

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

	:	TRANSCRIPT OF RECORDED
REGULAR MEETING	:	
	:	PROCEEDINGS
_____	:	

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, March 14, 2019
Commencing at 6:17 p.m.

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

JOHN MEDINA
DAVID W. PRESSEY
VICTOR M. GRULLON, Vice Chairman
JOSEPH D. BONACCI, Chairman

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

MARGARITA GUTIERREZ
LIBERO MAROTTA
MIGUEL ORTIZ

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, 207 39th Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Hung Fat, Inc.

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 1117 Summer Ave., LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Calles 519 11th Street

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 527 39th Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 1219 Bergenline Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Donna Jacobsen

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, S&R Realty Group, LLC

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

3 Please take notice that on Thursday, March
4 14, 2019, at six p.m., a Regular Meeting is
5 scheduled for the Union City Zoning Board of
6 Adjustment, to be held in the Municipal Chambers,
7 located on the Second Floor, 3715 Palisade
8 Avenue, Union City, New Jersey.

9 Adequate notice of this meeting has been
10 provided as follow:

11 Notice of this meeting setting forth the
12 time, date, location, and the agenda, to the
13 extent known, was forwarded to The Jersey
14 Journal, The Record, and The Hudson Reporter, has
15 been posted on the bulletin board in City Hall,
16 has been made available to the public in the
17 Office of Municipal Clerk.

18 Can everybody rise, please, to salute the
19 flag?

20

21 (Whereupon, the Pledge of Allegiance was
22 said by all.)

23

24 THE SECRETARY: Thank you.

25

1 **ROLL CALL:**

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

5 Mr. Bonacci?

6 CHAIRMAN BONACCI: Here.

7 THE SECRETARY: Mr. Grullon?

8 VICE CHAIRMAN GRULLON: Here.

9 THE SECRETARY: Mr. Marotta is absent.

10 Ms. Gutierrez is absent.

11 Mr. Ortiz is absent.

12 Mr. Pressey?

13 MR. PRESSEY: Here.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Here.

16 THE SECRETARY: Let the record -- that we
17 have four members present.

18 So, we have four members present, that's --
19 we don't have a full quorum for tonight's
20 meeting, but we can -- we can -- Mr. Paneque, we
21 can run the meeting with four members present.

22 That's correct?

23 MR. PANEQUE: That is correct.

24 We can open up the meeting. And then, any
25 applications that require a super-majority, we

1 | would have to adjourn.

2 | In my review of the applications that are
3 | before the Board tonight, they all require a
4 | minimum five vote.

5 | As such, let's try calling one at a time
6 | and adjourning them on the record.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

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3 (1) Regular Meeting Held on February 14, 2019

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5 THE SECRETARY: All right.

6 Then we are going to approval the previous
7 meeting minutes from February 14, 2019.

8 Can I have a motion?

9 VICE CHAIRMAN GRULLON: Motion.

10 THE SECRETARY: Motion by Mr. Bonacci.

11 I'm sorry. Mr. --

12 MR. PANEQUE: Gullon.

13 THE SECRETARY: -- Gullon.

14 Second by Mr. Pressey.

15 Roll call on the motion.

16 Mr. Bonacci?

17 CHAIRMAN BONACCI: Yes.

18 THE SECRETARY: Mr. Gullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Four in favor.

25 Motion carries.

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

3 THE SECRETARY: No Resolution on tonight's
4 agenda.

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1 **207 39th Street, LLC - 207 39th Street:**

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3 THE SECRETARY: We are going to application
4 number one.

5 It's an extension, 207 39th Street, LLC,
6 207 39th Street.

7 Ms. Pereiras, please?

8 MS. PEREIRAS: Good evening, members of the
9 Board.

10 Bianca Pereiras on behalf of the applicant.

11 I had addressed this matter with counsel
12 earlier today. This is an application that was
13 approved by this Board almost two years ago, in
14 June. This was a matter that was appealed. We
15 actually entered into a Consent Order regarding
16 that, and the approval by this Board, I believe,
17 still stands. We just wanted clarification as
18 far as how much longer we have on that approval.

