

# CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a virtual meeting on October 13<sup>th</sup>, 2020, due to COVID19 social distancing requirements via ZOOM at 7:00 p.m. and opened the meeting at 7:10 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 Stareshesky			√
Jonathan Pittinsky			√
Sheila Graham-Woodson	Alt # 1	√	
Yolanda Soto	Alt # 2	√	
Juan C. Lozano-Rosas	Alt # 3	√	
Michael J. Gross	Alt # 4	---	---

**ALSO PRESENT:** Julio Santana, Zoning Officer  
David Troast, Board Planner  
Douglas Kinz, Esq., Board Attorney

**NEW BUSINESS:**

Renewal of Commissions & Swearing in of Commissioners Sheila Graham-Woodson & Juan Lozano-Rosas.  
Swearing in of new Commissioner Michael J. Gross

**MINUTES:**

1. Minutes of the September 22<sup>nd</sup>, 2020 meeting were presented to the Board for approval.

A motion was made to approve Minutes of September 22<sup>nd</sup>, 2020, by Vice Chairman Martinez, seconded by Commissioner Lozano-Rosas, on a roll call vote, all in favor the motion carried.

**RESOLUTIONS:**

**1. ZB20-07, 857 Main Avenue, Block 2177, Lot 1, in the C-R Zone**, applicant Mt. Zion Baptist Church is requesting an extension to the approvals granted by Resolution on November 28, 2017 for preliminary and final site plan approval, together with a subsection D(3) conditional use variance, in order to construct a fellowship hall and multi-purpose center adjacent to an existing house of worship for One (1) additional year. ***Approved September 22<sup>nd</sup>, 2020.***

A motion to approve the Resolution of 857 Main Avenue Extension was made by Vice Chairman Martinez seconded by Commissioner Brisman, on a roll call vote, all in favor the motion passed.

**2. Docket #ZB20-01, 261 Passaic Street, Block 1080, Lot 01, in the CR Zone**, applicant 261-263

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Passaic Street LLC, is seeking preliminary and final site approval and subsequent D(5) (Density Variance) to remove a commercial store front on the ground floor and to add two (2) additional two-bedroom apartments in place of the existing commercial space. There already six (6) existing residential units, bringing the total to eight (8) residential units. 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. ***Applicant withdrew without prejudice on September 22<sup>nd</sup>, 2020.***

A motion to approve the Resolution of 261 Passaic Street was made by Commissioner Brisman seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion passed.

## **ESCROWS:**

NONE

## **APPLICATIONS:**

**1. Docket #ZB20-06, 127 Highland Avenue, Block 4062, Lot 49, in the R-3 Zone,** applicant MBA Properties LLC, is seeking preliminary and final site approval and subsequent D5(High Density) to revalidate prior 2002 approval with an adjusted program of ten (10), 2 bedroom units and one, 1 bedroom unit. Surface parking to contain nine (9) on-site parking spaces with the one, 1-bedroom unit, which allows it to be ADA accessible. Second and third floors to contain five (5), 2-bedroom units per floor. 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.

Item #2 of the agenda was read into the record. Mr. Charles Sarlo, Esq., Attorney for the applicant was not present at the hearing. There is a deficiency in the notice and applicant will re-notice application for the November 10<sup>th</sup>, 2020 meeting.

**3. Docket #ZB20-04, 153 Sherman Street, Block #4110 Lot(s) #51, in the R-3 Zone,** applicant 153 Investment LLC, is seeking approval to convert an existing one family home into a two (2) family home. This application will require variances for lot width, side yard setbacks, and any other variances and/or waivers that may be required. ***FIRST APPEARANCE.***

Item #1 of the agenda was read into the record. Mr. Alan Mariconda, Esq., 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 presented his qualifications to the Board. Mr. Matos has presented before the Board on various occasions. The Board accepted his qualifications. Mr. Matos continued with his testimony.

Mr. Matos described the site plan to the Board.

Commissioner Brisman had questions for the witness.

Chairman Bazian had several questions for Mr. Matos.

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D.Troast, Board Planner had questions for the witness.

J.Santana, Zoning Officer had comments on the lot coverage calculations.

D.Troast, also had comments for the Board.

D.Kinz, Board Attorney had comments for the applicant regarding Drainage Calculations.

Mr. Humberto Hidalgo, applicant and owner of the property was sworn into the record.

Commissioner Brisman had comments for the Board.

Chairman Bazian opened the public portion of the hearing.

The Board imposed the following conditions:

1. No dwelling units in the Basement.
2. Applicant must comply with City Engineer's review and approval of lot coverage drainage calculations.

A motion to close the public portion of the hearing of 153 Sherman Street hearing was made by Commissioner Blumenthal, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion passed.

A motion to approve the application of 153 Sherman Street with conditions listed above was made by Vice Chairman Martinez, seconded by Commissioner Lozano-Rosas, on a roll call vote, all in favor, the motion passed.

## **ADJOURNMENT:**

Upon motion, seconded and carried, the meeting was adjourned at approximately 8:40 p.m.



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

## VOTING ON ACTIONS:

**1. ACTION: Motion to approve Minutes of September 22, 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		Absent					
Moshe Stareshefsky		Absent					
Jonathan D. Pittinsky		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	---					
Juan C. Lozano-Rosas	Alt # 3	Present		√	√		
Michael J. Gross	Alt # 4	Present					
Deiby Martinez	Vice Chairman	Present	√		√		
Menachem Bazian	Chairman	Present			√		

**2. ACTION: Motion to approve Resolution for 857 Main Avenue One-Year Extension**

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

**3. ACTION: Motion to approve Resolution of 261 Passaic Street**

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

**4. ACTION: Motion to close public portion of 153 Sherman Street hearing**

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		Absent					
Sheila Graham-Woodson	Alt # 1	Present		√	√		
Yolanda Soto	Alt # 2	---					
Juan C. Lozano-Rosas	Alt # 3	Present			√		
Michael J. Gross	Alt # 4	Present			√		
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		

**5. ACTION: Motion to approve 153 Sherman Street application with conditions**

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		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	---					
Juan C. Lozano-Rosas	Alt # 3	Present		√	√		
Michael J. Gross	Alt # 4	Present			√		
Deiby Martinez	Vice Chairman	Present	√		√		
Menachem Bazian	Chairman	Present			√		

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

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		Absent					
Sheila Graham-Woodson	Alt # 1	Present			√		
Yolanda Soto	Alt # 2	---					
Juan C. Lozano-Rosas	Alt # 3	Present			√		
Michael J. Gross	Alt # 4	Present			√		
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		