

# CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a virtual meeting on March 31<sup>st</sup>, 2020 in the Council Chambers, City Hall, 330 Passaic Street and Via Zoom Application at 7:00 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	Acting Chairman	√	
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:**

NONE

**MINUTES:**

NONE

**RESOLUTIONS:**

**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. ***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.***

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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.

## **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, ADJOURNED FROM FEBRUARY 11<sup>TH</sup>, CARRIED FROM MARCH 12<sup>TH</sup>, 2020.***

Item #2 of the agenda was read in the record. Mr. Gary Cohen, Esq., Attorney for the applicant was not present at the hearing. Mr. Mariconda requested the hearing be adjourned to the next available hearing.

A motion to adjourn hearing of 76 Henry Street to April 28<sup>th</sup>, 2020 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, ADJOURNED FROM FEBRUARY 11<sup>TH</sup>, CARRIED FROM MARCH 12<sup>TH</sup>, 2020.***

Item #1 of the agenda was read in the record. Mr. Matthew Trella, Esq., Attorney for the applicant was not present at the hearing. Mr. Trella requested an adjournment to the next available meeting.

A motion to adjourn hearing of 122 Third Street to April 28<sup>th</sup>, 2020 was made by Commissioner Stareshefsky, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion passed.

**3. Docket #ZB19-20, 314 Montgomery Street, Block #2170 Lot(s) #16, in the R-3 Zone**, applicant Tina Estates LLC, is seeking approval to install an addition on the 2<sup>nd</sup> floor (already constructed). It will require front yard setback, side yard setback, lot coverage, and any other variances and/or waivers that may be required. ***FIRST APPEARANCE. CARRIED FROM FEBRUARY 25<sup>TH</sup>, 2020.***

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Item #2 of the agenda was read in the record. Mr. Khaled Klele, Esq., Attorney for the applicant was present at the hearing via Zoom. Mr. Klele introduced the application to the Board.

A motion to close public portion of 314 Montgomery Street hearing was made by Commissioner Blumenthal, seconded by Vice Chairman Martinez, on a roll call vote, all in favor the motion passed.

A motion to approve application of 314 Montgomery Street was made by Commissioner Pittinsky, seconded by Commissioner Stareshesky, on a roll call vote, all in favor the motion passed.

**4. Docket #ZB20-00, 13 Fourth Street, Block 1034, Lot 18, in the R-3 Zone**, applicant 13 Fourth Street Properties LLC, is seeking preliminary and final site approval and subsequent D6(Height Variance) to remodel an existing four story building consisting of three (3) apartment per floor with a total of twelve (12) units. The applicant will infill a court yard on the south of the existing building, the infill is 183.51 sq. ft., by floor with a total of 734.04 sq. ft. The intent is to provide additional living space to each of existing units. No new unit will be created, as the result three units will go from two bedrooms to three bedrooms. 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. Charles Sarlo, Esq., Attorney for the applicant was present at the hearing. Mr. Sarlo introduced the application to the Board.

A motion to close public portion of 13 Fourth Street hearing was made by Commissioner Stareshesky, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion passed.

A motion to approve application of 13 Fourth Street was made by Commissioner Graham-Woodson, seconded by Commissioner Stareshesky, on a roll call vote, all in favor the motion passed.

## **ADJOURNMENT:**

Upon motion, seconded and carried, the meeting was adjourned at approximately 9:54 p.m.



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

## VOTING ON ACTIONS:

**1. 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	Acting Chairman	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	Absent					

**2. 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			√		
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			√		

**3. 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					
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 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			√		

**5. 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			√		