

The City of Passaic Planning Board held a regular meeting on February 12<sup>th</sup>, 2020 in the Council Chambers, City Hall, 330 Passaic Street and opened the meeting at 6:38 p.m. by requesting a roll call. The invocation was given and all recited pledge of allegiance.

**ROLL CALL:**

		Present	Absent
<b>Councilman Daniel Schwartz</b>		✓	
<b>Kenneth A. Simpson</b>			✓
<b>Jessica Delacruz</b>			✓
<b>Sardis Cruz-Perez</b>		✓	
<b>Shawn Witten</b>		✓	
<b>Jose A. Vargas</b>			✓
<b>Carlos Lopez</b>	Alternate I	✓	
<b>Peter T. Rosario</b>	Alternate II	---	---
<b>Edwin Perez</b>	Vice Chairman	✓	
<b>Maritza Colon-Montañez</b>	Madam Chair	✓	

**ALSO PRESENT:** Louis P. Rago, Esq., Board Attorney ✓  
 David Troast, P.P., AICP, Board Planner ✓  
 Julio Santana, Zoning Officer ✓

**MINUTES:**

1. Regular Meeting Minutes of January 8<sup>th</sup>, 2019 were presented by the Secretary for approval.

A motion to approve the minutes was made by Vice Chairman Perez, seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

**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”**

**APPLICATIONS:**

1. Redevelopment Plan for areas previously designated by the City Council as an Area in Need of Redevelopment according to the criteria set forth in section 5 of P.L. 1992, c.79 (C.40A:12A-5). The Plan includes maps and boundaries of the redevelopment area properties. The following is a list of Properties:

- |                             |                               |
|-----------------------------|-------------------------------|
| <b>Block #2154, Lot #14</b> | <b>12 Broadway</b>            |
| <b>Block #4125, Lot #8</b>  | <b>39-41 Lexington Avenue</b> |
| <b>Block #4125, Lot #18</b> | <b>26-28 Central Avenue</b>   |
| <b>Block #2144, Lot #1</b>  | <b>559 Main Avenue</b>        |

Item #1 of the agenda was read in the record. Mr. David Troast, Board Planner was present at the hearing. Mr. Troast was sworn into the record. He continued to introduce the Plans to the Board as listed in the agenda.

Councilman Schwartz had questions about item #11 on the plans.

Madam Chair Colon-Montañez had questions for Mr. Troast.

Madam Chair Colon-Montañez opened the public portion of the hearing.

A motion to close public portion of the Recommendation for AINOR hearing all the properties listed on agenda item #1, was made by Councilman Schwartz, seconded by Commissioner Lopez, on a roll call vote, all in favor, the motion passed.

A motion to approve Recommendation for AINOR Plan for all the properties listed on agenda item #1, was made by Commissioner Witten, seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

**2. Docket #PB19-17, 309 Oak Street, Block #2172.01, Lot 62 in the R3 Zone**, applicant 309 Oak Street LLC is requesting preliminary & final site approval to construct a parking area in back of their multifamily building, and any other variances and/or waivers that may be required. **FIRST APPEARANCE.**

Item #3 of the agenda was read in the record. Mr. Alan Mariconda, Attorney for the applicant was present at the hearing.

Mr. Avellino Sambade, Licensed Architect, Engineer & Planner in Bayonne, NJ was sworn into the Record. Mr. Sambade presented his qualifications to the Board. The Board accepted his qualifications. Mr. Sambade continued with his testimony and described the proposed plan to the Board.

Exhibit A-1 Colorized Site Plan was marked into evidence. Mr. Sambade referenced the Site Plan.

Commissioner Witten had questions for Mr. Sambade.

D.Troast, Board Planner, had comments in regards to designated handicap spaces.

Commissioner Witten had follow-up comments.

Commissioner Lopez had questions for witness.

Vice Chairman Perez also had several questions for Mr. Sambade.

