

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, June 29, 2017
Commencing at 6:33 p.m.

M E M B E R S P R E S E N T:

MARGARITA GUTIERREZ
MIGUEL ORTIZ
DAVID W. PRESSEY
JOHN MEDINA
JOSEPH D. BONACCI
VICTOR M. GRULLON, Vice Chairman

M E M B E R S A B S E N T:

KHALED DARDIR
LIBERO MAROTTA, Alternate No. 3
PETER C. DOUMAS, Alternate No. 4

A L S O P R E S E N T:

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates

A P P E A R A N C E S:

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, UC 48, LLC

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, 321-323 Union City, LLC

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, 14th Street Associates, LLC

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Centro Cristiano Hechos

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Rare Enterprise, LLC

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1 THE SECRETARY: May I have your attention,
2 please?

3 Please take notice that on Thursday, June
4 29, 2017, at six p.m., a Special Meeting is
5 scheduled for the City of Union City Zoning Board
6 of Adjustment, to be held in the Municipal
7 Chamber, located on the Second Floor, 3715
8 Palisade Avenue, Union City, New Jersey.

9 Can everybody kindly rise to salute the
10 flag?

11

12 (Whereupon, the Pledge of Allegiance was
13 said by all.)

14

15 THE SECRETARY: Thank you.

16 Notice of this meeting has been provided as
17 follow:

18 Notice of this meeting, setting forth the
19 time, date, location and the agenda, to the
20 extent known, was forward to The Jersey Journal,
21 The Record, and The Hudson Reporter, has been
22 posted on the bulletin board in the City Hall,
23 and been made available to the public in the
24 Office of the Municipal Clerk.

25

1 **ROLL CALL:**

2

3 THE SECRETARY: Roll call for tonight's
4 meeting.

5 Victor Grullon?

6 VICE CHAIRMAN GRULLON: Here.

7 THE SECRETARY: Margarita Gutierrez?

8 MS. GUTIERREZ: Here.

9 THE SECRETARY: Miguel Ortiz?

10 MR. ORTIZ: Here.

11 THE SECRETARY: David Pressey?

12 MR. PRESSEY: Yes. Here.

13 THE SECRETARY: Khaled Dardir?

14 Absent.

15 John Medina?

16 MR. MEDINA: Here.

17 THE SECRETARY: Joseph Bonacci?

18 MR. BONACCI: Here.

19 THE SECRETARY: Libero Marotta?

20 Absent.

21 Peter Doumas?

22 Absent.

23 Let the record indicate there are six
24 present.

25 Those absent tonight are Mr. Dardir, Mr.

1 Marotta, and Mr. Doumas.

2 So, we have a Board made up of six members.

3 We have a full quorum for tonight's
4 meeting.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

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3 (1) Approval of previous meeting minutes from
4 06/08/2017.

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6 THE SECRETARY: Approval of previous
7 meeting minutes from June 8, 2017.

8 Can I have a motion?

9 VICE CHAIRMAN GRULLON: Motion.

10 THE SECRETARY: Motion by Mr. Grullon.

11 MS. GUTIERREZ: Second.

12 THE SECRETARY: Second by Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Bonacci?

15 MR. BONACCI: Yes.

16 THE SECRETARY: Mr. Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Mr. Pressey?

25 MR. PRESSEY: Yes.

1 THE SECRETARY: Six in favor, motion
2 carries.

3 THE SECRETARY: We are going to change a
4 little bit the order of tonight's agenda.

5 Mrs. Pereiras is running a little late.

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1 **321-323 Union City, LLC - 321-323 38th Street:**

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3 THE SECRETARY: We are going to move on to
4 321-323 Union City, LLC, 321-323 38th Street.

5 Mr. Diaz, please?

6 MR. DIAZ: Good evening, Board members.

7 Luis Diaz for the applicant in this matter,
8 321-323 Union City, LLC.

9 We're asking for extension on this matter.

10 This application was heard back in June --
11 13 and on June 11 of 2013, and approved on July
12 11, 2013.

13 Resolution, September 12, 2013.

14 The application was to have the structure
15 that is existing there now, which had four
16 residential units and one commercial, to have
17 that turned into six residential, bringing the --
18 the property more in compliance with the -- with
19 the Ordinance, even though it still is non-
20 compliant.

21 We're requesting an extension and the
22 reason for the delay was that there were tenants
23 in the -- in the building. They all have been
24 relocated at their own time. Nobody was pushed
25 out and that's what took so much time.

1 The last one, as a matter of fact, Mrs.
2 Lopez (phonetic), moved out about a month and a
3 half ago.

4 And that's the reason why we're here now
5 requesting the extension, in order to proceed
6 with what was approved back in 2013.

7 VICE CHAIRMAN GRULLON: Mr. Diaz, you say
8 now the -- the building's empty.

9 MR. DIAZ: It's vacant.

10 VICE CHAIRMAN GRULLON: And they are ready
11 to proceed.

12 MR. DIAZ: Ready to proceed.

13 Correct.

14 VICE CHAIRMAN GRULLON: Okay, with that
15 said, I make a motion to grant the extension, the
16 one year extension.

17 THE SECRETARY: Motion to grant the
18 extension by Mr. Grullon.

19 Second by Ms. Gutierrez.

20 Roll call on the motion.

21 Mr. Grullon?

22 VICE CHAIRMAN GRULLON: Yes.

23 THE SECRETARY: Mr. Bonacci?

24 MR. BONACCI: Yes.

25 THE SECRETARY: Ms. Gutierrez?

1 MS. GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. Ortiz?

5 MR. ORTIZ: Yes.

6 THE SECRETARY: Mr. Pressey?

7 MR. PRESSEY: Yes.

8 THE SECRETARY: Six in favor, motion
9 carries.

10 MR. DIAZ: Thank you.

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1 **UC 48, LLC - 549 41st Street:**

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3 THE SECRETARY: We are going to go back to
4 UC 48, LLC, 549 41st Street.

5 The applicant is requesting one year
6 extension.

7 Mrs. Pereiras, please?

8 MS. PEREIRAS: Thank you.

9 Good evening, Mr. Chair, Counsel, members
10 of the Board.

11 May it please the Board, Bianca Pereiras,
12 on behalf of UC 48, LLC. This is in regards to
13 property at 549 41st Street, also known as Block
14 234, Lot 56.

15 This is an approval that came before this
16 Board back in October of 2006, at which time this
17 Board approved their application.

18 For reasons unknown to myself, the previous
19 owner of this property failed to proceed with the
20 building permits.

21 My client subsequently purchased this
22 property back in February of this year.
23 Immediately following the closing, he went to the
24 Building Department, applied for the first
25 permit, which is for demolition. And as this

1 Board may know, the demolition permit is quite
2 extensive. There are several steps that need to
3 be taken before that permit can be issued.

4 When I submitted my request, that permit
5 had not been issued. Just as of last week, that
6 permit was issued, so we're definitely moving in
7 the right direction, but we do need some time to
8 finalize, and hopefully, bring this project to
9 full completion.

10 So, we're asking this Board, respectfully,
11 for a one year extension.

12 VICE CHAIRMAN GRULLON: Ms. Pereiras, you
13 say that this approval was from 2006?

14 MS. PEREIRAS: That's correct.

15 VICE CHAIRMAN GRULLON: Mr. Spatz?

16 MR. SPATZ: Yes?

17 VICE CHAIRMAN GRULLON: Could you help me
18 there?

19 From 2006, are they -- are they covered
20 under the Extension Act?

21 MR. SPATZ: They would have been before
22 that, but they -- it would have -- their
23 approvals would have extended into that point.
24 So, this would be -- is this the first extension
25 that they're --

1 MS. PEREIRAS: It is.

2 MR. SPATZ: -- seeking?

3 Yeah. They wouldn't be allowed two
4 extensions anyway. This is the first so --

5 VICE CHAIRMAN GRULLON: Do you guys have
6 any question?

7 Okay, with that clarified, I make a motion
8 to grant the one year extension, for time to
9 proceed.

10 MS. PEREIRAS: Thank you.

11 THE SECRETARY: Motion to grant the
12 extension by Mr. Grullon.

13 Second by Ms. Gutierrez.

14 Roll call on the motion.

15 Mr. Bonacci?

16 MR. BONACCI: Yes.

17 THE SECRETARY: Mr. Grullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Ms. Gutierrez?

20 MS. GUTIERREZ: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Mr. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Mr. Pressey?

1 MR. PRESSEY: Yes.

2 THE SECRETARY: Six in favor, motion
3 carries.

4 MS. PEREIRAS: Thank you all very much.

5 VICE CHAIRMAN GRULLON: Thank you.

6 MS. PEREIRAS: Have a good night.

7 Bye-bye.

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1 **Juan Vizqueta - 534 42nd Street:**

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3 THE SECRETARY: Next application, Juan
4 Vizqueta, 534 42nd Street.

5 Mr. Alonso?

6 Go ahead.

7 MR. PANEQUE: Mr. Vallejo?

8 THE SECRETARY: Go ahead, sir.

9 MR. PANEQUE: Yes.

10 We have received a request from the office
11 of Al Alonso, requesting that this matter be
12 carried to the July 13 meeting, due to the fact
13 that Mr. Alonso was unavailable this evening.

14 THE SECRETARY: Mr. Paneque, the July
15 agenda is very tight.

16 MR. PANEQUE: Very tight?

17 THE SECRETARY: Can we send it to
18 September?

19 MR. PANEQUE: It will have to go to
20 September, then.

21 THE SECRETARY: In September. What was
22 September?

23 (Whereupon, there was a pause in the
24 proceeding.)

25 MR. SPATZ: Fourteen.

1 THE SECRETARY: September --

2 MR. SPATZ: Fourteen.

3 THE SECRETARY: September 14; 9/14.

4 MR. PRICE: Did you --

5 I'm sorry.

6 THE SECRETARY: He will --

7 MR. PRICE: Did you already take

8 jurisdiction of this?

9 VICE CHAIRMAN GRULLON: No, we did not.

10 MR. PANEQUE: I don't recall.

11 THE SECRETARY: That's a new application.

12 MR. PANEQUE: It's a brand new application.

13 Right?

14 Do we have the -- did they submit their

15 jurisdictional papers?

16 THE SECRETARY: Yeah. I think it was

17 adjourned on --

18 MR. PANEQUE: At June 8?

19 THE SECRETARY: -- June 8th.

20 MR. PANEQUE: Okay.

21 THE SECRETARY: And it was here too, 5/11.

22 MR. PANEQUE: We have the transcript from

23 the June 8th meeting?

24 MS. DILLON: Um hum.

25 MR. PANEQUE: We do?

1 MS. DILLON: It's right there.

2 (Whereupon, there was a pause in the
3 proceedings.)

4 MR. PANEQUE: Mr. Price, at the June 8th
5 meeting, Mr. Alonso appeared and submitted his
6 jurisdictional proofs, and this matter was
7 carried till tonight with no further notices
8 requirement.

9 Now, the reason Mr. Alonso is requesting an
10 adjournment is because of a previously scheduled
11 vacation, which he didn't realize he had.

12 And that's why he's requesting the
13 adjournment.

14 Matter is to be adjourned to the September
15 14th meeting.

16 MR. SPATZ: Right.

17 MR. PANEQUE: Is there an application by
18 the Board, and then the Board can decide whether
19 any additional notices are to be sent because of
20 the time span, since it's -- now, it's going to
21 be carried a second time and well into the
22 future.

23 THE SECRETARY: Right. That will be the
24 next meeting will be September 14, --

25 VICE CHAIRMAN GRULLON: September 14.

1 THE SECRETARY: -- 2017 for this
2 application.

3 VICE CHAIRMAN GRULLON: And I believe they
4 should re-notice.

5 MR. PANEQUE: Well, just state it on the
6 record.

7 VICE CHAIRMAN GRULLON: Yeah. Okay.

8 I make a motion to adjourn it to the
9 September 14 meeting, if the applicant has to re-
10 notice.

11 THE SECRETARY: Okay.

12 Motion on the table to carry to September
13 14, new notice required, by Mr. Grullon.

14 Any second on the motion?

15 Mr. Pressey.

16 Roll call on the motion.

17 Mr. Bonacci?

18 MR. BONACCI: Yes.

19 THE SECRETARY: Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: Mr. Pressey?

3 MR. PRESSEY: Yes.

4 THE SECRETARY: Six in favor, motion
5 carries, notice -- that require a new notice.

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1 **14th Street Associates, LLC -**

2 **413-415-417 14th Street:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, 14 Street Association, LLC,
6 413-415-417 14th Street.

7 Mr. Diaz, please?

8 MR. DIAZ: Again, good evening, Board --
9 Board members.

10 Luis Diaz for the -- the applicant.

11 This matter was before the -- the Board
12 back on -- two weeks ago, on the 8th, I think it
13 was.

14 Jurisdiction was gained, and the hearing
15 adjourned for tonight.

16 The applicant has been speaking with
17 members of the community, and has made some
18 changes to the original application, which was
19 for 21 units, 32 parking spaces.

20 The lot stays the same, 75 by 115 and 116
21 on the other side.

22 Nevertheless, this application that's going
23 forward, it's only for 12 units.

24 So, with regard to that, I have made
25 notices, new again, with the content of this new

1 application, which I'm going to provide counsel.

2 (Whereupon, there was a pause in the
3 proceedings.)

4 MR. PANEQUE: Let the record reflect that
5 I've been provided with the following documents
6 by Mr. Diaz:

7 I have an Affidavit of Service, which
8 indicates that notice of tonight's meeting, with
9 respect to the property located at 413-415-417
10 14th Street was given to all property owners
11 within the 200 foot radius on June 16.

12 That Affidavit is signed by Mr. Diaz and
13 notarized by Mr. Lopez.

14 I've also been provided with the Affidavit
15 of Publication provided by The Jersey Journal.
16 And that notice in The Jersey Journal indicates
17 that notice of tonight's hearing, with respect to
18 the subject property, was published in the paper
19 on the 15th of June of this year.

20 I've also been provided with a copy of the
21 notice that was published, as well as the notice
22 that was sent out to all property owners within
23 the 200 foot radius.

24 And I've been provided with the tax list
25 from the Tax Assessor's Office, which was done on

1 May 12, 2017. It notes all of the property
2 owners within the 200 foot radius.

3 Additionally, I've been provided with the
4 certified mail receipts, which have a postmark
5 date on them of June 17, 2017. And the green
6 cards that have come back, as well as the actual
7 envelopes that have come back either unclaimed or
8 not deliverable.

9 Based on the documents that have been
10 provided, this applicant does have jurisdiction
11 to be heard by this Board.

12 MR. DIAZ: Thank you.

13 Now, with regard to the -- to this
14 application the way it is, we are still speaking
15 with members of the community. And we have gone
16 back and forth trying to find the best suited
17 project.

18 With regard to that, I think that there's
19 still some tinkering that has to be done with
20 regard to the drawings. And for that reason, I
21 would like to have this matter not presented
22 today, finalize the discussion with the members
23 in the community, and then come forward at the
24 next available hearing.

25 Still, the number of units will remain the

1 same. Twelve, it's been brought down from the 21
2 originally, to the 12. Just some tinkering with
3 some of the issues on the -- on the application.

4 Again, we're trying to -- to comply with
5 the wishes of the community and make the best
6 available project go forward.

7 VICE CHAIRMAN GRULLON: Mr. Diaz, I'm glad
8 you're having conversation with the community,
9 because that's why -- that's really important.
10 Any project that you guys want to present to a
11 community, you know it fits any conform -- it's
12 conforming and accepted by the -- by the
13 neighbors.

14 And I mean, like if you're going to be
15 making modification here, we would like to see
16 this on the next meeting.

17 MR. DIAZ: Um hum.

18 Correct. Correct.

19 VICE CHAIRMAN GRULLON: Okay.

20 MR. DIAZ: And I will be in touch with
21 counsel with regard to anything that needs to be
22 changed, or added, or so forth.

23 VICE CHAIRMAN GRULLON: Yeah.

24 MR. DIAZ: Again, I think that it will be
25 September, --

1 VICE CHAIRMAN GRULLON: September 14.

2 MR. DIAZ: -- from what I understand.

3 VICE CHAIRMAN GRULLON: Carlos, we have
4 space on there?

5 THE SECRETARY: September 14, Mr. Grullon

6 --

7 MR. DIAZ: We have enough time in order to

8 --

9 VICE CHAIRMAN GRULLON: Yes. Yes.

10 MR. DIAZ: -- to -- to make any
11 accommodations and so forth.

12 VICE CHAIRMAN GRULLON: Okay.

13 MR. DIAZ: Summer will be gone, but you
14 know, winter will be in sight.

15 VICE CHAIRMAN GRULLON: Okay, with that,
16 I'll make a motion to -- to adjourn this
17 application to September 14 meeting.

18 MR. DIAZ: Thank you.

19 September 14th.

20 Right?

21 VICE CHAIRMAN GRULLON: September 14, yes.

22 THE SECRETARY: Motion to adjourn this
23 application for September 14 by Mr. Grullon.

24 Second by Mr. Pressey.

25 MR. PANEQUE: Just for the record, there

1 | will be no notice, no new notice required, since
2 | it's just being carried over, technically one
3 | meeting, because there's no meeting in -- in
4 | August.

5 | Is that correct, Mr. Diaz?

6 | VICE CHAIRMAN GRULLON: Yes. And you just
7 | presented new notices.

8 | MR. PANEQUE: Yes.

9 | THE SECRETARY: New notice?

10 | MR. PANEQUE: This is the second time you
11 | noticed.

12 | Right, Mr. Diaz?

13 | MR. SPATZ: Right. No new --

14 | MR. DIAZ: Correct.

15 | MR. PANEQUE: Okay.

16 | MR. SPATZ: No new notice.

17 | THE SECRETARY: No new notice.

18 | MR. PANEQUE: So, no --

19 | MR. SPATZ: Right.

20 | MR. PANEQUE: -- notice requirement for the
21 | September 14th meeting.

22 | MR. DIAZ: Very good.

23 | Thank you very much.

24 | VICE CHAIRMAN GRULLON: Thank you, Mr.
25 | Diaz.

1 MR. DIAZ: Have a good night.

2 MS. GUTIERREZ: Good night.

3 THE SECRETARY: Motion on the table to
4 adjourn this application by Mr. Gullon.

5 Second by Mr. Pressey.

6 Roll call on the motion.

7 Mr. Bonacci?

8 MR. BONACCI: Yes.

9 THE SECRETARY: Mr. Gullon?

10 VICE CHAIRMAN GRULLON: Yes.

11 THE SECRETARY: Ms. Gutierrez?

12 MS. GUTIERREZ: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: Yes.

19 THE SECRETARY: Six in favor, motion
20 carries.

21 No new notice required.

22 MR. DIAZ: Counsel, I always forget about
23 the vote on the motion.

24 Have a good night.

25 MS. GUTIERREZ: Good night.

1 VICE CHAIRMAN GRULLON: Good night.

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1 **Centro Cristiano Hechos 29 -**

2 **2000 West Street aka 526 Monastery Place:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, Centro Cristiano Hechos 29,
6 2000 West Street a/k/a 526 Monastery Place.