19 So, Mr. Paneque, I believe our Consent
20 Order was entered into --

21 When did we enter into the Consent Order?
22 Probably November.

23 I think November of last year.

24 MR. PANEQUE: Okay.

25 I did have an opportunity -- this is for

1 the edification of the Board members, I did have
2 an opportunity to speak to Ms. Pereiras earlier
3 today on the phone. And she advised me that they
4 had reached a Consent Order with the -- Mr.
5 Price, I believe --

6 MS. PEREIRAS: Um hum.

7 MR. PANEQUE: -- who filed the appeal.

8 The case -- well, the statute is that when
9 an appeal is filed, the running of the time limit
10 is toll until the case is resolved.

11 The time would start running again from the
12 time of the Consent Order.

13 MS. PEREIRAS: Okay.

14 MR. PANEQUE: So, if the Consent Order was
15 signed on November, or --

16 MS. PEREIRAS: Um hum.

17 MR. PANEQUE: -- as you stated, that would
18 be when the time period starts running.

19 And I'm assuming that the appeal was filed
20 within the 45 day window?

21 MR. PRICE: Yes, it was.

22 MS. PEREIRAS: It was.

23 MR. PANEQUE: Okay. So, then, you would
24 start running it from the time of the Consent
25 Order.

1 MS. PEREIRAS: Okay.

2 MR. PANEQUE: And you would have your two
3 years from that point.

4 MS. PEREIRAS: That's fantastic.

5 MR. PANEQUE: Okay?

6 So, as such, Ms. Pereiras, there is no need
7 for you to request an extension at this time.
8 And you're withdrawing your application?

9 MS. PEREIRAS: That's correct.

10 MR. PANEQUE: Okay.

11 Application withdrawn.

12 MS. PEREIRAS: Thank you very much,
13 counsel.

14 THE SECRETARY: Thank you.

15 CHAIRMAN BONACCI: Need to make a motion?

16 THE SECRETARY: We're going to number two.

17 MR. PANEQUE: No. It's withdrawn. There's
18 no need to motion.

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1 **Hung Fat, Inc. - 1214 Summit Avenue:**

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3 THE SECRETARY: Hung Fat, Inc., 1214 Summit
4 Avenue.

5 Is supposed to be a planner presentation,
6 Ms. Pereiras?

7 MS. PEREIRAS: Yes. Will that proceed?

8 MR. PANEQUE: Well, at this time, Ms.
9 Pereiras, you don't have a full quorum here of
10 five members.

11 So, I would request that you have this
12 matter carried to the next meeting. And at that
13 time, you could make your presentation with your
14 planner, as you see fit.

15 We would just request that the statutory
16 time limits be waived on your behalf, on your
17 client's behalf.

18 MS. PEREIRAS: That's fine, counsel.

19 MR. PANEQUE: That's -- you accept that?

20 MS. PEREIRAS: I do.

21 MR. PANEQUE: Mr. Price?

22 MR. PRICE: Yeah.

23 Could I ask -- I mean, we're talking number
24 two.

25 MR. PANEQUE: Yes.

1 MR. PRICE: Hung Fat?

2 That was approved at the last meeting.

3 MR. PANEQUE: Mr. Price, what has
4 transpired after that is that Board member,
5 Libero Marotta, placed a call where he indicated
6 that he would be here tonight, but apparently he
7 is not, and he advised me that he had read the
8 transcript of that meeting, and in his reading of
9 the transcript, he noticed that there was no
10 planner testimony.

11 There had been planning testimony on the
12 prior meetings. However, that planning testimony
13 was with the applications before it got modified
14 to the last format that it -- was presented and
15 approved by this Board.

16 What I had suggested to Ms. Pereiras is to
17 come in tonight and make her presentation to the
18 Board. And then, the Board -- if Mr. Marotta was
19 going to be here, the Board would then have an
20 opportunity to hear the planner's testimony,
21 which would have been basically a recap, because
22 I understand that the planner's testimony won't
23 change because the planner's testimony dealt with
24 the residential aspect of the application. We
25 just wanted to have it on the record, because Mr.

1 Marotta, as a Board member, objected to it.

2 MR. PRICE: But I don't think you can --
3 once -- I mean, I don't think you can legally
4 conduct a hearing on that matter because -- I
5 mean, the Board can only conduct a hearing on a
6 matter one of two ways. You know, on notice,
7 originally, or if it's carried -- on a
8 continuance, if it's carried to a date and time
9 certain.

10 Okay?

11 Well, neither of those applies because the
12 -- the last time it was just a vote and it was
13 approved. There was no continuance, with no need
14 for one.

