

The City of Passaic Planning Board held a Virtual meeting on August 5th, 2020 Via Zoom and opened the meeting at 6:35 p.m. by requesting a roll call. The invocation was given and all recited pledge of allegiance.

ROLL CALL:

		Present	Absent
Councilman Daniel Schwartz		✓	
Kenneth A. Simpson			✓
Jessica Delacruz		✓	
Sardis Cruz-Perez		✓	
Shawn Witten		✓	
VACANCY		---	---
Carlos Lopez	Alternate I	✓	
Peter T. Rosario	Alternate II	---	---
Edwin Perez	Acting Chairman	✓	
Maritza Colon-Montañez	Madam Chair		✓

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

MINUTES:

- Minutes of July 22nd, 2020 Special meeting were presented by the Secretary for approval.

A motion to approve the minutes of July 22nd, 2020 Special Meeting was made by Commissioner Witten, seconded by Commissioner Lopez, on a roll call vote, all in favor, the motion passed.

APPLICATIONS:

- Docket #PB20-02- 55 Highland Avenue (a/k/a 205 Dayton Avenue), Block #4060, Lot 28 in the CR-HD Zone**, applicant C. Realty, L.L.C. is requesting preliminary & final site approval to convert a one story mix-used building that currently contains 1 commercial and 1 residential 1 bedroom unit, thus converting the building to a 3 story building containing a total of 1 commercial unit and 7 residential units, with 1 commercial and 1 residential 1 bedroom unit on the first floor, 3 residential 2 bedroom units on the second floor, 3 residential 2 bedroom units on the third floor, and providing ground level parking below a portion of the building that is being added and requiring variance for lot area, lot width, rear yard setback, lot coverage, off street parking. And any other variances and/or waivers that may be required. **FIRST APPEARANCE.**

Item #2 of the agenda was read into the record. Mr. Gary Cohen, Esq. attorney for the applicant was resent at the hearing. The applicant requested to adjourn hearing to October 14th, 2020. Applicant will re-notice as opponent of the application Mr. Arnold Shurkin advised Board of a defficiency in the notice.

facility and a parking structure along Brook Avenue with 360 spaces and 180 parking spaces along Terhune Avenue; together with final approval for a portion of the redevelopment project consisting of 122,563 sq. ft. of retail use, the banquet facility and the parking garage. The applicant seeks to amend the approval to incorporate neighboring property which was acquired by the applicant, to improve emergency/fire department access and to allow for two-way-traffic to and from Brook Avenue, to relocate the proposed banquet facility from its prior approved location on Terhune Avenue to Brook Avenue. The applicant will also be seeking final site plan approval for phase II of the redevelopment project to: increase the parking space count by 370 spaces along Terhune Avenue which will bring the total to approximately 725 spaces, 229,772 sq. ft. of retail, commercial and service space, and approximately 137 new residential units. A three story addition atop of an existing three story structure about 15,000 sq. ft. alongside the railroad any other variances and/or waivers that may be required.

FIRST APPEARANCE.

Item #1 of the agenda was read in the record. Mr. Steven Mlenak, Esq. attorney for the applicant was present at the hearing.

Mr. Michael Nelson, Licensed Architect was sworn into the record. Mr. Nelson presented his qualifications to the Board. He has presented before this Board in the past. The Board accepted his qualifications. Mr. Nelson continued with his testimony.

Mr. Nelson described the site plan and the amendments to the previously approved application. He addressed page A-001 of the site plan.

Acting Chairman Perez had questions for Mr. Nelson.

Mr. Nelson addressed both the Board Planner reviews and Zoning Report. He provided responses to several questions.

Councilman Schwartz had questions about the capacity of the banquet hall.

Mr. Benjamin Gold, resident of 317 Terhune Avenue had questions for Mr. Nelson.

Mr. Ben Koenigsberg, resident of 52 Amsterdam Avenue had questions for the witness.

Mr. Marsel Shooss, resident of 52 Dakota Street had questions for the witness.

Mr. Eli Lazarowitz, resident of 323 Terhune Avenue had questions for the witness.

Ms. Rachel Klein, resident of 286 Terhune Avenue had questions for the witness.

Mr. Joe Baruch, resident of 25 Amsterdam Avenue had questions for the witness.

Mr. Arie Gelman, 306 Terhune Avenue had questions for the witness.

Mr. Dennis Rocks, Licensed Civil Engineer was sworn into the record. Mr. Rocks presented his qualifications to the Board. He has presented before this Board in the past. The Board accepted his qualifications. Mr. Rocks continued with his testimony.

Mr. Rocks described the drainage analysis and addressed the City Engineer review.

Mr. Ari Klein, 286 Terhune Avenue had questions for Mr. Rocks.

Mr. Eli Lazarowitz, resident of 323 Terhune Avenue had questions for the witness.

Ms. Rachel Klein, resident of 286 Terhune Avenue had questions for the witness.

Mr. Arieh Gelman, resident of 306 Terhune Avenue had questions for the witness.

Mr. Gary Dean, Licensed Traffic Engineer of Somerville, NJ was sworn into the record. Mr. Dean presented his qualifications to the Board. He has presented before this Board in the past. The Board accepted his qualifications. Mr. Dean continued with his testimony.

Mr. Dean described the Traffic Impact Assessment and its revision since the last application was approved.

