

CITY OF PASSAIC BOARD OF ADJUSTMENT MINUTES

The City of Passaic Board of Adjustments held a virtual meeting on July 16th, 2021, 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	√	
Michael J. Gross	Alt # 4	---	---

ALSO PRESENT: Sonal Patel, Interim Zoning Officer
 Ricardo Fernandez, Business Administrator/Planning Director
 David Troast, Board Planner
 Douglas Kinz, Esq., Board Attorney

MINUTES:
 NONE

RESOLUTIONS:
 NONE

ESCROWS:
 NONE

APPLICATIONS:
1. Docket #ZB21-03, 60 Crescent Avenue Block #3306, Lot #21, in the R-1 Zone, applicant Eli Spitzer is requesting variances for side yard setbacks and any other variances and/or waivers that may be required to construct a 560’ square feet addition to the rear of an existing single family home. **FIRST APPEARANCE.**

Item #2 of the agenda was read into the record. Mr. Gary Cohen, Esq., Attorney for the applicant was present at the hearing. Mr. Cohen gave a description of the application to the Board.

Mr. Sherban Draganescu, Licensed Architect of Teaneck, NJ was sworn into the record. Mr. Draganescu presented his qualifications to the Board. The Board accepted his qualifications. Mr. Draganescu continued with his testimony.

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

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Chairman Bazian had questions for Mr. Draganescu.

D.Troast, Board Planner had comments for the Board. D.Kinz, Board Attorney disagreed with Mr. Troast's comments on the hardship variance.

R.Fernandez, Planning Director had questions for the applicant.

D.Kinz, Board Attorney had comments for the Board.

Chairman Bazian had questions for Mr. Draganescu. R.Fernandez had follow-up questions. Section 125-2 was discussed at length for clarification

Chairman Bazian opened the public portion of the hearing.

A motion to close public portion of 60 Crescent Avenue hearing was made by Commissioner Hess, seconded by Commissioner Pittinsky, on a roll call vote, all in favor the motion passed.

A motion to approve application of 60 Crescent Avenue with waiver to Section 125-2 was made by Vice Chairman Martinez, seconded by Commissioner Pittinsky, on a roll call vote, all in favor the motion passed.

2. Docket #ZB21-02, 74 Passaic Street Block # 1019, Lot # 3, in the R-3 Zone, the applicant Juan D. Aybar is seeking a D-5 density variance for preliminary and final site plan to rehabilitate an existing fire damaged two-story building as well as constructing an additional story. The plan for the proposed three-story building includes adding an additional floor for residential three (3)-bedroom unit to the two (2) existing three (3)-bedroom units, for a total of three (3) residential units. This application will require variances for lot area, lot width, front yard, side yard setback, lot coverage, density, parking and any other variances and/or waivers that may be required. ***Carried from June 15th, 2021. 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. Mariconda introduced the application to the Board.

Mr. Michael J. Romanik, Licensed Architect of Clifton, NJ was sworn into the record. Mr. Romanik has presented before this Board on various occasions. The Board accepted his qualifications. Mr. Romanik continued with his testimony.

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

Mrs. Raiza Rodriguez, representative for the applicant Mr. Juan D. Aybar. Mrs. Rodriguez continued with her testimony.

Chairman Bazian had comments for the Board regarding Density Variances.

Chairman Bazian opened the public portion of the hearing.

A motion to close public portion of 74 Passaic Street hearing was made by Commissioner Blumenthal, seconded by Commissioner Hess, on a roll call vote, all in favor the motion passed.

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A motion to approve application of 74 Passaic Street was made by Commissioner Blumenthal seconded by Commissioner Lozano-Rosas, on a roll call vote, all in favor the motion passed.

3. Docket #ZB21-04, 129 Main Avenue, Block 3298, Lot 33, in the CR Zone, applicant Congregation Kollel OHR Hatorah is seeking a D-3 conditional use variance for preliminary and final site approval to convert an existing single story vacant bank into a house of worship. This application will also require variances for lot area, lot width, side yard setback, rear yard setback, lot coverage, 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 present at the hearing. Mr. Cohen gave a description of the application to the Board.

Mr. Eliyohu Schneider, Licensed Engineer & Architect of New City, NY. Mr. Schneider presented his qualifications to the Board. The Board accepted his qualifications. Mr. Schneider continued with his testimony.

Chairman Bazian disclosed a familial relationship with Mr. Schneider and asked D.Kinz, Board Attorney if he needed to recuse himself. D.Kinz found no conflict and there were no objections to Chairman Bazian hearing the case.

Chairman Bazian had questions for Mr. Schneider.

R.Fernandez, Planning Director had questions for Mr. Schneider on capacity and usage. Chairman Bazian had follow-up questions.

Mr. Yitzchok Sperka, Rabbi and representative for the applicant was sworn into the record. Rabbi Sperka continued with his testimony.

Chairman Bazian had several questions for Rabbi Sperka.

D.Troast, Board Planner had comments for the Board in regards to this application.

Chairman Bazian opened the public portion of the hearing.

A motion to close public portion of 129 Main Avenue hearing was made by Commissioner Blumenthal, seconded by Commissioner Lozano-Rosas, on a roll call vote, all in favor the motion passed.

The Board imposed the following conditions:

1. Seating Limitation of 44 people

A motion to approve application of 129 Main Avenue with condition listed above was made by Commissioner Pittinsky, seconded by Commissioner Graham-Woodson, on a roll call vote, all in favor the motion passed.

ADJOURNMENT:

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Upon motion, seconded and carried, the meeting was adjourned at approximately 9:38 p.m.



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

VOTING ON ACTIONS:

1. ACTION: Motion to adopt Board Calendar dates - AUG - DEC 20

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

2. ACTION: Motion to close public portion of 74 Passaic Street hearing

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

3. ACTION: Motion to approve application of 74 Passaic Street

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

4. ACTION: Motion to close public portion of 60 Crescent Avenue hearing

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

5. ACTION: Motion to approve application of 60 Crescent Avenue w/waiver of Sec. 125.2

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

6. ACTION: Motion to close public portion of 129 Main Avenue hearing

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

7. ACTION: Motion to approve application of 129 Main Avenue w/condition of seating limitation of 44 people

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

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