15 MR. PANEQUE: Yes.

16 MR. PRICE: So, I don't think you can have
17 a hearing. If I were an applicant, I would never
18 do that because now it looks like you're trying
19 to buttress a -- you know, in court, it would
20 look like you were trying to buttress a case that
21 you've already decided.

22 MR. PANEQUE: I understand. We're trying
23 to -- as you know, this applicant has made at
24 least four amendments to his plans, at -- at
25 great cost to him. He has been before the Board

1 four or five times.

2 And I did advise or inform Mr. Marotta,
3 since he had not been here for all those previous
4 applications, as to the fact that this applicant
5 had fully cooperated with the Board and the
6 Board's request to make the changes that the
7 Board had asked for.

8 Now, Mr. Marotta took the position that
9 without a planner's testimony, the Resolution
10 would not have -- should have been passed, let's
11 just say.

12 So, we're trying to, to use your words,
13 buttress the application. And then, the courts
14 can decide at that point whether that -- that's
15 the right procedure or not.

16 But your point is well taken. The Board
17 voted, and I'm not aware that the -- without a
18 continuance, this Board actually can hear the
19 case. But we're trying to see how we can resolve
20 this matter. And maybe by the next meeting,
21 we'll have a resolution.

22 MR. PRICE: Okay.

23 The fact is that -- you know, I mean, is --
24 by the way, it's only necessary what you're
25 doing, in the event of a challenge. Who's going

1 to challenge it? Me? I think it's a good
2 project, so I don't have any problem --

3 MR. PANEQUE: I understand.

4 MR. PRICE: -- with it.

5 Anybody else going to challenge it? I
6 don't think so.

7 MR. PANEQUE: Mr. -- Mr. Marotta --

8 MR. PRICE: And if it is challenged --

9 MR. PANEQUE: -- was very adamant about it.

10 MR. PRICE: What?

11 MR. PANEQUE: Mr. Marotta was very adamant
12 about the fact that there was no planner's
13 testimony. And he made several calls.

14 THE SECRETARY: Yes, sir.

15 MR. PANEQUE: Yeah.

16 MR. PRICE: Oh, I -- I didn't get one of
17 them, so -- okay.

18 Okay. Just to smooth things over, but it
19 --

20 MR. PANEQUE: I understand.

21 MR. PRICE: It's --

22 MR. PANEQUE: It's --

23 MR. PRICE: It's actually --

24 MR. PANEQUE: -- unorthodox.

25 MR. PRICE: -- counterproductive.

1 MR. PANEQUE: Yes.

2 MR. PRICE: If it were challenged, this
3 would be evidence that the case that you vote was
4 -- was weak. So, it -- it actually would work --

5 MR. PANEQUE: Well, it depends on how it's
6 presented. If it's presented that the testimony
7 has already come before the Board, which it is,
8 and we're just having the planner recertify that
9 testimony, for the edification of the Board, this
10 Board has had five hearings on this matter.

11 MR. PRICE: Yeah.

12 MR. PANEQUE: The --

13 MR. PRICE: I know.

14 MR. PANEQUE: -- planner has already
15 testified.

16 Mr. Marotta just made an issue of the fact
17 that he didn't testify at the last meeting.

18 Now, in my conversations with the counsel
19 for the applicant, she did point out to me the
20 fact that he had already testified in the
21 previous meetings, to the residential aspect of
22 this application.

23 We just need him to place on the record
24 that this testimony would be the same going
25 forward, even though we removed the basketball

1 court side of this application.

2 MR. PRICE: Right.

3 CHAIRMAN BONACCI: I thought we covered
4 everything, too, you know?

5 MS. PEREIRAS: Um hum.

6 MR. PRICE: What's that?

7 CHAIRMAN BONACCI: I -- I thought we
8 covered everything.

9 MR. PRICE: Yeah.

10 CHAIRMAN BONACCI: You know, in however
11 many times that -- you know, this was presented.
12 Maybe -- you know, Mr. Marotta forgot that there
13 was a planner present at one of the meetings that
14 we did have.

15 But you know, he went through the
16 transcripts. He didn't see the planner's
17 testimony, and we'll see if we could get this
18 resolved. We'd like to move on from it, too, to
19 have one less thing on the agenda.