7 Mr. Lopez, please?

8 MR. LOPEZ: Good evening, Mr. Chairman,
9 lady and gentlemen of the Board.

10 VICE CHAIRMAN GRULLON: Good evening, Mr.
11 Lopez.

12 MR. LOPEZ: Adolfo Lopez appearing on
13 behalf of the applicant.

14 I -- and I have two experts to present
15 tonight; Mr. Izquierdo, as an architect, and Mr.
16 McDonough, who will serve as our planner.

17 And this is for property on the corner of
18 20th Street and Monastery Place, 526 Monastery
19 Place, also known as 2000 West Street.

20 (Whereupon, there was a pause in the
21 proceedings.)

22 MR. LOPEZ: The application is a use
23 variance for a proposed house of worship, in an
24 existing building.

25 There's no -- no external construction, no

1 modification at all to the building, other than
2 the interior space.

3 And to that end, I would call Mr.
4 Izquierdo.

5 (Whereupon, there was a pause in the
6 proceedings.)

7 MS. DILLON: Mr. Izquierdo, please raise
8 your right hand.

9 Do you affirm the testimony you're about to
10 give this Board is the whole truth?

11 MR. IZQUIERDO: I do.

12 MS. DILLON: Please state your name for the
13 record.

14 MR. IZQUIERDO: My name is Jose Izquierdo.
15 New Jersey architect 09143.

16 MS. DILLON: Thank you.

17 MR. LOPEZ: Now, Mr. Izquierdo, just for
18 the record, you've been previously qualified many
19 times before this Board as an architect.

20 MR. IZQUIERDO: Yes, I have.

21 MR. LOPEZ: And you're -- as of this date,
22 you're still a licensed New Jersey architect.

23 MR. IZQUIERDO: Yes, I am.

24 MR. LOPEZ: Is that correct?

25 Mr. Izquierdo, you've been --

1 MR. PANEQUE: Mr. Lopez, excuse me?

2 MR. LOPEZ: I'm sorry.

3 MR. PANEQUE: I'm sorry, but before we
4 proceed, I'd just like to establish on the record
5 the fact that you had established jurisdiction at
6 the last meeting.

7 MR. LOPEZ: That's correct.

8 MR. PANEQUE: Okay.

9 MR. LOPEZ: Yes.

10 MR. PANEQUE: So that -- so that the Board
11 is clear, this application, I believe, came on
12 June 8th.

13 MR. LOPEZ: That's correct.

14 MR. PANEQUE: And at that time, it was --

15 MR. LOPEZ: Mr. Arencibia was not available
16 for testimony that evening. I submitted
17 jurisdictional documents and it was carried to
18 today.

19 MR. PANEQUE: Okay. And that
20 jurisdictional -- those jurisdictional documents
21 were accepted and jurisdiction was gained and the
22 matter carried with no further notice.

23 MR. LOPEZ: That's correct.

24 MR. PANEQUE: Thank you, Mr. Lopez.

25 Yes, we have them.

1 MR. LOPEZ: Thank you, counsel.

2 Mr. Izquierdo, you did not prepare these
3 plans.

4 Is that correct?

5 MR. IZQUIERDO: No. I'm actually here
6 representing the office of Albert Arencibia.

7 MR. LOPEZ: And in preparation for
8 tonight's meeting, you had the opportunity to
9 review the plans that were prepared by Mr.
10 Arencibia.

11 MR. IZQUIERDO: Yes.

12 MR. LOPEZ: Correct?

13 MR. IZQUIERDO: I did.

14 MR. LOPEZ: And are you familiar with these
15 plans at this time?

16 MR. IZQUIERDO: Yes, I am.

17 MR. LOPEZ: And you're ready to testify
18 relating to the plans.

19 MR. IZQUIERDO: I am.

20 MR. LOPEZ: And the proposed variance.

21 MR. IZQUIERDO: Yes.

22 MR. LOPEZ: Is that correct?

23 MR. IZQUIERDO: As to the architecture.

24 MR. LOPEZ: As to the --

25 MR. IZQUIERDO: Yes.

1 MR. LOPEZ: -- architectural portion.

2 MR. IZQUIERDO: Correct.

3 MR. LOPEZ: Okay.

4 Can you please describe what -- what they
5 are -- what the applicant is proposing here?

6 MR. IZQUIERDO: Good evening, members of
7 the Board.

8 This is an -- an existing mixed use
9 building that actually received approval to have
10 a daycare placed in this property. It was not
11 two years ago.

12 But the building is very large, and it's a
13 mixed use building that actually has a number of
14 spaces available.

15 So, the space that is for consideration by
16 the Board is for an assembly of religious type of
17 space. And it's actually located on the second
18 floor of the mixed use building and it's going to
19 have a total of 30 occupants.

20 Thirty people in the church is the space
21 allowed by Table 10 04 of -- of the Code. So,
22 that is the maximum occupancy of the space.

23 Because the space is only 30 occupants,
24 actually, the Code allows it to have one means of
25 egress. But this space has two means of egress,

1 and actually, one of them leads directly to a
2 stair that leads directly out to Monastery Place.
3 And the second one leads to a corridor that leads
4 to a stair that goes out to 20th Street.

5 Actually, the other way; 20th Street goes
6 this way, Monastery Place. It's actually the
7 building right in front of Saint Paul's -- Saint
8 -- Saint Michael's Monastery.

9 And the building has an elevator, which
10 serves the space because a religious -- an
11 assembly type space is required to be accessible.
12 So, this space conforms to the accessible route
13 standards of the American National Standards
14 Institute.

15 And the space is particularly suited to be
16 -- to be a religious space because the hours of
17 operation are not going to be conflicting with
18 other tenants. It seems to me that the rest of
19 this second floor space is occupied by the
20 daycare.

21 MR. LOPEZ: That's correct.

22 MR. IZQUIERDO: Exactly. So, the -- the
23 two -- the two uses on this floor would be the
24 daycare and the church. The small church, let me
25 say. So --

1 MR. LOPEZ: Now, Mr. Izquierdo, in terms --
2 you've referred to a small church, 30 occupants,
3 could you tell us what the square footage of the
4 space that we are proposing?

5 MR. IZQUIERDO: Two thousand five hundred
6 and fifty-five square feet. And it's -- it's --
7 it has to be roughly about 35 by 70 or so.

8 So, it's comfortable for the occupancy, but
9 it's just enough to have the pastor with some --
10 some members of the congregation.

11 They would share the -- the bathrooms in
12 the common corridor. The second floor, if you
13 see the floor plan, which Mr. Arencibia
14 submitted, which is called A-100, there is a
15 common corridor that has two bathrooms that are
16 accessible to the handicap.

17 So, anybody coming to this church,
18 basically is going to have the second floor,
19 those bathrooms to use. And the space is very
20 well suited for this type of occupancy. I don't
21 see any -- any negative criteria or anything
22 associated with the architecture of the space.

23 There's not going to be any change to the
24 exterior of the building. And I don't think
25 there has to be any -- any need for any extreme

1 signage or anything other than just the fellow
2 members of the church, they -- they speak to each
3 other, and that's how the church -- it's through
4 word of mouth, basically.

5 So, I don't think there's a requirement for
6 a sign. There's not an application for a sign.

7 MR. LOPEZ: Now, Mr. Izquierdo, with --
8 with regard to safety, would it be fair to say
9 that any proposed construction or modification of
10 the interior space for this usage would require
11 current Building Code compliance to the full
12 extent?

13 MR. IZQUIERDO: Well -- well, yeah. What
14 happens is, this is a masonry building, and
15 because of the daycare, it's fully sprinklered.
16 So, you're going to have a church, an assembly
17 space, in a space that is noncombustible, with
18 two means of egress, sprinklered. So, couldn't
19 ask for anything more.

20 MR. LOPEZ: It would have exit signage, and
21 emergency lighting also.

22 Is that correct?

23 MR. IZQUIERDO: Emergency lighting. Not
24 only that, but also plenty of windows to the
25 outside.

1 MR. LOPEZ: And in your opinion, as you
2 indicated, this -- the space is suitable for this
3 proposed usage.

4 MR. IZQUIERDO: It's compatible with the --
5 with -- with the other uses, in the architecture
6 of the building, because the daycare, they're not
7 -- they're not conflicting in uses. It's not
8 like you would have a bar and a church. That's
9 kind of like -- you know, they -- they self-
10 efface each other.

11 But having the daycare, which is an
12 institutional use, with a religious use, which is
13 -- which is an assembly use, I -- I see they're
14 compatible.

15 And the building is very good for this.
16 It's non-combustible. It's sprinklered. Two
17 means of egress.

18 So, they can basically just move in.

19 However, I think they're -- they're putting
20 some offices, I think, for the pastor, within the
21 space.

22 MR. LOPEZ: Okay.

23 Anything else that you'd like to add?

24 MR. IZQUIERDO: No. I don't have anything
25 else.

1 MR. LOPEZ: And unless the Board has
2 questions, I have nothing else for Mr. Izquierdo.

3 VICE CHAIRMAN GRULLON: I have a question.

4 Mr. Izquierdo, this application is only for
5 a portion of the building?

6 MR. IZQUIERDO: Yes.

7 VICE CHAIRMAN GRULLON: And -- and I -- as
8 I can see here, they're going to have offices
9 there?

10 MR. IZQUIERDO: Offices for the pastor.

11 VICE CHAIRMAN GRULLON: Yeah. Three
12 offices.

13 MR. IZQUIERDO: Yes. Well, there's one
14 existing office, and two other offices.

15 VICE CHAIRMAN GRULLON: And --

16 MR. IZQUIERDO: They're existing.

17 VICE CHAIRMAN GRULLON: And the bathroom,
18 there's going to be a shared bathroom with the
19 daycare?

20 MR. IZQUIERDO: Oh, no, no, no, no.

21 The daycare has its own bathrooms, in the
22 inside of the facility. Those are the daycare
23 bathroom.

24 It's just that the building, the way Mr.
25 Arencibia has designed it, the other ancillary

1 spaces that are also accessible to be rented out,
2 they use those two bathrooms.

3 VICE CHAIRMAN GRULLON: Do they --

4 MR. IZQUIERDO: So, these bathrooms are
5 essentially going to be for anyone that's in this
6 building, maybe visiting the daycare that's not
7 going to use the bathrooms that are used by the
8 children, evidently, but they can use the -- the
9 bathrooms in the -- it's a public bathroom.

10 It's not a bathroom for the daycare. No.

11 VICE CHAIRMAN GRULLON: I see.

12 I don't know if you can answer this
13 question.

14 The hours of operation of the church?

15 MR. IZQUIERDO: No, I don't. No.

16 MR. LOPEZ: Well, my planner will --

17 VICE CHAIRMAN GRULLON: All right.

18 MR. LOPEZ: -- address that.

19 VICE CHAIRMAN GRULLON: All right.

20 MR. LOPEZ: Yes.

21 VICE CHAIRMAN GRULLON: Thank you, Mr. --

22 MR. LOPEZ: Thank you.

23 MS. DILLON: Jose?

24 MR. PRESSEY: Oh, I had one question.

25 Yeah.

1 VICE CHAIRMAN GRULLON: For the architect?

2 MR. PRESSEY: Yeah. I had a -- yeah.

3 MR. LOPEZ: Jose?

4 VICE CHAIRMAN GRULLON: Mr. Izquierdo?

5 MS. DILLON: He's got a question for you.

6 (Whereupon, there was a pause in the
7 proceedings.)

8 MR. MEDINA: Mr. Izquierdo?

9 MR. PRESSEY: Mr. Izquierdo, hi.

10 You're saying 30 people, 30 -- or
11 occupants, is there a possibility there may be
12 more?

13 MR. IZQUIERDO: Not legally.

14 MR. PRESSEY: Not legal. Okay. So,
15 legally, 30.

16 MR. IZQUIERDO: Legally, that would be the
17 -- that would be the maximum occupancy of the space.

18 MR. PRESSEY: Okay.

19 MR. IZQUIERDO: And if you have more
20 people, you wouldn't have a problem because you
21 have two means of egress. So, the two means of
22 egress allows you to have at least 50 people.
23 It's just that within the square footage
24 guidelines of the space, only 30 occupants are
25 allowed.

1 So, the Building Department's going to
2 limit the occupants to 30. And it becomes the
3 duty of the pastor to observe the law and
4 maintain the congregation at a -- at a level of
5 30.

6 MR. MEDINA: How many --

7 Excuse me, sir?

8 How many, let's say, classroom for --

9 MR. IZQUIERDO: There are three existing
10 offices in that church.

11 So, the -- so, when you -- the space that
12 they're renting out, it's a big space. It's just
13 2555 square feet open. But it has three offices
14 that are already framed out. And they're leaving
15 them because they need to store, like the chairs,
16 they need to store the books for the bibles, and
17 stuff like that, the coffee, the things when they
18 do their coffee and things.

19 So, they need to have storage. They need
20 to have an office for the pastor, and probably
21 one room for counseling.

22 MR. MEDINA: And beside, that's going to be
23 what; first floor, second floor?

24 MR. IZQUIERDO: Second floor.

25 MR. MEDINA: Second floor.

1 MR. IZQUIERDO: Accessible by an elevator
2 and two stairs.

3 MR. MEDINA: And what is up, on the above
4 --

5 MR. IZQUIERDO: Nothing.

6 MR. LOPEZ: That's it.

7 MR. MEDINA: -- floor?

8 There's nothing?

9 MR. IZQUIERDO: No.

10 MR. MEDINA: Basement?

11 MR. LOPEZ: No.

12 MR. McDONOUGH: I'll mention about the
13 prior approval.

14 MR. LOPEZ: Yes. No.

15 MR. MEDINA: It's nothing?

16 MR. IZQUIERDO: No.

17 MR. MEDINA: No.

18 What about the basement?

19 MR. IZQUIERDO: What the -- the whole
20 building was presented to the Board because the
21 daycare occupies most of the space.

22 This application is only for that -- for
23 that religious space on the second floor. The
24 rest of the building, if it has been submitted or
25 not, I don't have any record. This is the

1 building originally, with -- with another
2 perspective purchaser.

3 So, I'm familiar with the structure. I
4 think it used to be some sort of a Catholic
5 rectory or something.

6 No?

7 MR. LOPEZ: Yes. This was --

8 MR. IZQUIERDO: Yes.

9 MR. LOPEZ: -- previously used as part of
10 Saint Michael's Monastery.

11 MR. IZQUIERDO: Exactly.

12 MR. LOPEZ: It was their offices --

13 MR. IZQUIERDO: So it was --

14 MR. LOPEZ: -- and a publishing.

15 MR. IZQUIERDO: Exactly. So, it has some
16 very unique spaces.

17 Those unique spaces are mostly being
18 utilized by the daycare. So, they took the big,
19 big share of the building. But this other space
20 on the second floor is still accessible.

21 MR. MEDINA: Okay.

22 Thank you.

23 MR. IZQUIERDO: You're welcome.

24 (Whereupon, there was a pause in the
25 proceedings.)

1 MS. DILLON: Please raise your right hand.

2 Do you affirm the testimony you're about to
3 give this Board is the whole truth?

4 MR. McDONOUGH: Yes, I do.

5 MS. DILLON: Please state your name for the
6 record.

7 MR. McDONOUGH: Hello, everyone.

8 John McDonough, for the record. M-C
9 capital D-O-N-O-U-G-H.

10 MS. DILLON: Thank you.

11 MR. McDONOUGH: Thank you.

12 MR. LOPEZ: Mr. McDonough, could you state
13 your profession for the record, please?

14 MR. McDONOUGH: Sure.

15 I'm a licensed professional planner. I've
16 actually testified here many times in the past.
17 I am a member of the American Institute of
18 Certified Planners, as well, which is a national
19 certification.

20 Not only have I testified here before, I've
21 testified on this property before, as well.

22 The faces are familiar. About two years
23 ago, we testified and I think one of the Board
24 members had a question, about what other uses are
25 contemplated there.

1 The Board may remember there was actually
2 an approval for a third floor and a fourth floor
3 here, for a recording studio.

4 I don't think anyone is forfeiting the
5 right to do that, but that has not manifested
6 here.

7 And then, we know last year, we had a
8 childcare center, that was approved here, as
9 well.

10 So, whoever asked the question, it's right.
11 It is a portion of that building previously
12 approved.

13 And so, to the extent I'm still being
14 qualified, I --

15 VICE CHAIRMAN GRULLON: Yes.

16 MR. McDONOUGH: -- I have testified --

17 VICE CHAIRMAN GRULLON: We accept --

18 MR. McDONOUGH: -- on this site before.

19 VICE CHAIRMAN GRULLON: -- your
20 qualifications.

21 MR. LOPEZ: Okay.

22 Thank you.

23 Mr. McDonough, could you go over the --
24 first of all, the variances that are required
25 tonight for the proposed usage?

1 MR. McDONOUGH: Sure.

2 Well, we're really dealing with one primary
3 variance here, which is a conditional use
4 variance.

5 We're in the R-1 -- I'm sorry. We're in
6 the R, low density, or residential district.

7 Houses of worships are a permitted
8 conditional use in the zone. The conditions that
9 this applicant doesn't comply with are all
10 related to existing conditions.

11 You're not allowed to have parking in the
12 front yard. There's parking in the front yard
13 now.

14 You're not allowed to have the building
15 encroach into the setbacks and -- and coverage,
16 as well, are all exceeded under the existing
17 condition.

18 So to the extent that relief is needed,
19 again, they all relate to the existing condition
20 of the property.

21 We are dealing here not only with a
22 conditional use, but also an inherently
23 beneficial use, which the courts tell us, when
24 we're dealing with a conditional use that is also
25 inherently beneficial, there's two different

1 tests for that.

2 Courts have resolved which one we -- which
3 test applies. The Coventry Square standard would
4 apply for a conditional use, and the Sica
5 standard, the inherently beneficial standard,
6 would apply for an inherently beneficial use.

7 The key point there, not to get too legal
8 with the Board, is that the Sica test is the
9 easier test, and that's where the courts point us
10 when we're dealing with a house of worship,
11 because again, it is inherently beneficial. It
12 is a top tier, very protected land use under the
13 law.

14 So, it's a very simple four part test. I
15 know the Board hears the positive and the
16 negative criteria all the time. We're not going
17 to go into the positive criteria at all, because
18 the courts tell us, under this Sica test, that
19 the positive criteria are automatically
20 satisfied.