D.Troast, Board Planner had several questions about the Lighting Plan and Drainage Plan. He gave

Mr. Ronald Rivera, resident of 47 Lucille Place had questions for the witness.

Mr. Ruben Jalil, owner of 42 Lucille Place had questions for the witness.

Mrs. Linette Rodriguez, owner of 46 Lucille Place had questions for the witness.

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

Mr. Lisa Antelman, resident of 25 Edgewood Avenue, Clifton NJ had questions for the witness.

Mr. Jackiw Jarislaw resident of 176 Meade Avenue had questions.

D.Troast, Board Planner had comments about the application.

Madam Chair Colon-Montañez opened the public portion of the hearing.

Mr. Ronald Rivera, resident 47 Lucille Place was sworn into the Record.

Exhibit O-1 Photo of dead end of Lucille Place taken by Mr. Rivera was marked into evidence. Mr. Rivera described the photo and expressed his concerns with this application.

Mr. Ruben Jalil, owner of 42 Lucille Place was sworn into the Record. Mr. Jalil continued with his comments.

Mr. Linette Rodriguez, owner of 46 Lucille Place was sworn into the Record. Mrs. Rodriguez continued with her comments.

Mrs. Antelman, resident of 25 Edgewood Avenue, Clifton NJ was sworn into the Record. comments for the Board.

Mr. Joe Conoscenti, resident of 170 Broadway was sworn into the Record. Mr. Conoscenti continued with his comments.

A motion to close public portion of the 309 Oak Street hearing, was made by Councilman Schwartz, seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

Council Schwartz expressed his opinions on this application.

Commissioner Lopez had comments for the Board.

Vice Chairman Perez had additional questions for the applicant.

The Board imposed the following conditions:

1. Lowering 20' Lighting Pole and shielding lights for spillage.
2. Work with Stormwater Plan
3. Addition of Trees for landscaping in the front of the property

4. Work with Water Commission to relocate the fire hydrant
5. Speed bumps at the entrance of the parking lot.

A motion to approve application of 309 Oak Street with the conditions listed above, was made by Councilman Schwartz, seconded by Commissioner Cruz-Perez, on a roll call vote, two (2) in favor, three (3) abstain, one (1) denied, the motion failed.

A motion to amend the motion made, and have applicant submit an amended application with the requested conditions and adjourn application to April 1<sup>st</sup>, 2020 was made by Commissioner Witten, seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

**3. Docket #PB19-18, 119 Autumn Street, Block #4105, Lot #6, in the R-3 Zone,** applicant Marco Kopic is requesting preliminary and final site plan approval and minor subdivision to create two (2) lots for one existing Two-story and a half One (1) Family Dwelling unit in one lot and a new Two-story two (2) Family Dwelling unit in the new lot. This application will require variances for minimum lot depth, minimum rear yard setback, maximum lot coverage, Minimum lot width, side yard lot coverage, and any other variances and/or waivers that may be required. **FIRST APPEARANCE.**

Item #3 of the agenda was read in the record. Mr. Alan Mariconda, Attorney for the applicant was present at the hearing. In consideration of the time, application was carried to the hearing of March 4<sup>th</sup>, 2020. Applicant consented to tolling of time.

**4. Docket #PB19-15, 276 Passaic Street, Block# 1081, Lot# 15, in the C-R Zone,** applicant ML Realty Passaic LLC, is seeking preliminary & final site plan approval. This property was named an area of need of redevelopment/rehabilitation on May 14, 2019. Applicant is proposing to convert an existing vacant 2<sup>nd</sup> floor used for storage to five residential units. Consisting of 3 one bedroom units and 2 two bedroom units, and any other variances and/or waivers that may be required. **FIRST APPEARANCE.**

Item #2 of the agenda was read in the record. Mr. Alan Mariconda, Attorney for the applicant was present at the hearing.

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

D.Troast, Board Planner had some questions regards to the Engineer's review.