20 MR. PRICE: Right.

21 Okay. Very good.

22 MR. PANEQUE: Matter's being carried.
23 Is there a motion?

24 CHAIRMAN BONACCI: I'll make a motion.

25 VICE CHAIRMAN GRULLON: Second.

1 THE SECRETARY: Motion by Mr. --

2 CHAIRMAN BONACCI: Make a motion to carry
3 this over to the next meeting.

4 THE SECRETARY: Motion by Mr. Bonacci.

5 Seconded by Mr. Grullon to carry for the
6 next month meeting; that will be April 11, 2019.

7 Roll call on the motion.

8 Mr. Bonacci?

9 CHAIRMAN BONACCI: Yes.

10 THE SECRETARY: Mr. Grullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Mr. Pressey?

13 MR. PRESSEY: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Four in favor.

17 Motion carries.

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1 1117 Summer Avenue, LLC - 1117-19 Summit Avenue:

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3 THE SECRETARY: All right.

4 Next application is 1117 Summer Avenue,

5 LLC, 1117-19 Summit Avenue.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Again, Bianca Pereiras, on

8 behalf of the applicant.

9 This is an application we had previously
10 submitted our jurisdictional proofs, and I
11 understand the Board needs to continue this
12 matter, as well.

13 MR. PANEQUE: Yes.

14 Ms. Pereiras, are you waiving, on behalf of
15 your client, the statutory time limits?

16 MS. PEREIRAS: Yes.

17 MR. PANEQUE: Thank you.

18 Is there a motion to adjourn this matter?

19 VICE CHAIRMAN GRULLON: Motion.

20 THE SECRETARY: Motion by Mr. Grullon.

21 Seconded by?

22 Mr. Bonacci.

23 Roll call on the motion to adjourn this
24 application for April 11, 2019.

25 No new notice required.

1 Mr. Bonacci?

2 CHAIRMAN BONACCI: Yes.

3 THE SECRETARY: Mr. Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Mr. Pressey?

6 MR. PRESSEY: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Four in favor.

10 Motion carries.

11 MS. PEREIRAS: Thank you.

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1 **Mapal Zahan, LLC - 514 14th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Mapal Zahan, LLC, 514 14th
5 Street.

6 Mr. Paneque, please?

7 MR. PANEQUE: Yes.

8 Board members, I have a letter from the
9 office of Adolfo Lopez, requesting that the
10 matter be carried, due to the fact that he needs
11 to have the revised architectural drawings
12 presented, and he had an issue with the witness.

13 The request is to be carried to the next
14 meeting, which would be April 11.

15 It would have had to have been carried
16 anyway, due to the fact that we only have four
17 members on the Board.

18 Is there a motion?

19 CHAIRMAN BONACCI: I'll make a motion --

20 THE SECRETARY: Motion by --

21 CHAIRMAN BONACCI: -- to carry this to the
22 next meeting.

23 THE SECRETARY: -- Mr. Bonacci.

24 Seconded by?

25 MR. MEDINA: Second.

1 THE SECRETARY: Mr. Medina.

2 Roll call on the motion.

3 Mr. Bonacci?

4 CHAIRMAN BONACCI: Yes.

5 THE SECRETARY: Mr. Grullon?

6 VICE CHAIRMAN GRULLON: Yes.

7 THE SECRETARY: Mr. Pressey?

8 MR. PRESSEY: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Four in favor.

12 Motion carries.

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1 **Mardamer Builders - 546-548 35th Street:**

2 **Mardamer Builders - 547 36th Street:**

3 **Mardamer Builders - 545 41st Street:**

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5 THE SECRETARY: Application number five.

6 Mardamer Builder, 546-548 35th Street.

7 Mr. Paneque, please?

8 MR. PANEQUE: Mr. Vallejo, I'm going to ask
9 you to call five, six and seven, so I can place
10 on the record the --

11 THE SECRETARY: Okay, Mr. --

12 MR. PANEQUE: -- what we have.

13 THE SECRETARY: -- Mr. Paneque.

14 Number six.

15 Mardamer Builder, 547 36th Street.

16 And number seven.

17 Mardamer Builder, 545 41st Street.

18 Mr. Paneque, please?

19 MR. PANEQUE: Thank you.

20 Board members, I have a letter from Mr.
21 Lopez. He was the applicant's attorney who was
22 here last month.

23 He had originally requested that the
24 matters be adjourned in order to consider going
25 from a three bedroom apartment into two bedroom

1 units.

