

# CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a virtual meeting on January 4<sup>th</sup>, 2022, due to COVID19 social distancing requirements via ZOOM at 7:00 p.m. and opened the meeting at 7:08 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	Acting Chairman	√	
Moshe Stareshesky			√
Jonathan Pittinsky		√	
Sheila Graham-Woodson	Alt # 1	√	
Yolanda Soto	Alt # 2	√	
Juan C. Lozano-Rosas	Alt # 3	---	---
Michael J. Gross	Alt # 4	---	---

**REORGANIZATION:**

**Election of Officers**

**Board Chairman:** A motion was made by Commissioner Blumenthal to nominate Commissioner Bazian, seconded by Commissioner Pittinsky; there being no other nominations, on a roll call vote, all in favor, the motion carried.

**Vice-Chairman:** A motion was made by Commissioner Brisman to nominate Commissioner Martinez, seconded by Commissioner Soto; there being no other nominations, on a roll call vote, all in favor, the motion carried.

**Secretary:** A motion was made by Vice Chairman Martinez to nominate Commissioner Brisman, seconded by Commissioner Pittinsky; there being no other nominations, on a roll call vote, all in favor, the motion carried.

**Recording Secretary:** Election of Recording Secretary will be postponed to meeting of January 18<sup>th</sup>, 2022.

**Attorney:** A motion was made by Vice Chairman Martinez to appoint Douglas Kinz, Esq. as the Board Attorney, seconded by Commissioner Graham-Woodson; there being no other nominations, on a roll call vote, all in favor, the motion carried.

**Board Planner:** A motion was made by Commissioner Hess, to appoint Plan 2 Consultants as the Board Planner, seconded by Commissioner Blumenthal; there being no other nominations, on a roll call vote, all in favor, the motion carried.

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**Newspaper:** A motion was made by Commissioner Blumenthal, seconded by Commissioner Graham-Woodson to keep the Herald & News as the official Newspaper for Publication; there being no other nominations, on a roll call vote, all in favor, the motion carried.

### **MINUTES:**

1. Minutes of the November 4<sup>th</sup>, 2021 meeting were presented to the Board for approval.

A motion was made to approve Minutes of November 4<sup>th</sup>, 2021, by Commissioner Graham-Woodson, seconded by Vice Chairman Martinez, on a roll call vote, all in favor the motion carried.

### **RESOLUTIONS:**

NONE

### **ESCROWS:**

1. 132-136 Brook Avenue – ZB18-13 - Escrow Deposit - \$3,500.00
  - \$ 1,198.50 – Board Planner
  - \$ 675.00 – Board Attorney
  - \$ 714.00 – Board Engineer
  - \$ 25.08 – North Jersey Media Legal Ads
  - \$ 174.71 – General Account
  - \$ 712.71 – Yitzcak & Sara Rubin.

A motion to approve Escrow Resolution for 132-136 Brook Avenue was made by Commissioner Pittinsky, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion passed.

2. 19 High Street – ZB18-17 - Escrow Deposit - \$3,500.00
  - \$ 625.00 – Board Planner
  - \$ 675.00 – Board Attorney
  - \$ 250.00 – Board Engineer
  - \$ 140.71 – General Account
  - \$ 1,852.29 – Cecilia Liranzo.

A motion to approve Escrow Resolution for 19 High Street was made by Vice Chairman Martinez, seconded by Commissioner Blumenthal, on a roll call vote, all in favor the motion passed.

3. 122 Third Street – ZB19-15 - Escrow Deposit - \$3,500.00
  - \$ 775.00 – Board Planner
  - \$ 1,039.50 – Board Attorney
  - \$ 310.50 – Board Engineer
  - \$ 13.33 – North Jersey Media Legal Ads
  - \$ 140.71 – General Account
  - \$ 1,220.96 – 122 Garden LLC.

A motion to approve Escrow Resolution for 132-136 Brook Avenue was made by Commissioner Blumenthal, seconded by Vice Chairman Martinez, on a roll call vote, all in favor the motion passed.

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## APPLICATIONS:

1. **Docket #ZB21-11, 84 First Street, Block 1042, Lot 11, in the CR-HD Zone**, Applicant 82-84 Properties LLC is requesting preliminary and final site plan approval and subsequent D5 (density) variance to rehabilitate a three-story brick building consisting of commercial unit in ground floor (Auto repair) and second and third floor empty warehouse space. The applicant is proposing to keep ground floor as a commercial unit and convert the 2<sup>nd</sup> and 3<sup>rd</sup> floor into residential units consisting of one 1-bedroom and one 2-bedroom apartments on the 2<sup>nd</sup> floor and two (2) 2-bedrooms apartments on the 3<sup>rd</sup> floor, for a total of four (4) residential units. This application will require variances for lot area, lot width, lot depth, front yard setback, lot coverage, parking, and any variances and/or waivers that may be required. **CARRIED FROM SEPTEMBER 30<sup>TH</sup>, 2021.**

Item #3 of the agenda was read into the record. Mr. Gary Cohen, Esq., Attorney for the applicant was present at the hearing. Applicant requested to adjourn hearing to the February 15<sup>th</sup>, 2022 date and consented to tolling of time.

A motion to adjourn hearing of 84 First Street application to February 15<sup>th</sup>, 2022 was made by Commissioner Blumenthal, seconded by Vice Chairman Martinez, on a roll call vote, all in favor the motion passed.