Exhibit A-1, Site Plan S-1 dated July 9<sup>th</sup>, 2018 was marked into evidence.

Commissioner Witten had questions for the witness.

Mr. Jarislaw Jackiw, resident of 176 Meade Avenue had questions for the witness.

Mr. Modesto Fernandez, owner of 276 Passaic Street was sworn into the Record. Mr. Fernandez continued with his testimony.

Madam Chair Colon-Montañez opened the public portion of the hearing.

A motion to close public portion of the 276 Passaic Street hearing, was made by Councilman Schwartz, seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

A motion to approve application of 276 Passaic Street, was made by Vice Chairman Perez, seconded by Commissioner Witten, on a roll call vote, all in favor, the motion passed.

**5. Docket #PB19-16, 232 Gregory Avenue, Block #2151, Lot 66 in the R3 Zone**, applicant ML Realty Passaic LLC is requesting preliminary & final site approval to convert a two family home and garages into a multifamily building consisting of nine (9) Units. This application will require side yard setback, lot width, rear yard setback, parking variances and any other variances and/or waivers that may be required. **FIRST APPEARANCE.**

Item #3 of the agenda was read in the record. Mr. Alan Mariconda, Attorney for the applicant was present at the hearing.

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

D.Troast, Board Planner asked Mr. Matos to address comments on his Planner's review, specifically, item #10 & 11.

Councilman Schwartz had questions for the witness.

Vice Chairman Perez had questions for the witness.

D.Troast, Board Planner had favorable comments on this application for the Board.

Mr. Modesto Fernandez, owner of 276 Passaic Street was sworn into the Record. Mr. Fernandez continued with his testimony.

Madam Chair Colon-Montañez opened the public portion of the hearing.

A motion to close public portion of the 276 Passaic Street hearing, was made by Councilman Schwartz, seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

A motion to approve application of 276 Passaic, was made by Vice Chairman Perez, seconded by Commissioner Witten, on a roll call vote, all in favor, the motion passed.

**RESOLUTIONS:**

1. Redevelopment/Rehabilitation Plan for areas previously designated by the City Council as an Area in Need of Rehabilitation according to the criteria set forth in section 5 of P.L. 1992, c.79 (C.40A:12A-5). The Plan includes maps and boundaries of the rehabilitation area properties. The following is a list of Properties:

<b>Block #2154, Lot #14</b>	<b>12 Broadway</b>
<b>Block #4125, Lot #8</b>	<b>39-41 Lexington Avenue</b>
<b>Block #4125, Lot #18</b>	<b>26-28 Central Avenue</b>
<b>Block #2144, Lot #1</b>	<b>559 Main Avenue</b>

A motion to approve the Resolution for the AINOR Plan for 12 Broadway was made by Commissioner Witten seconded by Vice Chairman Perez, on a roll call vote, all in favor, the motion passed.

A motion to approve the Resolution for the AINOR Plan for 39-41 Lexington Avenue was made by Commissioner Cruz-Perez seconded by Councilman Schwartz, on a roll call vote, all in favor, the motion passed.

A motion to approve the Resolution for the AINOR Plan for 26-28 Central Avenue was made by Commissioner Lopez seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

A motion to approve the Resolution for the AINOR Plan for 559 Main Avenue was made by Vice Chairman Perez seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

**ESCROW CLOSEOUTS:**

NONE

**ADJOURNMENT:**

Upon motion, seconded and carried, the meeting was adjourned at approximately 9:56 p.m.