2 However, as of yesterday, he sent in a
3 letter asking that the applications be withdrawn,
4 as his client decided to withdraw the
5 applications that are pending before this Board.

6 So, do we have a motion to withdraw
7 applications number five, six and seven?

8 THE SECRETARY: You don't need a motion --

9 VICE CHAIRMAN GRULLON: Motion.

10 MR. SPATZ: Yeah, you can to accept. Yeah,
11 you could do a motion to accept.

12 THE SECRETARY: Motion by --

13 VICE CHAIRMAN GRULLON: Do we have to make
14 a -- do we have to vote on this?

15 MR. PANEQUE: Yeah.

16 THE SECRETARY: -- by Mr. Grullon to accept
17 the withdrawal.

18 Seconded by?

19 Mr. Bonacci.

20 Roll call on the motion to withdraw this
21 application; the application of the applicant's
22 attorney.

23 Mr. Bonacci?

24 CHAIRMAN BONACCI: Yes.

25 THE SECRETARY: Mr. Grullon?

1 VICE CHAIRMAN GRULLON: Yes.

2 THE SECRETARY: Mr. Pressey?

3 MR. PRESSEY: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: For clarification on the
7 record, this -- is the three applications of
8 Mardamer Builder, that will be five, six and
9 seven.

10 Thank you.

11 Four in favor.

12 Motion carries.

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1 Calles - 519 11th Street - 519 11th Street, LLC:

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3 THE SECRETARY: We are going to number
4 eight.

5 Calles, 518 (sic) -- 519 11th Street.

6 Ms. Pereiras, please?

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

9 MR. PANEQUE: For the record, I've been
10 provided by Ms. Pereiras with the following
11 documentation:

12 I have a certification as to publication
13 and service, in which Ms. Pereiras certifies that
14 notice of this application was provided to all
15 property owners within the 200 foot radius.

16 Application is for 519 11th Street, Union
17 City.

18 I also have the Affidavit of Publication
19 from The Jersey Journal, indicating that notice
20 was given for a hearing to take place on
21 Thursday, the 14th of March, at six p.m., at 3715
22 Palisade Avenue, with respect to the property at
23 519 11th Street.

24 This notice of publication was done on
25 March 2nd, 2019.

1 I also have been provided with the
2 certified mail receipts, with a postmark date of
3 March 4th. Right on the --

4 MS. PEREIRAS: Right on time.

5 MR. PANEQUE: Right on time.

6 And as well as the green cards that have
7 come back to date.

8 I've also been provided with a copy of the
9 200 foot list, which are consisting of four
10 pages, with a date of February 26, 2019.

11 Based on the information that has been
12 provided, this Board does have jurisdiction to
13 proceed and hear this matter.

14 Ms. Pereiras, as you know, we do not have a
15 Board of five members tonight. The type of
16 application that you have requires a minimum five
17 member vote.

18 Therefore, I'm going to request that this
19 matter be adjourned and carried to the next
20 meeting.

21 Do you waive your statutory time limits
22 requirements?

23 MS. PEREIRAS: I do.

24 MR. PANEQUE: Okay.

25 Thank you.

1 Is there a motion on the floor?

2 CHAIRMAN BONACCI: I'll make a motion.

3 THE SECRETARY: Motion by Mr. Bonacci.

4 VICE CHAIRMAN GRULLON: Second.

5 THE SECRETARY: Seconded by Mr. Grullon to
6 adjourn this application for April 11, 2019.

7 No new notice required.

8 Roll call on the motion.

9 Mr. Bonacci?

10 CHAIRMAN BONACCI: Yes.

11 THE SECRETARY: Mr. Grullon?

12 VICE CHAIRMAN GRULLON: Yes.

13 THE SECRETARY: Mr. Pressey?

14 MR. PRESSEY: Yes.

15 THE SECRETARY: Mr. Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Four in favor.

18 Motion carries.

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

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1 **527 39th Street - 527 39th Street, LLC:**

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3 THE SECRETARY: We are going to application
4 number nine.

5 527 39th Street.

6 Ms. Pereiras, please?

7 MR. PANEQUE: For the record, I've been
8 provided by Ms. Pereiras with the following
9 documentation:

10 I have a certification as to publication
11 and service, indicating that notice of tonight's
12 hearing, with respect to the property at 527 39th
13 Street, Union City, was sent out to all property
14 owners within the 200 foot radius, as well as
15 having been published in the local newspaper.