2. **Docket #ZB21-12, 280 Hope Avenue, Block #4062, Lot #34, in the R-3 Zone, Applicant Ruth Yunen** is requesting preliminary and final site plan approval and subsequent D-5 variance to convert an existing two-family home into an eight (8) unit apartment building by adding a three-story addition to the rear of the existing building. There are two (2) existing two-bedroom apartments with the addition consisting of six (6) two-bedroom apartments on the 2<sup>nd</sup> and 3<sup>rd</sup> floors and eight (8) parking spaces on the ground floor. This application will require variances for minimum lot area, minimum lot width, minimum side yard and rear yard setback, D-5 variance, parking variance and any other variances and/or waivers that may be required. **FIRST APPEARANCE.**

Item #4 of the agenda was read into the record. Mr. Gary Cohen, Esq., Attorney for the applicant was present at the hearing. Applicant requested to adjourn hearing to the February 15<sup>th</sup>, 2022 and consented to tolling of time.

A motion to adjourn hearing of 280 Hope Avenue application to February 15<sup>th</sup>, 2022 was made by Commissioner Blumenthal, seconded by Commissioner Pittinsky, on a roll call vote, all in favor the motion passed.

3. **Docket # ZB21-06, 5 Amsterdam Avenue, Block 3318.03 Lot 7 in the R-2 Zone District**, applicants Emanuel Schachner and Esther Schachner, are requesting preliminary and final site plan approval along with D1 Use and D5 Density variances to renovate and convert an existing two family, 2.5-story property into a multi-family building with seven residential units. The applicant will require variances for lot width, front yard, right & left side yard setbacks, building lot coverage, parking, and any other variances and/or waivers that may be required. **ADJOURNED FROM SEPTEMBER 14<sup>TH</sup>, 2021. CARRIED FROM DECEMBER 9<sup>TH</sup>, 2021.**

Item #2 of the agenda was read into the record. Mr. Gary Cohen, Esq., Attorney for the applicant was present at the hearing.

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Acting Chairman Brisman recused himself from this hearing and stepped down from the meeting at the recommendation of the Board Attorney.

Commissioner Blumenthal was named Acting Chairman.

Mr. Vicente Varela was recalled to testify. Mr. Varela described the amendments to the site plan.

D.Kinz, Board Attorney had questions for the witness.

J.Santana, Zoning Official had comments regarding the leased parking spaces from the Synagogue.

Acting Chairman Blumenthal had questions regarding the Parking Spaces.

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

Acting Chairman Blumenthal had additional questions for the witness.

Commissioner Hess had questions for Mr. Varela.

Mrs. Miriam Lebovits, Licensed Broker & Real Estate Agent of Passaic, NJ was sworn into the record. Mrs. Lebovits presented her qualifications to the Board. The Board accepted her qualifications. Mrs. Lebovits continued with her testimony.

Acting Chairman Blumenthal had questions for Mrs. Lebovits. Commissioner Hess had follow-up questions as well.

Commissioner Pittinsky had questions for the witness.

Acting Chairman Blumenthal opened the public portion of the hearing.

D.Kinz, Board Attorney had comments and questions for Mrs. Lebovits.

Commissioner Hess had comments for the Board regarding the application.

Mr. Joseph Vince Licensed & Professional Planner of Oakland, NJ was sworn into the record. Mr. Vince presented his qualifications to the Board. The Board accepted his qualifications. He continued with his testimony as it relates to the Planning aspect of this application.

Exhibit A-1 & A-2 –Aerial Exhibit Google Earth images - two pages were marked into evidence.

Exhibit A-3 – Land Use Exhibit dated 7/11/21 was marked into evidence.

Exhibit A-4 – Fourteen (14) Photographs dated 7/23/21 were marked into evidence.

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

A motion adjourn hearing of 5 Amsterdam Avenue application was made by Commissioner

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Graham-Woodson, seconded by Commissioner Hess, on a roll call vote, all in favor the motion passed.

**ADJOURNMENT:**

Upon motion, seconded and carried, the meeting was adjourned at approximately 9:25 p.m.



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

**VOTING ON ACTIONS:**

**1. ACTION: Motion to select Commissioner Bazian as Chairman of the Board**

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

**2. ACTION: Motion to select Commissioner Martinez as Vice Chairman of the Board**

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

**3. ACTION: Motion to select Commissioner Brisman as Secretary of the Board**

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

**4. ACTION: Motion to select Douglas Kinz as Board Attorney**

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

**5. ACTION: Motion to select Plan 2 Consultants as the Board Planners**

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

**6. ACTION: Motion to select Herald & News as Official Newspaper of the Board**

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

**7. ACTION: Motion to approve Minutes of November 4<sup>th</sup>, 2021 Meeting**

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

**8. ACTION: Motion to approve Escrow Resolution of 132-136 Brook Avenue ZB18-13**

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

**9. ACTION: Motion to approve Escrow Resolution of 19 High Street ZB18-17**

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



**10. ACTION: Motion to approve Escrow Resolution of 122 Third Street ZB19-15**

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

**11. ACTION: Motion to adjourn hearing of 84 First St application to February 15<sup>th</sup>, 2022**

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

**12. ACTION: Motion to adjourn hearing of 280 Hope Ave application to February 15<sup>th</sup>, 2022**

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

**13.ACTION: Motion to adjourn hearing of 5 Amsterdam Ave application to February 1<sup>st</sup>, 2022**

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

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

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