.Kinz, Board Attorney referenced Ordinance #317-48.

Board Professional had further discussions about the setbacks.

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Mr. Dob Gotthlieb, owner of 15 The Circle was sworn into the record. Mr. Gotthlieb is in support of the application.

Chairman Bazian had questions for Mr. Klein.

If this application were to be approved a condition of adding proper privacy barriers/screening to the rear yard.

Commissioner Stareshesky had comments in regards to the screens to be added.

Chairman Bazian opened the public portion of the hearing.

A motion to close public portion of the 42 Ridge Avenue hearing was made by Commissioner Stareshesky, seconded by Commissioner Blumenthal, on a roll call vote, all in favor the motion passed.

The Board imposed the following conditions:

1. Add Arborvitae for privacy/screening in the rear yard.

A motion to approve application of 42 Ridge Avenue with the conditions listed above was made by Vice Chairman Martinez, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion passed.

## **ADJOURNMENT:**

Upon motion, seconded and carried, the meeting was adjourned at approximately 9:11 p.m.



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

**VOTING ON ACTIONS:**

**1. ACTION: Motion to Escrow Close-Out Resolution of 315 Oak Street application**

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

**2. ACTION: Motion to approve Resolution for 92 Lafayette Avenue applications**

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

**3. ACTION: Motion to change Zoning Board of Adjustment Meeting Time from 7:30pm to 7p.m.**

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

**4. ACTION: Motion to limit Public Portion to 5 Minutes per person**

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

**5. ACTION: Motion to approve Minutes of January 28<sup>th</sup>, 2020**

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

**6. ACTION: Motion to approve Resolution of 510 Harrison Street application**

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

**7. ACTION: Motion to adjourn application of 76 Henry Street to February 25<sup>th</sup>, 2020**

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

**8. ACTION: Motion to adjourn application of 122 Third Street to February 25<sup>th</sup>, 2020**

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

**9. ACTION: Motion to close public portion of 42 Ridge Avenue hearing**

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

**10. ACTION: Motion to approve application of 42 Ridge Avenue w/conditions**

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

**11. ACTION: Motion to adjourn Meeting.**

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