16 I have an Affidavit from The Jersey
17 Journal, with a date of March 2nd, 2019, which
18 indicates that with respect to the property at
19 527 39th Street, notice was given of tonight's
20 hearing for March 14th at six p.m., at 3715
21 Palisade Avenue.

22 I've also been provided with a copy of the
23 certified mailing list, from the Union City Tax
24 Assessor, consisting of five pages, with a date
25 of February 28, as well as the certified mail

1 receipts with a date of March 4th, and the
2 postcards that have come back to date, as well as
3 the envelopes.

4 Based on the information provided, this
5 Board has jurisdiction to proceed and hear this
6 matter.

7 Ms. Pereiras, once again, as this Board
8 only has four members tonight and we need five
9 members to hear this application, I'm going to
10 request that the matter be adjourned to the next
11 meeting of April 11.

12 Do you waive your statutory time
13 requirements?

14 MS. PEREIRAS: Yes, we do.

15 MR. PANEQUE: Thank you.

16 Is there a motion on the floor?

17 CHAIRMAN BONACCI: I'll make a motion.

18 THE SECRETARY: Motion by Mr. Bonacci to
19 adjourn this application for --

20 VICE CHAIRMAN GRULLON: Second.

21 THE SECRETARY: -- April 11, 2019.

22 VICE CHAIRMAN GRULLON: Second.

23 THE SECRETARY: No new notice required.

24 Motion by Mr. Bonacci.

25 Seconded by Mr. Grullon.

1 Roll call on the motion.

2 Mr. Bonacci?

3 CHAIRMAN BONACCI: Yes.

4 THE SECRETARY: Mr. Grullon?

5 VICE CHAIRMAN GRULLON: Yes.

6 THE SECRETARY: Mr. Pressey?

7 MR. PRESSEY: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Four in favor.

11 Motion pass.

12 (Whereupon, there was a pause in the
13 proceedings.)

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1 **1219 Bergenline Avenue, LLC -**

2 **1219 Bergenline Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda is number 10.

6 1219 Bergenline Avenue, LLC.

7 Ms. Pereiras, please?

8 MR. PANEQUE: For the record, I've been
9 provided by Ms. Pereiras with the following
10 documentation with respect to the property at
11 1219 Bergenline Avenue.

12 I have a certification as to publication
13 and service, indicating that notice of tonight's
14 hearing was given to all property owners within
15 the 200 foot radius of said property, as well as
16 having been published in the newspaper, The
17 Jersey Journal.

18 I have an Affidavit of Publication from The
19 Jersey Journal, indicating that notice was
20 published on March 4th, for the property at 1219
21 Bergenline Avenue, giving notice of tonight's
22 meeting on March 14th, at six p.m., at 3715
23 Palisade Avenue.

24 I have also been provided with the
25 certified mail receipts, with a postmark date of

1 March 4th, as well as the 200 foot list from the
2 Tax Assessor's Office in Union City, consisting
3 of four pages, with a date of February 28th.

4 I've also been provided with the receipts
5 that have come back to date, and the envelopes
6 that have been returned unclaimed.

7 Based on the documentation that's been
8 provided, this Board has jurisdiction to proceed
9 and hear this matter.

10 Ms. Pereiras, once again, we only have four
11 members, we need five in order to proceed and
12 hear this matter.

13 I'm going to request that the matter be
14 carried to the next meeting, which will be April
15 11.

16 Do you waive all statutory time
17 requirements?

18 MS. PEREIRAS: I do.

19 MR. PANEQUE: Thank you.

20 CHAIRMAN BONACCI: Make a motion.

21 THE SECRETARY: Motion to adjourn this
22 application for the April 11, 2019.

23 No new notice required.

24 Motion by Mr. Bonacci.

25 VICE CHAIRMAN GRULLON: Second.

1 THE SECRETARY: Seconded by Mr. Gullon.

2 Roll call on the motion.

3 Mr. Bonacci?

4 CHAIRMAN BONACCI: Yes.

5 THE SECRETARY: Mr. Gullon?

6 VICE CHAIRMAN GRULLON: Yes.

7 THE SECRETARY: Mr. Pressey?

8 MR. PRESSEY: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Four in favor.

12 Motion pass.

13 (Whereupon, there was a pause in the
14 proceedings.)

