

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a virtual meeting on May 26th, 2020, due to COVID19 social distancing requirements via ZOOM at 7:00 p.m. and opened the meeting at 7:13 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:

NONE

MINUTES:

1. Minutes of the May 12th, 2020 meeting were presented to the Board for approval.

A motion was made to approve Minutes of May 12th, 2020, by Commissioner Brisman, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion carried.

APPLICATIONS:

1. 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. **ADJOURNED FROM APRIL 28TH, 2020.**

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 gave an overview of the application to the Board. Revised plans were submitted as requested by the Board at the prior hearing.

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Exhibit A-1 – Three (3) Photographs of inhabitable attic at 122 Third Street taken by Mr. Pinter, applicant were marked into evidence.

Chairman Bazian had questions regarding these photographs.

Mr. Frank D. Mileto, Licensed Architect & Planner of Long Valley, NJ was sworn into record. Mr. Mileto has testified before this Board on numerous occasions. The Board accepted his qualifications. Mr. Mileto continued with his testimony.

D.Kinz, Board Attorney had questions for Mr. Mileto.

Chairman Bazian had comments on the Density. D.Kinz, had follow-up questions on Density.

Commissioner Stareshesky had questions for Mr. Mileto.

Chairman Bazian had additional questions.

Commissioner Brisman had comments regarding the application.

There were no members of the public present; there was not public portion for comments.

Mr. Trella surmised the application.

Commissioner Stareshesky & Commissioner Soto had comments for the Board regarding the application.

Conversation was had on the amount of spaces for the parking variances being granted.

Board imposed the following conditions:

1. Sprinkler System throughout the building.
2. Hard wire
3. Existing fire escape cannot be removed
4. Prohibited attic use for residential purposes

A motion to approve the application of 297 Monroe Street was made by Commissioner Soto, seconded by Commissioner Brisman, on a roll call vote, all in favor the motion passed.

RESOLUTIONS:

2. 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

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may be required. **Approved March 31st, 2020**

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

3. 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. **Interpretation in favor of the applicant on January 28th, 2020.**

A motion was made to approve Resolution of 23-25 Van Houten Avenue interpretation was by Vice Chairman Martinez, seconded by Commissioner Brisman, on a roll call vote, all in favor, the motion carried.

4. Docket #ZB20-02, 297 Monroe Street, Block 4127, Lot 4, in the C Zone, applicant VB Monroe States LLC, is seeking preliminary and final site approval and subsequent D1(Use Variance) to add two residential units consisting of two bedrooms each on an unused space on the 2nd floor above A.W. Ross, Inc. a kitchen cabinets manufacturer. The existing is a mix used building consisting of a supermarket/restaurant and the kitchen cabinets manufacturer. 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. **Approved on May 12th, 2020.**

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned at approximately 8:35 p.m.



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

VOTING ON ACTIONS:

1. ACTION: Motion to approve Minutes of May 12th, 2020

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present	√		√		
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	---					
Vacant	Alt # 4	---					
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		

2. ACTION: Motion to approve Resolution of 13 Fourth Street application

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present	√		√		
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	---					
Vacant	Alt # 4	---					
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present					

3. ACTION: Motion to approve Resolution of 297 Monroe Street

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present			√		
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	---					
Vacant	Alt # 4	---					
Deiby Martinez	Vice Chairman	Present	√		√		
Menachem Bazian	Chairman	Present			√		

4. ACTION: Motion to approve application of 122 Third Street w/conditions

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present		√	√		
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	---					
Vacant	Alt # 4	---					
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present				√	

5. ACTION: Motion to approve Resolution of 23-25 Van Houten Avenue

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present		√	√		
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	---					
Vacant	Alt # 4	---					
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present					

6. ACTION: Motion to adjourn Meeting.

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman		Present			√		
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	---					
Vacant	Alt # 4	---					
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		