**Miriam R. Perez, Board Secretary**  
**Municipal Land Use Law**

**VOTING ON ACTIONS:**

**1. ACTION: Motion to approve Minutes of January 8<sup>th</sup>, 2020**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present					
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present		√	√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez	Alternate I	Present			√		
Peter T. Rosario	Alternate II	---					
Councilman Daniel Schwartz		Present			√		
Edwin Perez	Vice Chairman	Present	√		√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**2. ACTION: Motion to close public portion of AINOR Plan as per Agenda Item #1 hearing**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present			√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present			√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez	Alternate I	Present		√	√		
Peter T. Rosario	Alternate II	---					
Councilman Daniel Schwartz		Present	√		√		
Edwin Perez	Vice Chairman	Present			√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**3. ACTION: Motion to recommend AINOR Plan as per Agenda Items #1**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present	√		√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present		√	√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez	Alternate I	Present			√		
Peter T. Rosario	Alternate II	---					
Councilman Daniel Schwartz		Present			√		
Edwin Perez	Vice Chairman	Present			√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**4. ACTION: Motion to approve Resolution - AINOR Plan of 12 Broadway**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present	√		√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present			√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez	Alternate I	Present			√		
Peter T. Rosario	Alternate II	---					
Councilman Daniel Schwartz		Present			√		
Edwin Perez	Vice Chairman	Present		√	√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**5. ACTION: Motion to approve Resolution - AINOR Plan of 39-41 Lexington Avenue**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present			√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present		√	√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez	Alternate I	Present			√		
Peter T. Rosario	Alternate II	---					
Councilman Daniel Schwartz		Present	√		√		
Edwin Perez	Vice Chairman	Present			√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**6. ACTION: Motion to approve Resolution - AINOR Plan of 26-28 Central Avenue**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present			√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present		√	√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present	√		√		
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present			√		
Edwin Perez	Vice Chairman	Present			√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**7. ACTION: Motion to approve Resolution - AINOR Plan of 559 Main Avenue**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present			√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present	√		√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present			√		
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present			√		
Edwin Perez	Vice Chairman	Present		√	√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**8. ACTION: Motion to close portion of 276 Passaic Street hearing**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present			√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present		√	√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present			√		
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present	√		√		
Edwin Perez	Vice Chairman	Present			√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**9. ACTION: Motion to approve application of 276 Passaic Street**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present		√	√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present			√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present			√		
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present			√		
Edwin Perez	Vice Chairman	Present	√		√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**10. ACTION: Motion to close portion of 232 Gregory Avenue hearing**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present			√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present			√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present		√	√		
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present	√		√		
Edwin Perez	Vice Chairman	Present			√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**11. ACTION: Motion to approve application of 232 Gregory Avenue**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present			√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present			√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present		√	√		
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present			√		
Edwin Perez	Vice Chairman	Present	√		√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**12. ACTION: Motion to close portion of 309 Oak Street hearing**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present			√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present		√	√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present			√		
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present	√		√		
Edwin Perez	Vice Chairman	Present			√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**13. ACTION: Motion to approve application of 309 Oak Street with conditions**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present					√
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present		√	√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present					√
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present	√		√		
Edwin Perez	Vice Chairman	Present					√
Maritza Colon-Montañez	Madam Chair	Present				√	

**14. ACTION: Motion to rescind motion on 309 Oak Street, applicant to submit revised plans**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present	√		√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present		√	√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present			√		
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present			√		
Edwin Perez	Vice Chairman	Present			√		
Maritza Colon-Montañez	Madam Chair	Present			√		

**15. ACTION: Motion to adjourn meeting**

COMMISSIONER		PRESENT/ ABSENT	1 <sup>ST</sup>	2 <sup>ND</sup>	APPROVE	DENY	ABSTAIN
Shaun Witten		Present			√		
Jessica Delacruz		Absent					
Kenneth A. Simpson		Absent					
Sardis Cruz-Perez		Present		√	√		
Jose A. Vargas		Absent					
Vacancy		---					
Carlos Lopez		Present	√		√		
Peter T. Rosario	Alternate I	---					
Councilman Daniel Schwartz	Alternate II	Present			√		
Edwin Perez	Vice Chairman	Present			√		
Maritza Colon-Montañez	Madam Chair	Present			√		