21 So, it's really a focus on the negative, as
22 we go through this four part test.

23 So, again, under Sica, there's four prongs.
24 Number one is to identify the public interest at
25 stake.

1 Public interest, of course, is freedom of
2 religion. That's a fundamental constitutional
3 right. I don't think we have to even mention
4 that.

5 But what's nice about this is that this is
6 a church that is going to save -- serve a very
7 localized population, a very small ring of
8 parishioners here, that would come to this
9 facility.

10 Again, a place that is both walkable, not
11 necessarily reliant upon the automobile. And
12 also, again catering to a -- a localized and a --
13 and a smaller population.

14 It is also a relatively small space. To
15 give the Board a perspective of what 2500 square
16 feet would be, it's about the size of this room.

17 So, it is not a very large space, and you
18 can envision there's an occupancy that we talked
19 about of 30 persons. I would say that be
20 expanded to whatever the Fire Code would allow,
21 again, in a space of -- of this particular size.

22 Hours of operation would be on the
23 weekends. The church service on the weekends,
24 and some related, I'd say, weekday activities
25 that are nominal educational type uses that are

1 ancillary to a primary worship type of use.

2 So what's attractive about this land use,
3 from a -- from a planning standpoint, is what we
4 call non-coincident peak. It is a use that
5 operates when other uses aren't operating.

6 We're going to have the daycare during the
7 week. If we ever get that recording studio, or
8 other businesses, they're operating during the
9 week.

10 When those businesses shut down, on the
11 weekend, that's when the church kicks in. That's
12 when those parking spaces are available.

13 We do have an interrelated parking variance
14 here. And that switches us over to the second
15 part of the Sica test to identify potential
16 detriments.

17 The real potential detriment here is
18 parking. It's been identified that 17 spaces
19 would be required under the strict read of the
20 Ordinance.

21 There's actually 14 spaces out there, so
22 it's a deficiency of three.

23 That brings us to the third part of the
24 test, which is identifying means of mitigating
25 the impact of -- of those problems.

1 Well, the applicant has a van, has a
2 shuttle van that will pickup people. So, that
3 minimizes the impact on the demand for parking
4 spaces.

5 So, we see that as a relief mechanism for
6 the relief that the applicant seeks with respect
7 to parking.

8 MR. LOPEZ: And if I may interrupt you
9 there one second.

10 In your discussions with the applicant, did
11 they, in fact, inform you that most of the
12 congregants of the proposed space are local
13 people?

14 MR. McDONOUGH: These are local people. It
15 is certainly, no doubt, a walkable area. And of
16 course, we've got bus service. So, we've got
17 alternate modes of transportation, as well.

18 So, in that regard, the parking space for
19 three spaces can clearly be found by the Board as
20 de minimis.

21 We know we have a lot of parking in the
22 street here. We have a very large church across
23 the street, but that church is empty. It's been
24 empty for awhile, so there are spaces available
25 in the street, also.

1 MR. LOPEZ: And beside the designated
2 spaces, even though not qualifying as such, there
3 would be parking along a very wide driveway,
4 which exists on the West Street.

5 Is that not correct?

6 MR. McDONOUGH: That is true, as well. So,
7 there are -- there are multiple opportunities to
8 park here, if for whatever reason --

9 MR. LOPEZ: Right.

10 MR. McDONOUGH: -- the reliance on
11 automobiles came into play.

12 MR. LOPEZ: So, even though the applicant
13 doesn't strictly qualify, there are many, many
14 spaces available, which certainly would be --

15 MR. McDONOUGH: The spirit of the --

16 MR. LOPEZ: -- use --

17 MR. McDONOUGH: -- Ordinance is definitely
18 met, although the literal requirement is not.

19 So, the last part of the test, the fourth
20 part of the test very simply is just taking that
21 balancing.

22 We've got the very strong weight of an
23 inherently beneficial use on one side. We've
24 really got the weight of the parking variance on
25 the other, which I see is a very light variance.

1 So, the weight is clearly heavily on the positive
2 side.

3 In -- in that regard, I feel that the Board
4 can move positively on this application as a
5 whole.

6 All said, this is a very good use of this
7 space. Again, a relatively small space, looking
8 at the room that we're in here.

9 And for the reasons that I just stated, I
10 believe the statutory test is met and approval is
11 warranted.

12 MR. LOPEZ: If I may just ask you two
13 questions.

14 There are other -- two other variances that
15 are required, simply because they are existing
16 variances.

17 Is that correct?

18 MR. McDONOUGH: Yes.

19 MR. LOPEZ: The --

20 MR. McDONOUGH: I would qualify them as
21 hardship. The building location in the rear yard
22 and the overall coverage.

23 This is a site where that building that is
24 there now covers a majority of the site. Fifty
25 percent is the maximum allowed.

1 And I also -- I'll just play off of Jose's
2 comment about the religious nature of the
3 building that's there already.

4 This started out as a religious facility.
5 I think it was actually a publishing company for
6 a religious journal. And you can see the text
7 still on the building, and also, the religious
8 emblems are -- are still there, as well.

9 So, I would also just like to point out
10 that I had a conversation with the applicant.
11 There was a question about signage.

12 No signage is proposed that will exceed
13 your Ordinance maximum. So, the applicant does
14 want to reserve the right to put some sort of
15 sign out there that would announce the facility
16 to the public. But again, not asking for any
17 relief --

18 MR. LOPEZ: Fully compliant.

19 MR. McDONOUGH: -- from -- from the
20 Ordinance.

21 Correct.

22 MR. LOPEZ: Thank you.

23 I have nothing else, unless the -- any
24 members of the Board have any --

25 VICE CHAIRMAN GRULLON: Mr. --

1 MR. LOPEZ: -- questions.

2 VICE CHAIRMAN GRULLON: Mr. McDonough,
3 could you -- you mentioned that there are going
4 to be three different type of uses there.

5 Could you describe again the -- the hours
6 of operation of -- of each, if you know?

7 MR. McDONOUGH: Sure.

8 VICE CHAIRMAN GRULLON: Because you say
9 they will not be conflicting in times.

10 MR. McDONOUGH: It's a -- it's a very good
11 question.

12 So, the first floor and the second floor,
13 but mostly the second floor, a portion of the
14 first floor is going to be occupied by a
15 childcare center.

16 We know that operates during normal
17 business hours. Parents will come, drop off,
18 let's say seven a.m., maybe even a little earlier
19 and go to five a.m. -- five p.m., six p.m., or
20 maybe a little later.

21 So, that is clearly a weekday use. That's
22 when those spaces are going to be used on a
23 Monday to Friday.

24 This use is going to be very light at that
25 time. You saw there were some office space

1 | there. This will be when the administrative
2 | functions kick in.

3 | I do understand that there may be some
4 | religious education on Fridays. So, to that
5 | extent, for the most part, this is a use that is,
6 | I'll say, shut down or very light during the
7 | weekday operation.

8 | If the recording studio ever manifests,
9 | again, we'd have to put on a third and a fourth
10 | floor, that's also a weekday operation, as well.
11 | That's a typical business.

12 | And any other business that's in there, if
13 | there's a remnant of the publishing company or --
14 | or other office use, that would happen during the
15 | Monday through Friday.

16 | During the weekends, that's when this
17 | primary service is. That's when this use kicks
18 | in. So, that's going back, again, to what I call
19 | non-coincident peaks. The -- the peaks don't
20 | happen at the same time.

21 | VICE CHAIRMAN GRULLON: Thank you.

22 | Thank you.

23 | MR. McDONOUGH: Thank you.

24 | VICE CHAIRMAN GRULLON: Thank you.

25 | MR. BONACCI: Got a quick question.

1 Thank you for shedding light on how the
2 whole thing is going to come together, because
3 when I saw the application, I was, like thinking
4 to myself, how many things are we going to jam
5 into this place?

6 First it was the recording studio. And you
7 mentioned the construction of the extra floors.

8 MR. McDONOUGH: Sure.

9 MR. BONACCI: And then, the daycare center.
10 I believe there was something that we had talked
11 about previously, like a dance studio.

12 MR. McDONOUGH: There is, I believe, a
13 dance studio there that's a part of that, as
14 well, on the second floor. I think that's also
15 smaller than -- than this particular one.

16 MR. BONACCI: So, there's that, too.

17 My -- my question, now, after you -- you
18 know, told us about the hours of operation and
19 what's actually there, and what's maybe going to
20 be there in the future, is how will the
21 construction of the extra floors effect the uses,
22 once there's a church there, and there's a
23 daycare center there, and all that other stuff?

24 MR. McDONOUGH: I would say the
25 construction -- well, fortunately, it's not on

1 the same floor, and we know that in a business
2 environment, or a multi-tenanted environment,
3 there are always renovations going on.

4 From a Building Code standpoint, I'm sure
5 that has to maintain safe and adequate ingress
6 and -- and egress, conformance with Fire Codes
7 and -- and all of that stuff.

8 So, certainly, that will -- that would have
9 to comply.

10 Bottom line is, again, that's going to be
11 on the upper floors. It can't interfere with the
12 -- with the church operation. We'll have to work
13 around it.

14 MR. BONACCI: You would testify it can't
15 interfere, if they're building extra floors, at
16 that time site?

17 MR. McDONOUGH: It -- it cannot interfere
18 with the church operate -- certainly, that is
19 something that would have to be worked out
20 between this -- this user, the property owner,
21 and -- and the construction but --

22 MR. BONACCI: So, you would recommend that
23 something be put on hold, maybe like the daycare
24 center gets put on hold for awhile, or the church
25 gets put on hold, while those renovations take

1 place?

2 MR. McDONOUGH: No. I don't -- no, I don't
3 think that in the -- again, I -- it's all subject
4 to Building Code, but I don't there is anything
5 that -- that I'm aware of, certainly, from a
6 zoning standpoint, that would require a shutting
7 down of the operations on the lower floors while
8 additions are made to the upper floors.

9 MR. BONACCI: Okay.

10 MR. McDONOUGH: I'm in a multi-tenanted
11 office building. I hear banging going on in
12 offices all -- all day long. So, they're --
13 they're constantly changing.

14 MR. BONACCI: Yeah. The only reason that I
15 raise the question, even if it's for members of
16 the Board, is just to make sure that there's no
17 safety hazard, especially if they're bringing in
18 kids to the place everyday.

19 MR. McDONOUGH: I think it certainly can be
20 a condition on -- on a resolution, if the Board's
21 inclined to move favorably that says subject to
22 all applicable Codes, including construction,
23 during the operation of a -- of this facility and
24 other users, if the third and fourth floor is
25 ever constructed.

1 MR. LOPEZ: It's a very good point, if such
2 an application comes before this Board that the
3 safety issues, even though the Building
4 Department would automatically require
5 scaffolding, but absolutely it's a condition that
6 this Board could place.

7 MR. BONACCI: Thank you.

8 MR. McDONOUGH: Thank you.

9 VICE CHAIRMAN GRULLON: Any other member?

10 You have any other --

11 MR. LOPEZ: I have nothing -- I have
12 nothing further.

13 VICE CHAIRMAN GRULLON: Yeah, --

14 MR. LOPEZ: I would ask --

15 VICE CHAIRMAN GRULLON: -- at this point --

16 MR. LOPEZ: -- you to approve it.

17 VICE CHAIRMAN GRULLON: -- I'm going to
18 open it to the public.

19 Mr. Price?

20 MS. DILLON: Mr. Price, please raise your
21 right hand.

22 Do you affirm the testimony you're about to
23 give this Board is the whole truth?

24 MR. PRICE: I do.

25 MS. DILLON: Please state your name and

1 address for the record.

2 MR. PRICE: Ten -- Larry Price, 1006
3 Palisade.

4 MS. DILLON: Thank you.

5 MR. PRICE: Mr. McDonough, if I remember --
6 this is the third application on this building.

7 I remember the one for the studios. My --
8 my recollection is that the studios were mostly
9 going to be on the third and fourth floor, but
10 there were going to be support activities on the
11 second floor for the studios.

12 MR. McDONOUGH: I honestly don't remember
13 that aspect, but there -- there may have been --
14 bear in mind, office is a -- is a permitted --
15 I'm sorry -- is part of this mixed use building.
16 And the parking demand associated with the
17 recording studios I believe was the same under
18 the strict read of the Ordinance, if there was a
19 support office use below it; one per 300 square
20 feet.

21 So, I'm not sure if you're going towards a
22 parking question or not.

23 MR. PRICE: Well, I'll end up with a
24 parking question.

25 MR. McDONOUGH: Okay.

1 MR. PRICE: But it was first just that --
2 my question was, we seem to have a daycare center
3 there, and there's no longer room for support
4 activity for the recording studios.

5 Is that history now? Has that changed?

6 MR. McDONOUGH: I -- I went back today and
7 looked at the recording studio. I -- and I also
8 looked at the plans for the -- for the childcare
9 on the lower levels.

10 I don't recall seeing any interference
11 between the two. In other words, space for the
12 childcare center taking away from the recording
13 studio.

14 I don't -- I didn't --

15 MR. PRICE: Well, not the recording, the
16 support. In other words, three and four, which
17 were to be built, were going to contain recording
18 studios. But on the lower floor, on the second
19 floor, they were going to have specifically some
20 rooms for temporary housing for the artists who
21 came in, on the second floor, in the existing
22 space, as I remember.

23 MR. McDONOUGH: Well, I -- I would say that
24 that would have been vetted out last year, when
25 the childcare center was coming in, because

1 | there's nothing about this application that's
2 | interfering with anything that was approved with
3 | respect to the childcare, or with respect to the
4 | recording studios.

5 | If there was some sort of conflict between
6 | the recording studio and the childcare, that
7 | would have been vetted out last year.

8 | I -- I don't see it on the plans, as I --
9 | as I've looked at -- at them. I wasn't involved
10 | directly with the childcare.

11 | MR. PRICE: Okay.

12 | Okay, then, the next --

13 | Now, we have -- we still have a -- a
14 | authorized use, which is the recording studio.
15 | Doesn't --

16 | MR. McDONOUGH: Correct.

17 | MR. PRICE: Doesn't -- does it occupy any
18 | space in any portion of the building, at this
19 | point?

20 | MR. LOPEZ: Not currently.

21 | MR. McDONOUGH: I'll answer, I don't
22 | believe so. I don't --

23 | MR. PRICE: Okay.

24 | MR. McDONOUGH: -- know if they've taken --

25 | MR. PRICE: But it is an authorized use, by

1 | virtue of the --

2 | MR. McDONOUGH: The variance.

3 | MR. PRICE: Okay. The variance.

4 | Okay, then we have the childcare center.

5 | MR. McDONOUGH: Yes.

6 | MR. PRICE: And you're asking for the
7 | church this evening, so we'd have --

8 | MR. McDONOUGH: Correct.

9 | MR. PRICE: -- three authorized uses.

10 | MR. McDONOUGH: And there are -- again, as
11 | testified, and I think one of the Board members
12 | mentioned it, there were some other uses, as
13 | well.

14 | There was a publishing company in there.
15 | Somewhere along the way, I think there is still
16 | some remnant space on one of the floors, where
17 | that publishing company may still occupy space.
18 | I don't know if there is still a skeleton staff
19 | or not.

20 | But there is -- there is space allocated on
21 | the various floors, at that one per 300 square
22 | foot ratio, for -- for office, or retail type
23 | use.

24 | MR. PRICE: Okay. Well, we'll come to
25 | parking.

1 Well, the only thing I'm referring to now
2 is that the part of the -- the Land Development
3 Ordinance, which says only one principal building
4 may be erected on a lot in the R zone.

5 This is R zone.

6 Correct?

7 MR. McDONOUGH: Correct.

8 MR. PRICE: Okay.

9 So, we're only -- we've got three or four
10 uses on the same lot in the R zone.

11 MR. McDONOUGH: Yes. And I -- I don't
12 know, Mr. Price, if it actually says one building
13 or use, but to the extent that it says use --

14 MR. PRICE: No. It says principal
15 building.

16 MR. McDONOUGH: Okay. Well, it is one
17 building, with multiple tenants in it. Multiple
18 users in it. It's not -- it's not multiple uses
19 -- it's not multiple buildings, which would be --
20 that would be the -- the variance there.

21 There's only one principal building. It
22 just has multiple tenants.

23 MR. PRICE: Okay.

24 The last thing is how many parking spaces
25 exist on this site?

1 MR. McDONOUGH: There are 17 parking
2 spaces.

3 MR. PRICE: Seventeen parking --

4 MR. McDONOUGH: Yes.

5 MR. PRICE: -- spaces.

6 MR. McDONOUGH: And they are -- they all
7 backup to West Street.

8 MR. PRICE: Okay. I've heard --

9 MR. McDONOUGH: I'm sorry. Yeah. The --
10 I'm sorry. I miscounted. Thank you for pointing
11 that --

12 There are 14 spaces. The requirement for
13 this land use is 17 spaces.

14 MR. PRICE: For the church alone.

15 MR. McDONOUGH: For the church alone. Yes.

16 MR. PRICE: Okay.

17 The point I would make to the Board, this
18 is the third application. In the first
19 application, they said we need something like 80
20 spaces. We only have 14, but don't worry about
21 it, all these artists come in at different times.

22 Then, we had the daycare. That was a
23 separate requirement. And they counted the same
24 14 spaces for the daycare center.

25 And tonight, we have a church, and they

1 need 17, and they're counting the -- we've used
2 the 14 spaces three times.

3 I'm sorry. You know, that just --

4 MR. McDONOUGH: It's a -- it's a great
5 question, Mr. Price, and -- and I considered
6 that. I went back and -- and looked, and I think
7 the variance that was granted with -- with the
8 childcare center, again, 14 spaces being
9 provided. If you took the physical space and
10 divided it by that 300 square foot requirement,
11 it's up in the hundreds of the parking spaces.
12 But that's a variance that's already been granted
13 for what I would qualify as a weekday use of this
14 space.

15 Now, we're moving to the weekend, so I'm
16 looking at the isolation of this particular land
17 use, being the church service.

18 The parking demand with those other uses
19 goes down to zero on weekends. So, these spaces
20 are available.

21 MR. PRICE: Well, we have a provision for
22 shared spaces, but my point here is we've counted
23 those 14 spaces three times. And that -- you
24 know, the fact is, those 14 spaces are already
25 committed. The church doesn't have 14 spaces

1 available to it. It has zero available to it.

2 MR. LOPEZ: But Mr. Price, would you agree
3 that it -- it, according to the testimony, it
4 does have 14 spaces available exclusively --

5 MR. McDONOUGH: When it needs it.

6 MR. LOPEZ: -- to it when it needs them.

7 MR. PRICE: Well, no, I don't agree because
8 the first application that we had was for the
9 recording studio. And one of the -- one of the
10 justifications for having so few parking spaces,
11 when many were required, was, well, artists are
12 funny. They come in at odd hours. They come in
13 on the weekends. They come in -- so we could get
14 away with 14 when we need 80, because we --
15 whatever.