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1 **Donna Jacobsen, 311 43rd Street:**

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3 THE SECRETARY: We are going to application
4 number 11.

5 Donna Jacobsen, 311 43rd Street.

6 Ms. Pereiras, please?

7 MR. PANEQUE: For the record, I've been
8 provided by Ms. Pereiras with the following
9 documentation:

10 I have a certification as to publication
11 and service, indicating that notice of tonight's
12 hearing, with respect to the property at 311 43rd
13 Street, was given to all property owners within
14 the 200 foot radius, as well as having been
15 published in the local paper.

16 I have an Affidavit from The Jersey
17 Journal, with respect to the property at 311 43rd
18 Street, indicating that notice was published on
19 March 2nd, 2019, giving notice of tonight's
20 meeting for March 14th, at six p.m., at 3715
21 Palisade Avenue, with respect to the property in
22 question.

23 I have the certified Tax Assessor's 200
24 foot list, consisting of four pages, with a date
25 of February 26th, with respect to the property in

1 question.

2 And I also have a -- the certified mail
3 receipts with a date of -- postmark of March 4th,
4 2019, as well as the green cards that have come
5 back to date.

6 Based on the documentation provided by Ms.
7 Pereiras, this Board has jurisdiction to proceed
8 and hear this matter.

9 Ms. Pereiras, again, we only have four
10 members tonight, you need five members, minimum,
11 for this application to be heard.

12 I'm going to request that the matter be
13 adjourned to the next meeting.

14 Do you waive all statutory time
15 requirements?

16 MS. PEREIRAS: Of course.

17 MR. PANEQUE: Thank you.

18 THE SECRETARY: Motion to adjourn this
19 application?

20 CHAIRMAN BONACCI: I'll make a motion.

21 THE SECRETARY: By Mr. Bonacci.

22 VICE CHAIRMAN GRULLON: Second.

23 THE SECRETARY: Bonacci.

24 Seconded by Mr. Grullon.

25 Roll call on the motion.

1 Mr. Bonacci?

2 CHAIRMAN BONACCI: Yes.

3 THE SECRETARY: Mr. Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Mr. Pressey?

6 MR. PRESSEY: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Four in favor.

10 Motion carries.

11 (Whereupon, there was a pause in the
12 proceedings.)

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1 **S&R Realty Group, LLC - 146-148 49th Street:**

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3 THE SECRETARY: We are going to application
4 number 12.

5 S and R Realty Group, LLC, 146-148 49th
6 Street.

7 Ms. Pereiras, please?

8 MR. PANEQUE: For the record, I've been
9 provided by Ms. Pereiras with the following
10 documentation:

11 I have a certification as to publication
12 and service, signed by Ms. Pereiras, indicating
13 that notice of tonight's hearing with respect to
14 the property at 146-148 49th Street, Union City,
15 New Jersey, was provided to all property owners
16 within the 200 foot radius, as well as having
17 been published in the local newspaper, The Jersey
18 Journal.

19 I've also been provided with an Affidavit
20 of Publication from The Jersey Journal,
21 indicating that notice was published on March 4th,
22 2019, with respect to the property at 146-148 49th
23 Street, Union City, New Jersey, giving notice of
24 tonight's hearing for Thursday, March 14th, 2019,
25 at six p.m., at the location of 3715 Palisade

1 Avenue.

2 I've also been provided with the 200 foot
3 list, consisting of three pages, with a date of
4 March 1st, 2019.

5 I've also been provided with the certified
6 mail receipts, with a postmark date of March 4,
7 2019, and the green cards that have come back to
8 date, as well as the envelopes.

9 Based on the documentation provided by Ms.
10 Pereiras, this Board has jurisdiction to proceed
11 and hear this matter.

12 Again, Ms. Pereiras, I sound like a broken
13 record, but we have only four members tonight,
14 you need five members to be able to hear this
15 matter.

16 I'm going to request that the matter be
17 carried until the April 11th meeting.

18 And do you waive the statutory time
19 requirements?

20 MS. PEREIRAS: I do.

21 MR. PANEQUE: Thank you.

22 Is there a motion on the floor?

23 CHAIRMAN BONACCI: I'll make a motion.

24 THE SECRETARY: Motion by Mr. -- Mr.
25 Bonacci.

1 Any second on the motion?

2 VICE CHAIRMAN GRULLON: Second.

3 Second.

4 THE SECRETARY: Second by Mr. Grullon.

5 Roll call on the motion.

6 Mr. Bonacci?

7 CHAIRMAN BONACCI: Yes.

8 THE SECRETARY: Mr. Grullon?

9 VICE CHAIRMAN GRULLON: Yes.

10 THE SECRETARY: Mr. Pressey?

11 MR. PRESSEY: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Four in favor.

15 Motion carried.

16 No new notice required.

17 This application has been adjourned for
18 April 11, 2019.

19 MS. PEREIRAS: Thank you, all.

20 THE SECRETARY: Thank you.

21 MS. PEREIRAS: I'll see you next month.

22 CHAIRMAN BONACCI: Sorry about all that.

23 MS. PEREIRAS: That's okay. I understand.

24 It happens.

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1 **OTHER BUSINESS:**

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3 MR. PRICE: Could I make a comment?

4 MR. PANEQUE: Yes. Step up, Mr. Price.

5 MR. PRICE: I not only attend this meeting
6 and the Planning Board, but also the Board of
7 Commissioner meeting and I make -- you know, I
8 spread the hate and discontent everywhere.

9 I have made comment at the Board of
10 Commissioners meeting about the manning on this
11 Board, or the lack of manning on this Board.

12 And the only impact I think I've had so far
13 is that Mr. Medina and Mr. Bonacci, who were
14 previously alternate members are now, as of last
15 Tuesday, regular members of the Board.

16 It was particularly tacky to have the
17 Chairman being an alternate. There are
18 complications with that.

19 Okay.

20 Anyway, the Board is shorthanded. And
21 that's going to create problem -- anyway, I've
22 suggested to the Mayor that he find some bodies
23 and put them in here, because you got four
24 alternate slots that are empty. All of them
25 could be --

1 And he seemed concerned, but as you can
2 see, nothing has happened so far. And my
3 relations with the Mayor are -- whatever, vary.
4 And you might want to -- you know, try a little
5 -- because there are two problems. One is just a
6 practical problem.

7 You -- you've adjourned eight items for
8 tonight. Now, on April 11th --

9 CHAIRMAN BONACCI: Yeah. We're going to be
10 loaded.

11 MR. PRICE: Yeah. You're going to be
12 overloaded --

13 CHAIRMAN BONACCI: Right.

14 MR. PRICE: -- is the truth.

15 The second one, which is a legal problem,
16 under the law, you have 120 days to reach a
17 decision.

18 Now, Ms. Pereiras was nice enough to waive
19 those -- whatever, but the next guy up could say
20 no, I don't waive; you got 120 days and act, or I
21 have automatic approval.

22 And that will -- you know, and by the --
23 surprisingly enough, the judges in the Law
24 Division in Hudson County kind of have odd
25 reactions, but they seem to be very open to

1 automatic approval. You know, as one of the case
2 law cases said -- you know, a Board can approve,
3 a Board can deny, but a Board can't delay. And
4 that's -- you know, the whatever.

5 So, you might want to -- maybe one of you
6 has a little more pull with the Mayor than I do,
7 and you might want to use it because there is a
8 problem and it should -- should be addressed.

9 MR. PRESSEY: Thank you.

10 CHAIRMAN BONACCI: Thanks, Mr. Price.

11 VICE CHAIRMAN GRULLON: Thank you, Mr.
12 Price.

13 CHAIRMAN BONACCI: We're going to work --

14 MR. PRICE: And I'll keep nagging the
15 Mayor, in any case, so --

16 CHAIRMAN BONACCI: Thanks for your help.

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1 **ADJOURNMENT:**

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3 THE SECRETARY: There being no other
4 application --

5 MR. PRICE: See --

6 THE SECRETARY: -- on tonight's agenda, can
7 I have a motion to close tonight's meeting?

8 Motion by Mr. Pressey.

9 Second by?

10 Mr. Bonacci.

11 All in favor, say aye.

12

13 (Whereupon, there was a chorus of ayes.)

14

15 THE SECRETARY: The ayes have it.

16 Motion pass.

17 Let the record show that the meeting has
18 ended.

19 Thank you.

20 Good night, everyone.

21

22 (Whereupon, the proceedings were concluded
23 at 6:50 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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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 REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, March 14, 2019 and
10 digitally recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon