

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a virtual meeting on January 5th, 2021, 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		√	
Moshe Stareshefsky		√	
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

MINUTES:
NONE

RESOLUTIONS:
NONE

ESCROWS:
NONE

REORGANIZATION:

Election of Officers

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

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

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

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Recording Secretary: A motion was made by Commissioner Blumenthal to keep Miriam R. Perez as the Board Secretary, seconded by Commissioner Soto; there being no other nominations, on a roll call vote, all in favor, the motion carried.

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

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, six (6) in favor, one (1) denied, the motion carried.

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. ***ADJOURNED FROM NOVEMBER 10TH, 2020. FIRST APPEARANCE.***

Item #1 of the agenda was read into the record. Mr. Charles Sarlo, Esq., Attorney for the applicant was present at the hearing. Mr. Sarlo introduced the application to the Board.

D.Kinz, Board Attorney had comments for the Board regarding the prior approval of 2002.

Mr. Patrick McClellan, Licensed Civil Engineer of Totowa, NJ was sworn into the record. Mr. McClellan has testified on numerous occasions before this Board. The Board accepted his qualifications. Mr. McClellan continued with his testimony and described the plan to the Board.

Mr. McClellan referenced the Site Plan. He addressed the Engineer's comments from review of October 2020. Most of the items were addressed in the revised plan submitted in November 2020.

Commissioner Stareshesky had comments regarding the Fire Prevention review.

Commissioner Graham-Woodson had questions about lighting in the parking lot and stairwells. She had additional questions regarding garbage disposal.

D.Kinz, Board Attorney had questions for Mr. McClelland regarding the increase in lot coverage.

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Mr. Osvaldo Martinez, Licensed Architect of Hoboken, NJ was sworn into the record. Mr. Martinez has testified on numerous occasions before this Board. The Board accepted his qualifications. Mr. Martinez continued with his testimony and described the architectural plan to the Board.

Commissioner Stareshesky had several questions for Mr. Martinez.

Commissioner Soto had questions about emergency exits. Commissioner Stareshesky had additional comments.

D.Kinz, Board Attorney questioned about the basement plan.

Chairman Bazian had several questions for Mr. Martinez.

Mr. Erik DeLine, Licensed Professional Planner of Montclair, NJ was sworn into the record. Mr. DeLine presented his qualifications to the Board, the Board accepted his qualifications. Mr. DeLine continued with his planning testimony.

Exhibit A-1 – 8 Page Pamphlet dated 11/10/20 was marked into evidence

Exhibit A-2 – Photograph of the area surrounding the property was marked into evidence.

Commissioner Hess had comments for the Board regarding the application. Chairman Bazian added on to Comm. Hess' comments.

Commissioner Stareshesky had questions for Mr. DeLine.

Mr. Sarlo surmised the application.

Chairman Bazian opened the public portion of the hearing.

A motion to close public portion of 127 Highland Avenue hearing was made by Commissioner Stareshesky, seconded by Commissioner Pittinsky, on a roll call vote, all in favor the motion passed.

A motion to adjourn application of 127 Highland Avenue to February 2nd, 2021 was made by Commissioner Stareshesky seconded by Commissioner Soto, on a roll call vote, all in favor the motion passed.

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned at approximately 9:50 p.m.



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 ST	2 ND	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	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present					
Michael J. Gross	Alt # 4	Present					
Deiby Martinez		Present		√	√		
Menachem Bazian		Present					√

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

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	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	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present					
Michael J. Gross	Alt # 4	Present					
Deiby Martinez		Present			√		
Menachem Bazian	Chairman	Present			√		

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

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	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	Present			√		
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 select Miriam R. Perez as Recording Secretary of the Board

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman	Secretary	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	Present		√	√		
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 select Douglas Kinz as Board Attorney

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman	Secretary	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	Present			√		
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 select Plan 2 Consultants as the Board Planners

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	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	Present		√	√		
Juan C. Lozano-Rosas	Alt # 3	Present					
Michael J. Gross	Alt # 4	Present					
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		

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

COMMISSIONER		PRESENT/ ABSENT	1 ST	2 ND	APPROVE	DENY	ABSTAIN
Yaacov Brisman	Secretary	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	Present			√		
Juan C. Lozano-Rosas	Alt # 3	Present					
Michael J. Gross	Alt # 4	Present					
Deiby Martinez	Vice Chairman	Present			√		
Menachem Bazian	Chairman	Present			√		

8. ACTION: Motion to close public portion of 127 Highland Avenue hearing

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

9. ACTION: Motion to adjourn 127 Highland Avenue application to February 2nd, 2021

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

10.ACTION: Motion to adjourn Meeting.

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