16 So, those spaces are committed already.
17 So, you don't -- you know, you really -- you
18 approve the church -- you know, maybe you want
19 to, but the -- if you approve the church, it's --
20 they do not have parking space. You've already
21 committed those -- those twice.

22 MR. LOPEZ: Thank you, Mr. Price.

23 VICE CHAIRMAN GRULLON: Thank you, Mr.
24 Price.

25 Any other member of the public want to step

1 forward?

2 Closed to the public.

3 Mr. McDonough?

4 Actually, that was what -- what I was
5 leading with my question, to see the hours of
6 operation for the church.

7 And when you mentioned that it's going to
8 be dedicated mainly for weekends activities, I
9 don't know if -- if the Board grant this
10 application, that would be -- you know, the
11 reality that they're going to stay using it only
12 for weekends.

13 If -- Mr. Spatz --

14 MR. SPATZ: Yes?

15 VICE CHAIRMAN GRULLON: If we -- can we
16 impose use of days of the week?

17 MR. SPATZ: Well, you could discuss certain
18 types of the uses that you could -- that the
19 religious services, that the services could be
20 limited to certain days.

21 I mean, churches and houses of worship sort
22 of have a lot more flexibility than other uses
23 do. But you know, I think that you could -- you
24 know, put some conditions that relate to the
25 services being on certain days. And I think that

1 | they would have to be clear about that, and that
2 | the counseling spaces be available, the office
3 | spaces be available -- you know, at other times.

4 | But you could limit it so as to limit the
5 | occupancy of the building.

6 | MR. LOPEZ: Mr. Chairman, if I may, often
7 | times, churches also have evening services, once
8 | the congregants return from work, and so on.

9 | So, if the Board is inclined to do so, I
10 | would ask that you consider also evening hours,
11 | because the daycare is closed by six o'clock.
12 | And if they want to meet from seven o'clock on,
13 | that that is also an alternative that's available
14 | to you, as opposed to during the day.

15 | MR. PRESSEY: Um hum.

16 | MR. BONACCI: I just have a quick question.
17 | Is it -- is the owner of the site the
18 | gentleman who came as applicant for the studio?

19 | MR. LOPEZ: I believe so.

20 | MR. BONACCI: Okay.

21 | MR. LOPEZ: Yes.

22 | MR. BONACCI: So, originally, he came
23 | before us for the studio. And then, the daycare
24 | came. And now, the house of worship.

25 | And you know, I would hate to say no -- you

1 know, to people's religious rights. But I got to
2 sit here, at some point, and say how many
3 different uses are we going to grant in the same
4 site?

5 And then, if the other floors materialize,
6 and there is construction, I'd just like to see
7 the whole thing together. It's really difficult
8 for me to envision all of that.

9 MR. LOPEZ: The only -- the only thing, as
10 -- as our planner has indicated, the non-peak
11 usage, that's why this -- why this particular
12 usage seems particularly well suited, only in
13 terms of timing.

14 If not, I would otherwise agree with you
15 fully that --

16 MR. BONACCI: Right.

17 MR. LOPEZ: -- if we just keep packing uses
18 at the same time -- as Mr. Price says, we keep
19 counting the same 14 spaces over and over again.

20 But that's not what we're proposing to you.

21 MR. BONACCI: And I could even get over the
22 parking hardship, because of the different hours
23 of operation.

24 MR. LOPEZ: Right.

25 MR. BONACCI: It's just -- you know,

1 | there's even more space there. Who knows if --
2 | you know, there's another application, in a
3 | couple of months from now, for another use in the
4 | --

5 | MR. LOPEZ: Well, --

6 | MR. BONACCI: -- same place?

7 | MR. LOPEZ: -- at that point, certainly
8 | it's -- certainly within this Board to --

9 | MR. BONACCI: I think we're almost at that
10 | point now.

11 | MR. LOPEZ: Yeah.

12 | MR. BONACCI: At least I am, you know? But
13 | that's just --

14 | MR. LOPEZ: Thank you.

15 | MR. BONACCI: -- you know, how I see it.

16 | MR. McDONOUGH: And I -- I would just point
17 | out, from the planning, and the Board can
18 | certainly look at that -- you know, when we
19 | approach that tipping point, when there's too
20 | much in that building.

21 | But I just want to remind everyone, this is
22 | a space that has been, I'll say -- quote, unquote
23 | -- approved for some form -- form of occupancy
24 | under the prior variances.

25 | Those -- that variance that was previously

1 granted qualified this as office space, which
2 would be a requirement of one per 300 square
3 feet.

4 So, it didn't contemplate that this space
5 was dead space, that this would be active space,
6 in terms of the -- the prior approval.

7 So, this is just a -- it appeals to me
8 because it's -- it's filling the space with a
9 different use that doesn't operate at the same
10 time.

11 I think I've said that enough now.

12 MR. BONACCI: Um hum.

13 MR. MEDINA: Excuse me?

14 The reason was always -- like the member
15 say, is two different -- let's say, one is the
16 religion, the other one daycare, and we talk
17 about daycare, there's kids there.

18 For me, the recording -- recording studio
19 is just like a kind of mix of people that now be
20 -- should be there.

21 Why? Because we talk about how this --
22 this kindergarten, right -- kindergarten you
23 said, kindergarten -- and what else is it? First
24 grade? The daycare?

25 Is any way you can tell me that when does

1 | this daycare start?

2 | MR. McDONOUGH: When does -- when does the
3 | child --

4 | MR. MEDINA: Yeah.

5 | MR. McDONOUGH: What age, you said?

6 | MR. MEDINA: Um hum.

7 | MR. McDONOUGH: Again, I didn't testify in
8 | the childcare.

9 | MR. MEDINA: Yeah.

10 | MR. McDONOUGH: But it's typically six
11 | weeks up to -- it's not -- it's not kindergarten.
12 | It's six weeks up to Pre-K. So, four year old,
13 | five -- five year old. Once you go to
14 | kindergarten, you're not coming to the --

15 | So, it's young children.

16 | MR. MEDINA: So --

17 | MR. McDONOUGH: And I don't know if there
18 | was an occupancy --

19 | MR. MEDINA: So, to me, it's a little
20 | worse. Why? Because the recording studio is,
21 | it's just kind -- I believe is another person
22 | that is going to record it. Right? That's the
23 | purpose of the recording studio. Right?

24 | MR. McDONOUGH: Yes.

25 | MR. MEDINA: So, what they do is just to be

1 adult people around there, was going to go up and
2 down, and you have a daycare on the bottom.
3 That's correct. Right?

4 So, that's my point. It's like -- it's
5 mixing some different kind of daycare, where
6 there's kids in there, and also people on another
7 floor, doing something that can be in and out
8 person that can do something, like music that's
9 there.

10 And there's so many things going on in the
11 building. That's what I'm trying to say.

12 MR. McDONOUGH: Well, just -- just as a
13 reminder. It's a good point.

14 Up on the third and fourth floor is where
15 we have the recording studios. That's approved.
16 We're not asking the Board to approve that again.
17 That's already approved.

18 MR. MEDINA: Umm.

19 MR. McDONOUGH: On the -- on the first and
20 second floor is where that childcare center is.
21 That's also been approved. And the -- the
22 childcare center was approved knowing that the
23 recording studio was going to be upstairs.

24 Again, I wasn't involved with the -- with
25 the childcare. All we're looking to do now is

1 | just fill a small space on the first floor for
2 | this church use.

3 | So, to the extent that there's concern
4 | about how the childcare and the recording studio
5 | interact, well, you would have some extra eyes,
6 | if you will, on the property now, with -- I'll
7 | say a beneficial use.

8 | So, if that -- if that helps the Board with
9 | -- with its evaluation.

10 | VICE CHAIRMAN GRULLON: Mr. Lopez, taking
11 | in consideration that this application -- this --
12 | this use is beneficial for the -- for the
13 | neighborhood, but also -- also I want to note
14 | that the parking situation is really -- it would
15 | really deteriorate if we allow this application
16 | to operate during business hour.

17 | MR. LOPEZ: We agree with that.

18 | VICE CHAIRMAN GRULLON: I want -- I want to
19 | make my motion to grant the application with the
20 | condition to -- for operation during off-peak
21 | hours, which means nighttime and weekends only
22 | for the congregation.

23 | Okay?

24 | MR. LOPEZ: Thank you.

25 | Yeah, that --

1 VICE CHAIRMAN GRULLON: Yeah. I want to --

2 MR. LOPEZ: That --

3 VICE CHAIRMAN GRULLON: I want to put that
4 on the -- on the --

5 MR. LOPEZ: That usage would --

6 VICE CHAIRMAN GRULLON: -- for the record
7 on the Resolution.

8 MR. LOPEZ: Your conditions would --

9 VICE CHAIRMAN GRULLON: That's the motion
10 that I want to make.

11 I don't know if --

12 MR. LOPEZ: Yeah.

13 VICE CHAIRMAN GRULLON: -- anyone wants to
14 --

15 MR. LOPEZ: Your conditions would not be a
16 problem.

17 VICE CHAIRMAN GRULLON: Okay.

18 MR. LOPEZ: That's exactly when they intend
19 to do so.

20 VICE CHAIRMAN GRULLON: Be -- be nights and
21 weekends.

22 MR. LOPEZ: Thank you.

23 THE SECRETARY: Motion on the table to
24 grant the application with the conditions, by Mr.
25 Grullon.

1 Any second on the motion?

2 MS. GUTIERREZ: Second.

3 THE SECRETARY: Ms. Gutierrez.

4 Roll call on the motion.

5 Mr. Bonacci?

6 MR. BONACCI: Yes.

7 THE SECRETARY: Mr. Grullon?

8 VICE CHAIRMAN GRULLON: Yes, with the
9 condition.

10 THE SECRETARY: Ms. Gutierrez?

11 MS. GUTIERREZ: Yes, with the condition.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Mr. Pressey?

17 MR. PRESSEY: Yes.

18 THE SECRETARY: Six in favor, motion
19 carries.

20 MR. LOPEZ: Thank you.

21 VICE CHAIRMAN GRULLON: Good night.

22 THE SECRETARY: Congratulations, --

23 MR. PANEQUE: Mr. Lopez?

24 THE SECRETARY: -- Mr. Alons -- Lopez.

25 MR. PANEQUE: Just as a point of

1 clarification, can we have some parameters as to
2 the hours that should be put into the Resolution?

3 MR. LOPEZ: I would say -- well, weekends
4 and after six p.m.

5 MR. PANEQUE: And it would run from six to
6 what time?

7 MR. LOPEZ: Six to ten.

8 MR. PANEQUE: Any objection from the Board
9 for those times?

10 VICE CHAIRMAN GRULLON: That's okay with
11 the Board.

12 MR. LOPEZ: Thank you.

13 VICE CHAIRMAN GRULLON: Thank you.

14 MR. LOPEZ: Thank you.

15 MR. PANEQUE: Okay. So that would be in
16 the Resolution.

17 MR. LOPEZ: Yes.

18 MR. PANEQUE: Monday through Friday.

19 VICE CHAIRMAN GRULLON: Six p.m. to ten
20 p.m.

21 MR. PANEQUE: Six p.m. to ten p.m. And
22 then --

23 MR. LOPEZ: And weekends.

24 MR. PANEQUE: -- weekends, 24 hours.

25 MR. LOPEZ: It would really be --

1 VICE CHAIRMAN GRULLON: Nine to nine.

2 MR. LOPEZ: -- during the day, but yeah.

3 MR. PANEQUE: Yeah.

4 MS. GUTIERREZ: Um hum.

5 MR. LOPEZ: Thank you.

6 MS. GUTIERREZ: Nine to nine.

7 (Whereupon, there was a pause in the
8 proceedings.)

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1 **Rare Enterprise, LLC - 413-419 35th Street:**

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3 THE SECRETARY: All right.

4 Next application on tonight's agenda, Rare
5 Enterprise, LLC, 413-419 35th Street.

6 Mr. Lopez, please?

7 MR. LOPEZ: Thank you.

8 Once again, Adolfo Lopez, appearing on
9 behalf of applicant.

10 Mr. Paneque, if I may, in terms of
11 jurisdictional documents?

12 We had previously presented this immediate
13 application. We -- we then consulted with
14 interested parties, local members, and the
15 agreement on June 8th was that we would re-notice,
16 based upon a reduction in the number of units
17 from 21 to 18 units.

18 I have since re-noticed and republished and
19 submit the new proposed documents.

20 THE SECRETARY: Revised plans.

21 (Whereupon, there was a pause in the
22 proceedings.)

23 MR. PANEQUE: For the record, I've been
24 provided by Mr. Lopez with the following
25 documents:

1 I have an Affidavit of Service indicating
2 that notice of tonight's meeting was sent out to
3 all property owners within the 200 foot radius of
4 the property located at 413-17-19 35th Street in
5 Union City, New Jersey.

6 I've also been provided with an Affidavit
7 of Publication from The Jersey Journal, which
8 notes that notice of the meeting to tonight, with
9 respect to the property in question was published
10 on June 15th, 2017.

11 I've also been provided with the notice
12 that went out and was published, as well as the
13 200 foot list from the Union City Tax Assessors,
14 with a date of May 12, 2017.

15 Also been provided with the certified mail
16 receipts with a date of June 12, 2017, as well as
17 the green cards that have come back and the
18 envelopes that have come back unclaimed.

19 Based on the documentation that's been
20 provided, this Board does have jurisdiction to
21 proceed and hear this matter.

22 MR. LOPEZ: Thank you, Mr. Paneque.

23 MR. PANEQUE: Thank you, Mr. Lopez.

24 MR. LOPEZ: Before we get started, I -- I
25 think it's important that we run through a brief

1 history of this project, even before Mr.
2 Izquierdo provides us with the detail.

3 There was a -- a prior project proposed
4 earlier in the year, which was denied by this
5 Board.

6 And this is a -- a very difficult
7 application for the following reason:

8 We have a property that consists of four
9 lots, 100 by 100. Three of those lots sit in the
10 CC zone, Center City zone, requiring commercial
11 on the ground floor.

12 We then have one lot that sits in the R
13 zone. No matter what my client does, he runs
14 into a problem. Nothing can be fully compliant.

15 Because 75 percent of the -- of the land
16 required the commercial aspect, my client came
17 before the Board thinking that let -- let me try
18 to be as compliant as possible. And the original
19 application proposed commercial.

20 It turns out that while it was more
21 compliant with the Ordinance, it really was not
22 compliant with the needs of the neighborhood, and
23 it was great -- it -- the neighbors in the area
24 were not really in tune to that particular
25 project, where we were introducing a commercial

1 component, even though the Ordinance requires it.

2 Instead, my client then went back and
3 changed it so now we are proposing strictly
4 residential, not in compliance with the CC zone,
5 but certainly more along what the needs of the
6 neighbors need.

7 In addition, one other very important
8 aspect of this project, by removing the
9 commercial and modifying the plans, we now have
10 100 percent of the parking requirement satisfied.
11 So, before you tonight there is no parking
12 variance. There are 38 spaces being proposed
13 here for the 18 apartments.

14 So, it -- with that, that's just by way of
15 introduction, because if you've seen the prior
16 ones and you were familiar with the area, why
17 we're here and why this is such a -- a peculiar
18 project, but why we think it -- it really falls
19 within the true needs of this neighborhood.

20 And -- and in that end, I'll have Mr.
21 Izquierdo, who is serving as my architect and
22 planner this evening, be sworn and go into the --
23 into the particulars of the project.

24 MS. DILLON: Do you affirm the testimony
25 you're about to give this Board is the whole

1 truth?

2 MR. IZQUIERDO: I do.

3 MS. DILLON: Name for the record.

4 MR. IZQUIERDO: My name is Jose Izquierdo.
5 I'm an architect in New Jersey, 09143, and a
6 planner, 03385.

7 MS. DILLON: Thank you.

8 MR. LOPEZ: And Mr. Izquierdo, these plans
9 were, in fact, prepared by you.

10 Is that correct?

11 MR. IZQUIERDO: Yes, they were.

12 MR. LOPEZ: And these were the modified
13 plans, as I've described to this Board in my
14 presentation.

15 Is that correct?

16 MR. IZQUIERDO: Yes, they are.

17 Good evening, members of the Board.

18 And counsel has actually identified the
19 four documents submitted with the applications;
20 drawings SP-1, A-1, A-2 and A-3.

21 As counsel indicated, this Board gains
22 jurisdiction of this application for a number of
23 reasons. Because the lot is split in the zone,
24 partly within the R zone, and partly within the
25 CC zone, anything that gets built here has to

1 | come before the Board.

2 | So, in coming to -- to an understanding
3 | with the -- with -- with the neighborhood, and
4 | with the specifics of the site, this is on 35th
5 | Street. It's very close to Bergenline Avenue.
6 | And actually, there is an existing assembly of
7 | buildings there. There's like six apartments and
8 | there's a laundromat, and there's a little
9 | commercial store, and there's like a little
10 | building. And that building has a number of
11 | inner-courts, and it's just a Code violation, the
12 | whole thing.

13 | So, what the applicant is intending to do
14 | is knock the whole thing down and end up with a
15 | hundred by a hundred lot. And in that, we're
16 | proposing to erect the building that is actually
17 | three feet one inch away from property line on
18 | all sides, the sides and the rear.

19 | We have a front yard of two feet six inches
20 | of floors two through four. And we have a
21 | setback of one foot three inches, minimum, in the
22 | cellar.

23 | MR. LOPEZ: And so, Mr. Izquierdo, I -- I
24 | know you said you -- it was going to be torn
25 | down, but the current building, what are the --

1 MR. IZQUIERDO: Zero.

2 MR. LOPEZ: -- side and rear yards on --

3 MR. IZQUIERDO: Zero. The building -- the
4 -- the building that is there is zero feet on
5 this side, zero feet on that side, zero feet on
6 every side. It's zero feet on the front.

7 It's all totally paved. The building --
8 that building has to be knocked out.

9 And what the applicant is proposing is to
10 have what is defined in the Ordinance as a mid-
11 rise apartment building. And that consists of a
12 ground floor parking area, which has two levels,
13 and has three levels of apartments on top. Six
14 apartments per floor.

15 The floor plan of the building is what I
16 would consider a little innovative, because what
17 we have actually done, if the Board looks at
18 drawing SP-1 over here, the building has a
19 cutout. We're cutting out a building like --
20 that's, I think, 25 by 25, or something like
21 that. And what we're having there is a big blue
22 spruce. If I have my way as a landscaper, a big
23 blue spruce that is going to create an entry
24 courtyard for the building.

25 So, when you are on 35th Street, if you're

1 referring to the -- to the site plan, you have an
2 entry to the lower parking level that has a total
3 of 17 spaces on the lower level, and on the upper
4 level, we have 17 spaces, as well.

5 In addition to that, in the front of the
6 building, I have the space of -- the space for
7 the ANSI van, the space for the handicap, and two
8 visitor spaces.

9 So, essentially, the streetscape on 35th
10 Street is going to have a big open courtyard,
11 with a fountain, it's going to have a big tree,
12 and it's going to be an open sidewalk, just has
13 the garage door on one side, going down, and on
14 the right side, going up.

15 As I indicated, this Board gains
16 jurisdiction of the applications because we have
17 a D-1 variance, particularly with the uses on --
18 on the lot on the R zone. We have a use variance
19 on the lot in the CC zone, because we don't have
20 a commercial use. And we have a height variance
21 as to the four story structure, because of the
22 height limitations of the R zone.

23 MR. LOPEZ: That's only as to the one 25 by
24 a hundred lot.

25 MR. IZQUIERDO: As to the one 25 by a

1 hundred lot.

2 The side yards required are up to 50 feet,
3 five feet. I have five feet on the residential
4 levels on -- on top, but in order to maximize the
5 parking on the ground floor, I have three feet
6 six inches on my ground floor.

7 My rear is -- I'm required to have 20 feet.
8 There's a requirement -- there's existing of
9 zero. And I'm leaving five feet one inch on the
10 upper floors and three feet one inch on the -- on
11 the parking level.

12 The setback from the R zone, which is
13 required to be half of the building height, would
14 be a minimum of 20 feet. And that is the lot
15 that is actually within the R zone.

16 So, our setback from the R zone is actually
17 the lot that we're using as the setback.

18 The building coverage allowed is 80
19 percent, if we have parking within the building,
20 and we have 89.7 percent with the parking. Our
21 building is actually 79.2 percent. So, we're
22 requesting a building coverage for the parking
23 level.

24 The lot coverage I indicated. The -- the
25 existing lot is a hundred percent paved, and what

1 we're going to have is 89.7 percent of the site
2 is going to be occupied by the building.

3 MR. LOPEZ: Mr. Izquierdo, could you
4 describe, please, what the required number of
5 parking spaces are for this proposed structure?

6 MR. IZQUIERDO: We have eliminated all the
7 retail uses. So, we have only one use in this
8 building. We have a residential use. And we
9 have a total of 18 two bedroom apartments, and
10 according to our Residential Site Improvement
11 Standards, Table 4.4, as well as our parking
12 schedule number 2, we're required to have two
13 parking spaces for every two bedroom. So, since
14 we have 18, we're required to have 36 spaces, and
15 we're proposing 38.

16 So, the 38 that we're required, I could say
17 that we have 105 percent of the parking, but in
18 reality, we have a hundred percent of the
19 parking, being the 36 spaces, and the other two
20 are the handicap space, and the ANSI van space.

21 So, even without the -- even without the
22 handicap spaces, we can provide each apartment
23 with two spaces each.

24 As I indicated, the building has the -- the
25 center courtyard. And actually, the -- if the

1 Board turns to sheet drawing A-2, it shows that
2 actually the apartments, when you enter the
3 building, and you come into the upper level, you
4 come out the elevator and you have a center
5 garden, you have the corridor here. And
6 everybody in the elevator gets to look out the
7 window and look at the tree.

8 So, the corridor in the building has
9 actually a window to the front, so the corridor
10 is basically open, has a beautiful view of the
11 tree.

12 Drawing A -- A-2 shows the typical layout
13 of the apartments. And our apartments are
14 actually very spacious.

15 They're all two bedrooms, as indicated, and
16 the minimum square footage for a two bedroom, in
17 the City of Union City, is 750 square feet.

18 Apartment number one, we have 812 square
19 feet.

20 Apartment number two, 912.

21 Number three, 1,128.

22 Number four, 1,255.

23 Number five, 1,128.

24 And number six, 1,092.

25 The building is all brick in the front.

1 | It's a -- it's a sprinklered building, type 5-A
2 | structure, and as I indicated, we have full
3 | conformance with the parking.

4 | We don't have a density variance. The
5 | variances that we have are the use variance. And
6 | the use variance, it's the Medici standard, which
7 | is in particular cases and for -- for special
8 | reasons.

9 | And I believe that this lot, because of its
10 | R zone, CC zone, because of our working with the
11 | -- with the neighborhood, in terms of what is
12 | most desirable and what is less conflicting and
13 | less -- less objectionable to the neighbors, I
14 | believe that this lot is actually special
15 | reasons, and it's particularly suited for this
16 | use, it's in the center of the city, and it would
17 | be a quite welcome addition, I believe, to that,
18 | particularly because we have full parking.

19 | I have nothing further.

20 | MR. LOPEZ: Mr. Izquierdo, would it be fair
21 | to say that even though this application is in
22 | lesser of a compliance than the prior one,
23 | because we are eliminating the commercial
24 | component, would you say, from a planning
25 | standpoint, that it better fits into this

1 neighborhood?

2 MR. IZQUIERDO: It does, because it fits
3 into the fabric of the neighborhood, and that's
4 the intent of the Master Plan. It's to preserve
5 -- the intent of the R zone is to preserve the
6 residential character of the neighborhood.

7 The CC zone, the intent came into conflict
8 with the -- with the intent of the R zone. But
9 specifically, in this neighborhood, the
10 residential aspects of the property is more
11 important to the neighbors, and that's what we're
12 doing.

13 MR. LOPEZ: And 35th Street, could you
14 describe what the -- what the mix is, if any, on
15 35th Street?

16 Is it, in fact, commercial and residential,
17 or is it strictly residential?

18 MR. IZQUIERDO: Thirty-Fifth Street is a
19 lovely street. It actually starts by the -- by
20 the Messivta-Sanz and the -- and the water park
21 over there, the beautiful water park that now we
22 have. And then, it just stops on Bergenline
23 Avenue and it's right there, smack in the -- in
24 -- in the city.

25 The commercial spaces, I -- I agree with

1 the neighbors, were objectionable. The -- the
2 zone has some new two families, has some new
3 three families. Actually, I was the architect
4 for some of them.

5 Across the street, we have mostly two and
6 three families, are all very low scale. So,
7 basically, the neighborhood is all into a lot of
8 little buildings. So, I believe that downscaling
9 the size of this building fits the neighborhood
10 well.

11 But the neighborhood is mixed, but it's
12 mostly residential.

13 MR. LOPEZ: So, you would agree --

14 MR. IZQUIERDO: Commercial is over there,
15 on -- on Bergenline Avenue. There's a resistance
16 of the neighbors to have any commercial come into
17 35th Street, and I agree with them.

18 MR. LOPEZ: So, the fact that we are
19 removing the commercial, even though again, it's
20 not really in compliance with the -- with the
21 Ordinance, it's a better fit for this
22 neighborhood.

23 MR. IZQUIERDO: It's a better zoning
24 alternative for the property.

25 Absolutely.

1 MR. LOPEZ: Thank you, Mr. Izquierdo.

2 VICE CHAIRMAN GRULLON: Question for Mr.
3 Izquierdo.

4 Mr. Izquierdo, regarding to parking, the
5 curb cut to enter the garage, you have two.

6 MR. IZQUIERDO: I have one for the lower
7 garage.

8 VICE CHAIRMAN GRULLON: Yes.

9 MR. IZQUIERDO: And one for the upper
10 garage.

11 And then, the spaces in the front, I just
12 have four spaces in the front with the tree, that
13 are underneath the covered, so it's basically the
14 building goes -- it's covered, but it's totally
15 open.

16 VICE CHAIRMAN GRULLON: So, your curb cut
17 would be a hundred feet alone?

18 MR. IZQUIERDO: No. I have a curb cut -- I
19 -- I have a dimension on drawing A-1. I have a
20 three foot 11, and then 17 feet, then 3.1, then
21 14 feet, then a total of 12.4, and then 45.7.

22 So, I have 76 feet of curb cut, and I have
23 22 feet of not curb cut. But they're not
24 contiguous.

25 I have one curb cut going down to 17

1 spaces. I have one curb cut going up to 17
2 spaces. And then, I have the four spaces in the
3 front.

4 If I don't have those four spaces in the
5 front, I would be seeking a parking variance.
6 But then, I can give you all landscaping and
7 everything you want in the front. But I have 34
8 parking spaces.

9 But this -- this application, right now,
10 has the opportunity of being a difference on 35th
11 Street, because of the cutout, because of the
12 tree, because of the whole frontage, because one
13 parking is over there, one parking is over there.

14 So, if it's the Board's pleasure that you
15 want to have 70 feet of -- of -- 60 feet -- I'm
16 sorry -- 60 feet of landscaping, I can give it to
17 you. But I can only give you 34 parking spaces.

18 MR. LOPEZ: And it was in discussion with
19 the applicant --

20 MR. IZQUIERDO: And I have a duty to
21 provide as much as parking here. It's the
22 Board's purview if you want to say, Mr.
23 Izquierdo, you know, we really want to have a
24 nice landscaping in the front, so we're going to
25 have that curb cut going up, that curb cut going

1 down, and that's it.

2 Seventeen, 17, 34 for 16 -- for 18 -- 18
3 apartments, I would be short just two spaces.

4 That would be my choice, but it's not for
5 me to make. It's for you to make.

6 You understand what I'm saying? We -- we
7 would have just all landscaping.

8 VICE CHAIRMAN GRULLON: But by having that,
9 you will be taking away parking from the -- from
10 the residents.

11 MR. IZQUIERDO: Yeah, but if I have all the
12 landscaping, no. There are going to be three
13 parking spaces -- instead of having them on the
14 site, I'm going to leave them on the street. I
15 will give -- I will leave you three parking
16 spaces on the street.

17 MR. BONACCI: That's assuming everybody
18 that's living there is going to be having a car
19 that needs a parking space. That's only assuming
20 that everybody that's in there needs a spot.

21 MR. IZQUIERDO: Oh, yeah. Well --

22 MR. BONACCI: Right?

23 MR. IZQUIERDO: Yeah.

24 Many times, in my experience, with -- with
25 owners, after they build the building, and then,

1 after years later, I discuss with them, oh, how's
2 it going? They always say, oh, the parking is --
3 is vacant. Because the parking requirements may
4 be -- they are required, and we need to produce
5 them.

6 But many times, the people that rent there,
7 they either don't have a car, or we have spaces
8 available.

9 So, what ends up happening is, when those
10 are available, it doesn't take anything from
11 anybody, then the owner has the -- has the
12 opportunity of renting them to a neighbor in the
13 -- in the site, or whatever.

14 MR. BONACCI: You have enough parking
15 spaces now to cover every one of those bedrooms.

16 MR. IZQUIERDO: Every one. And I have two
17 more --

18 MR. BONACCI: But in --

19 MR. IZQUIERDO: -- which are the ANSI
20 space, and the handicap space.

21 MR. BONACCI: But, in reality, not
22 everybody that's taking a bedroom is going to
23 have a car.

24 MR. IZQUIERDO: No. No. No, they don't.
25 And -- and, particularly, I mean, being in the

1 center of the city, if I was -- and, actually,
2 I'm going to be looking for space, because I want
3 to move my office to Union City, but what I'm
4 saying is, moving to Union City, it becomes a
5 desirable space be -- a desirable place also
6 because of the transportation on 35th Street. You
7 have every single bus just leaves the Post Office
8 right there. I take it all the time on 32nd
9 Street.

10 So, it's not an application that is going
11 to burden the community. But the Board has the
12 opportunity of saying to the applicant, give us
13 34 spaces, and give us all nice landscaping in
14 the front. And it's going to be beautiful.

15 MR. LOPEZ: It's a tradeoff, Mr. Chairman,
16 and -- and ladies and gentlemen of the --

17 MR. IZQUIERDO: But --

18 MR. LOPEZ: -- Board.

19 MR. IZQUIERDO: -- you have four spaces
20 less, because I can take the ANSI space, and the
21 -- and the handicap space and put them inside,
22 not a problem.

23 MR. LOPEZ: I agree with Mr. Izquierdo that
24 often times, these spaces just become available
25 to the neighborhood, because --

1 MR. BONACCI: Somebody's going to rent it
2 out --

3 MR. LOPEZ: -- somebody's going to rent --

4 MR. BONACCI: -- from somebody that -- that
5 has an apartment.

6 MR. LOPEZ: Absolutely. Absolutely.

7 And -- and if we have these 18 apartments,
8 and only 20 cars are being stored there, you have
9 18 spaces available to the public that they can
10 rent out a garage space, which, in Union City, is
11 highly valuable.

12 So, it's -- yes, we're taking away, maybe,
13 three spaces, but potentially, we're creating the
14 availability for interior parking from any -- for
15 neighborhood residents.

16 MR. IZQUIERDO: And once we eliminated the
17 retail spaces, the retail spaces are -- are the
18 type of use in a building that you can say, yeah,
19 we have allowed four spaces. But maybe,
20 sometimes, you can have a -- ten people that --
21 that go to that retail store.

22 So, retail spaces, they may have more. But
23 when people rent an apartment, if they -- if they
24 have one space or two spaces -- you know, maybe
25 the others can be visitors, or whatever.

1 MR. PRESSEY: Where would the entrance and
2 exit be for the parking?

3 MR. IZQUIERDO: There is one -- one
4 entrance at the -- at the eastern most side of
5 the property, closer to Hudson Avenue, for
6 instance. And that goes to a parking level in
7 the rear of the property, that's a half level
8 down.

9 MR. PRESSEY: Down.

10 MR. IZQUIERDO: Going only four feet down.

11 So, the front of the building is flat,
12 that's where I have all the parking spaces. We
13 can have the landscaping with the nice tree and
14 everything.

15 And here, I'm going down. Four feet down,
16 and then, I'm going four feet up.

17 So, it's not a --

18 MR. LOPEZ: On -- on the other side.

19 MR. IZQUIERDO: On the other side. And so,
20 I have the -- the -- it's like a parenthesis.
21 Everything on the inside from here to here is
22 available for you, too.

23 VICE CHAIRMAN GRULLON: Mr. Izquierdo,
24 could you just revise again the side -- the side
25 yard?

1 MR. IZQUIERDO: Yes.

2 My side yards are all three feet --

3 VICE CHAIRMAN GRULLON: You're --

4 MR. IZQUIERDO: -- six inches.

5 VICE CHAIRMAN GRULLON: You're asking for
6 variance in all the -- both side yard?

7 MR. LOPEZ: Yes.

8 MR. IZQUIERDO: Yeah. I have three feet
9 six inches, all the way around the parking.

10 So, anybody in that parking doesn't have to
11 exit the front. I can have a door in the back
12 and I have access to the entire building from the
13 outside.

14 The upper residential floors are five feet
15 one inch away. What the Ordinance requires me to
16 have, as a side yard is, up to 50 feet, five
17 feet, and above 50 feet, ten feet.

18 I comply with the residential levels at
19 five feet.

20 VICE CHAIRMAN GRULLON: Those three feet
21 one inches, that will be sufficient for firemen
22 to go through with a ladder?

23 MR. IZQUIERDO: I have three feet six. Not
24 three feet one.

25 VICE CHAIRMAN GRULLON: Would that comply

1 with --

2 MR. IZQUIERDO: Yes.

3 VICE CHAIRMAN GRULLON: -- Codes?

4 MR. IZQUIERDO: Three feet six complies
5 with the egress requirements for the Building
6 Department. Three feet one does not.

7 MR. LOPEZ: And the -- the reason for the
8 reduced was, once again, to try to get as much
9 parking as possible.

10 Is that correct?

11 MR. IZQUIERDO: Yes.

12 And by the way, this is -- this is -- all
13 my parking spaces are conforming.

14 Mr. Marotta, the last time that I presented
15 this -- this application, or another application,
16 he grilled me on the size of the parking spaces.
17 And you know him.

18 So, nine by 18 are all my parking spaces.
19 They're all conforming. And my aisle is 24. So,
20 I don't have a site plan waiver.

21 MR. BONACCI: Mr. Chairman, because this is
22 in the CC zone, and it's going to be a highly
23 visible -- you know, right in the central
24 location of the town, I'm taking what Mr.
25 Izquierdo is saying about adding a little extra

1 | landscape and maybe sacrificing a couple of
2 | parking spaces, so that it looks nice.

3 | MR. IZQUIERDO: Because it's going to be
4 | brick pavers and it's going to have plants, and
5 | maybe we can have a -- you know, a couple of
6 | benches, or something like that.

7 | It's going to be a very active streetscape.

8 | MR. BONACCI: It's right in the middle of
9 | town. It should look nice.

10 | MR. IZQUIERDO: Yeah.

11 | MR. BONACCI: If it sacrifices a couple
12 | parking spaces -- you're meeting the requirements
13 | with the parking, if every single one of the
14 | residents who has a bed in the building owns a
15 | car.

16 | MR. IZQUIERDO: Yes.

17 | MR. LOPEZ: Yes.

18 | MR. BONACCI: But in real --

19 | MR. IZQUIERDO: To 36. Not --

20 | MR. BONACCI: But in reality, there's going
21 | to be empty parking spaces.

22 | MR. IZQUIERDO: Yeah. Time will tell, but
23 | yes, I agree with you, Mr. Bonacci.

24 | MR. BONACCI: Okay.

25 | VICE CHAIRMAN GRULLON: Mr. Izquierdo, also

1 | you testified on the -- the characteristic of the
2 | neighborhood, which is like --

3 | MR. IZQUIERDO: Very low scale.

4 | VICE CHAIRMAN GRULLON: It's a very low --

5 | MR. IZQUIERDO: Yeah.

6 | VICE CHAIRMAN GRULLON: -- residential
7 | area.

8 | MR. IZQUIERDO: Yeah.

9 | VICE CHAIRMAN GRULLON: You're not
10 | testifying as a planner, value your opinions
11 | here, would this type of building fit into that
12 | neighborhood?

13 | MR. IZQUIERDO: Yes, because I understand,
14 | Mr. Grullon, your concern.

15 | What happens here, we have the distinct
16 | situation that the center of the city, the Center
17 | City zone is low scale residential.

18 | So, the -- the planners of the city wanted
19 | to upscale that CC zone, to be more -- and it
20 | says, pedestrian oriented and it -- it identifies
21 | for cityscapes and landscaping and everything.

22 | So, the application meets the intent of
23 | that, particularly with Mr. Bonacci's suggestion
24 | that -- that it be modified to have the
25 | landscaping in the front, because the purpose of

1 the zone is to establish an active sidewalk, to
2 establish an active street pattern.

3 But the houses across the street are all
4 two and three family, so this is a good tradeoff.

5 VICE CHAIRMAN GRULLON: And I --

6 MR. IZQUIERDO: Because it brings the --
7 Yeah.

8 VICE CHAIRMAN GRULLON: And I believe
9 probably you don't have to sacrifice those two
10 parking spaces.

11 MR. IZQUIERDO: Whichever you want.

12 VICE CHAIRMAN GRULLON: If, when you open
13 the -- the gate, make a left turn, on the garage,
14 you still have space to continue having those two
15 spaces. And give the residents the -- these
16 spaces back from the street.

17 I mean --

18 MR. IZQUIERDO: Yeah.

19 VICE CHAIRMAN GRULLON: Because --

20 MR. IZQUIERDO: I may have to brush up on
21 my magic, but yes. Yes. That can be done. For
22 one space, because of the ramp.

23 So, if I give all those parking spaces in
24 the street, and not -- not give them back,
25 because actually, they're not mine.

1 VICE CHAIRMAN GRULLON: Yeah. Landscaping
2 and --

3 MR. IZQUIERDO: I would be taking them.

4 VICE CHAIRMAN GRULLON: -- and the --

5 MR. IZQUIERDO: Exactly.

6 VICE CHAIRMAN GRULLON: And the street
7 parking.

8 MR. IZQUIERDO: Instead of having 38
9 spaces, I would be providing 35, because there,
10 what you're saying, I'm going to make a turn to
11 get to that space, like you said.

12 VICE CHAIRMAN GRULLON: Yeah.

13 MR. IZQUIERDO: So, I'm going to end up
14 with 35 parking spaces, but you're going to have
15 the entire curb cut there.

16 MR. PANEQUE: I think Mr. Spatz has a
17 comment.

18 VICE CHAIRMAN GRULLON: Mr. Spatz?

19 MR. SPATZ: Yeah. Mr. Chairman, I'm not
20 sure that that would be such a good idea because
21 what you would be causing, if a car came into
22 that space, they actually would have to back in
23 to the driveway to exit.

24 I think the better plan would be, as Mr.
25 Bonacci had suggested, if you eliminate those

1 four --

2 VICE CHAIRMAN GRULLON: Eliminate.

3 MR. SPATZ: -- spaces within the front,
4 they'd need a variance for two.

5 VICE CHAIRMAN GRULLON: And there are four
6 other spaces?

7 MR. SPATZ: But -- but then you'd have --

8 MR. LOPEZ: Yes.

9 MR. SPATZ: -- two -- two or three spaces
10 in the street, which would be for visitors or --
11 or still for the neighborhood and you --

12 MR. IZQUIERDO: For residents.

13 MR. SPATZ: And -- and the space that was
14 set aside for the parking would be landscaped,
15 and you'd have really a lot of landscaping in
16 front of the building. It would be --

17 MR. IZQUIERDO: A plaza.

18 MR. SPATZ: -- you know, fairly unique as
19 far as buildings in -- in that area.

20 MR. IZQUIERDO: Yeah, --

21 MR. SPATZ: So --

22 MR. IZQUIERDO: -- a little plaza. Little
23 open.

24 MR. SPATZ: I -- I think that the tradeoff
25 -- you know, benefits the neighborhood, both in

1 terms of additional street parking and additional
2 landscaping, rather than those parking spaces,
3 which again, as designed, because the zone --
4 that's the only way to design them, cars would
5 then be backing out of those spaces, back out
6 onto 35th Street.

7 So, if you can eliminate any backing up of
8 cars, I think it improves circulation, as well.

9 MR. LOPEZ: And along the lines of what Mr.
10 Bonacci is saying, if we go along with that idea
11 and put in the landscaping, we're expanding the
12 proposed courtyard anyway.

13 So, now you have this large green space,
14 the entry courtyard with the large tree, plus the
15 additional landscaping.

16 So, it would be a large green area in a
17 neighborhood that's --

18 MR. IZQUIERDO: Because --

19 MR. LOPEZ: -- deficient of it.

20 MR. IZQUIERDO: Because 35th Street is not
21 wide; 35th Street is not -- it's not 15th Street.
22 I think that's the only wide street.

23 VICE CHAIRMAN GRULLON: No, no. That --
24 it's a very narrow --

25 MR. IZQUIERDO: It's very narrow.

1 VICE CHAIRMAN GRULLON: It's a very narrow
2 street.

3 MR. IZQUIERDO: So, if we open that also,
4 it's opening up the sidewalk. And I believe
5 that's the intent of the CC zone.

6 Union City is a city and it needs to have a
7 center. That's what the master planners want.
8 And this is where we are. We are in the center
9 of the city. So, this is --

10 VICE CHAIRMAN GRULLON: Could you describe
11 what you have on the west side of the property,
12 on the west side, and the -- and the east side of
13 the building?

14 MR. IZQUIERDO: Sure.

15 I am coming from New York Avenue and
16 Hudson. So, as I'm coming down --

17 VICE CHAIRMAN GRULLON: That's from the
18 east -- the east side of the building.

19 MR. IZQUIERDO: From the east side. I'm --
20 I'm going in the direction of 35th Street; 35th
21 Street is a one way west onto Bergenline.

22 So, I'm coming from where it starts, on
23 Hudson Avenue. And then, I have a parking lot on
24 the left hand side, I have the Verizon building.

25 On the other side, between New York and

1 Hudson, I have a number of two and three family
2 houses, along New York Avenue.

3 That is the street between 35th Street and
4 36th Street that has all those identical houses
5 that have an apart -- a parking space underneath.
6 They're -- they're small houses, but they're all
7 one -- one family. They're all there.

8 And then, across the street, we have a
9 number of two and three family houses, two and
10 three stories high. We have seamstress, which is
11 three stories, and then, when you get to
12 Bergenline Avenue, you have El Carretero, nail
13 salon, gift center. You have a number of them.

14 And then, on the corner, you have a three
15 story, which is where you have a Cargo and Ice
16 Cream, and then you have the -- the Clothing
17 Galaxy, which is two stories up.

18 VICE CHAIRMAN GRULLON: Do -- do we have
19 that chart that you bring?

20 MR. IZQUIERDO: No. But I -- I have
21 additional copies.

22 MR. LOPEZ: Yes.

23 (Whereupon, there was a pause in the
24 proceedings.)

25 MR. LOPEZ: How's this being marked?

1 MR. PANEQUE: A-1.

2 MS. DILLON: A-1 and mark it as Building
3 Use Survey?

4 MR. IZQUIERDO: Yeah.

5

6 (Whereupon, Building Use Survey was
7 received and marked as Exhibit A-1.)

8

9 MR. LOPEZ: Mr. Izquierdo, what's been
10 marked as A-1, was this prepared by you?

11 MR. IZQUIERDO: Yes. It's a Building Use
12 exhibit in substantiation of the D-1 variance to
13 show --

14 MR. LOPEZ: And this --

15 MR. IZQUIERDO: -- to show the neighborhood
16 and -- and why the building would not have a
17 negative impact, particularly because of the
18 parking.

19 MR. LOPEZ: And this was prepared by you in
20 anticipation of your determination as to proper
21 usage of this building.

22 MR. IZQUIERDO: Correct.

23 MR. LOPEZ: Is that correct?

24 MR. IZQUIERDO: Correct. Correct.

25 Actually, we're -- we're one block away

1 from 32nd Street.

2 VICE CHAIRMAN GRULLON: Yeah.

3 MR. IZQUIERDO: That -- that -- which is
4 where all the public transportation occurs.

5 VICE CHAIRMAN GRULLON: The two building
6 adjacent to the property, do they have --

7 MR. IZQUIERDO: The whom?

8 VICE CHAIRMAN GRULLON: -- the buildings
9 that are next to the proper -- to your property,
10 do they have backyard?

11 MR. IZQUIERDO: No. No. All those
12 buildings along Bergenline Avenue, they come all
13 the way to our site.

14 VICE CHAIRMAN GRULLON: Not Bergenline
15 Avenue. For --

16 MR. IZQUIERDO: The Clothing Galaxy --

17 VICE CHAIRMAN GRULLON: -- 35th -- 35th.

18 MR. IZQUIERDO: -- comes all the way to our
19 property line.

20 We cannot use the yards of anybody.
21 Everybody's at zero feet with us.

22 VICE CHAIRMAN GRULLON: The height of --
23 the height of the building, are you asking for
24 variance there?

25 MR. IZQUIERDO: Because of the -- because

1 of --

2 VICE CHAIRMAN GRULLON: Because I see that
3 you have --

4 MR. IZQUIERDO: Because of the --

5 VICE CHAIRMAN GRULLON: -- different
6 heights.

7 MR. IZQUIERDO: -- R zone.

8 MR. LOPEZ: Only -- only as to the one lot.
9 Is that correct?

10 Is it fair to say?

11 MR. IZQUIERDO: Only as to the one lot,
12 because what happens is, in the CC zone, if I
13 have 10,000 square feet, I am required to have a
14 minimum building height of two stories, and if I
15 have 10,000 square feet, in the CC zone, I'm
16 allowed to have four stories or 50 feet.

17 So, do I have -- do I have 10,000 square
18 feet in the CC zone? No. I have 7,500 square
19 feet in the CC zone, and 2500 square feet.

20 So, it's a legal question. Do I need a
21 building height variance? I'm requesting one,
22 particularly because of the R zone lot.

23 MR. LOPEZ: That's part of the difficulty
24 of this application.

25 Isn't that correct, Mr. --

1 MR. IZQUIERDO: Yeah.

2 MR. LOPEZ: -- Izquierdo?

3 MR. IZQUIERDO: Yeah. Yeah.

4 Buildings along New York Avenue, on 34th
5 Street, there are a number of them that are four
6 and a half stories. They're -- this particular
7 part of Bergenline Avenue is very low. They're
8 all two stories over here. The restaurant, one
9 story; the travel, one story; Rancho Colombiano
10 is two stories.

11 So, it's mostly one, two, and three stories
12 in the -- in the --

13 MR. LOPEZ: I call your attention to what
14 used to be the old Holthausen building, that's
15 quite a large structure and it's --

16 MR. IZQUIERDO: The old which one?

17 MR. LOPEZ: Holthausen.

18 MR. IZQUIERDO: Um hum. Yeah.

19 MR. LOPEZ: That's a much taller building.
20 Isn't that --

21 MR. IZQUIERDO: Yes, it is.

22 MR. LOPEZ: -- correct?

23 MR. IZQUIERDO: Yes.

24 MR. LOPEZ: And that is right on 35th
25 Street and Bergenline Avenue.

1 MR. IZQUIERDO: Yes, on the corner.

2 MR. LOPEZ: Between 35th and 36th Street.

3 MR. IZQUIERDO: Between 35th and 36th
4 Street. Yes. Which 36th Street doesn't run
5 through.

6 VICE CHAIRMAN GRULLON: Mr. Spatz?

7 MR. SPATZ: Yes?

8 VICE CHAIRMAN GRULLON: I know this is kind
9 of mixed because of the four different lots; --

10 MR. SPATZ: Right.

11 VICE CHAIRMAN GRULLON: -- having one lot
12 in the -- on the commercial zone, the other three
13 in the residential zone.

14 MR. SPATZ: It's --

15 MR. LOPEZ: The other way.

16 MR. SPATZ: -- the -- the other way around.
17 Three of them are --

18 VICE CHAIRMAN GRULLON: What -- what would
19 be permitted --

20 MR. SPATZ: -- in the commercial.

21 VICE CHAIRMAN GRULLON: -- to build, if
22 they were to build there, by Ordinance?

23 MR. SPATZ: Well, the -- the commercial
24 zone actually would be undersized to the
25 standards of the CC zone, because it's only 35 --

1 | if -- if you were to -- if they were all in
2 | different ownership, because it's only 7500
3 | square feet.

4 | MR. IZQUIERDO: Correct.

5 | MR. SPATZ: So, it would be significantly
6 | limited.

7 | The single -- the R zone, you could build a
8 | -- I guess, a three family house on that.

9 | You know, so there is a difficulty in that
10 | it is one parcel and one ownership, but it is a
11 | split zone.

12 | So, there is a difficulty -- a practical
13 | difficulty in developing it.

14 | VICE CHAIRMAN GRULLON: And that's the
15 | reason why you're here.

16 | No?

17 | MR. LOPEZ: That's the --

18 | MR. PANEQUE: Yes.

19 | MR. LOPEZ: -- sole reason, and as I
20 | indicated in my initial introduction, when we
21 | first tried to comply, it was rightfully
22 | rejected. We -- even though it would have been
23 | more compliant, it really did not fit into the
24 | neighborhood. And we --

25 | MR. IZQUIERDO: It was objectionable.

1 MR. LOPEZ: Yes.

2 So, the fact that we're coming back with
3 something perhaps not exactly what is required by
4 the CC zone, certainly a much better fit for this
5 neighborhood.

6 VICE CHAIRMAN GRULLON: Guys, have any more
7 questions?

8 MR. BONACCI: The height. You're over by,
9 what, like an inch?

10 MR. IZQUIERDO: Well, the top of my
11 building wall is 51 feet five inches. I'm
12 allowed to have 50 feet in the CC zone.

13 In the R zone, I'm allowed to have --

14 MR. BONACCI: And you're in both.

15 MR. IZQUIERDO: -- three stories, 40 feet.
16 I'm in both.

17 MR. BONACCI: Okay. I got you.

18 MR. IZQUIERDO: The way the application is
19 right now, when you see the building, if -- if we
20 go ahead with no parking in the front, you're
21 going to have one garage door there, one garage
22 door at the end, with all the parking spaces
23 here, with a nice brick building, the nice yard
24 and this and that, and the parking is in the
25 back. It's split in -- in two.

1 Okay?

2 So, that gives my front very large height.
3 Twelve feet.

4 On top of that, you have the -- the
5 apartment. So, it's all a very simple building.
6 But on the top, we have these little roofs that
7 have Spanish tile on the roof. So, it's a --
8 it's a decorative building. And it's not going
9 to -- it's not going to look out of place, in
10 terms of height or anything.

11 I know that has been your concern from the
12 first time that we submitted this application,
13 because your concern is a visual concern as to
14 the volumes. Everything being so low scale.

15 And, actually, now that I remember, that's
16 why I broke the elevation into four spaces. This
17 -- this goes back like 30 feet. This goes
18 forward like 30 feet. And this goes back like
19 five feet.

20 So, you don't have a massive. And it's
21 actually part of our Ordinance that there has to
22 be architectural treatment to the facades, as to
23 the base, the capital -- the base, the shaft and
24 the capital, and -- and breaking up the volumes,
25 as well.

1 VICE CHAIRMAN GRULLON: You'll be planning
2 to use different color bricks?

3 MR. IZQUIERDO: I could. I could, but it's
4 not in the same plane. You're going to see a
5 volume, you're going to see the tree, then that
6 goes back, and then the other volumes come
7 forward, and it's -- it's not a boring building.

8 MR. BONACCI: Can -- can you testify that
9 the building materials will meet the standards,
10 the criteria that -- all that kind of stuff?

11 MR. IZQUIERDO: All four inch brick.

12 MR. BONACCI: So that's a yes?

13 MR. IZQUIERDO: Yes.

14 MR. BONACCI: Okay.

15 MR. IZQUIERDO: That is a yes.

16 VICE CHAIRMAN GRULLON: Mr. Lopez, you have
17 another witness or just --

18 MR. LOPEZ: I do not.

19 VICE CHAIRMAN GRULLON: At this point, I
20 want to open it to the public.

21 Any member of the public want to step
22 forward?

23 MS. C. HORTA: Yes.

24 MS. DILLON: Ma'am, please raise your right
25 hand.

1 It's got to be one at a time, please.

2 Do you affirm the testimony you're about to
3 give this Board is the whole truth?

4 MS. C. HORTA: Yes, I do.

5 MS. DILLON: Could you please state your
6 name and spell it for me?

7 MS. C. HORTA: Cristina Horta.

8 MS. DILLON: I'm sorry?

9 MS. C. HORTA: Cristina, C-R-I-S-T-I-N-A,
10 Horta, H-O-R-T-A.

11 MS. DILLON: H --

12 MS. C. HORTA: O-R-T-A.

13 MS. DILLON: And what's your address?

14 MS. C. HORTA: 164 Jackson Avenue, Wayne,
15 New Jersey.

16 MS. DILLON: Okay.

17 Do you affirm the testimony you're about to
18 give this Board is the whole truth?

19 MS. G. HORTA: Yeah, I do.

20 MS. DILLON: State your name and spell it
21 for me.

22 MS. G. HORTA: Gladys Horta.

23 MS. DILLON: Spell. Spell your first name.

24 MS. C. HORTA: G-L --

25 MS. G. HORTA: G-L-D-Y-S (sic).

1 MS. C. HORTA: G-L-A-D-Y-S, H-O-R-T-A.

2 MS. DILLON: Okay. Are you --

3 MS. C. HORTA: And I will respectfully
4 would like to ask the Board if I may speak on
5 behalf of my mom, she's my mother, in reference
6 to --

7 MR. LOPEZ: Can we have her address?

8 VICE CHAIRMAN GRULLON: Her address?

9 MS. C. HORTA: 3410 Bergenline Avenue.

10 MS. DILLON: I'm -- I'm done.

11 VICE CHAIRMAN GRULLON: Okay. You may
12 proceed, Ms. Horta.

13 MS. C. HORTA: Okay.

14 With all the respect of this great project,
15 things -- we are -- if you have the map, she's on
16 3410 Bergenline Avenue. And that's a building
17 right on Bergenline that has a storefront and has
18 three stories up.

19 We have tenants on the second floor with
20 emphysema. Older people that are renting there.

21 The whole ventilation of the building is
22 going to be blocked by -- when they open the
23 window to the back, instead of that beautiful
24 view of Manhattan that many of them see, they're
25 going to have a brick wall and no ventilation

1 whatsoever.

2 This is a concern.

3 That man with emphysema, and we can bring
4 you, if you like, something to that effect, that
5 he does, in fact, has emphysema.

6 They -- with all the respect, they speak of
7 -- that the other tenants are going to have a
8 beautiful tree to look at, and a beautiful thing.
9 What about our tenants?

10 MS. G. HORTA: The pollution.

11 MS. C. HORTA: The pollution from
12 Bergenline Avenue, and that's the only window
13 that is going to be because on the -- on the
14 right side is the church, and the back is going
15 to be the brick wall.

16 You know what?

17 MS. G. HORTA: And the tenant has --

18 MS. C. HORTA: What -- what's going to
19 happen to them?

20 MS. G. HORTA: How the tenant sick to the
21 --

22 MS. DILLON: I'm sorry. You have to speak
23 up.

24 MS. C. HORTA: That she has a tenant with
25 emphysema.

1 As far as parking is concerned, the traffic
2 there. We have had this building since 1980. We
3 have seen all the changes.