Mr. Amarya Feinberg, resident of 379 Terhune Avenue had questions for the witness.

Mr. Mark Rosenthal, resident of 276 Terhune Avenue had questions for the witness.

Mr. Arieh Gelman, resident of 306 Terhune Avenue had questions for the witness.

Mr. Shlomo Kreitman, resident of 29 Amsterdam Avenue had questions for the witness.

Ms. Rachel Klein, resident of 286 Terhune Avenue had questions for the witness.

Mr. Benjamin Gold, resident of 317 Terhune Avenue had questions for Mr. Nelson.

Mr. Ari Klein, 286 Terhune Avenue had questions for Mr. Rocks.

Mr. Eli Lazarowitz, resident of 323 Terhune Avenue had questions for the witness.

Mr. Kyle Mintz, resident of 275 Terhune Avenue had questions for the witness.

Acting Chairman Perez opened the public portion of the hearing.

The following residents had comments for the Board:

Mr. Ari Klein, 286 Terhune Avenue

Mr. Amarya Feinberg, resident of 379 Terhune Avenue

Mr. Moshe Krupka, resident of 327 Terhune Avenue.
Ms. Rachel Klein, resident of 286 Terhune Avenue
Mr. Ben Koenigsberg, resident of 52 Amsterdam Avenue
Mr. Eli Lazarowitz, resident of 323 Terhune Avenue
Mr. Kyle Mintz, resident of 275 Terhune Avenue

A motion to close public portion of the 217-219 Brook Avenue hearing, was made by Acting Chairman Perez, seconded by Commissioner Delacruz, on a roll call vote, all in favor, the motion passed.

L.Rago, Board Attorney addressed the concerns of the public.

Councilman Schwartz had recommendations for the applicant.

Commissioner Lopez had comments and recommendation of Traffic Calming Device for the applicant.

The following conditions were imposed by the Board:

1. Speed humps/Traffic Calming Device to be discussed with City Engineer.
2. Applicant to comply with all the proposed recommendations of the City Engineer.

A motion to approve application of 217-219 Brook Avenue with the conditions listed above, was made by Commissioner Delacruz, seconded by Acting Chairman Perez, on a roll call vote, all in favor, the motion passed.

RESOLUTIONS:

1. Recommendation for Area in Need of Rehabilitation according to the criteria set forth in section 5 of P.L. 1992, c.79 (C.40A:12A-5) for the following properties:

Block 3238 Lot 1	208 Passaic Avenue
Block 2176 Lot 19	115 Myrtle Avenue

A motion to approve Resolution of AINOR Designation for Census Tracts, was made by Commissioner Witten, seconded by Commissioner Lopez, on a roll call vote, all in favor, the motion passed.

A motion to approve Resolution of AINOR Designation for Lafayette Avenue, Grant Street & Wickham Street, was made by Commissioner Lopez, seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

2. **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. ***Denied on July 8th, 2020***

A motion to approve Resolution of 119 Autumn Street application, was made by was made by Councilman Schwartz, seconded by Commissioner Cruz-Perez, on a roll call vote, all in favor, the motion passed.

3. Docket #PB20-12 - 127-129 South St, Block 1030 Lot 33 in the Eastside Redevelopment Zone, Applicant 125 South Street, LLC is requesting Final Site Plan approval, to demolish an existing vacant industrial building and construct a new five-story building containing fifty-two units consisting of twenty (20) one-bedroom units and thirty-two (32) two-bedroom units. The proposed building will have a thirty-four (34) car enclosed parking garage, twenty-four (24) exterior parking spaces, bicycle parking, a private lounge and mechanical/utility area. This application will require a height relief which is 7.9 % and any other variance and/or waivers that may be required. ***Approved on July 22nd, 2020***

A motion to approve Resolution of 127-129 South Street application, was made by was made by Commissioner Lopez, 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 11:15 p.m.



Miriam R. Perez, Board Secretary
Municipal Land Use Law

CITY OF PASSAIC PLANNING BOARD

VOTE SHEET

VOTING ON ACTIONS:**1. ACTION: Motion to approve Minutes of July 22nd, 2020 Special Meeting**

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

2. ACTION: Motion to approve Resolution of 119 Autumn Street

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

3. ACTION: Motion to approve Resolution of 127-129 South Street

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

CITY OF PASSAIC PLANNING BOARD

VOTE SHEET

4. ACTION: Motion to close public portion of AINOR- 115 Myrtle Avenue hearing

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

5. ACTION: Motion to approve recommendation for AINOR – 115 Myrtle Avenue

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

6. ACTION: Motion to close public portion of AINOR- 208 Passaic Avenue hearing

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

7. ACTION: Motion to approve recommendation for AINOR – 208 Passaic Avenue

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

8. ACTION: Motion to adjourn 55 Highland Avenue hearing to October 14th, 2020

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

9. ACTION: Motion to close public portion of 217-219 Brook Avenue hearing

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

CITY OF PASSAIC PLANNING BOARD

VOTE SHEET

10. ACTION: Motion to approve application of 217-219 Brook Avenue w/conditions

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

11. ACTION: Motion to approve Resolution of AINOR Recommendation - 115 Myrtle Avenue

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

12. ACTION: Motion to approve Resolution of AINOR Recommendation - 208 Passaic Avenue

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

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

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