4 The traffic there, with so many
5 restaurants, a church that is with service the
6 whole day --

7 MS. G. HORTA: No parking.

8 MS. C. HORTA: -- there's no parking.
9 There's the traffic jam. It's unbearable.

10 So, I cannot imagine these -- yes, they
11 have parking --

12 Oh, and another thing. If I may show this
13 to the --

14 MS. G. HORTA: That's the backyard.

15 MS. C. HORTA: This is the backyard. Three
16 feet.

17 MS. G. HORTA: The neighbor.

18 MS. C. HORTA: That's -- the way that this
19 building that what's there is original built, the
20 fire pit people are going to have a really tough
21 time, and the tenants on my building, they are
22 blocked to get out, in case of a fire.

23 And if I may show you this? This is the
24 back -- the side to where he is proposing the
25 wall.

1 MR. LOPEZ: I have difficulty in -- I -- I
2 -- obviously, I have no problem, generally, that
3 it be looked at.

4 The problem becomes marking anything into
5 evidence. We don't have any photographs. We
6 have a -- an image on a phone. So, that presents
7 --

8 MR. PANEQUE: Ms. Horta, as Mr. Lopez has
9 indicated, if you had brought a copy of what you
10 wanted to show, then we could have it introduced
11 into evidence, and it would be part of the
12 record.

13 Since you did not, the -- the rules are
14 very clear that you cannot introduce a
15 photographic --

16 MS. C. HORTA: Okay.

17 MR. PANEQUE: -- evidence on a telephone.
18 You can describe it.

19 MS. C. HORTA: Well --

20 MR. PANEQUE: If you want to describe it
21 and -- and tell this Board what you're seeing in
22 that -- you know, in your own words.

23 MS. C. HORTA: There are one, two, three,
24 four -- our building is in the middle of
25 Bergenline Avenue, between 34th and 35th.

1 Next to us, there's Empanadas X-Press,
2 there's Veracruz, there's a -- T-Mobile, a Direct
3 TV, and --

4 MS. G. HORTA: A jewelry.

5 MS. C. HORTA: -- a jewelry store.

6 Okay?

7 This is all where this great wall is going
8 to be on a three story.

9 The -- the place is as narrow as from here
10 to that table. A little bit -- maybe a little
11 bit larger than that.

12 That's the passageway that tenants have to
13 exit.

14 MS. G. HORTA: For the fire.

15 MS. C. HORTA: See, the way -- the way this
16 was built, I don't know why it was approved like
17 that, but we can't change time. It's already
18 built. But to destroy it and to put up three
19 stories in such a narrow place, what's going to
20 happen in case of a fire? And that -- you know,
21 can happen.

22 MS. G. HORTA: And the tenant live -- live
23 there --

24 MS. C. HORTA: And the tenants, they have
25 been there for ten years, 15 years.

1 MR. LOPEZ: Ms. Horta, if -- if you were
2 here for the testimony, did you hear when Mr.
3 Izquierdo indicated that the current building is
4 right on the property line?

5 Did you hear that?

6 The current building that sits on this
7 proposed site --

8 MS. C. HORTA: Yes.

9 MR. LOPEZ: -- is right on the property
10 line.

11 MS. C. HORTA: And I'm not saying -- with
12 all the respect, I'm not saying that that's
13 correct, because it's too narrow.

14 But besides that --

15 MR. LOPEZ: Well, no, no, ma'am. It's not
16 narrow at all. There's -- it's zero at this
17 point.

18 MS. C. HORTA: No, no, no.

19 MR. LOPEZ: Is that correct?

20 MS. C. HORTA: The narrow passage for the
21 tenants on the other properties --

22 MS. G. HORTA: (Indiscernible).

23 MR. LOPEZ: But ma'am, that is -- that's
24 not the exit to -- to the buildings on Bergenline
25 Avenue. Those exit to the street.

1 Isn't that --

2 MS. C. HORTA: No, no.

3 MR. LOPEZ: -- correct?

4 MS. C. HORTA: That is the fire -- no, no.

5 There's no fire -- there's no fire escape allowed

6 --

7 MS. G. HORTA: (Indiscernible).

8 MS. C. HORTA: -- on Bergenline Avenue.

9 MS. G. HORTA: (Indiscernible).

10 MR. LOPEZ: Can we have only one, Mr.

11 Paneque, explain?

12 MS. C. HORTA: (Indiscernible).

13 MS. G. HORTA: (Indiscernible)

14 MS. C. HORTA: Fire -- the fire escape is
15 not allowed on Bergenline Avenue. It's allowed
16 towards the back and it's going to be against the
17 -- the -- where you have the fire escape, and the
18 passageway is really narrow.

19 MR. LOPEZ: Yes, ma'am.

20 MR. IZQUIERDO: May I have a second?

21 MR. LOPEZ: But if -- if we leave what's --

22 MR. IZQUIERDO: I'm going to --

23 MR. LOPEZ: Hold on.

24 If -- if we leave what's there now --

25 MS. C. HORTA: Okay. No.

1 MR. LOPEZ: -- there's -- there's no --

2 MS. C. HORTA: But --

3 MR. LOPEZ: If -- if I may be permitted to

4 --

5 MS. C. HORTA: Yeah.

6 MR. LOPEZ: -- finish?

7 If we leave what's there now, you have a
8 very narrow alley. If, by -- by knocking down
9 what's there, we are expanding that alley by
10 three and a half feet.

11 MR. IZQUIERDO: Doubling it.

12 MR. LOPEZ: Did you understand that?

13 We're doubling --

14 MS. C. HORTA: No, no.

15 MR. LOPEZ: -- the width of that alley.

16 MS. C. HORTA: I'd rather whatever we have
17 now stayed there, or at least be allowed in that
18 -- what is it? A C -- conforming the Z (sic)
19 zone?

20 VICE CHAIRMAN GRULLON: Yeah, that will be
21 30 feet high.

22 MS. C. HORTA: Thirty feet high instead of
23 doing three stories, and cut off the ventilation
24 to the tenants, that will only have pollution
25 from Bergenline Avenue, with so much traffic.

1 And it's not fair to them.

2 VICE CHAIRMAN GRULLON: Do you -- do you
3 agree that they be permitted to build a 30 feet
4 high in those lots?

5 MS. C. HORTA: If that is what the law
6 allows, and that's what you agree to, because
7 they are in that zone, then we have no choice,
8 well not three stories.

9 MR. LOPEZ: Ma'am, you have a four story
10 building.

11 MS. C. HORTA: Yes.

12 MR. LOPEZ: So, your -- your building
13 actually exceeds the height --

14 MS. C. HORTA: No, no.

15 I'm sorry.

16 MR. LOPEZ: No. If I may finish my
17 question --

18 MS. C. HORTA: Okay.

19 MR. LOPEZ: -- please?

20 Your -- the building where your mother
21 lives is a four story building, much higher than
22 -- than the proposed building.

23 Isn't that correct?

24 MS. C. HORTA: Yes.

25 MR. LOPEZ: And it goes practically all the

1 way to the back of the property line.

2 MS. C. HORTA: But the tenants are going to
3 be enclosed --

4 MR. BONACCI: Aren't they enclosed now?

5 MS. C. HORTA: -- with your --

6 MR. BONACCI: They're enclosed now.
7 Right?

8 MS. C. HORTA: They're closed. They --

9 MR. BONACCI: Right now.

10 MR. LOPEZ: Yes.

11 MS. C. HORTA: Right --

12 No, no.

13 Right now, what they have is that view. If
14 they raise that higher, it will be all enclosed
15 then.

16 MR. BONACCI: They have a view out to
17 Bergenline Avenue?

18 MS. C. HORTA: Yes.

19 No --

20 MR. BONACCI: Facing --

21 MS. C. HORTA: They have a view on
22 Bergenline, and they have a view --

23 VICE CHAIRMAN GRULLON: What's existing
24 there --

25 MS. C. HORTA: -- to the back.

1 VICE CHAIRMAN GRULLON: -- now? How -- how
2 high is it?

3 MR. IZQUIERDO: May -- may I --

4 MR. LOPEZ: Yes.

5 MR. IZQUIERDO: May --

6 MR. BONACCI: They don't see a building
7 when they look out the back?

8 MS. DILLON: One -- one at a time.

9 MR. LOPEZ: Hold on.

10 MS. DILLON: Please.

11 MR. IZQUIERDO: Just --

12 MR. BONACCI: When they look out the back,
13 do they see a building?

14 MS. C. HORTA: No. The first -- the second
15 floor and the third floor, no. There is open
16 air, because there's nothing there.

17 MR. LOPEZ: But ma'am, it seems a little --

18 MS. C. HORTA: No.

19 MR. IZQUIERDO: Wait one second.

20 MR. LOPEZ: -- disingenuous to say, my
21 building goes exactly to the property line, and
22 we want my neighbor to provide the ventilation.

23 Isn't that a bit disingenuous?

24 And -- and right now, the proposed building
25 is even farther away from yours --

1 MS. C. HORTA: Okay.

2 MR. LOPEZ: -- than the existing building.

3 MS. C. HORTA: You're focusing on that.

4 I'm focusing on the ventilation, which is the
5 most important part.

6 Don't block the sunlight. Don't block the
7 air for those tenants on the third and fourth
8 floor, with such a high building. That's --

9 MR. IZQUIERDO: We've --

10 MS. C. HORTA: -- the main --

11 MR. IZQUIERDO: Just to clarify, I'm not --
12 I'm --

13 Just to clarify.

14 Ms. Horta -- Ms. Horta's building is shown
15 here, at the bottom, as the four story. The --
16 the front of her building does not have fire
17 escapes, because the building that she has, has
18 only one means of egress.

19 The fire escapes that were installed in
20 that building are in the rear of the building.
21 And when those tenants come down into the rear of
22 the building, they have nowhere to go. That is
23 not allowed by the Building Department right now.

24 Actually, our application, by knocking down
25 that building, and setting it back three feet six

1 inches, they would almost have to use our
2 property in the event of a fire because when they
3 come down here, you have a wall here. We're
4 pushing it back 42 inches, and then you can go to
5 35th Street.

6 MS. C. HORTA: Fine. The ventilation is
7 the issue.

8 MR. BONACCI: Oh, just --

9 MS. C. HORTA: The third and fourth --

10 MR. BONACCI: Just allow me for a second,
11 if I may?

12 You mentioned that you were concerned about
13 a fire -- fire hazard because --

14 MS. C. HORTA: Yeah.

15 MR. BONACCI: -- of the fire escapes.

16 MS. C. HORTA: But that's already there.

17 MR. BONACCI: As it --

18 MS. C. HORTA: He's right.

19 MR. BONACCI: Yeah. As it stands right
20 now, if your -- if your tenants had to get out
21 for a fire, they really would have almost nowhere
22 to go.

23 With the proposed application, you'd have
24 double the space to get out, in the -- in case of
25 an emergency or a fire.

1 MS. C. HORTA: But not --

2 MR. BONACCI: The tradeoff is that you
3 would lose a little bit of a view to be able to
4 escape the building in the event of a fire.

5 I think that's a fair tradeoff.

6 MS. C. HORTA: No. I don't think so.

7 MR. BONACCI: Okay.

8 MS. C. HORTA: Because I have --

9 MR. BONACCI: So, you would rather be
10 trapped in a --

11 MS. C. HORTA: No. There is a passageway
12 that they --

13 MR. BONACCI: But it's very small.

14 MS. C. HORTA: -- can go through.

15 MR. BONACCI: The -- the applicant is going
16 to extend that double.

17 MS. C. HORTA: There is a passageway that
18 they can go through, not the best. Let the Fire
19 Department deal with that.

20 But the view and the ventilation is
21 essential.

22 MR. BONACCI: Okay.

23 MS. C. HORTA: There's -- I wouldn't want
24 to be enclosed in a box, and it's not fair to
25 these people that live there.

1 I urge you to think about this. It's --
2 they are next to church, the back is -- the
3 Clothing --

4 MR. IZQUIERDO: Clothing Galaxy.

5 MS. C. HORTA: The Clothing Galaxy, and
6 they are enclosed, and trapped there. All -- all
7 they have is the front.

8 Also, the value --

9 MR. BONACCI: Um hum.

10 MS. C. HORTA: Also, the value of the
11 apartments --

12 MR. BONACCI: But that's not our concern.

13 MS. C. HORTA: -- are going to be lost.

14 I know.

15 MR. BONACCI: Yeah. That's -- that has --

16 MS. C. HORTA: I know.

17 MR. BONACCI: -- nothing to do with us.

18 MS. C. HORTA: I know.

19 But again --

20 MS. G. HORTA: (Indiscernible).

21 MS. C. HORTA: The ventilation is a
22 problem.

23 MR. BONACCI: Thank you so much.

24 MS. C. HORTA: Thank you.

25 MR. IZQUIERDO: By the way, we're not

1 encroaching on the -- on the light and air of any
2 of the -- of the structures. If anything, I
3 mean, in -- in setting it back --

4 MR. PRICE: I have a question.

5 VICE CHAIRMAN GRULLON: Mr. Price?

6 MS. DILLON: Go to the microphone, Mr.
7 Price.

8 MR. PRICE: I'm going to submit a picture,
9 taken by myself, on June 8th of this year.

10 I have only one copy. I'll just give it to
11 Mr. Lopez.

12 MR. LOPEZ: It's an eight and a half by 11,
13 showing three different photographs.

14 Is that correct?

15 MR. PRICE: Correct.

16 MS. DILLON: How do you want that marked?

17 MR. PANEQUE: We'll mark that as --

18 MR. IZQUIERDO: A-2.

19 MR. PANEQUE: Well, it's not because it's
20 not an applicant's signature -- it's a W-1,
21 witness.

22

23 (Whereupon, Photo Sheet was received and
24 marked as Exhibit W-1.)

25

1 MS. DILLON: And you'll need to give this
2 to Mr. Vallejo at the end of the meeting, Mr. --
3 at the end of the hearing, Mr. Price, because
4 it's marked.

5 MR. PRICE: I'll give it to Mr. Lopez.

6 MS. DILLON: It needs to go to Mr. Vallejo.

7 MR. PRICE: Okay. Okay.

8 You recog -- Ms. Horta, you recognize the
9 street.

10 Right?

11 MS. C. HORTA: Uh huh.

12 MR. PRICE: Okay. I'm -- I'm having some
13 difficulty visualizing, in my own mind. You --
14 you made two statements.

15 One, you'd be looking out the window right
16 at a blank wall. Okay.

17 MS. DILLON: You have to answer verbally,
18 ma'am.

19 MS. C. HORTA: Yes.

20 MR. PRICE: Okay.

21 Currently, there is a -- there are four
22 buildings on this site.

23 MS. C. HORTA: Um hum.

24 MR. PRICE: Okay.

25 MS. C. HORTA: Yes.

1 MR. PRICE: This is the one closest to you.

2 Correct?

3 MS. C. HORTA: Yes.

4 MR. PRICE: Okay.

5 And it's a four story building.

6 MS. C. HORTA: But that's on Bergenline
7 Avenue. That's --

8 MR. PRICE: Well, wait a minute. This is
9 on 35th Street.

10 MS. C. HORTA: Yes.

11 MR. PRICE: Okay. You're on Bergenline.

12 MS. C. HORTA: Um hum.

13 MR. PRICE: Okay. But just here, this is
14 -- the building closest to you is --

15 MS. C. HORTA: Right.

16 MR. PRICE: -- four stories high.

17 MS. C. HORTA: Um hum.

18 MR. PRICE: It extends all the way to the
19 back of the property.

20 Correct?

21 MS. C. HORTA: No.

22 MR. PRICE: It does not?

23 MS. C. HORTA: No. This is right at the
24 corner. It goes -- aligns with ours.

25 MS. G. HORTA: (Indiscernible).

1 MS. C. HORTA: It's -- this is right at the
2 corner of Bergenline.

3 MR. PRICE: Wait. Wait a minute.

4 No. Let me -- let me then ask you -- okay.

5 If I look at this street scene, there are
6 the four sites here. Then, next to it is a one
7 story building, built to the curb. It's a store.

8 MS. C. HORTA: Um hum.

9 MR. PRICE: Next to it is another store,
10 with a green -- whatever. And then there is a --

11 MS. C. HORTA: This is 35th Street?

12 MR. PRICE: This is 35th Street.

13 MS. C. HORTA: Right.

14 MS. G. HORTA: My building.

15 MS. C. HORTA: No, no. This is at a
16 corner.

17 MS. G. HORTA: Yeah.

18 MS. C. HORTA: This is at a corner. And
19 our building is one to the --

20 MS. G. HORTA: The left line.

21 MS. C. HORTA: Like to the left.

22 MS. G. HORTA: This is the left --

23 MS. C. HORTA: It's right on Bergenline
24 Avenue.

25 MS. DILLON: We can only have one --

1 MR. LOPEZ: Mr. Paneque, can you --

2 MR. PRICE: I agree.

3 MS. DILLON: -- one witness at a time, --

4 MR. PRICE: It's 3410 --

5 MS. DILLON: -- please.

6 MR. PRICE: -- 3410 Bergenline, which is --
7 this is 35th.

8 MS. C. HORTA: Um hum.

9 MR. PRICE: So, if you were to go to
10 Bergenline --

11 MS. C. HORTA: Um hum.

12 MR. PRICE: -- take --

13 Okay.

14 But my -- my question is, these are the
15 four buildings on the site.

16 MS. C. HORTA: Um hum.

17 MR. PRICE: Next to it, going in a westerly
18 direction, is a one story store.

19 MS. C. HORTA: Um hum.

20 MR. PRICE: Correct?

21 MS. C. HORTA: Yes.

22 MR. PRICE: Okay.

23 Then, next to that is another one story
24 green -- this one with a green awning.

25 And then, there is a three story building

1 on the corner.

2 MS. C. HORTA: Okay.

3 MR. PRICE: Okay.

4 Of Bergenline and 35th Street, that -- that
5 -- you have to say it.

6 MS. C. HORTA: Yes.

7 MR. PRICE: Okay. Okay.

8 MS. G. HORTA: One floor.

9 MR. PRICE: How big -- 3410, how big is the
10 --

11 MS. C. HORTA: There's two more going up.
12 This is one, two, three.

13 So, it's the -- the second -- I mean, the
14 third and the fourth will be blocked. Not the
15 bottom one. The bottom one is already blocked.
16 I'm talking --

17 MR. PRICE: Okay.

18 MS. C. HORTA: -- about the two higher --

19 MR. PRICE: But in terms of the blank wall
20 that you would face.

21 MS. C. HORTA: Is the --

22 MR. PRICE: I'm assuming this building has
23 the same depth as your building does, because
24 it's also on -- it also fronts on Bergenline.

25 MS. C. HORTA: Um hum.

1 MR. PRICE: Correct?

2 MS. C. HORTA: Um hum.

3 MR. PRICE: So, what I'm saying is this
4 building has two additional stores, between
5 Bergenline -- the building on Bergenline and the
6 site.

7 MS. C. HORTA: Um hum.

8 MR. PRICE: Correct?

9 MS. C. HORTA: Um hum.

10 MR. PRICE: That's 50 feet.

11 MS. C. HORTA: Yes.

12 MR. PRICE: When you say I'm going to look
13 out my window and see a blank wall, do you mean a
14 blank wall that's 50 feet away?

15 MS. C. HORTA: No, a brick. No. I'm
16 talking about there's a space -- the space to
17 exit, and there's a blank brick wall, like
18 looking at a brick wall.

19 MR. PRICE: But I -- but I don't --

20 MS. C. HORTA: Because if they raise --

21 MR. PRICE: -- understand.

22 MS. C. HORTA: If --

23 MR. PRICE: That space next door --

24 MS. C. HORTA: Because you're looking at
25 the corner. We're not at the corner. We're in

1 the middle.

2 When -- what they are proposing to build --

3 MR. IZQUIERDO: You're right here.

4 MS. C. HORTA: What they are proposing to
5 build is going to take the whole -- from the
6 corner up to our building.

7 MR. PRICE: Okay.

8 MS. C. HORTA: In the back, towards the
9 back of it. Towards the back.

10 MR. PRICE: Mr. Izquierdo, could you --
11 could you -- do you see what my question is?

12 That building on the corner of 35th and
13 Bergenline --

14 MR. IZQUIERDO: Correct. That's the three
15 story here. That's this three story.

16 MR. PRICE: That's --

17 MR. IZQUIERDO: Or here.

18 MR. PRICE: -- 35th. No. It would be
19 here.

20 MR. IZQUIERDO: Yes.

21 MR. PRICE: Here.

22 MR. IZQUIERDO: This three story.

23 MR. PRICE: Three story building.

24 MR. IZQUIERDO: Yes.

25 MR. PRICE: And --

1 MR. IZQUIERDO: And then, you have the two
2 story, the one, the one, and then, you have the
3 four story, which is her, which is here.

4 MS. C. HORTA: And it will be here. It's
5 facing here. This is the back.

6 MR. PRICE: Okay. But -- but this is your
7 site over here.

8 Correct?

9 MS. C. HORTA: No, no.

10 MR. IZQUIERDO: This is my site here. The
11 back of her house -- the -- the fire escapes of
12 her house looks onto our site.

13 She's here. The Hortas are here. That's
14 the four story.

15 MR. PRICE: Okay.

16 MS. C. HORTA: We're going to be looking at
17 this, which is going to be -- 18 is going to be
18 like right here, is a brick -- the third and
19 fourth floor, instead of having that beautiful
20 view that they have, they -- they even see
21 Manhattan --

22 MR. PRICE: They can look --

23 MS. C. HORTA: They will not see it because
24 of that brick wall.

25 If it's something lower, like it is now,

1 | there wouldn't be a problem.

2 | MR. PRICE: And what you're saying is that
3 | this building, at the western end, in fact, only
4 | goes back partially. That's how --

5 | MS. C. HORTA: Yes.

6 | MR. PRICE: -- why you have the view.

7 | MS. C. HORTA: Yes.

8 | MR. PRICE: And so, when they go back all
9 | the way to the end of the lot, then your view is
10 | gone. You're blocked.

11 | Okay.

12 | MS. C. HORTA: Yes.

13 | MS. G. HORTA: (Indiscernible).

14 | MR. PRICE: Okay. I begin to --

15 | What -- what are these two --

16 | Let me ask you.

17 | The two stores that I have. Here's your
18 | site. There are two -- two one story stores.

19 | Where are they on your --

20 | MR. IZQUIERDO: The Cargo and the Ice
21 | Cream?

22 | MR. PRICE: I don't know. The -- the red
23 | and the green. That's all --

24 | MR. IZQUIERDO: No. They -- no. Cargo and
25 | Ice Cream. That's what they are.

1 Those two little things.

2 MR. PRICE: Yeah.

3 MR. IZQUIERDO: It's the Cargo and the Ice
4 Cream, and they're the back of this one, which is
5 the three story on the corner.

6 MR. PRICE: Oh, I see. They're --

7 MR. IZQUIERDO: Yeah.

8 MR. PRICE: They're on that lot.

9 MR. IZQUIERDO: They're the --

10 MR. PRICE: Okay.

11 MR. IZQUIERDO: -- same 25 by a hundred,
12 but this faces here, and then not uncommon for
13 those other little things that -- you know, the
14 accessory structure, the --

15 MR. PRICE: They --

16 MR. IZQUIERDO: -- garage or whatever --

17 MR. PRICE: They --

18 MR. IZQUIERDO: -- they --

19 MR. PRICE: -- shoehorned two stores in the
20 back of a lot, is what you --

21 MR. IZQUIERDO: A Cargo and an Ice Cream
22 store.

23 MR. PRICE: Okay.

24 MS. C. HORTA: See, I wouldn't have a
25 problem with the same that is there, if they want

1 to demolish it and rebuild it.

2 But this -- whatever the -- whatever the
3 use allows for that -- that C zone, those three
4 buildings, at least we will have some -- the
5 tenants will have air, ventilation. They will
6 not be enclosed in.

7 That's all I'm asking for.

8 MR. BONACCI: Thank you.

9 MR. PANEQUE: Thank you, ma'am.

10 MR. PRICE: Okay.

11 MS. GUTIERREZ: Thank you.

12 MR. PRICE: Thank you.

13 MR. LOPEZ: We'll just point out that the
14 objection that's being raised is -- well, there
15 are several issues with it.

16 The CC zone is precisely the zone where we
17 are permitted to go higher, yet we are reducing
18 it, and -- and make it in compliance to 35th
19 Street, which is what they want.

20 Number two, we have a witness who comes
21 forth that has a massive building on Bergenline
22 Avenue, taller than anything else, going up four
23 stories, taking up the entire lot line, and is
24 demanding that a neighbor provide the
25 ventilation.

1 Certainly, pushing her -- the rear of her
2 property forward, at one point, would have
3 provided ventilation, if she -- if that building
4 had a setback.

5 They don't. It's creating a very dangerous
6 condition because we call it an exit, it's not a
7 real exit.

8 You -- a fire escape takes up the entire
9 three feet that are there, approximately. We are
10 proposing double -- more than doubling the space
11 and creating an exit corridor in the event of an
12 emergency, that they really don't have now.

13 So, yes, there are some tradeoffs. And
14 we're talking about two apartments that
15 supposedly lose their view of New York.

16 I think the safety issues, and the other
17 issues that this building puts forth certainly
18 provide the better alternative.

19 VICE CHAIRMAN GRULLON: Mr. Lopez?

20 MR. IZQUIERDO: And --

21 VICE CHAIRMAN GRULLON: And on your
22 previous application, you had 24 apartments, I
23 believe?

24 MR. IZQUIERDO: Yes.

25 MR. LOPEZ: Yes.

1 VICE CHAIRMAN GRULLON: Was that a higher
2 application?

3 MR. IZQUIERDO: No.

4 MR. LOPEZ: Yes.

5 VICE CHAIRMAN GRULLON: The height -- the
6 height of the building?

7 MR. LOPEZ: When we spoke to the neighbors
8 on thirty --

9 VICE CHAIRMAN GRULLON: To make -- more in
10 conforming --

11 MR. LOPEZ: When we spoke to the neighbors
12 on 35th Street, that was the intent. Reduce it,
13 reduce the number of -- of apartments and provide
14 parking, and take away the commercial.

15 So, this application was really in
16 conformity with what everyone else on 35th Street
17 was looking for.

18 MR. IZQUIERDO: So, in any land use
19 application, the community has the benefit as a
20 whole; not only the applicant has the benefit.

21 In this specific application, the
22 community's benefiting because we're providing an
23 open plaza in the front of the structure, that is
24 going to be about 25 feet wide by whatever, 60 or
25 70 feet of landscaping, together with the plaza

1 and the courtyard, number one.

2 And number two, because all the buildings
3 that backup onto our side and rear yard, are
4 right on the property line, all these fire
5 escapes that are actually death traps, that would
6 not be allowed by the Building Department right
7 now --

8 The Building Department, right now, would
9 make them rip it off and put it in the front of
10 the building, because they are not -- they don't
11 have an access to a means of way.

12 So, in this case, the community also
13 benefits because we're providing that 42 inch
14 space, all the way out to 35th Street, so anybody
15 coming down into those fire escape, as an
16 easement of necessity, of egress, can take that
17 42 inch space.

18 Not an easement. Just saying, if they're
19 there, they're going to jump into our property.

20 MR. LOPEZ: Do you have the photograph, Mr.
21 Price?

22 MR. PANEQUE: It's over here.

23 MR. LOPEZ: And if I -- if I may point out
24 a very important factor, I -- I --

25 VICE CHAIRMAN GRULLON: Can we see those,

1 please?

2 MR. LOPEZ: Yeah. I call your attention to
3 the photograph at the bottom left.

4 If you look at it closely, there is no exit
5 right now onto 35th Street, because those people
6 leaving an apartment --

7 MR. IZQUIERDO: Thirty-four ten.

8 MR. LOPEZ: -- 3410 and all those other
9 streets, they are blocked. On 35th Street, you
10 have those small stores at the rear of thirty --
11 of the --

12 MR. IZQUIERDO: At the corner property.

13 MR. LOPEZ: -- of that corner building,
14 which blocks the exit.

15 We are now providing an emergency exit
16 directly onto 35th Street. You can see it right
17 on the --

18 MR. BONACCI: So you're --

19 MR. LOPEZ: -- photograph.

20 MR. BONACCI: You're saying that the -- the
21 neighbors are safer now, in the event of an
22 emergency, than they would have been before.

23 MR. LOPEZ: Absolutely.

24 MR. IZQUIERDO: Absolutely.

25 MR. LOPEZ: This is -- this is not a real

1 fire escape now. It goes down to just a very
2 tiny, narrow space that leads nowhere.

3 We, on the other hand -- they would provide
4 -- we're doubling the space, and we're providing
5 clear access to 35th Street, in the event of a
6 fire.

7 MR. BONACCI: If they had a fire right now,
8 they would be trapped.

9 MR. IZQUIERDO: They would be trapped.

10 MR. LOPEZ: That would be trapped in that
11 three foot wide space.

12 MR. BONACCI: Okay.

13 MR. IZQUIERDO: And the Fire Department
14 personnel would have absolutely no way of
15 accessing that fire escape, which was brought up
16 just to our attention right now.

17 MR. BONACCI: Thank you.

18 I understand.

19 MR. PANEQUE: Mr. Lopez, your application
20 was cut down from 24 units to 18, as an
21 accommodation to the residents on 35th Street.

22 MR. LOPEZ: That's correct.

23 MR. PANEQUE: And just for the Board's
24 edification, and as a point, when the application
25 was originally presented, my recollection is that

1 | there were about four or five residents from 35th
2 | Street, who were very vocal in expressing their
3 | objection as to the original application with the
4 | twenty-something units.

5 | MR. LOPEZ: That's correct.

6 | MR. IZQUIERDO: And the commercial.

7 | MR. LOPEZ: And -- and the --

8 | MR. PANEQUE: And the --

9 | MR. LOPEZ: -- commercial.

10 | MR. PANEQUE: -- commercial.

11 | MR. LOPEZ: In -- after it was denied, that
12 | we went back to the neighborhood, the biggest
13 | objection was the inclusion of the commercial,
14 | and the number of units, in dealing with the
15 | neighborhood residents that none are here today
16 | because they are satisfied -- they were satisfied
17 | with what we produced.

18 | We took away the entire commercial
19 | component and we reduced it from 24 to 18 units,
20 | and providing a hundred percent parking.

21 | MR. IZQUIERDO: And the landscaping.

22 | MR. LOPEZ: Yes.

23 | MR. PANEQUE: Okay.

24 | VICE CHAIRMAN GRULLON: Any other member of
25 | the public?

1 No one else from the public.

2 Closed to the public.

3 Mr. Lopez, I just want to make some
4 recommendation on this application.

5 I -- I know that you went -- that you
6 reduced the floor -- you brought down the
7 application from 24 apartments to 18 apartments.
8 And just to made it to comply with the parking,
9 with the parking. You're not asking for any
10 parking variance.

11 But I'm going to ask you to -- one of the
12 -- part of the recommendation is to remove the --
13 the curb cut from the front of the building, only
14 for the two -- the two garage door, remove those
15 parkings, and bring the landscape back to the --
16 to the street.

17 MR. IZQUIERDO: So now, we have a parking
18 variance.

19 MR. PANEQUE: Yes.

20 VICE CHAIRMAN GRULLON: Yes.

21 MR. LOPEZ: We -- my notice still indicates
22 that we reserve the right to request a parking
23 variance. So --

24 MR. PANEQUE: Okay.

25 Let me just clarify that for the Board, and

1 for Vice Chairman Grullon.

2 Vice Chairman Grullon, by removing the four
3 parking spots in the front, we're now going from
4 38 to 34.

5 This 18 unit, two bedroom per unit,
6 requires 36 parking spaces.

7 VICE CHAIRMAN GRULLON: Yes.

8 MR. PANEQUE: So, the tradeoff is that
9 we're removing the four spaces that are provided,
10 that are facing into the building, reducing it to
11 thirty --

12 MR. IZQUIERDO: Four.

13 VICE CHAIRMAN GRULLON: Thirty-four.

14 MR. PANEQUE: -- four spaces. Thereby, we
15 would be needing a parking variances because the
16 applicant would then be shy two spaces of what
17 the Ordinance requires.

18 The tradeoff is that by removing the four
19 spaces that are inside the property, we are now
20 gaining three on-street parking spots, which are
21 now available to the local residents, as well as
22 the residents of the -- of the building.

23 So -- and we're also gaining the
24 landscaping --

25 MR. IZQUIERDO: The plaza.

1 MR. PANEQUE: -- front yard courtyard.

2 MR. IZQUIERDO: Yeah.

3 MR. PANEQUE: Yeah.

4 VICE CHAIRMAN GRULLON: And -- and the
5 other thing that I want to ask, I know that that
6 -- that will generate a variance, but you -- on
7 the height of the building, you have 50.1 -- five
8 in one of the sides of the building?

9 MR. IZQUIERDO: Yes.

10 VICE CHAIRMAN GRULLON: Is any way that you
11 can reduce that to be like under 50 feet?

12 MR. IZQUIERDO: Which one? The -- the
13 51.5?

14 VICE CHAIRMAN GRULLON: Yes. Um hum.

15 MR. IZQUIERDO: To be 50?

16 VICE CHAIRMAN GRULLON: To be 50. Yes.

17 MR. IZQUIERDO: Yeah. Yeah.

18 VICE CHAIRMAN GRULLON: You can make that
19 to be 50?

20 MR. IZQUIERDO: Yeah. Top of building
21 wall, 50 feet.

22 Right?

23 VICE CHAIRMAN GRULLON: And for the parking
24 garage, for those doors, I'm sure you will have
25 -- you will have that, but we would need to have

1 | strobe lights.

2 | MR. IZQUIERDO: The strobes. Yeah.

3 | VICE CHAIRMAN GRULLON: The strobe light,
4 | because that's a street for a lot of pedestrians.

5 | MR. IZQUIERDO: Like we did on 3900.

6 | VICE CHAIRMAN GRULLON: Yes.

7 | MR. IZQUIERDO: That we have the strobe
8 | lights --

9 | VICE CHAIRMAN GRULLON: For the pedestrians
10 | --

11 | MR. IZQUIERDO: -- whatever the --

12 | VICE CHAIRMAN GRULLON: -- to go back and
13 | forth.

14 | MR. IZQUIERDO: Okay.

15 | VICE CHAIRMAN GRULLON: And you got
16 | childrens (sic) going to a school that is nearby.

17 | MR. IZQUIERDO: Okay.

18 | VICE CHAIRMAN GRULLON: Do you guys have
19 | any other recommendation to make?

20 | MR. BONACCI: Sounds good to me.

21 | VICE CHAIRMAN GRULLON: With those
22 | recommendation, I will make a motion to grant the
23 | application.

24 | THE SECRETARY: Motion to grant the
25 | application with --

1 MS. GUTIERREZ: And I'm second.

2 THE SECRETARY: -- the recommendation by
3 Mr. Gullon.

4 MS. GUTIERREZ: Second it.

5 THE SECRETARY: Second by Mrs. Gutierrez.

6 Mr. Gullon, they going to need revised
7 plans? Mr. --

8 MR. SPATZ: Yes.

9 VICE CHAIRMAN GRULLON: Yes.

10 MR. SPATZ: Yes.

11 VICE CHAIRMAN GRULLON: Please provide
12 revised plans before we start.

13 MR. LOPEZ: We'll submit. Absolutely.

14 MR. SPATZ: Prior to the Resolution.

15 THE SECRETARY: Prior to the Resolution.

16 Roll call on the motion.

17 Mr. Bonacci?

18 MR. BONACCI: Yes.

19 THE SECRETARY: Mr. Gullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Ortiz?

1 MR. ORTIZ: Yes, with all stated
2 conditions.

3 THE SECRETARY: Mr. Pressey?

4 MR. PRESSEY: Yes.

5 THE SECRETARY: Six in favor, motion
6 carries.

7 MR. IZQUIERDO: Thank you very much.

8 MR. LOPEZ: Thank you so much.

9 MR. IZQUIERDO: Happy 4th of July.

10 MR. MEDINA: You too.

11 VICE CHAIRMAN GRULLON: Thank you.

12 MR. BONACCI: Take care.

13 MR. PRESSEY: Have a good summer.

14 (Whereupon, there was a pause in the
15 proceedings.)

16 * * *

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1 **ADJOURNMENT:**

2

3 THE SECRETARY: We don't -- we don't have a
4 resolution on tonight's agenda.

5 There being no other application tonight's
6 agenda, can we have a motion to end tonight's
7 meeting?

8 Motion by Mr. --

9 MS. GUTIERREZ: Seconding.

10 THE SECRETARY: Can you allow me to speak?
11 Pressey.

12 MR. PRESSEY: Yes.

13 THE SECRETARY: Second by Mrs. Gutierrez.
14 Roll call on the motion.

15 All in favor, say aye.

16

17 (Whereupon, there was a chorus of ayes.)

18

19 THE SECRETARY: The ayes have it.

20 Thank you.

21 Have a good night, everyone.

22 Let the record show up the meeting has
23 ended.

24 Thank you.

25 MR. SPATZ: Take care.

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(Whereupon, the proceedings were concluded
at 8:46 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the SPECIAL
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, June 29, 2017, and
10 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon