

City Hall
3715 Palisade Avenue
Union City, New Jersey

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

3 Take notice that the Tuesday (sic),
4 November 13, 2014 at seven p.m. Let it show up
5 the record 7:30 p.m.

6 A regular meeting is scheduled for the City
7 of Union City Zoning Board of Adjustment to be
8 held in the Municipal Chamber of City Hall, 3715
9 Palisade Avenue, Union City, New Jersey.

10 This is a meeting called in compliance with
11 Chapter 231, Public Law 1975, of the Open Public
12 Meetings Act.

13 Notice of this meeting has been provided,
14 as follows:

15 Notice of this meeting was sent to The
16 Jersey Journal, The Record, The Hudson Reporter,
17 has been posted on the bulletin board of the City
18 Hall and been available to the public in the
19 Office of the Municipal Clerk.

20 Before we call roll for this evening
21 meeting, will everybody kindly stand up, to
22 pledge allegiance to the flag?

23

24 (Whereupon, the Pledge of Allegiance was
25 said by all.)

1

2 **ROLL CALL:**

3

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

6

Andres Garcia?

7

CHAIRMAN GARCIA: Present.

8

THE SECRETARY: Victor Grullon?

9

MR. GRULLON: Present.

10

THE SECRETARY: Margarita Gutierrez?

11

MS. GUTIERREZ: Present.

12

THE SECRETARY: Miguel Ortiz? Absent.

13

David Pressey?

14

MR. PRESSEY: Present.

15

THE SECRETARY: Fernando Uribe? Absent.

16

Dominga Carro? Absent.

17

John Medina?

18

MR. MEDINA: Present.

19

THE SECRETARY: Jose Calderon? Absent.

20

Julio Valladares? Absent.

21

Sergio Dato? Absent.

22

23 Let the record indicate that there are five
24 members present. And so we have a Board made up
25 of five members, and we have a full quorum to
establish any decisions.

1 **RESOLUTIONS:**

2

3 (1) Hermes Cabrera - 2707 Bergenline Avenue

4

5 THE SECRETARY: We are going to go first to
6 Resolutions.

7 We have only one Resolution for tonight's
8 meeting.

9 Hermes Cabrera, 2707 Bergenline Avenue.

10 Motion to approve -- to approve the
11 Resolution?

12 CHAIRMAN GARCIA: I make motion to adopt
13 this Resolution.

14 MS. GUTIERREZ: I'm seconding.

15 THE SECRETARY: Motion by Chairman Garcia.

16 Second by Margarita Gutierrez.

17 Andes Garcia?

18 CHAIRMAN GARCIA: Yes.

19 THE SECRETARY: Victor Grullon?

20 MR. GRULLON: Abstain. I wasn't here.

21 THE SECRETARY: Abstain.

22 Margarita Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Pressey?

25 David?

1 MR. PRESSEY: Abstain.

2 THE SECRETARY: John Medina?

3 CHAIRMAN GARCIA: I think Medina wasn't --
4 was not at that meeting. So, I think it's better
5 that he abstain.

6 THE SECRETARY: No. He was here.

7 CHAIRMAN GARCIA: No. So --

8 MR. ISA: I don't think so.

9 It's better he abstains.

10 THE SECRETARY: He wasn't at the meeting?

11 CHAIRMAN GARCIA: So, and I think that we
12 only need one --

13 MR. SPATZ: Was that the last meeting?

14 THE SECRETARY: Yeah.

15 MR. ISA: Yeah.

16 CHAIRMAN GARCIA: -- vote for --

17 MR. ISA: Yeah.

18 CHAIRMAN GARCIA: -- adopt the Resolution.

19 MR. SPATZ: He was here at the last.

20

21 (Whereupon, Miguel Ortiz arrived at 7:31
22 p.m.)

23

24 THE SECRETARY: Yeah. He was here at the
25 last meeting.

1 CHAIRMAN GARCIA: Yeah?

2 MR. ISA: Okay. Then --

3 MR. MEDINA: Okay.

4 MS. GUTIERREZ: Miguel was here.

5 MR. ISA: Okay. Let the record reflect
6 Miguel has joined the meeting.

7 THE SECRETARY: Let the record show that
8 Mr. Ortiz has joined the meeting.

9 Now we have six members present.

10 All right. Let the record indicate that
11 the Resolution has been approved, with two -- two
12 abstain and three yes.

13 * * *

14

15

16

17

18

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20

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22

23

24

25

1 **Navis Joshi - 520 New York Avenue:**

2

3 THE SECRETARY: Okay. The next application
4 on tonight's meeting is Navis Joshi, 520 New York
5 Avenue.

6 Mr. Diaz?

7 MR. DIAZ: Good evening, Board members.

8 Luis Diaz for the applicant.

9 Jurisdiction was obtained at the last
10 hearing, if I recall, counsel?

11 MR. ISA: Yes.

12 MR. DIAZ: I have gotten some more --

13 CHAIRMAN GARCIA: One second, Mr. Diaz.
14 One second.

15 MR. DIAZ: Yes?

16 CHAIRMAN GARCIA: I think, just for the
17 record, I think that Mr. Medina has to recuse
18 himself because that is by --

19 MR. DIAZ: Within 200 feet.

20 All right.

21 CHAIRMAN GARCIA: It is.

22 MR. ISA: So --

23 CHAIRMAN GARCIA: We have five.

24 MR. ISA: Yeah. Mr. Medina --

25 CHAIRMAN GARCIA: With --

1 MR. ISA: -- but don't -- don't leave,
2 because we're going to need you for --

3 CHAIRMAN GARCIA: Oh, no, no. Is just
4 recused for this application.

5 MR. DIAZ: Just for this application.

6 MR. MEDINA: So, say it again?

7 CHAIRMAN GARCIA: Don't take off. Go
8 there.

9 MR. MEDINA: Okay.

10 CHAIRMAN GARCIA: You have to come back.

11 MS. GUTIERREZ: Take -- take your phone,
12 Medina.

13 MR. ISA: It's important.

14 MR. DIAZ: Counsel, I got some more --

15 MR. ISA: Ah, great.

16 MR. DIAZ: -- letters, and I think they're
17 better in your possession than in my possession.

18 MR. ISA: Well, they're -- best possession
19 is with the Board Secretary.

20 MR. DIAZ: I'm going to provide counsel,
21 also, with a list of the variances and the
22 description of the property, along with the
23 planner and architect review of the -- the area.
24 You can pass --

25 MS. DILLON: You want that marked as A-1?

1 MR. DIAZ: You could. It's the same -- the
2 -- the list of the -- of the variances is the
3 same as in the -- in the plans.

4 And I'm going to provide my dear friend,
5 Mr. Price.

6
7 (Whereupon, Variance Exhibit was received
8 and marked as Exhibit A-1.)

9
10 (Whereupon, there was a pause in the
11 proceedings.)

12 MR. ISA: Just -- I don't know if you've
13 had an opportunity to see the Building Department
14 memo.

15 The Building Department memo has this
16 listed as a two unit structure.

17 MR. DIAZ: I have some cutting cards from
18 the Assessor's Office, which shows it as a seven.

19 MR. ISA: Yeah.

20 MR. DIAZ: And I have copies of those.

21 But I think that that's one of the problems
22 that we have here in Union City, with the keeping
23 of records.

24 MR. ISA: Yeah.

25 MR. DIAZ: You have some that say one

1 | thing, others that say another thing.

2 | What I do know is that the two structures
3 | in the front go back over 120 years. I believe
4 | that one of the cutting cards -- and let me take
5 | my glasses out -- go out -- go back to eighteen
6 | seventy-something.

7 | MR. ISA: Hmm.

8 | MR. DIAZ: 1878.

9 | And I do have one of the cutting cards,
10 | which I -- I only have one copy here and I can
11 | pass it around. And you can see on the top seven
12 | units. And it goes back to the description and
13 | so forth of the --

14 | MS. DILLON: Mr. Diaz, you're saying
15 | cutting cards?

16 | MR. DIAZ: Cutting card, from the Tax
17 | Assessor's Office.

18 | MS. DILLON: C-U-T-T-I-N-G?

19 | MR. DIAZ: I think that's what they call
20 | it.

21 | MS. DILLON: Okay. And just take one step
22 | closer to my mic.

23 | MR. DIAZ: Sure.

24 | MR. ISA: So, okay. Now, just for the
25 | Board's edification, the -- the Board always

1 accepts the Building Department -- whatever they
2 -- their number is -- as the current number.

3 But you know, so -- you know, according to
4 the Building Department, as of --

5 CHAIRMAN GARCIA: So, in reality the
6 application has to be from two to seven, not
7 three to seven.

8 MR. ISA: You mean, six.

9 MR. DIAZ: It's an existing -- existing
10 seven.

11 It will be from two to six.

12 CHAIRMAN GARCIA: Two to six.

13 MR. DIAZ: It's an existing seven that
14 we're going before the Board for a six.

15 I also have pictures of the structure, and
16 you're going to see the difference between the
17 two in the front, which are the ones that go back
18 to the 1800s, and then, what was constructed
19 thereafter, in the back.

20 And these can be also marked, if you would
21 like. I have about four or five of those copies.

22 I would show one to Mr. Price, but I'm sure
23 he knows the property, not far from -- from where
24 you live, Mr. Price.

25 MR. PRICE: Yes.

1
2 (Whereupon, Photo Exhibit was received and
3 marked as Exhibit A-2.)
4

5 CHAIRMAN GARCIA: When did they take the --
6 when did they take that picture?

7 Probably like more than ten years ago,
8 right?

9 MR. DIAZ: That I cannot tell you.

10 CHAIRMAN GARCIA: Okay.

11 MR. DIAZ: I think that picture was
12 provided by the owner.

13 He's here. I can ask him.

14 I really don't know.

15 CHAIRMAN GARCIA: No, that's okay. I going
16 to tell you why later on.

17 MR. ISA: Yeah. But -- all right.

18 MR. DIAZ: I think the rear is in better
19 condition than what it is now. Maybe that's the
20 --

21 MR. ISA: But -- but the point is to
22 demolish existing two story building.

23 All right.

24 MR. DIAZ: May I proceed?

25 MR. ISA: Yeah.

1 MR. DIAZ: I believe that the experts were
2 qualified last time.

3 If not, I can qualify them again, and ask
4 the Board to -- ask to quality them again, and
5 ask the Board for their --

6 CHAIRMAN GARCIA: Yeah. I think they were
7 qualified.

8 MR. DIAZ: I think he was qual --

9 MR. ISA: Yeah.

10 MR. DIAZ: -- they were qualified, the
11 architect, and so forth.

12 Again, what we have is the application of
13 Navis Joshi, 520 New York Avenue, Lot 15 in Block
14 25.

15 What we have here is the -- it's a corner
16 lot, 19.08 by 125.

17 Those lots that face New York Avenue are
18 all that size, with 125 deep.

19 This is the southeast corner of the
20 intersection. And presently, it's a three story
21 building, and what we're asking is to have that
22 building replaced by a three story new structure.

23 The existing structure is not three stories
24 all throughout. The -- the rear of it, facing
25 that alleyway, in the -- in the back, it's only

1 one story. The remaining is all three stories.

2 Again, we have the -- the architect
3 qualified.

4 Mr. Martinez, are you familiar with the
5 location?

6 MS. DILLON: Let me swear him in, Mr. Diaz?

7 MR. DIAZ: Yes. Have him sworn in.

8 I'm sorry.

9 MS. DILLON: Mr. Martinez, please raise
10 your right hand.

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

13 MR. MARTINEZ: Yes, I do.

14 MS. DILLON: Just state your name for the
15 record.

16 MR. MARTINEZ: Osvaldo Martinez,
17 M-A-R-T-I-N-E-Z.

18 MS. DILLON: Thank you.

19 MR. MARTINEZ: You're welcome.

20 MR. DIAZ: Mr. Martinez, are you familiar
21 with the location and the plans that have been
22 submitted?

23 MR. MARTINEZ: Yes, I am.

24 MR. DIAZ: Could you explain to the Board
25 what it is that the applicant proposes?

1 MR. MARTINEZ: Yes.

2 If I can just draw your attention over here
3 for a second.

4 Ironically enough, I want to start with --
5 and I believe that all of you have plans in front
6 of you, just to simplify on this board what Mr.
7 Diaz has -- has explained to you.

8 So, again, Z-3 -- what we currently have is
9 a three story building, which is missing the
10 second and third floor, about 30 feet at the
11 rear.

12 So, we have a building that, of course, is
13 not as nicely finished as this is, but it looks
14 like this. Okay.

15 So, it's just missing about 30 feet from
16 the second and third floor.

17 Let me adjust the tension.

18 Back to sheet Z-1.

19 Again, the existing site plan, the proposed
20 site plan appears to be the same, because it --
21 it will actually be the same.

22 The footprint of the building is exactly
23 the same as you see it today. There's no
24 additional lot coverage. Everything will remain
25 exactly the same. We're just adding a second and

1 third floor.

2 This building currently has seven apartment
3 units, which are substandard in size.

4 What we propose to do is, again, on the
5 rear, 30 feet portion, we want to add a second
6 and third floor, and bring these apartments to
7 Code and compliant.

8 We want to do six Code compliant units.

9 Sheet Z-2. We have a floor plan of what we
10 propose to do with this existing building.

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

13 MR. MARTINEZ: Okay. Thank you.

14 On the ground floor, as it exists today,
15 there are two parking spaces. We propose to have
16 three; two from New York Avenue, and one from --
17 is it 6th Street?

18 MR. DIAZ: Six.

19 MR. MARTINEZ: Sixth. And one -- one
20 accessible from 6th Street here.

21 We want to have two adaptable units on the
22 ground floor.

23 So the first floor would consist of a lobby
24 and two adaptable two bedroom units each.

25 The second and third floor would be typical

1 floors. And again, each floor would have two
2 units. Those units will not be adaptable, will be
3 regular size units at 750 square feet each.

4 And, then, the third floor would be a
5 carbon copy of the second, for a total of six
6 units.

7 Again, all six units would be six three --
8 two bedroom units, approximately 750 square feet
9 apiece.

10 The front elevation of the building, what
11 actually -- we propose to keeping it exactly as
12 it is today.

13 We would re-point and sandblast the
14 existing brick, and bring it back to its original
15 state.

16 The windows, some of them have been
17 shortened. We want to bring the building back to
18 its original state and fill in those windows back
19 to the way they originally were meant to be.

20 There is a balcony there, which we intend
21 to keep on the New York Avenue elevation, as well
22 as on the 6th Street elevation.

23 As you can see, we -- what we have done is
24 we have brought brick over to the 6th Street side,
25 on both the front portion here, and the rear.

1 And just to change it as a design element, we
2 propose a stucco finish, with some highlight
3 brick section at the main entrance.

4 We, again, just to give a little accent to
5 the building, we have provided balconies with
6 sliding glass doors to create a little bit of an
7 outdoor space for those tenants that don't have a
8 front and rear balcony.

9 Once again, what we tried to do is just
10 bring some more of that brick, some more of that
11 common element in the neighborhood, and just
12 bring this building up-to-date and complying with
13 the proper unit sizes.

14 MR. DIAZ: Mr. Martinez, you mentioned that
15 there will be three parking spaces on the corner
16 of New York Ave. and 6th Street.

17 Is that correct?

18 MR. MARTINEZ: Yes. That is correct.

19 MR. DIAZ: And that area that encompasses
20 the three parking spaces, is that meant -- is
21 that staying constant with the remainder of the
22 structures on New York Avenue, going south?

23 MR. MARTINEZ: Yes, it is.

24 MR. DIAZ: And that's the --

25 MR. MARTINEZ: Most --

1 MR. DIAZ: -- reason why --

2 MR. MARTINEZ: Most people on New York
3 Avenue use that as a parking area.

4 MR. DIAZ: Parking. So, you're keeping
5 this constant with whatever the neighborhood
6 shows through New York Avenue.

7 MR. MARTINEZ: As well as that front façade
8 and that setback. Yes.

9 MR. DIAZ: Good.

10 I have, at this point, no more questions of
11 this witness.

12 CHAIRMAN GARCIA: Okay.

13 MR. DIAZ: I have another witness.

14 CHAIRMAN GARCIA: You have another witness,
15 Mr. Izquierdo?

16 MR. DIAZ: Mr. Izquierdo, but if you have
17 any questions, or anybody else has any questions?

18 CHAIRMAN GARCIA: I prefer to -- to wait
19 for Mr. Izquierdo testimony. And then, we could
20 go for questions for both.

21 MR. DIAZ: Understood.

22 CHAIRMAN GARCIA: Thank you very much.

23 MS. DILLON: Mr. Martinez?

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

1 MS. DILLON: Mr. Izquierdo, please raise
2 your right hand.

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

5 MR. IZQUIERDO: Yes, I do.

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

8 MR. IZQUIERDO: My name is Jose Izquierdo,
9 an architect and a planner. New Jersey planner
10 license 03385.

11 MR. DIAZ: Again, Mr. Izquierdo, are you
12 familiar with the location and the plans?

13 MR. IZQUIERDO: Yes, I am.

14 MR. DIAZ: Could you give your opinion with
15 regard to the project, Mr. Izquierdo?

16 MR. IZQUIERDO: Yes.

17 Good evening, members of the Board.

18 I was actually surprised to -- to hear of
19 that Building Department memo as two units. I
20 actually -- I'm ready to proceed on the
21 application, but actually all of my analysis has
22 been based as a D-2, extension of a building use
23 variance.

24 Since actually there are, further to the
25 architect's testimony and the physical evidence

1 that is in the -- in the site, seven apartments
2 there, and actually, every single variance that
3 is contemplated on this project is existing,
4 regardless if the project is approved, or it is
5 not approved.

6 This Board gains jurisdiction of this
7 application because a multi-family building is
8 not an allowed use in the R zone.

9 The area -- the property is located at the
10 southeast corner of the intersection of New York
11 Avenue and 6th Street, and it is actually a lot
12 that is 25 by 125.

13 It is actually one of five lots that are
14 bigger than the ten lots that comprise that
15 eastern side of New York Avenue.

16 The development on this lot, on this block
17 is very, very specific.

18 All of the buildings here, with the
19 exception of Lot 24, is set back 19.08 feet, 19
20 feet one inches away from the property line here,
21 giving all of these properties a common front
22 yard.

23 The architect has maintained that 19 foot
24 one inch distance, so architecturally the block
25 is held consistent.

1 However, the variances that are existing,
2 as well as the proposed, are lot area, I need
3 5,000 square feet, and the existing site has
4 2,385, because the lot, being required to be 50
5 feet, I have only 19 feet one inch width.

6 The lot depth of a hundred, as I indicated,
7 is 125 feet.

8 And I correct myself, actually, the front
9 yard of all of these homes is 29.87 feet.
10 They're all set back. And the proposed building
11 will actually be the existing building, just with
12 the two story addition that the architect
13 explained.

14 The side yard, I'm required to have six
15 feet. I have nothing. Right zero, and left
16 zero. That's an existing variance.

17 And the rear yard, I'm required to be 25
18 percent or 31 feet three inches, and actually,
19 I'm going to be three feet one inch, which is
20 exactly what is existing.

21 The building height conforms, since we have
22 only three stories, 40 feet, which is actually
23 the allowed height in the R zone.

24 The building coverage and the lot coverage
25 are all existing.

1 The density, because all of the apartments
2 are proposed to be 750 square feet. In our
3 analysis of the existing building, there are
4 seven two bedroom units.

5 And I believe that the cutting card that I
6 saw shows six two bedroom apartments, but they
7 don't comply because they're very small.

8 So, actually, what the architect has done
9 is bring the size of the two bedroom apartments
10 to 750 square feet, so we do not need a density
11 variance. We do not need a height variance. We
12 just need a D-2 variance.

13 We're actually required to have 12 parking
14 spaces, being actually two parking spaces for
15 every two bedroom, according to RSIS. And we're
16 proposing to have three. I believe the existing
17 building has two.

18 We have prepared a density survey, since
19 this existing building is being proposed at six,
20 whereas all of these have two to four. This one
21 corner building here has about five to ten.

22 And most of the area, the density of more
23 than 16 units, for instance, occurs here on 7th
24 Street, here on Block 27, here, here on 6th
25 Street.

1 And the density that is comparable to this
2 one is shown in our building and the corner
3 building here, the corner of 5th and New York, and
4 Lot 8 over here.

5 In terms of the building use, all of these
6 are two and three families, which are actually an
7 allowed use in the R zone, same as here.

8 But these other areas, these are the
9 parking areas, residential with no -- no ground
10 floor commercial is all of these. Residential,
11 multi-family building.

12 And all of these are one, two, three, and
13 four family houses.

14 So, our multi-family building is consistent
15 with the building also on the other corner.

16 In terms of the parking spaces, I would
17 like the Board to take judicial notice of the
18 parking lot, municipal parking lots that are
19 nearby to us.

20 And actually, we have one on -- on 6th
21 Street West, located between -- on 6th Street and
22 West Street, for permit holders only.

23 But there's also another one on 8 and 10th
24 Street.

25 There's actually another one here on

1 Palisade Avenue, I believe, that's 5th Street or
2 8th Street, 8th Street.

3 I have nothing further.

4 MR. DIAZ: Mr. Izquierdo, could you give us
5 your opinion with regard to the -- whether the
6 application complies with the positive and the
7 negative criteria?

8 MR. IZQUIERDO: Well, the positive criteria
9 in the application is that right now, you have a
10 number of multi -- of residential units in a
11 multi-family environment, being six or seven.
12 But say, six. And they're all undersized.
13 They're all two bedrooms, but they're undersized.
14 They do not comply with Code. They do not have
15 all the regulations for Code.

16 What the architect has done is has taken
17 the two units on the ground floor, and has made
18 them adapt -- adaptable, being to the
19 handicapped.

20 And the other four units in floors two and
21 three are also going to be two bedroom. So, it
22 complies.

23 It furthers the intent of the Ordinance, in
24 bringing the two bedroom apartments to a larger
25 size, bringing them up to Code.

1 And all of the apartments, because they're
2 in a corner structure, they have light, air,
3 ventilation. The building is going to be
4 sprinklered. It's going to have parking spaces.
5 And it's actually going to settle that
6 neighborhood, because that building has been in
7 disrepair for such a long time that it is need of
8 -- of repair, and refurbishing, and bringing
9 everything to Code.

10 MR. DIAZ: Mr. Izquierdo, could you give us
11 your opinion with regard to whether Union City
12 needs state-of-the-art housing and -- and
13 apartments?

14 MR. IZQUIERDO: The reexamination report of
15 Union City recognizes that there -- we don't have
16 any build -- any more buildable land, and we have
17 a need for housing.

18 Union City is the type of -- of community
19 that has high end housing, with very expensive
20 penthouses and what not, and also has affordable
21 units.

22 These apartments are going to be market
23 rate apartments, but they're going to be quite
24 easily marketable.

25 MR. DIAZ: And would it be fair to say, and

1 | you give me your opinion, that the benefit
2 | brought forth, if this application is approved,
3 | would outweigh any detriment that it creates?

4 | MR. IZQUIERDO: Well, actually, one of the
5 | things that I saw as -- as a positive criteria
6 | was to take the entire front, the 29.87 feet, and
7 | rather than have parking spaces here, have some
8 | green, have some -- some landscape area.

9 | I know that the architect is providing
10 | three parking spaces, because, actually, it is
11 | his duty to provide as many parking spaces as he
12 | can.

13 | However, having parking spaces here in the
14 | front of New York Avenue, it's also what all the
15 | -- all the other neighbors have.

16 | So, I think that providing the parking
17 | spaces outweighs the -- the benefits of the
18 | landscaping area, I guess, landscaping. Parking
19 | is so important.

20 | MR. DIAZ: And with regard to expansion,
21 | visiting the site, is there any additional vacant
22 | parcels that may be acquired in order to be able
23 | to comply with setbacks or bigger area to use in
24 | this application?

25 | MR. IZQUIERDO: No. There are not -- there

1 are no contiguous pieces of property that are
2 available for sale.

3 And actually, the development of this
4 property, and specific, has to maintain the
5 architectural line that is created by all of
6 these properties.

7 This multi-family building already violates
8 that by bringing it to the -- all the way to the
9 corner.

10 On the original scheme that was presented
11 to this Board, we had the building coming up to
12 here, almost like bookends, in that row of row
13 houses, which are all identical.

14 So, that has -- that line has to be
15 maintained. And what the architect has done is
16 actually finish the corner, in rather a nice way,
17 by bringing all those units up to Code.

18 MR. DIAZ: So, correct me if I'm wrong, I
19 believe that what you're saying is that that
20 section of New York Avenue, going south, is all
21 preexisting, but nonconforming.

22 MR. IZQUIERDO: Yeah. That's exactly --

23 MR. DIAZ: So --

24 MR. IZQUIERDO: -- what it is.

25 MR. DIAZ: -- and we are proposing

1 something that is compatible with what is there
2 now.

3 MR. IZQUIERDO: Well -- so, I -- I take
4 that back.

5 This is all existing, but this is not
6 nonconforming in terms of the use. And it is
7 just that all of these properties are all set
8 back and it's -- it's such a homogeneous
9 development that they have, that maintaining that
10 line is critical.

11 The use here is different from the use
12 here. These are conforming uses in the -- in the
13 zone, because they're two and three family.

14 But both corners of -- of that block are
15 multi-family buildings.

16 MR. DIAZ: I have no more questions of this
17 witness at this time.

18 CHAIRMAN GARCIA: That's the last witness,
19 right?

20 MR. DIAZ: Correct.

21 MR. IZQUIERDO: Yup.

22 CHAIRMAN GARCIA: Mr. Izquierdo, the layout
23 of the three parking spaces in front --

24 MR. IZQUIERDO: Oh, I'm not the architect
25 -- you mean in terms of parking?

1 CHAIRMAN GARCIA: But you make -- you make
2 -- you also testified.

3 MR. IZQUIERDO: Okay.

4 CHAIRMAN GARCIA: Talking about the -- the
5 -- Mr. Martinez, can you come up front, please?

6 MR. MARTINEZ: Yes.

7 MR. DIAZ: Now, you have two architects to
8 really --

9 CHAIRMAN GARCIA: Yeah. But that's --

10 MR. DIAZ: -- ask questions.

11 CHAIRMAN GARCIA: -- why I'm asking Mr.
12 Izquierdo, not because he's testifying as
13 architect.

14 MR. IZQUIERDO: Yes. Yes.

15 CHAIRMAN GARCIA: Is but however, he also
16 mentioned the advantage of the parking spaces.
17 So, I'm assuming that he already went through --

18 MR. DIAZ: Correct.

19 MR. IZQUIERDO: Yeah.

20 CHAIRMAN GARCIA: Okay.

21 MR. IZQUIERDO: I'm sorry. I'm sorry, Mr.
22 Garcia.

23 CHAIRMAN GARCIA: Not a problem.

24 Mr. Martinez, can you -- can you go through
25 the layout of the parking spaces?

1 MS. DILLON: Wait. One second.

2 MR. IZQUIERDO: Wait, one second, because I
3 have the microphone. And she's --

4 CHAIRMAN GARCIA: You could come up front
5 here.

6 MR. MARTINEZ: Okay. I think I can work
7 from here.

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

10 MR. MARTINEZ: Again, what we there, and
11 I'm referring to sheet Z as in zebra number 2,
12 there are two parking spaces that you would enter
13 from New York Avenue, which I have labeled
14 parking space number 2 and 3.

15 And then, there's one parking space from
16 6th Street, which I have labeled parking space
17 number 1.

18 And I show three cars there to represent
19 that.

20 CHAIRMAN GARCIA: Okay.

21 However, in the plans, you didn't show the
22 curb cut.

23 MR. MARTINEZ: The curb cut.

24 CHAIRMAN GARCIA: You didn't show the --
25 the --

1 MR. MARTINEZ: There's --

2 CHAIRMAN GARCIA: -- the space --

3 MR. MARTINEZ: There is an existing curb
4 cut on New York Avenue. Yes.

5 CHAIRMAN GARCIA: Okay.

6 MR. DIAZ: Mr. Martinez, is there an
7 existing curb cut for the auto -- for the vehicle
8 coming out of 6th Street?

9 I think that's the question.

10 MR. MARTINEZ: Is that the question?

11 CHAIRMAN GARCIA: Yes.

12 MR. MARTINEZ: No, I don't believe there's
13 an existing curb cut there.

14 CHAIRMAN GARCIA: So, you're going to
15 create one?

16 MR. MARTINEZ: We would have to create a --

17 CHAIRMAN GARCIA: Okay.

18 MR. MARTINEZ: -- curb cut --

19 CHAIRMAN GARCIA: Let me ask you a question
20 --

21 MR. MARTINEZ: -- to accommodate --

22 CHAIRMAN GARCIA: -- Mr. Martinez --

23 MR. MARTINEZ: -- parking space number 1.

24 CHAIRMAN GARCIA: -- with all due respect,
25 did you really visit the place?

1 MR. MARTINEZ: Yes, I did.

2 CHAIRMAN GARCIA: Okay.

3 MR. MARTINEZ: I went in and measured the
4 building.

5 CHAIRMAN GARCIA: You make a statement
6 saying that -- that you're going to keep the
7 balcony. I mean, will maintain the balcony.

8 Right?

9 MR. MARTINEZ: Yes.

10 CHAIRMAN GARCIA: Currently, do they have
11 balcony?

12 MR. MARTINEZ: They do have a balcony in
13 the --

14 CHAIRMAN GARCIA: Up front?

15 MR. MARTINEZ: -- building. Yes. In the
16 front.

17 CHAIRMAN GARCIA: Today?

18 MR. MARTINEZ: Yes, they do. Unless it's
19 been taken down since I was last there.

20 CHAIRMAN GARCIA: No. Actually, because
21 this is a contradiction with the picture you
22 showed.

23 MS. GUTIERREZ: No balcony there.

24 MR. DIAZ: Yeah.

25 MS. GUTIERREZ: Miguel?

1 MR. DIAZ: Well --

2 MS. GUTIERREZ: There's no balcony there.

3 MR. DIAZ: There's no balcony on that one.

4 There is -- there used to be a --

5 MR. MARTINEZ: I --

6 MR. DIAZ: -- balcony on the --

7 MR. MARTINEZ: -- saw a balcony.

8 MR. DIAZ: -- other one.

9 CHAIRMAN GARCIA: Okay. But which one is
10 the current picture? I mean --

11 MR. DIAZ: I believe the first one is the
12 more current of the two.

13 CHAIRMAN GARCIA: This one?

14 Is your -- is your client here?

15 MR. DIAZ: Yes, he is.

16 CHAIRMAN GARCIA: Can he come up front?

17 MR. DIAZ: Sure.

18 Mr. Navis?

19 MS. DILLON: Sir, right in front of the
20 microphone.

21 Right there.

22 MR. DIAZ: Could you give your name?

23 MR. JOSHI: Navis Joshi, last name --

24 MS. DILLON: I'm sorry?

25 MR. JOSHI: Navis, last name is Joshi,

1 J-O-S-H-I.

2 MS. DILLON: Okay. Raise your right hand.

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

5 MR. JOSHI: I do.

6 MS. DILLON: Okay. Keep your voice up, so
7 we can hear you.

8 MR. DIAZ: Mr. Joshi, are you the owner of
9 the property --

10 MR. JOSHI: Yes.

11 MR. DIAZ: -- that's being presented before
12 the Board?

13 MR. JOSHI: Yes, sir.

14 MR. DIAZ: Yes.

15 Some questions are going to be asked of you
16 here.

17 CHAIRMAN GARCIA: Okay. Which one is the
18 most current picture?

19 MR. JOSHI: The (indiscernible) -- current,
20 this one --

21 CHAIRMAN GARCIA: This one.

22 MR. JOSHI: -- (indiscernible) three right
23 there.

24 CHAIRMAN GARCIA: So, no more balcony
25 anymore?

1 MR. JOSHI: There's no balcony right now.

2 CHAIRMAN GARCIA: Okay. When did you
3 purchase this property?

4 How long you been with that property?

5 MR. JOSHI: Almost 30 years.

6 CHAIRMAN GARCIA: Thirty years? Okay.
7 Okay.

8 I have no further question for now.

9 Okay. I have no further question for now.

10 You could sit. You can go. He can sit.

11 MR. DIAZ: Um hum. Okay.

12 CHAIRMAN GARCIA: When I -- if I need him
13 back, okay.

14 MR. JOSHI: Thank you very much.

15 CHAIRMAN GARCIA: No, thank you.

16 Also, Mr. Martinez, since he's the
17 architect, I think have to go to apartment.

18 Can you -- can you go through the -- I know
19 that the testimony was -- Mr. Izquierdo was who
20 testified about the layout and about the size of
21 the units, however, Mr. Martinez is the
22 architect.

23 Mr. Martinez, can you go through the layout
24 of the units? Can you tell me the -- the size of
25 the bedrooms?

1 MR. MARTINEZ: Yes. I will be happy to do
2 that.

3 CHAIRMAN GARCIA: Please.

4 MR. MARTINEZ: Again, the main entrance --
5 I'm referring to sheet Z-2, the main entrance is
6 from 6th Street here.

7 You come in, in the center of the building.
8 We have a -- a staircase. There will be a lobby
9 here, with mailboxes, et cetera.

10 And if you are going to apartment number 1,
11 make a left hand turn. This is the front
12 entrance.

13 There is a living room, kitchen area. Walk
14 down the hallway, there is an accessible
15 bathroom, and then two accessible bedrooms.

16 And if we start with the rear bedroom, that
17 bedroom is approximately 18 foot -- 12 foot wide
18 by 17.9. There's a closet in that bedroom.

19 The smaller bedroom is approximately ten
20 foot three by 11.5 wide.

21 And then, again, your accessible bathroom,
22 accessible kitchen, and living room area.

23 The apartment to the front, or apartment
24 number 2 is exactly the same, or as we refer to
25 it, as a mirror image of the rear apartment.

1 You would then proceed up to the second
2 floor.

3 And again, the second and third floor are
4 exactly the same. They're carbon copies of each
5 other.

6 The layout is very similar, except that the
7 bathroom is not handicap accessible, therefore,
8 the kitchens are a little bit larger, and they
9 become a -- a galley-type kitchen, with a sink,
10 stove, refrigerator across from each other.

11 And that kitchen is approximately nine feet
12 by eight feet wide.

13 And again, two bedrooms exactly the same
14 size as the bedrooms on the lower floor. That
15 would mirror image to the front.

16 And the third floor would be exactly the
17 same. You come out into a common hallway, and
18 then the stairs, again.

19 CHAIRMAN GARCIA: Can you give me the size
20 of the parking? Of the three parking spaces?

21 MR. MARTINEZ: Yes.

22 Those parking spaces would be nine by 19.

23 CHAIRMAN GARCIA: By 19. There's three of
24 them?

25 MR. MARTINEZ: Yes.

1 CHAIRMAN GARCIA: Okay.

2 Mr. Izquierdo, you mentioned that the
3 application is maintaining the same pattern of
4 the --

5 MR. IZQUIERDO: Same variances. Identical
6 set of variances.

7 CHAIRMAN GARCIA: That --

8 MR. IZQUIERDO: Yes.

9 CHAIRMAN GARCIA: No, but I'm saying is the
10 same pattern of the -- of the adjacent property
11 in the south.

12 MR. IZQUIERDO: Yeah.

13 CHAIRMAN GARCIA: Right?

14 The whole block is more -- just probably
15 the corner building is the only one that is not
16 --

17 MR. IZQUIERDO: Exactly.

18 CHAIRMAN GARCIA: Right.

19 MR. IZQUIERDO: Lot 24 goes all the way to
20 the front yard, so it has a front yard of zero.

21 All of these houses, from 23 to 50,
22 actually, nine houses.

23 CHAIRMAN GARCIA: Okay.

24 MR. IZQUIERDO: They're -- they're all 29
25 feet set back in the front.

1 CHAIRMAN GARCIA: Okay.

2 MR. IZQUIERDO: So, what I mentioned with
3 the parking spaces, was one of the suggestions
4 that I had, I know Mr. Martinez has the duty to
5 provide parking, but instead of having these
6 parking spaces on this corner, and having them
7 try to put the curb cuts and everything, have
8 some nice trees.

9 And if anything, just have one parking
10 space for the handicapped, just one, accessible
11 from 6th Street. And these two parking spaces, 2
12 and 3, just put some green. Put up a -- a tree,
13 a big tree, not little trees. A big tree, a
14 maple.

15 Yeah. To be there for a long time. To
16 make it a residential area, because otherwise,
17 it's almost -- it's all paved in the front.

18 So, but I mean that -- that would
19 exacerbate the number of parking variances.

20 CHAIRMAN GARCIA: In the block of 6th
21 Street, between New York and Palisade Avenue,
22 what kind of houses are there?

23 I mean, is what? Buildings, three family
24 houses or --

25 MR. IZQUIERDO: All of the ones here facing

1 on Palisade Avenue, they're all two, three and
2 four family houses.

3 This here is a -- is a commercial
4 industrial, some sort of a garage or something.

5 I have my notes here.

6 This is a multi-family building on Lots 11
7 and 12, that has more than 16 units.

8 And these are all two and four family
9 houses. This is a multi-family. That is a
10 multi-family.

11 So, it's like bookends, in terms of the
12 use, not in terms of the physical construction.

13 CHAIRMAN GARCIA: I don't know if you did
14 the due diligence -- if you did the due diligence
15 for the other units, similar units --

16 MR. IZQUIERDO: Yes.

17 CHAIRMAN GARCIA: -- in the south.

18 How many -- how many apartment each unit
19 has, that -- like 518, 516 --

20 MR. IZQUIERDO: Give me one second.

21 CHAIRMAN GARCIA: -- 514 New York Avenue?

22 MR. IZQUIERDO: On New York Avenue?

23 CHAIRMAN GARCIA: You have any idea? What
24 is next -- the south of the application? They
25 are similar unit.

1 MR. IZQUIERDO: Which ones?

2 CHAIRMAN GARCIA: You know, this is 520,
3 right?

4 MR. IZQUIERDO: Yes.

5 CHAIRMAN GARCIA: So, the --

6 MR. IZQUIERDO: That's the last one on New
7 York -- on New York Avenue.

8 CHAIRMAN GARCIA: That's what I'm saying.
9 New York Avenue between 5 and 6.

10 MR. IZQUIERDO: Yes.

11 CHAIRMAN GARCIA: In the east side, that
12 you have the similar houses.

13 MR. IZQUIERDO: They're all two and three
14 families.

15 CHAIRMAN GARCIA: Two and three?

16 MR. IZQUIERDO: Yeah. They're all two and
17 three families.

18 It's only the one -- the one on the -- on
19 the corner, these are all -- I have them all
20 here.

21 This is a three story square house. These
22 are all three apartments, three stories, and
23 they're all identical.

24 These are all also three -- three -- two
25 and a half stories, three stories, three units,

1 identical.

2 This is all commercial industrial.

3 Actually, Salem and Sons Bakery. That's his
4 parking lot. That's parking. That's open
5 construction.

6 I don't know what they're building there.

7 So, yeah. This is a garage. This is a
8 five and a half story. This is 43 units, that's
9 two units, that's two units.

10 CHAIRMAN GARCIA: Okay.

11 MR. GRULLON: Mr. Izquierdo, on Lot 24, how
12 many families is there?

13 MR. IZQUIERDO: I don't have that -- I
14 don't have that here, but it's more than six.
15 It's more than six.

16 It has a commercial on the ground floor and
17 it has apartments up on the top.

18 And being that this is -- actually, I have
19 the -- stories. Hold on.

20 No. That is also actually three stories.
21 So, it can't -- it can't be --

22 MS. DILLON: Wait until you come back, Mr.
23 Izquierdo, please.

24 MR. IZQUIERDO: I'm sorry.

25 It can't be any more than four or six,

1 | because it's only three stories and the first
2 | floor is commercial.

3 | MR. GRULLON: I have a question regarding
4 | to the -- to the curb cut for the parking.

5 | How big is the curb cut -- and New York
6 | Avenue?

7 | MR. MARTINEZ: Yes.

8 | MR. GRULLON: Right now, no?

9 | MR. MARTINEZ: That curb cut would have to
10 | be ten feet, 12 feet.

11 | MR. GRULLON: And they just -- they just
12 | did that sidewalk recently, no?

13 | MR. IZQUIERDO: Anything that the owner
14 | does has to -- they have to replace it to what
15 | exactly is there.

16 | MR. MARTINEZ: Yes.

17 | CHAIRMAN GARCIA: Yeah. It's in a
18 | Resolution -- a new --

19 | MR. DIAZ: Ordinance.

20 | MS. GUTIERREZ: Ordinance.

21 | CHAIRMAN GARCIA: -- Ordinance.

22 | MR. ISA: Yeah.

23 | MR. IZQUIERDO: Yeah.

24 | MR. DIAZ: One alternative is that the
25 | parking, if it stays, the area has parking, could

1 all exit out through 5th Street, rather than --
2 than Pal -- than New York Avenue.

3 And that way it would not disturb the new
4 sidewalk.

5 That's an alternative.

6 CHAIRMAN GARCIA: You mean the 6th Street,
7 not 5th.

8 MR. DIAZ: I'm sorry.

9 CHAIRMAN GARCIA: Sixth.

10 MR. DIAZ: Sixth Street. Right. Rather
11 than New York Avenue.

12 CHAIRMAN GARCIA: Any other question?

13 I'm going to open to the public, then I'm
14 going to have few more questions.

15 Any member --

16 MR. DIAZ: Before you do that, I have found
17 in my records the registration from the
18 Department of Community Affairs.

19 This goes back to a payment of 1992, and a
20 date of 1998, and it shows seven units.

21 So, again -- you know, you have this
22 contradiction going back and forth, how many
23 units exist -- existed in the past, and for how
24 long.

25 CHAIRMAN GARCIA: Any member of the public

1 want to step forward?

2 Yes, Mr. Price?

3 MS. DILLON: Mr. Price, please raise your
4 right hand.

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

7 MR. PRICE: I do.

8 MS. DILLON: Please state your name and
9 address for the record.

10 MR. PRICE: Larry Price, 1006 Palisade
11 Avenue.

12 MS. DILLON: Thank you.

13 MR. PRICE: First one question, then I have
14 a couple comments about this building.

15 Mr. Martinez, right now, there are
16 entrances to the building on New York Avenue.

17 Correct?

18 MR. MARTINEZ: I believe there's one
19 entrance to one of the units. Yes.

20 MR. PRICE: If you go up -- yeah. There
21 are stairs on --

22 MR. MARTINEZ: There are stairs and a
23 balcony that I can remember when I was there to
24 measure. Yes.

25 MR. PRICE: Okay. If this goes through,

1 then, all -- the stairs will be eliminated.

2 MR. MARTINEZ: Correct.

3 MR. PRICE: The balcony will not be.

4 MR. MARTINEZ: No.

5 MR. PRICE: And the entrance will be
6 through the lobby on 6th Street.

7 Correct?

8 MR. MARTINEZ: Yes. Correct.

9 MR. PRICE: Okay. Okay.

10 I'll make -- I don't usually comment about
11 applications, but I'm going to comment about this
12 one.

13 This block -- this building site is
14 approximately five blocks from where I have lived
15 since 1968.

16 There were some earlier comments about --
17 you know, according to the Building Department,
18 this is only a two unit building.

19 That can't be right.

20 Well, we all know what memory does over a
21 period of 40 years, but my memory from the period
22 of 1968 through 1974 was this was, in fact, a two
23 unit building, which has been added onto and
24 added onto.

25 A very good question to Mr. Joshi might be,

1 | you bought it 30 years ago, how many units were
2 | there then?

3 | Okay. In any case, it's a -- it's a two
4 | unit building. It's got seven units in it.

5 | You know what I mean? Unfortunately, it is
6 | too often the story in -- in Union City.

7 | And I think, unfortunately, this Board is
8 | being asked to sort of make up for the
9 | shortcomings of the Building Department, which
10 | should never have allowed seven units in this
11 | building.

12 | The place is a major eyesore. Basically,
13 | the applicant here needs a D-1 use variance,
14 | because he's going from a two unit building to a
15 | six unit building, which is not a permitted use
16 | in the zone.

17 | And I didn't hear any testimony about a D-1
18 | use variance.

19 | On the other hand, if I were in your
20 | position, I would probably approve this
21 | application because it is a major dump.

22 | And this would improve -- you know, improve
23 | it.

24 | But you're being put in a very awkward
25 | position, because you're being asked to approve

1 an application that shouldn't be approved, in
2 order to make up for the shortcomings of the
3 Building Department.

4 It's a -- it's a Hobson's choice. It's a
5 dilemma.

6 I leave that in your good hands. I'm not a
7 Board member, so I don't have to -- but that's --
8 that's the problem.

9 It is -- you got one of the lesser of two
10 evils in your hands.

11 Thank you.

12 MS. GUTIERREZ: Thank you.

13 CHAIRMAN GARCIA: Any other member of the
14 public want to step forward?

15 Okay. Closed to the public.

16 I have more than one, more than two, more
17 than three, more than four concern.

18 The reason that I ask you -- the applicant
19 to come in front, and I asked him, in front of
20 everybody, for how long he owns the property, is
21 because -- I mean, one of the reasons I
22 understand that you need to live in the -- in the
23 town to serve on the Board, is because you have
24 to care about the town.

25 I mean, for how many years that property

1 | been dilapidated, in the situation that it is
2 | right now?

3 | I mean, it's a sin. I mean, I walk through
4 | there, walking, I walk through there at least
5 | twice a year. At least twice a year. It's not
6 | too much, but in 15 years that I have lived in
7 | here, I've been there at least 30 times.

8 | And I'm -- and for me, as a resident of
9 | Union City, this is disrespect to see a property
10 | like that.

11 | MR. DIAZ: You probably --

12 | CHAIRMAN GARCIA: I don't know about -- I
13 | don't know about the people who live around
14 | there.

15 | MR. DIAZ: You're probably cross the
16 | street, rather than walk in front of it, I --

17 | CHAIRMAN GARCIA: Yeah.

18 | MR. DIAZ: -- am sure.

19 | CHAIRMAN GARCIA: Yeah.

20 | Also, with all due respect, Mr. Martinez, I
21 | mean, whatever you put on paper is white or is
22 | black. Or is black or it is white.

23 | If you have an entry in front, or if you
24 | don't have it; or you have balcony, or you don't
25 | have balcony.

1 You know what I mean? Especially that you
2 are an architect and you signed the plans,
3 because you have the authority to sign the plans,
4 because you already went to school, you are
5 certified, you have your license, and you went
6 there.

7 Also, I think is -- the application is a
8 little bit greedy, is going from two to seven,
9 next to property that only have two or three.

10 I know that going east, to Palisade Avenue,
11 you have a structure that are way, way bigger
12 than that one, because from two or seven to forty
13 something, is at least four, five times more
14 larger than this application.

15 However, whatever you have for the same
16 reason that the testimony said that they don't
17 going to take it front, because they want to
18 continue the same whatever -- same formality,
19 same pattern, same whatever that you have on New
20 York Avenue, I think that also the applicant has
21 the chance right now to fix the house, give it a
22 real -- not thinking about greedy, thinking about
23 to -- if you're thinking don't take the front --
24 you know the front -- the front setback, thinking
25 to keep it the same way as the other one -- I

1 mean, keep it the same one. Why two -- why from
2 two to six? Not two to four?

3 I mean, I think that's my opinion. Okay.

4 I probably want to listen, Mr. Grullon
5 opinion, or Mr. Pressey opinion.

6 I mean, this is only my opinion as a
7 resident of Union City.

8 MR. DIAZ: Chairman, I think you have
9 pointed out a good point.

10 I will speak to Mr. Joshi. If you give me
11 four minutes, five minutes, I will convey what I
12 think is a wise message. And --

13 CHAIRMAN GARCIA: And also, going to make
14 another opinion. I'm going to -- another -- I'm
15 going to make another comment.

16 Mr. Izquierdo, you know the Board's with
17 the balcony.

18 MR. IZQUIERDO: Yes.

19 CHAIRMAN GARCIA: I know that you weren't
20 the architect.

21 However, you work together with an
22 architect.

23 Plus, none of the houses up front -- none
24 of the houses there --

25 MS. GUTIERREZ: Have balcony.

1 CHAIRMAN GARCIA: -- in that block --

2 MS. GUTIERREZ: Have balcony.

3 CHAIRMAN GARCIA: -- have balcony.

4 MR. IZQUIERDO: I know the --

5 CHAIRMAN GARCIA: However --

6 MR. IZQUIERDO: Yeah.

7 CHAIRMAN GARCIA: -- the testimony of the
8 architect said that they're going to maintain
9 there -- the balcony, when they don't have
10 balcony.

11 MR. IZQUIERDO: I understand.

12 MS. GUTIERREZ: He doesn't have it.

13 CHAIRMAN GARCIA: Okay.

14 I'm going to make a -- I'm going to make a
15 motion to take five minute break.

16 Talk to your client. And then we'll come
17 back.

18 MR. IZQUIERDO: Thank you.

19 CHAIRMAN GARCIA: You're welcome.

20 Five minute break.

21 MR. ISA: Five minute break.

22 Off the record.

23

24 (Whereupon, the Board recessed from 8:18
25 p.m. to 8:23 p.m.)

1

2 MR. DIAZ: May we proceed?

3 THE SECRETARY: May I have your attention,
4 please?

5 MS. DILLON: Okay.

6 MR. ISA: Are we ready?

7 THE SECRETARY: We're going back to the
8 regular meeting.9 MR. DIAZ: Board members, I had a
10 conversation -- I had a conversation with the
11 applicant, and the architect will expound on
12 that.13 We would like to lower the -- bring down
14 the application to four. And to eliminate the
15 balconies.16 Mr. Martinez will explain how the -- the
17 design will be brought down, in order to stay
18 within the framework that we have presented.19 It will be an application for a four, with
20 no balconies.21 CHAIRMAN GARCIA: Do you think they have to
22 come back?

23 MR. ISA: Yeah. You -- I think --

24 Mr. Diaz?

25 MR. DIAZ: Um hum. It's the same -- you're

1 going to see that it's the same -- the same
2 footprint.

3 MR. ISA: Are the variances affected,
4 though?

5 I mean, is this going to have to come back?

6 MR. DIAZ: It's the same footprint. You're
7 going to see.

8 Mr. Martinez, we have just advised the
9 Board that the applicant is lowering the number
10 of units from six to four, eliminated the balcony
11 -- balconies.

12 Would you explain to the Board how
13 architecturally that will be addressed?

14 MR. MARTINEZ: Yes.

15 The building, as it exists today, will
16 remain the same. Of course not looking the way
17 it looks today, but we propose not to add the
18 rear addition, the two floors at the rear, the
19 second and third floor.

20 So, we would remove that. So, what you
21 would virtually see is a building that would be
22 renovated in its entirety.

23 These two units on the second and third
24 floor, and I'll show you on sheet Z-2, will be
25 eliminated.

1 So, in essence, we're eliminating two
2 units, and we would create four units.

3 The layouts would be very similar. The
4 brick -- the building would remain virtually the
5 same, except that we would eliminate the
6 balconies. So, we would have --

7 MR. DIAZ: And --

8 MR. MARTINEZ: -- the building -- the front
9 of the building would be re-pointed, the brick
10 would be sandblasted, we would add brick on the
11 side, and looking pretty much the same, if you
12 could just eliminate the balconies and renovate
13 the entire building.

14 So, the first floor would continue to have
15 two adaptable units. And then, the second and
16 third floor would each only have one unit.

17 MR. DIAZ: Mr. Martinez, and the --

18 MR. MARTINEZ: For a total of four.

19 MR. DIAZ: -- the building will be in the
20 same -- will have the same contour, pretty much,
21 as what exists now.

22 MR. MARTINEZ: It would --

23 MR. DIAZ: With the --

24 MR. MARTINEZ: -- physically -- the shell
25 of the building, or the -- the massing of the

1 building would be exactly what we see today.

2 MR. IZQUIERDO: No additional square feet.
3 Not one square foot additional.

4 MR. MARTINEZ: Yes.

5 If we were to drive there today, it's that
6 exact building, renovated and brought up to
7 today's standard, and -- and --

8 MR. DIAZ: With four units.

9 MR. MARTINEZ: Yes, with four units.

10 CHAIRMAN GARCIA: I'm going to ask you a
11 question.

12 MR. MARTINEZ: And three parking spaces.

13 CHAIRMAN GARCIA: I know that you're
14 reducing the units.

15 What about -- and I know that you still
16 have the issue with the parking.

17 Why we don't take part of Mr. Izquierdo
18 suggestion, and we could try to mitigate the
19 impact -- the traffic impact in New York Avenue,
20 and try to have the driveway through 6th --

21 I mean, two parking spaces through 6th
22 Street and close the -- take out the cut in New
23 York Avenue?

24 MR. DIAZ: And the one section of the
25 parking area, which is eliminated, make it green?

1 CHAIRMAN GARCIA: Right.

2 Just -- I'm not an architect. I'm just
3 asking.

4 MR. DIAZ: No, no, no.

5 CHAIRMAN GARCIA: I'm just giving a
6 suggestion.

7 MR. IZQUIERDO: I don't think we're allowed
8 to have a curb cut that close --

9 MS. DILLON: You have to come forward --

10 MR. IZQUIERDO: -- to the intersection.

11 MS. DILLON: -- Mr. Izquierdo, please.
12 Just come up to the mic.

13 MR. IZQUIERDO: If this -- if this parking
14 space remains, and your suggestion, to -- instead
15 of having two from New York Avenue, have two from
16 6th Street, --

17 MS. GUTIERREZ: Um hum.

18 MR. IZQUIERDO: -- I would -- I would
19 oppose to that, because I would have only one
20 from 6th Street.

21 I think even the second one from here is
22 too close to the intersection.

23 It will be dangerous to back up. There's
24 not enough visibility.

25 MR. DIAZ: Traffic-wise, Mr. Izquierdo --

1 Mr. Izquierdo Yes.

2 MR. DIAZ: -- you are --

3 MR. IZQUIERDO: Yes. Yes.

4 MR. DIAZ: -- you're alluding to.

5 MR. IZQUIERDO: So, if you're eliminating
6 one parking space, you would eliminate three, and
7 have this as garden -- have this one coming in,
8 and this one coming in.

9 CHAIRMAN GARCIA: What?

10 MR. IZQUIERDO: You would have one coming
11 in from 6th, and you would have two driving in
12 from New York Avenue. The corner would be free.
13 You would not have a car on the corner.

14 It's this one that is objectionable.
15 Number 3 is the one that is objectionable, in my
16 opinion.

17 CHAIRMAN GARCIA: So, the opinion is to
18 maintain one on 6 and one on New York Avenue?

19 MR. IZQUIERDO: Yes. One from 6th, being
20 number 1, and one from New York Avenue, being
21 number 2.

22 And number 3, which doesn't exist --

23 CHAIRMAN GARCIA: Yeah, but in this way --
24 I mean, also, you are not adding another parking
25 space in the street.

1 MR. IZQUIERDO: Oh, yeah.

2 CHAIRMAN GARCIA: Because you don't --
3 because you don't want to have any space to park
4 any car on the corner.

5 MR. IZQUIERDO: I understand. I
6 understand.

7 MR. DIAZ: Mr. Izquierdo, just as a
8 thought, maybe the alternative is what you
9 mentioned before, just to keep the application
10 with one parking spot, for handicap, on --
11 exiting out on to 6th Street, and the remainder of
12 the area, facing New York Avenue, to make it
13 green.

14 MR. IZQUIERDO: A big maple. A big maple
15 tree. They last and they're beautiful. Right
16 here.

17 Because from here or there, you have 200
18 feet of just the same, 30 feet of front yard.
19 And there are -- there are chain link fences and
20 there -- I mean, it's the house --

21 CHAIRMAN GARCIA: The sidewalk in New York
22 Avenue is really wide.

23 Right?

24 MR. IZQUIERDO: Yes. Yes, it is. Yes.

25 CHAIRMAN GARCIA: And if you add an extra

1 -- which one is the size of the parking space?

2 Nine by what?

3 MR. IZQUIERDO: Nine by 19.

4 CHAIRMAN GARCIA: So, if you add an extra
5 nine feet -- right?

6 MR. IZQUIERDO: Yes.

7 CHAIRMAN GARCIA: You have five for the
8 sidewalk, plus nine -- and how many feet you have
9 to be parked from the corner?

10 MR. MARTINEZ: Here's the survey.

11 Here's the survey.

12 Twenty-nine feet in the front, by 19.

13 MR. IZQUIERDO: I'm sorry. What was your
14 question, Mr. Garcia?

15 CHAIRMAN GARCIA: Okay.

16 The question --

17 MR. IZQUIERDO: How far --

18 CHAIRMAN GARCIA: -- how far could --

19 MR. IZQUIERDO: How far do they have to be
20 from --

21 CHAIRMAN GARCIA: Yeah.

22 MR. IZQUIERDO: -- the corner?

23 CHAIRMAN GARCIA: Because the only thing is
24 -- I mean, your idea, when I said move the two
25 parking in the -- the two entrance from 6th, the

1 only thing that you're doing is moving --

2 MR. IZQUIERDO: A problem from --

3 CHAIRMAN GARCIA: -- is the two exit from
4 New York to 6th.

5 MR. IZQUIERDO: Correct.

6 CHAIRMAN GARCIA: That's -- you have the
7 same impact.

8 MR. IZQUIERDO: Yes.

9 CHAIRMAN GARCIA: However, if you have it
10 in 6th Street, you only have one way --

11 MR. IZQUIERDO: Oh I --

12 CHAIRMAN GARCIA: -- to get out going east.

13 MR. IZQUIERDO: I understand what you're
14 saying, that the distance here is 19 --

15 CHAIRMAN GARCIA: Yes.

16 MR. IZQUIERDO: -- whereas the distance
17 here is nine.

18 CHAIRMAN GARCIA: Right.

19 MR. IZQUIERDO: Correct.

20 CHAIRMAN GARCIA: So -- it is -- I mean, I
21 think that the same impact that you have on New
22 York Avenue, the only thing you're doing is
23 moving to 6th Street.

24 MR. IZQUIERDO: You're absolutely --

25 CHAIRMAN GARCIA: And you mitigate --

1 MR. IZQUIERDO: You're absolutely right.

2 CHAIRMAN GARCIA: -- the impact.

3 MR. IZQUIERDO: Absolutely right.

4 CHAIRMAN GARCIA: Because whoever going to
5 come to park in that house, has to come -- have
6 to make a left, or right to 6th Street, and then
7 park.

8 MR. IZQUIERDO: Yes.

9 CHAIRMAN GARCIA: However, if I'm coming
10 and I'm going to park through New York Avenue,
11 coming south, then I have -- after the traffic
12 light, I stop and then make a left.

13 MR. IZQUIERDO: Yes, onto 6th.

14 CHAIRMAN GARCIA: So if I take out that
15 parking -- that entry, then I have to make a
16 left, and then make a right, right away, and I
17 don't -- I --

18 MR. IZQUIERDO: It's not dangerously --

19 CHAIRMAN GARCIA: It's no --

20 Right.

21 MR. IZQUIERDO: -- close to the
22 intersection.

23 CHAIRMAN GARCIA: Right.

24 MR. IZQUIERDO: Yes.

25 CHAIRMAN GARCIA: That's my point.

1 MR. IZQUIERDO: So, what you're saying is,
2 1 and 2 would be adjacent to each other,
3 accessible from 6th Street --

4 CHAIRMAN GARCIA: I --

5 MR. IZQUIERDO: -- so that, from New York
6 Avenue, you can just swing in.

7 MS. GUTIERREZ: Yeah.

8 MR. IZQUIERDO: Or from Palisade, going
9 south, you can just swing in.

10 CHAIRMAN GARCIA: Right.

11 And then, you put -- what you have to do is
12 the green area, you put it by --

13 MR. IZQUIERDO: Ten by 19.

14 CHAIRMAN GARCIA: To there. To the -- to
15 the --

16 MR. IZQUIERDO: All along New York Avenue.

17 CHAIRMAN GARCIA: Right. Along New York
18 Avenue.

19 MR. IZQUIERDO: You would have 200 square
20 feet.

21 CHAIRMAN GARCIA: So you're going to have
22 the --

23 MR. IZQUIERDO: Ten by 19.

24 CHAIRMAN GARCIA: -- parking spaces between
25 the building and the green area.

1 MR. IZQUIERDO: Exactly.

2 CHAIRMAN GARCIA: That's my point.

3 MR. IZQUIERDO: Yeah. Exactly.

4 So, since this is 29 feet seven inches, and
5 that is nine feet, and this has to be nine and
6 nine, 18, this is 11.7 by 19 feet one inch.

7 It's a nice landscape island, and I think
8 it's -- I think it's going to be very nice for
9 the -- for those -- for the neighborhood, and
10 it's enough to sustain a nice tree.

11 MR. DIAZ: Maple.

12 MR. IZQUIERDO: A maple tree is very
13 veritable. I mean, those callery pears, they're
14 dying all over the state.

15 CHAIRMAN GARCIA: I have no -- do you have
16 any question?

17 MS. GUTIERREZ: Uh huh.

18 CHAIRMAN GARCIA: You want to -- my
19 recommendation going to be adjourn this
20 application for next month.

21 We could have the Resolution done for next
22 meeting, because either way, you're not going to
23 have the Resolution adopted today.

24 Bring the plan and we have -- we call for
25 vote on next meeting.

1 MR. DIAZ: Looking at the plans, you can --

2 CHAIRMAN GARCIA: Are you okay?

3 MR. DIAZ: -- you can take a --

4 CHAIRMAN GARCIA: Look at the plans? Yeah.

5 MR. DIAZ: -- much better vote.

6 CHAIRMAN GARCIA: Better vote.

7 MR. DIAZ: Understood.

8 CHAIRMAN GARCIA: Okay.

9 MR. DIAZ: Understood.

10 MR. IZQUIERDO: Excellent.

11 Thank you.

12 CHAIRMAN GARCIA: So, I make my motion to
13 adjourn this application for December meeting.

14 THE SECRETARY: Motion to --

15 MS. GUTIERREZ: I'm seconding.

16 CHAIRMAN GARCIA: Just for vote.

17 THE SECRETARY: -- adjourn the application
18 for the next meeting by Andres Garcia.

19 Second by Margarita Gutierrez.

20 Roll call.

21 Andres Garcia?

22 CHAIRMAN GARCIA: Yes.

23 Mr. Diaz?

24 THE SECRETARY: Victor Grullon?

25 MR. GRULLON: Yes.

1 THE SECRETARY: Margarita Gutierrez?

2 MS. GUTIERREZ: Yes.

3 CHAIRMAN GARCIA: Mr. Diaz?

4 MR. DIAZ: Yes?

5 THE SECRETARY: Miguel Ortiz?

6 MR. ORTIZ: Yes.

7 MR. DIAZ: And the other one, if I could --

8 MR. ISA: Which one?

9 THE SECRETARY: David Pressey?

10 MR. PRESSEY: Yes.

11 MR. DIAZ: The one that I show the --

12 MS. GUTIERREZ: What date on December?

13 MR. DIAZ: The one that I had --

14 CHAIRMAN GARCIA: I think it is 11.

15 Eleven.

16 THE SECRETARY: December 11. For December
17 11. Motion carries.

18 MS. DILLON: No new notices.

19 THE SECRETARY: No further notices
20 required.

21 MR. ISA: Yeah. Well, Carlos, let's call
22 --

23 THE SECRETARY: Yeah. We are going to
24 change the order --

25 MR. ISA: No. Hold on a second. Hold on a

1 second.

2 THE SECRETARY: Go ahead.

3 CHAIRMAN GARCIA: One second.

4 MR. ISA: We're going to call up 4614 and
5 Sip Inka, so they can do their adjournments.
6 That way the clients --

7 THE SECRETARY: Wait. Wait.

8 MR. ISA: -- doesn't have to stick around.

9 THE SECRETARY: 46?

10 MR. SPATZ: Right. Right, --

11 MR. ISA: But let's wait for --

12 MR. SPATZ: -- 4614 Kennedy.

13 THE SECRETARY: Okay.

14 MR. ISA: Let's just finish with this one.

15 MR. DIAZ: December is what date?

16 MS. DILLON: The 11th.

17 MR. SPATZ: The 11th.

18 CHAIRMAN GARCIA: Mr. Izquierdo?

19 MS. GUTIERREZ: Mr. Izquierdo?

20

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

23 * * *

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1 **4614 Kennedy Boulevard, LLC - 4614 Kennedy**
2 **Boulevard:**

3
4 THE SECRETARY: Next application on
5 tonight's meeting --

6 MR. ISA: 4614 Kennedy Boulevard, LLC.

7 THE SECRETARY: -- 4614 Kennedy Boulevard,
8 Association -- LLC.

9 Mrs. Pereiras?

10 MS. PEREIRAS: Just an adjournment. It's
11 really fast.

12 MR. ISA: No. Just adjourning it.

13 MS. PEREIRAS: Good evening, members of the
14 Board.

15 Bianca Pereiras, on behalf of 4614 Kennedy
16 Boulevard.

17 Members of the Board, I believe the Board
18 had hired a professional to do a traffic report
19 on this matter.

20 I was just afforded a copy of that report.
21 I'd like to have an opportunity to review said
22 report with our expert traffic consultant.

23 So, if the Board would be so kind to have
24 this matter adjourned until next month so that we
25 can address your concerns.

1 CHAIRMAN GARCIA: Okay.

2 MS. PEREIRAS: Thank you.

3 MS. GUTIERREZ: No problem.

4 CHAIRMAN GARCIA: I make my motion to
5 adjourn this application for December 11, --

6 MS. PEREIRAS: Fantastic.

7 CHAIRMAN GARCIA: -- 2014.

8 THE SECRETARY: Motion to adjourn the
9 application for December 11 by Chairman Garcia.

10 Second by?

11 MR. GRULLON: Second.

12 THE SECRETARY: Mr. Grullon.

13 Roll call.

14 Andres Garcia, to adjourn?

15 CHAIRMAN GARCIA: Yes.

16 THE SECRETARY: Victor Grullon?

17 MR. GRULLON: Yes.

18 THE SECRETARY: Margarita Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Miguel Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: David Pressey?

23 MR. PRESSEY: Yes.

24 THE SECRETARY: John Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Motion carries.

2 MS. PEREIRAS: Thank you very much.

3 MS. DILLON: No further notice.

4 MR. ISA: And no further notices.

5 THE SECRETARY: No further notice required.

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1 **Sip Inka, LLC -**

2 **717-719 Sip Street, 718-720 31st Street:**

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4 MR. ISA: All right. Now Sip Inka.

5 Call Sip Inka.

6 THE SECRETARY: The next application on

7 tonight's meeting, we are going to go to 5?

8 MR. ISA: Sip Inka.

9 MR. SPATZ: No, no. This one.

10 THE SECRETARY: Which one?

11 MR. SPATZ: This one. Sip Inka.

12 THE SECRETARY: Okay. The next application

13 on tonight's meeting is Sip Inka, LLC, 717-719

14 Sip Street --

15 MS. PEREIRAS: Again, Bianca --

16 THE SECRETARY: -- 718-720 31st Street.

17 Mrs. Pereiras?

18 MS. PEREIRAS: Thank you.

19 Again, Bianca Pereiras on behalf of Sip

20 Inka, LLC.

21 We're also requesting an adjournment on

22 this matter.

23 Our planner, in this case, is celebrating

24 the birth of his grandson out in California, so

25 he was unable to attend tonight's meeting.

1 MS. GUTIERREZ: Why he inviting us?

2 MS. PEREIRAS: Yes.

3 MS. GUTIERREZ: He should be inviting us.

4 MS. PEREIRAS: So, if we could adjourn this
5 matter --

6 CHAIRMAN GARCIA: Yeah. Why he didn't
7 invite me?

8 MS. PEREIRAS: -- until December 11th.

9 CHAIRMAN GARCIA: I was there this morning.

10 MS. PEREIRAS: Really? Were you?

11 CHAIRMAN GARCIA: Okay, yes. I make my
12 motion to adjourn this application.

13 MS. PEREIRAS: Thank you very much.

14 MS. GUTIERREZ: I'm seconding.

15 THE SECRETARY: Motion to adjourn the
16 application by Chairman Garcia.

17 Second by Margarita Gutierrez.

18 Roll call.

19 Andres Garcia?

20 CHAIRMAN GARCIA: Yes.

21 THE SECRETARY: Victor Grullon?

22 MR. GRULLON: Yes.

23 THE SECRETARY: Margarita Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Miguel Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: David Pressey?

3 MR. PRESSEY: Yes.

4 THE SECRETARY: John Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Motion carries. No further
7 notice required.

8 MS. PEREIRAS: Fantastic.

9 Thank you, all, very much.

10 MR. ISA: Thank you.

11 MS. GUTIERREZ: Okay.

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1 **Alejandro Liriano - 219 48th Street:**

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3 MR. ISA: Okay. Now, Alejandro Liriano.

4 THE SECRETARY: Next application on

5 tonight's agenda is --

6 CHAIRMAN GARCIA: Alejandro Liriano.

7 THE SECRETARY: -- Alejandro Liriano --

8 MR. ISA: 219 48th Street.

9 THE SECRETARY: -- 219 48th Street.

10 Mr. Diaz, please?

11 MR. DIAZ: Yes.

12 Good evening, Board members.

13 Again, Luis Diaz for the applicant, 218

14 48th Street -- 219, I'm sorry -- Block 277, Lot

15 27.

16 Going to provide counsel with the documents
17 for jurisdiction.

18 MR. ISA: Mr. Chairman, members of the

19 Board, I received documents of notice.

20 Everything appears to be in order. The Board has
21 jurisdiction to proceed.

22 MR. DIAZ: I'm going to have one -- one
23 expert in this application, Mr. Izquierdo, who
24 will testify as an architect and as a planner.

25 The application before you, again, is

1 Alejandro Liriano. The owner of the property
2 who's here, 219 48th Street.

3 This is a property that's 25 by 97 and a
4 half feet long, three stories, in a CN.

5 This property came before the -- okay --
6 this property came before the Board -- the
7 Planning Board last year, back in October 22nd.

8 We requested for the Board to approve the
9 conversion of the existing ground floor space --

10 (Whereupon, Andres Garcia stepped out of
11 the meeting at 8:39 p.m.)

12 MR. DIAZ: -- which was used for -- as a
13 garage, to be used as a multi-service --

14 MR. IZQUIERDO: Personal service
15 establishment.

16 MR. DIAZ: -- personal service
17 establishment, multi-service.

18 Correct.

19 And it was approved, finally, by
20 Resolution, November 26, 2013.

21 What happened is that the Building
22 Department, after the plans were submitted and
23 the work done, found that in the rear of that
24 space, there was an existing apartment.

25 The existing apartment is not an allowable

1 use. That existing apartment was part of the
2 structure when it was built.

3 I know that these structures, and if you've
4 been in Union City long enough, they were built
5 back in the late '60s, early '70s.

6 Mr. Izquierdo will testify that he has been
7 seeing the -- the structure, and that it has not
8 been added to. It's original to the original
9 building.

10 We know that the Ordinance, in 2012, and
11 just making a statement, intended to direct the
12 -- the way that Union City will grow, will
13 develop.

14 But this Ordinance, that's now two years
15 old, could not address what was done previously;
16 30, 40, 50 years ago.

17 And that's the reason we are here because
18 this apartment existed back then. Even though
19 the Building Department does not have any
20 records, it was original to the structure.

21 Again, to have Mr. Izquierdo, could he be
22 sworn in?

23 Well, he was sworn in before. I believe
24 that that is good enough.

25 MR. IZQUIERDO: Still under oath.

1 MR. DIAZ: And that he be -- he be accepted
2 as an expert, both as an architect and as a
3 planner.

4 MR. IZQUIERDO: Yes.

5 Good evening, members of the Board.

6 I'm actually here representing --

7 (Whereupon, Chairman Andres Garcia returned
8 to the meeting at 8:41 p.m.)

9 MR. IZQUIERDO: -- the office of Jose
10 Carballo, who's the architect of record for this
11 application, was also the architect of record
12 when the garage was converted to a personal
13 service establishment.

14 This Board gains jurisdiction of this
15 application, because with the enactment of the
16 March 2012 Ordinance, this property was zoned
17 into nonconformity.

18 Actually, according to the old Ordinance,
19 what the old Ordinance wanted was three family
20 houses, along 48th Street. It was the R zone. And
21 all of these -- you see, this is 47th Street, this
22 is 48th Street, and this is 49th Street.

23 This being Hudson Avenue and this being
24 Palisade Avenue.

25 Everything along this side of Block 277,

1 | which is actually facing the Union City pool,
2 | Ronald Dario, and Union City Daycare. This all
3 | being into public ownership.

4 | These are all a beautiful row of two and
5 | three family houses, identical. It's a -- it's
6 | just all the same.

7 | The same roof, the same -- very, very nice
8 | strip.

9 | Same along the side here, on 49th Street.

10 | But what the master planners of the City
11 | determined was to take the strip from Hudson
12 | Avenue, all the way to Bergenline, along 48th
13 | Street, and turn it into the CN commercial
14 | neighborhood zone.

15 | In this zone, the only thing that is
16 | allowed on the ground floor is either a personal
17 | service establishment, or a cafeteria, a bar, a
18 | supermarket, a retail establishment. Not medical
19 | offices, that has to be on the upper floors.

20 | And the apartments have to be on the upper
21 | floors, as well.

22 | However, most of these houses here have no
23 | possibility of commercial space of the ground
24 | floor.

25 | So, what happens with all of these three

1 family houses, is that they have the third
2 apartment behind that garage, that was the three
3 family house with the garage.

4 In this specific instance, this is actually
5 the only house that is conforming to the new
6 Ordinance, in the sense in the Master Plan,
7 because it has already taken the garage and
8 converted it into a personal service
9 establishment, which is an allowed use by
10 Ordinance.

11 And the apartment in the back just happens
12 to exist, as it happens to exist in all of these.

13 Actually, the only properties that are
14 already in conformity with the Ordinance are
15 these, which have a commercial use on the ground
16 floor, with two apartments, not allowed. You
17 need to have four --

18 MR. DIAZ: You pointed --

19 MR. IZQUIERDO: -- by Ordinance.

20 MR. DIAZ: Mr. Izquierdo, you pointed to
21 the corner --

22 MR. IZQUIERDO: Of Hudson --

23 MR. DIAZ: -- of Hudson Avenue.

24 MR. IZQUIERDO: -- and -- and 48th.

25 You have commercial plus two. Not allowed.

1 Commercial plus seven. Commercial plus 14.

2 Commercial plus 14.

3 MR. DIAZ: That's three --

4 MR. IZQUIERDO: That's it.

5 MR. DIAZ: -- lots in the middle of the
6 block.

7 MR. IZQUIERDO: That's it.

8 MR. DIAZ: The remainder is all --

9 MR. IZQUIERDO: Nonconforming.

10 MR. DIAZ: Nonconforming.

11 MR. IZQUIERDO: Nonconforming, because you
12 have here 13 units, seven units, ten units, 26
13 units, ten units, 38, 16, 16, 12, four, and this
14 happens to be a three family house, with the
15 garage, converted into a personal service
16 establishment.

17 However, the front of this building allows
18 for three parking spaces.

19 So, actually, this property is the only one
20 in this neighborhood which, even though it might
21 appear to be baby steps, at least it's heading in
22 the direction that the master planners for the
23 City wanted to have on 48th Street, which was on
24 the ground floor, all commercial.

25 In this case, we have the third apartment

1 behind that commercial.

2 When you look at the plans by Jose
3 Carballo, on drawing A-1, you see that actually
4 the ground floor apartment has an area of 805
5 square feet. The existing office has 170 square
6 feet. And they all share a vestibule.

7 The existing office, which is the personal
8 service establishment, has an independent
9 entrance, which is actually a requirement of the
10 Zoning Ordinance.

11 In addition to the use, we have a variance
12 for lot area. We're required to have 2,500
13 square feet, and we're just shy of that being
14 2437.5. So, just 60 square feet less.

15 The lot width, we conform. The lot depth,
16 we have 97.5 feet. That is a C-1A variance,
17 also.

18 And the front yard required is zero feet,
19 and actually, we have 19 feet, because only these
20 three houses -- Lot 27, Lot 26, and Lot 28 are
21 set back, being almost like similar floor --
22 floor plan. They may have gotten a good bargain
23 from the architect.

24 So, they got the three -- you know, three
25 houses here. Very similar.

1 All of the other houses, they come right to
2 the front property line, which is a requirement
3 of zoning. They require zero feet.

4 Side yard.

5 We have side yards on -- on some sides.
6 We're not required to have any side yards on the
7 CN zone.

8 We conform to the building height, to the
9 building coverage. Is all existing, and so with
10 the lot.

11 In terms of the parking, we're required to
12 have three -- we have three, three bedroom
13 apartments, and each one is required to have 2.4
14 parking spaces, being 7.2.

15 The office does not need any parking
16 spaces. That's Note 4 of Parking Schedule I,
17 because our lot is 2500 square feet or less.

18 So, we're proposing to have three parking
19 spaces, and we're required to have seven.

20 The three parking spaces, actually, when
21 you go to the site, you see three in front of the
22 -- of the house, of the building, and one on the
23 apron.

24 So, according to RSIS, I would be allowed
25 to count four.

1 There is a municipal parking between 44 and
2 45th Street, on Bergenline Avenue, and there's
3 another one on -- between 47th and 48th Street, on
4 Bergenline.

5 And that is the area. And that is -- I
6 guess, 48th Street is going to be changing into
7 have a lot more commercial spaces on the ground
8 floor. But this is certainly a step in that
9 direction. And all we're asking is to legalize
10 an existing three family house that actually
11 conformed to the previous Ordinance.

12 MR. DIAZ: Mr. Izquierdo, just a number of
13 quick questions.

14 In your opinion, your experience, the --
15 this apartment that we're bringing before the
16 Board, is it original to the structure, when it
17 was first built?

18 In other words, was it add on later on, or
19 was it part of the -- the structure?

20 MR. IZQUIERDO: No, no, no. No. This
21 apartment existed.

22 What was added later were two bedrooms that
23 were added underneath that a deck that is on the
24 second floor.

25 Because what happens is, this is an owner

1 occupied three family house. And the personal
2 service establishment, which is actually
3 accounting and bookkeeping services done by Mr.
4 Liriano and his sister, they -- they both live in
5 the building.

6 So, it's not a rented space, and the
7 apartment, that third apartment is probably the
8 only one that they rent.

9 MR. DIAZ: And in your opinion, does the
10 property properly accommodates the -- the
11 apartment on the ground floor?

12 MR. IZQUIERDO: Yes, it does. Actually,
13 the apartment is very nicely sized. It has a
14 backyard. The backyard is landscaped. It has
15 three bedrooms. It's very, very comfortable.

16 It's an owner occupied three family house.
17 It's -- it's very well kept. It's not a --

18 MR. DIAZ: Could you give us your opinion,
19 quickly, with regard to transportation, and if
20 there is any conflict with regard to the
21 remaining structures in the neighborhood?

22 MR. IZQUIERDO: No. Absolutely. It's
23 compatible. And this actually -- this is the
24 existing use of the building. It's just a
25 legalization of something that the Building

1 Department records does not appear.

2 But nothing has to be done to this
3 apartment. It has the two means of egress. It
4 -- it complies with everything.

5 MR. DIAZ: And is there a means of
6 transportation that satisfy the -- the residents
7 of the area?

8 MR. IZQUIERDO: Yeah. Actually, I don't
9 have the bus routes with me, but there's a bus
10 stop here that -- that takes three bus --

11 MR. DIAZ: When you say here, could you
12 point it out?

13 MR. IZQUIERDO: At the corner -- I'm sorry
14 -- to 48th Street and Hudson Avenue being the
15 northwestern corner of that intersection, three
16 bus lines from New Jersey Transit, as well.

17 And we can be reminded, on 48th Street,
18 just a block away, we have the --

19 MS. GUTIERREZ: The rail.

20 MR. DIAZ: The rapid rail.

21 MR. IZQUIERDO: -- the rapid rail.

22 So, I mean, actually, this is the tunnel
23 for the rapid rail that goes underneath, and --
24 and the first stop that it has here in Union
25 City, is on 48th Street.

1 MR. DIAZ: And Bergenline Avenue's --

2 MR. IZQUIERDO: Yes.

3 MR. DIAZ: -- a block and a half, two
4 blocks away, which also has a number of public
5 transportation.

6 MR. IZQUIERDO: Oh, yeah. And the jitney
7 buses, and everything.

8 But what happens to -- the zoning of 48th
9 Street has become identical to the one on
10 Bergenline Avenue, and identical to the one on
11 New York Avenue.

12 But what happens is, the development on
13 48th Street is not the same as Bergenline Avenue.

14 So in order for the -- to enact this in the
15 Master Plan, it's going to take some time for 48th
16 Street to change into Bergenline Avenue.

17 MR. DIAZ: I have no more questions at this
18 time.

19 CHAIRMAN GARCIA: Do you have another --

20 MR. DIAZ: No.

21 CHAIRMAN GARCIA: -- witness?

22 Mr. Izquierdo, what is the -- that
23 apartment is current occupied?

24 MR. IZQUIERDO: Yes.

25 CHAIRMAN GARCIA: By the -- that's the only

1 one that is rented. That's what you said?

2 MR. IZQUIERDO: Yeah. Yeah.

3 MR. DIAZ: The owner is here, Mr. Liriano,
4 if you would like to ask him and he'll give you
5 the -- the actual answer.

6 Mr. Liriano, could you come forward,
7 please?

8 Could you give your name, please?

9 MR. LIRIANO: Yes.

10 My name is Alejandro Liriano.

11 MR. DIAZ: Could you --

12 MS. DILLON: Sir --

13 MR. DIAZ: -- raise your hand?

14 MS. DILLON: -- raise your right hand.

15 MR. DIAZ: Right hand.

16 MS. DILLON: Do you affirm the testimony
17 you're about to give this Board is the whole
18 truth?

19 MR. LIRIANO: Yes, I do.

20 MS. DILLON: Thank you.

21 MR. DIAZ: And you're the owner of the
22 property, 219 48th Street, before the Board?

23 MR. LIRIANO: Yes, I am.

24 CHAIRMAN GARCIA: Since when are you the
25 owner of that?

1 MR. LIRIANO: Since '96.

2 CHAIRMAN GARCIA: '96?

3 When you purchased the house, that unit was
4 there, or you --

5 MR. LIRIANO: It was just exactly the way
6 it --

7 CHAIRMAN GARCIA: Exactly --

8 MR. LIRIANO: -- was.

9 Yes.

10 CHAIRMAN GARCIA: -- the way it is?

11 And currently, like Mr. Izquierdo
12 mentioned, is family occupied. So, you live in
13 the first floor, or second floor?

14 MR. LIRIANO: I live on the first floor,
15 the ground floor.

16 CHAIRMAN GARCIA: In -- oh, so you live
17 there?

18 MR. LIRIANO: Yeah. Yes.

19 CHAIRMAN GARCIA: In that apartment?

20 MR. LIRIANO: Yes, sir.

21 CHAIRMAN GARCIA: In the one that you are
22 legalizing?

23 MR. LIRIANO: Yes, I am.

24 CHAIRMAN GARCIA: This is the one you're
25 legalizing?

1 MR. IZQUIERDO: Yes. Yes. The third one.

2 Yeah. Yeah.

3 CHAIRMAN GARCIA: Okay. Okay.

4 And basically, that's your business.

5 MR. LIRIANO: Yes. It's -- it is.

6 CHAIRMAN GARCIA: It is.

7 MR. LIRIANO: Yes, my sister and mine.

8 CHAIRMAN GARCIA: Okay.

9 Okay. And like you mentioned before, like
10 your answer was that you have -- you maintain
11 your house exactly the same way that you bought
12 it.

13 MR. LIRIANO: Well, I have been -- I have
14 done -- you know, just --

15 CHAIRMAN GARCIA: I know, retouching --

16 MR. LIRIANO: -- cosmetic and all that to
17 maintain -- you know, a nice and -- you know, and
18 looking good. I didn't do --

19 CHAIRMAN GARCIA: You never did any
20 structural change. So, you never change a wall?
21 You never --

22 MR. LIRIANO: No, no. Never.

23 MR. DIAZ: Mr. Liriano, I think that the
24 question addresses whether you have expanded --

25 MR. IZQUIERDO: The house.

1 MR. LIRIANO: Oh, oh.

2 MR. DIAZ: -- the house --

3 MR. LIRIANO: Oh. Oh, okay.

4 MR. DIAZ: -- in any means --

5 MR. LIRIANO: Yes. Yes.

6 MR. DIAZ: -- at all?

7 MR. LIRIANO: Yes. Yes.

8 In the back -- there was a backyard. The
9 backyard, I added two -- two rooms in the back.

10 MR. IZQUIERDO: With a deck.

11 MR. LIRIANO: With a deck on top. Yes.

12 MR. IZQUIERDO: Yes.

13 MR. LIRIANO: Yeah.

14 CHAIRMAN GARCIA: Okay. So, those two room
15 --

16 MR. LIRIANO: Yeah.

17 CHAIRMAN GARCIA: -- and the deck.

18 MR. LIRIANO: And the deck. Yeah.

19 CHAIRMAN GARCIA: Okay.

20 MR. LIRIANO: Which it has emergency exit
21 through the third floor, second floor, going down
22 to --

23 MR. IZQUIERDO: Yeah. To the back.

24 MR. LIRIANO: -- to the back.

25 CHAIRMAN GARCIA: Okay. Okay.

1 And the whole building is in entire
2 occupied.

3 MR. LIRIANO: Yes. Entire occupied.

4 CHAIRMAN GARCIA: Okay. I have no further
5 question.

6 You have any question, guys, for the --

7 MS. GUTIERREZ: No.

8 CHAIRMAN GARCIA: I have no further
9 questions.

10 Thank you, Mr. Liriano.

11 MR. LIRIANO: Thank you very much.

12 CHAIRMAN GARCIA: Mr. Izquierdo, nothing --
13 you're not going to change anything. You're not
14 going to do anything. You're just here just to
15 legalize that apartment.

16 MR. IZQUIERDO: Legalize that apartment.
17 Yes.

18 MR. DIAZ: The reason that it came before
19 the Board is because when we got the approval for
20 the personal service establishment, the Building
21 Department saw that apartment in the rear and
22 said, oh, we don't have any records of it.

23 MR. ISA: I gotcha.

24 MR. DIAZ: And that's why we're here.

25 MR. ISA: I gotcha.

1 MR. DIAZ: And Mr. Liriano, obviously,
2 wants to legalize, make everything legal and
3 conforming.

4 CHAIRMAN GARCIA: Okay. I have no further
5 questions.

6 Any member of the public?

7 Mr. Price?

8 MR. PRICE: Larry Price, 1006 Palisade.
9 Question.

10 MR. IZQUIERDO: Yes?

11 MR. PRICE: The apartment on the ground
12 floor, it's a three bedroom apartment.

13 MR. IZQUIERDO: Yes.

14 MR. PRICE: Correct?

15 MR. IZQUIERDO: It's right here. Yes.

16 MR. PRICE: Okay. How large is that
17 apartment?

18 MR. IZQUIERDO: Eight hundred and five
19 square feet. That's by -- by the architect.

20 The living room is 10.10 by 24.10.

21 MR. PRICE: Oh, I'll -- 835.

22 MR. IZQUIERDO: Eight hundred and five.

23 MR. PRICE: What's the requirement in the
24 zone -- or in the Zoning Ordinance for a three
25 bedroom apartment?

1 MR. IZQUIERDO: Nine hundred.

2 But what happens is --

3 MR. PRICE: How about 950?

4 MR. IZQUIERDO: For the three bedroom?

5 It's 900. I have the Ordinance right here.

6 MR. PRICE: Okay. I'll -- okay.

7 MR. IZQUIERDO: No. I have the Ordinance
8 here.

9 MR. PRICE: Doesn't matter. It's not 835.
10 Okay.

11 MR. IZQUIERDO: No. It's not 835, but what
12 happens is the -- these apartment, the 805, has
13 to be addressed with the 170, because the way the
14 personal service establishment, it's almost like
15 a live/work unit, if they are related.

16 This is not rented apart.

17 MR. DIAZ: And also, if I may bring to your
18 attention, Mr. Izquierdo --

19 MR. IZQUIERDO: This is --

20 MR. DIAZ: -- in the plans there is a den
21 which is the entrance for the apartment, and the
22 --

23 MR. IZQUIERDO: Oh, the vestibule.

24 MR. DIAZ: Vestibule.

25 MR. IZQUIERDO: Yeah. So in -- in reality,

1 the totality of that being 975, because they're
2 related, and that's -- that's I believe how it
3 was --

4 MR. PRICE: Okay. We'll --

5 MR. IZQUIERDO: -- approved by the Planning
6 Board.

7 MR. PRICE: -- say they're 975 and you meet
8 the requirement.

9 MR. IZQUIERDO: Yes.

10 MR. PRICE: Okay.

11 MR. IZQUIERDO: Yes.

12 MR. PRICE: Very good. I'll -- I'll stand
13 down.

14 Thank you.

15 CHAIRMAN GARCIA: Any other member of the
16 public?

17 MR. ISA: I think there's a gentleman in
18 the back.

19 MS. DILLON: Sir, please raise your right
20 hand.

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

23 MR. ORIHUELA: Yes.

24 MS. DILLON: I need you to state your name,
25 spell it for me, and give your address.

1 MR. ORIHUELA: Roger Orihuela.

2 MS. DILLON: I'm sorry?

3 MR. ORIHUELA: Roger Orihuela, 207 48th
4 Street and 20 -- 222 48th Street. I own two
5 units.

6 MS. DILLON: And spell your last name.

7 MR. ORIHUELA: O-R-I-H-U-E-L-A.

8 MS. DILLON: I'm sorry. O-R --

9 MR. ORIHUELA: I-H-U-E-L-A.

10 MS. DILLON: Thank you.

11 MR. ORIHUELA: My only concern is that
12 there's a -- this is the unit right here?

13 MR. IZQUIERDO: Yes. This is the building.
14 This is the -- yeah.

15 MR. ORIHUELA: My concern is that there's
16 probably four structures almost identical to
17 this.

18 MR. IZQUIERDO: Yes.

19 MR. ORIHUELA: Can you confirm that?

20 MR. IZQUIERDO: Yes.

21 MR. ORIHUELA: My concern is that there
22 really -- I mean, 48th Street has changed a lot in
23 the last five or six years. There's a lot of --
24 there's no parking. There's a lot of stores
25 coming up. I guess it's because of the new

1 zoning, which I wasn't aware about.

2 And that was meant to be a garage, that --
3 where you pull the car into. And now, they made
4 it into a store.

5 And I don't know what this other --

6 MR. DIAZ: If I -- if I may --

7 MR. IZQUIERDO: No, no. The store's not
8 into --

9 MR. DIAZ: -- that is not the application
10 before this Board. That was approved last year.

11 The application before this Board is for
12 the rear --

13 MR. IZQUIERDO: Apartment.

14 MR. DIAZ: -- residential unit.

15 MR. ORIHUELA: It is, but it's --

16 MR. DIAZ: Not for --

17 MR. ORIHUELA: -- still parking.

18 MR. DIAZ: -- the space that you are
19 alluding to, which is the --

20 MR. IZQUIERDO: Personal services.

21 MR. DIAZ: -- personal service
22 establishment.

23 MR. ORIHUELA: My concern is parking.

24 There's no parking on 48 -- I don't live there, I
25 rent them out, but there's no parking on 48th

1 Street.

2 Everything is handicap spots. Nothing
3 against handicap spots, because I have a disabled
4 daughter.

5 But now you have another studio that's more
6 occupants, although I -- now that I understand
7 it's owner occupied.

8 But still, it's now becomes a three family,
9 plus commercial, and it's something that should
10 have been a two unit structure with parking,
11 indoors.

12 MR. DIAZ: Sir, I disagree with --

13 MR. IZQUIERDO: That's exactly what the
14 previous Ordinance --

15 MR. DIAZ: -- you. That was originally the
16 way it is, three units. And it's been there.

17 As long as I have been in this -- in this
18 area, since 1961, I know that those structures
19 were built late '60s, early '70s, and had there
20 been a detriment, it would have been flushed out
21 long time ago, because that's been in the exact
22 condition as it is now with the use, since back
23 in those days.

24 MR. ORIHUELA: This is the -- I took these
25 photos -- I mean, last night, around 7:30. Look

1 | how many cars are on the sidewalk.

2 | I don't know how a wheelchair's supposed to
3 | pass there or a scooter.

4 | Does anybody want a copy?

5 | CHAIRMAN GARCIA: I could see it, but no,
6 | don't keep the copy because it have to be passed
7 | through the attorney.

8 | You pass through him, and if --

9 | MR. ORIHUELA: Oh.

10 | CHAIRMAN GARCIA: -- he accept it, we could
11 | see it.

12 | It's not because he's an attorney, it's
13 | because everything he has courtesy to pass. They
14 | present it ten days before. So, it's the same
15 | way --

16 | MR. ORIHUELA: As a matter of fact, there's
17 | someone even walking in the street because
18 | there's too many cars on the sidewalk. I mean, I
19 | just noticed that.

20 | There's a few copies here.

21 | MR. DIAZ: Can I just ask you a question?

22 | These are the -- the cars that you are --

23 | MR. ORIHUELA: Yes.

24 | MR. DIAZ: -- alluding to?

25 | And this in front --

1 MR. ORIHUELA: Sidewalk.

2 MR. DIAZ: -- of the cars, is the sidewalk.

3 MR. ORIHUELA: Correct.

4 MR. DIAZ: And the cars are not on the
5 sidewalk, are they?

6 MR. ORIHUELA: No, they're not, but there's
7 probably only three feet --

8 MR. DIAZ: So, the cars are not on the
9 sidewalk?

10 MR. ORIHUELA: Oh, I don't know how --

11 MR. DIAZ: No, no, no.

12 MR. ORIHUELA: -- wide that sidewalk --

13 MR. DIAZ: You --

14 MR. ORIHUELA: -- should be.

15 MR. DIAZ: -- you tell me. You took the
16 pictures and --

17 MR. ORIHUELA: My concern --

18 MR. DIAZ: -- you tell me --

19 MR. ORIHUELA: -- there's three cars in
20 front of the lot.

21 MR. DIAZ: -- what it is that you see.

22 MR. ORIHUELA: There's three cars in front
23 of the lot. One car should be inside.

24 MR. DIAZ: There's three cars, but none of
25 them are on the sidewalk.

1 Is that correct?

2 None of these three cars are on the
3 sidewalk.

4 MR. ORIHUELA: What's the side of the
5 sidewalk? What -- what is the side --

6 MR. DIAZ: Sir, the sidewalk is here, if I
7 believe that I'm looking at the right structure.

8 MR. ORIHUELA: What would be the -- what's
9 the -- what's the --

10 MR. DIAZ: Sir? Sir?

11 MR. ORIHUELA: -- requirement for a
12 sidewalk?

13 MR. DIAZ: I'm looking at the pictures that
14 you have brought.

15 MR. ORIHUELA: Yes.

16 MR. DIAZ: You see three cars, and you see
17 a section, which is lighted, which is the
18 sidewalk.

19 MR. ORIHUELA: Which is --

20 MR. DIAZ: And you don't see --

21 MR. ORIHUELA: -- a very small sidewalk.

22 MR. DIAZ: -- I don't see, maybe you do
23 see, any of these cars intruding in the sidewalk?
24 Do you see that?

25 MR. ORIHUELA: No, I don't see them

1 intruding.

2 MR. DIAZ: Thank you.

3 MR. ORIHUELA: But that's a small, narrow
4 sidewalk.

5 MR. DIAZ: Thank you.

6 Took a long time for you to get that out.

7 MR. ORIHUELA: That's a narrow sidewalk,
8 though.

9 And for the record, all three or four homes
10 that are adjacent are identical.

11 MR. IZQUIERDO: They're the only ones that
12 have 19.9 feet of a front yard, because they were
13 built according to the old Ordinance, and they
14 wanted to have parking.

15 But all of the other structures, none of
16 these have parking. And, of course, the density
17 -- there's no parking because none of these old
18 buildings, the 30, the -- they don't have any
19 parking.

20 MR. ORIHUELA: And you want to add a
21 studio.

22 MR. IZQUIERDO: No, sir.

23 MR. DIAZ: We're not adding --

24 MR. IZQUIERDO: We're the only ones --

25 MR. DIAZ: -- anything, sir. It's been

1 | there since the beginning of the construction,
2 | since the -- I'm sorry -- since the property was
3 | constructed. Nothing new.

4 | MS. GUTIERREZ: What are they doing is just
5 | legalize the first floor. That's the only thing
6 | they're doing right now.

7 | MR. IZQUIERDO: Yeah. We have three
8 | apartments and we have three parking spaces, plus
9 | the apron. And --

10 | MS. GUTIERREZ: Yeah. But today --

11 | MR. IZQUIERDO: -- 48 feet.

12 | MS. GUTIERREZ: -- you legalize the first
13 | floor.

14 | MR. IZQUIERDO: Yes. Yes.

15 | MS. GUTIERREZ: That's all you're doing
16 | now.

17 | MR. IZQUIERDO: Correct.

18 | MR. DIAZ: Which has been there --

19 | MR. IZQUIERDO: Correct.

20 | MR. DIAZ: -- since the property was
21 | constructed.

22 | CHAIRMAN GARCIA: I know that you mentioned
23 | that -- that your disabled daughter. And as
24 | always, we've been characterized to protect, not
25 | only the disabled, to protect the children of

1 Union City.

2 What I'm seeing as per -- I'm not an expert
3 in PhotoShop or nothing, I don't know anything
4 about photo, however, the only thing that I'm
5 seeing there is that independently, which one is
6 the -- the setback that is there in the house?
7 The cars that you show me are inside of the
8 property.

9 How big, how small is the sidewalk is
10 something like it is not in our jurisdiction.

11 And also, it's one concern to bring is the
12 driveway and it's not also -- it's neither our
13 projection.

14 They have approved the driveway, entire
15 driveway and we cannot get into that manner.

16 And I think that seeing the picture, I'm
17 also seeing one because the one of the pictures
18 that is in the plans is showing one car parking
19 in front of the property. The car is inside of
20 the property line.

21 So, according with my knowledge, if my
22 house have one -- one parking in the driveway,
23 one spot, I only can park past my property line.
24 If I'm -- if I have an encroachment into the
25 sidewalk, then it's something that we have to

1 question about.

2 But since they are parking inside -- you
3 know, after the property line, then they are --
4 it's something that we cannot be concerned about
5 it, because we are not here to enforce anything.

6 And I just want to make this comment,
7 because I don't want that you understand that we
8 are disregarding your concern.

9 So, I -- we're here to listen to everybody.

10 MR. ORIHUELA: No, I understand.

11 CHAIRMAN GARCIA: You know what I mean?

12 MR. ORIHUELA: I think -- I didn't know
13 that this was a -- that this was approved last
14 year. I didn't know that. For the record, I
15 didn't know that, all that.

16 CHAIRMAN GARCIA: That -- that --

17 MR. ORIHUELA: The commercial --

18 MR. DIAZ: The personal service use was --

19 MR. ORIHUELA: I mean, maybe I should have
20 been here last year. So, I'm a little bit late.
21 But --

22 MR. MEDINA: Excuse me? What's your
23 address, anyway?

24 MR. ORIHUELA: 207 48th Street. I own the
25 units. I rent them out.

1 MR. MEDINA: Oh, okay. What's the address,
2 again?

3 MR. ORIHUELA: 207 48th Street.

4 MR. MEDINA: 48th.

5 MR. ORIHUELA: And 222 48th. It's right
6 across the street.

7 MS. GUTIERREZ: Right across the street.

8 MR. ORIHUELA: Thank you.

9 CHAIRMAN GARCIA: Thank you.

10 MR. ORTIZ: Thank you.

11 MS. GUTIERREZ: Thank you, sir.

12 CHAIRMAN GARCIA: Thank you. Thank you
13 very much.

14 Any other member of the public?

15 Okay. Going to close to the public.

16 I don't know if any other member has
17 another question or any comments?

18 So, I think that -- I mean, nothing -- no
19 change going to be done.

20 It is family occupied. It is an individual
21 who live with his family there. As per the
22 pictures, is a well maintained property.

23 MR. IZQUIERDO: Um hum.

24 CHAIRMAN GARCIA: And also, showing that
25 there's no taking part of the sidewalk when

1 they're parking the cars there.

2 I mean, I don't -- I don't see -- I mean,
3 and actually, it is the current condition.

4 So, I don't see any reason why we cannot
5 grant this application.

6 So, I make my motion to grant this
7 application without any condition.

8 THE SECRETARY: Motion to --

9 MS. GUTIERREZ: I'm seconding.

10 THE SECRETARY: -- approve the application
11 by Chairman Garcia.

12 Second by Margarita Gutierrez.

13 Andres Garcia, to approve the application?

14 CHAIRMAN GARCIA: Yes.

15 THE SECRETARY: Victor Grullon?

16 MR. GRULLON: Yes.

17 THE SECRETARY: Margarita Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Miguel Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: David Pressey?

22 MR. PRESSEY: Yes.

23 THE SECRETARY: John Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Motion carries.

1 MR. DIAZ: Thank you very much and good
2 night.

3 MS. GUTIERREZ: Good night.

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

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1 **Landmark Developers, LLC - 1601-1605 New York**
2 **Avenue:**

3
4 THE SECRETARY: The next application on
5 tonight's meeting is Landmark Developers, 406 16th
6 Street.

7 Mrs. Pereiras?

8 MS. PEREIRAS: Bianca Pereiras on behalf of
9 Landmark Developers, LLC.

10 Jurisdiction was previously acquired, I
11 think, approximately two months ago.

12 The property in question is actually 1601-
13 1605 New York Avenue, also known as Block 87,
14 Lots 1 through 6.

15 Currently, onsite, we have a parking, plus
16 a one story laundromat.

17 What our applicant is looking to do is to
18 construct a second and third story to this
19 building, to add eight residential units.

20 We have two experts to testify before the
21 Board this evening, but I'd like to begin with
22 our architect, Mr. Manuel Pereiras.

23 MS. DILLON: Please raise your right hand.

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

1 MR. PEREIRAS: I do.

2 MS. DILLON: Name for the record.

3 MR. PEREIRAS: Manny Pereiras,
4 P-E-R-E-I-R-A-S, with Pereiras Architects
5 Ubiquitous, 1116 Summit Avenue, Union City, New
6 Jersey.

7 MS. PEREIRAS: Mr. Pereiras, are you
8 familiar with the property located at 1601-1605
9 New York Avenue?

10 MR. PEREIRAS: I am.

11 MS. PEREIRAS: And did you prepare the
12 drawings before the Board this evening?

13 MR. PEREIRAS: I have.

14 MS. PEREIRAS: And can you please describe
15 the proposed project for the Board?

16 MR. PEREIRAS: I'd be happy to.

17 Hello, everyone. Nice to be here.

18 MS. GUTIERREZ: Hello.

19 MR. PEREIRAS: We're right on the corner of
20 16th and New York Avenue.

21 We're all familiar with the site. It's the
22 laundrymat (sic) on the corner, with the parking
23 lot. It's across the street from the firehouse.

24 We're dealing with an irregular, strange
25 sized lot.

1 MS. GUTIERREZ: Hold on.

2 CHAIRMAN GARCIA: Give me one second.

3 You know what? Since we have a -- since we
4 --

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

7 THE SECRETARY: Let the record show up that
8 Mr. David Pressey recuse.

9 CHAIRMAN GARCIA: Thank you.

10 MR. ISA: Better to play it safe.

11 CHAIRMAN GARCIA: Yeah. Take -- go get
12 some soda.

13 MR. ISA: All right. So, you may -- you
14 may proceed.

15 Continue.

16 MR. PEREIRAS: Thank you.

17 So, our property is the -- the existing
18 laundrymat (sic) and parking lot. It's on the
19 corner of 16th and New York Avenue, directly
20 across the street from the firehouse.

21 It's an irregularly shaped lot. On 16th
22 Street, we have about six -- a little bit over 61
23 feet. Along New York Avenue, we have 150 feet in
24 length, although there -- it juts out along New
25 York Avenue, so it's -- it has kind of like a T

1 shape. And then, it goes back a hundred feet
2 along this way, and then it becomes an L. It
3 turns back a few feet and then, comes across.

4 We're working with an existing building.
5 It's the laundrymat (sic). And currently, that
6 building really sticks out like a sore thumb in
7 the neighborhood.

8 We have some beautiful brick structures,
9 tall, and we have this laundrymat (sic) with
10 strange Spanish tile on the corner. And the --
11 and the parking lot that could use a little bit
12 of repair.

13 What we're proposing to do is add eight
14 residential units. We are in, and I think it's
15 important to note, that we are in a residential
16 neighborhood, in a residential district. And the
17 laundrymat (sic) is an existing nonconforming
18 use.

19 Our planner is going to testify much more
20 at length about our variances, and about the
21 character of the building with the neighborhood.

22 But what we're proposing to do is add eight
23 units on top of the building. We're taking the
24 same footprint of the building, and we're adding
25 two floors above it.

1 And in order to create circulation for the
2 building, we're proposing an addition right on
3 the side of the building. It's nine feet wide
4 and 30 feet.

5 And that addition is going to house a
6 vestibule to walk into the building, and it's
7 going to have a stairwell, a fully compliant fire
8 stairwell that -- to enter the building, and an
9 elevator.

10 So, we're providing an elevator building,
11 that's much needed here on New York Avenue for
12 handicap accessibility.

13 We have some modifications that we're doing
14 to the parking lot. We're adding landscaping and
15 improving on the existing landscaping that there
16 is there.

17 We're improving on the fencing that they
18 have on the lot, and making it into a nice
19 heavier fence.

20 And we're demolishing a portion of the
21 garage that was overlapped from the adjacent
22 building.

23 So that portion of the garage is being
24 demolished, so we're actually adding a parking
25 space there.

1 We're going to have an ADA accessible
2 parking space added to that portion.

3 So, we're taking an existing lot that has
4 18 parking spaces, we're actually adding another
5 space for -- for 19 spaces in total.

6 I'm going to turn the page now to sheet
7 Z02. And sheet Z02 describes the floor plan and
8 how this building actually works.

9 All the way to the left, we have the
10 existing laundrymat (sic) and the entryway on New
11 York Avenue.

12 That remains the same. We're not making
13 any modifications to that entryway or normal
14 operations of that laundrymat (sic).

15 What we are doing is adding this vestibule
16 here from the parking lot area, and providing the
17 stairwell and elevator.

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

20 MR. PEREIRAS: No problem. Okay.

21 So, as you go up the elevator, and you come
22 out to the open vestibule, and the hallway,
23 you're led to four doors. And those four doors
24 lead you to four apartments.

25 There's three two bedroom apartments, and

1 one one bedroom apartment.

2 The two bedroom apartments are 800 square
3 feet, 800 square feet, 774 square feet, and the
4 one bedroom apartment is 661 square feet.

5 The layout is very simple. You walk in.
6 There's one bedroom to your left, with a nice
7 size closet. The bedrooms are 12 foot four by
8 ten.

9 You walk further down the hallway, and you
10 entered into the living area. Living room,
11 dining room, kitchen area, a full ADA bathroom,
12 and then a master suite with its own bathroom and
13 walk-in closet. That's the same on this side and
14 this side.

15 And then, the one bedroom is a little bit
16 simpler. You walk in and you have a large living
17 area, with a dining room/kitchen area, ADA
18 bathroom, and a single bedroom, facing the
19 street.

20 All the bedrooms have windows facing
21 accessible means of egress and -- and that lead
22 to a public right-of-way.

23 And we're going to have a beautiful, very
24 clean accessible building.

25 Now, the façade of the building is where

1 the greatest improvement is that we're providing.

2 We're taking a very awkward building, that
3 doesn't fit into the neighborhood, and we're
4 introducing brick, and making it in conformance
5 with the neighborhood, with more residential
6 units.

7 And this is a rendering, artistic rendering
8 of what the building would look like.

9 So, as you could see, we're taking the same
10 footprint of the building, we're increase --
11 we're taking it up, and we're wrapping this
12 entire building with two tones of brick.

13 So, we have a beautiful red brick, and a
14 darker brown brick for -- for accents.

15 And we're accentuating the height of the
16 building, to blend into the neighborhood.

17 As you could see, the structure next door,
18 it's a brick building, and it's even taller than
19 this structure.

20 So, now, by providing this mass, we're
21 inline with the neighborhood, we're inline with
22 the firehouse that's across the street. And now,
23 the building fits into the neighborhood, as well
24 as introducing a brick building all around.

25 This is the addition that we're providing,

1 | which is a stair tower. And we're breaking that
2 | up by introducing lines of a different color
3 | brick along there.

4 | As you could see, the landscaping area on
5 | the parking lot is enhanced, with a nice
6 | beautiful fence. And it's really going to make a
7 | big difference for the neighborhood.

8 | Let me talk a little bit about the
9 | variances we have, and our planner is going to
10 | explain them at greater length.

11 | We are expanding an existing -- we're -- we
12 | have an existing nonconforming use, which is the
13 | laundrymat (sic).

14 | We're providing residential, which is
15 | residential is -- it's a residential
16 | neighborhood.

17 | The minimum lot area is 5,000, and we're
18 | well above that.

19 | The minimum width, we're well above that.

20 | We comply with the lot depth, so our lot
21 | size is conforming.

22 | Our front yard is ten feet, or prevailing.
23 | We are in the prevailing front line -- front yard
24 | setback, with the rest of the neighborhood.

25 | We are complying with all the building

1 heights.

2 The maximum lot coverage permitted is 75
3 percent. We're in 93 point -- point three
4 percent.

5 Now, that is something that we're not
6 changing at all. The actual lot coverage,
7 because of the asphalt, is all existing. So,
8 that's an existing nonconforming variance.

9 What we are expanding on is parking.
10 Whereas the parking that's required for the
11 laundrymat (sic) is about 11 parking spaces.
12 We're maintaining those parking spaces along
13 here, and the parking that would be required for
14 our apartments would be 16 parking spaces in
15 total. And we're providing only nine spaces for
16 the apartments.

17 So, we are seeking a parking variance. But
18 we do have more than one parking space per unit.
19 And our planner would testify at further length
20 to that.

21 I think that concludes my testimony for
22 now, and I could supplement after our planner
23 presents.

24 MS. PEREIRAS: I'd like to call Mr. Gabriel
25 Bailer.

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

3 MS. DILLON: Please raise your right hand.

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

6 MR. BAILER: Yes, I do.

7 MS. DILLON: Your name, and please spell it
8 for the record.

9 MR. BAILER: Gabriel Bailer, B-A-I-L-E-R.

10 MS. PEREIRAS: Mr. Bailer previously
11 testified before this Board back in October, and
12 I ask that he be accepted as an expert in the
13 field of planning.

14 CHAIRMAN GARCIA: It is our pleasure to
15 have you here.

16 MR. BAILER: Thank you.

17 MS. PEREIRAS: Mr. Bailer, are you familiar
18 with the property located at 1601-1605 New York
19 Avenue?

20 MR. BAILER: Yes, I am.

21 MS. PEREIRAS: And have you had an
22 opportunity to review the plans prepared by Mr.
23 Pereiras?

24 MR. BAILER: Yes, I have.

25 MS. PEREIRAS: And can you please describe

1 the project from a planning perspective?

2 MR. BAILER: From a planning perspective,
3 we're proposing to add two floors of residential
4 to add two eight -- eight residential units, two
5 of them being one bedroom, and six of them being
6 two bed -- six of them being two bedroom, for a
7 total of eight residential units.

8 We are -- as Mr. Pereiras previously
9 mentioned, we are not expanding the footprint,
10 except the entrance, which will be the stairwell
11 and the elevator, which will provide access to
12 handicapped individuals.

13 I visited the site, and I prepared a
14 picture board that I'd like to hand out to the
15 Board.

16 MS. DILLON: Shall I mark it?

17 I'll mark it as A-1.

18 MS. PEREIRAS: Thank you.

19 Thank you.

20

21 (Whereupon, Photo Exhibit (One Sheet) was
22 received and marked as Exhibit A-1.)

23

24 MR. BAILER: Okay. Does everybody have it?

25 Okay. These are 12 pictures I took of the

1 existing -- existing property laundromat, and as
2 well, the surrounding area.

3 As you could see, there's -- there's 12
4 pictures, each one lettered from A to L. And on
5 the right corner, there is an aerial photography,
6 Bing -- Bing map, which shows the oblique
7 photography, and gives you a perspective of the
8 area.

9 I'm going to go through each picture
10 individually, and it corresponds to the aerial
11 photography on the right corner, which shows
12 where the placement of the pictures are.

13 As you see in picture A, this is the
14 existing laundromat. It is a one story
15 structure. It's the façade, the shingles do not
16 blend into the surrounding area.

17 Picture B shows the angle -- a different
18 angle, but you also see the brick -- brick
19 residential buildings next door. You see the
20 residential character of the area on -- on that
21 side of New York Avenue.

22 Picture C is where we will be adding the
23 entrance to the proposed residential building.

24 Picture D is the garage, which is on the
25 property, which was always there, but we will be

1 improving the site, and providing landscaping,
2 and we'll be moving that garage from the property
3 to create a handicap accessible parking space
4 right there.

5 Picture E shows the -- the parking lot. As
6 you could see, it is in not great condition.
7 Their striping is -- is not prominent. The fence
8 is in poor condition.

9 Picture F is across the street. That is
10 the firehouse.

11 Picture G is the school, which is located
12 along New York Avenue.

13 Picture H shows the other -- the Catholic
14 school across the street. But it also shows a
15 mixed use building.

16 And this is directly across the street from
17 the proposed project.

18 Picture I is across the street on New York
19 Avenue. And that is residential buildings.

20 Picture J is further along New York Avenue,
21 closer to 17th Street, on the corner of New York
22 and 17th Street. And you see a four story brick
23 building, a residential mid-rise apartment
24 building.

25 Picture K is across the street, diagonally

1 across the street, as well, that is a four story
2 residential building.

3 And picture L is -- also shows the
4 residential character and the surrounding uses of
5 the property.

6 The -- this property is within the R zone.
7 The R zone was -- does not permit commercial or
8 does not permit mid-rise apartments.

9 However -- and I will pass -- passing this
10 out.

11 Thank you.

12 MS. DILLON: Sure.

13
14 (Whereupon, Zoning Exhibit was received and
15 marked as Exhibit A-2.)

16
17 MR. BAILER: Okay. This is a blown up map
18 of the zoning map for Union City. And as you
19 could see, I squared the property and I
20 highlighted where the property is in relationship
21 to the surrounding zoning districts.

22 As mentioned, this is in the R zoning
23 district. The proposed use is not a permitted
24 use. We are required a D-1 use variance for the
25 eight bed -- the proposed eight bedroom -- eight

1 residential units.

2 But as you could see, down the street,
3 starting on 15th Street and New York Avenue is the
4 CN neighborhood commercial zone.

5 In fact, this zone permits mixed use
6 buildings. This zone permits commercial on the
7 ground floor, permits multi-family residential
8 buildings, apartment buildings.

9 And when this property was rezoned in 2012,
10 the previous use was a permitted use. The -- the
11 laundromat was permitted. A multi-family, mid-
12 rise apartments would be permitted.

13 But because of the zoning change, these --
14 this use is nonconforming, and is not permitted
15 in the zone.

16 So, my client is proposing to remove the
17 existing nonconformity, build a beautiful new
18 building that will blend into the residential
19 character of the neighborhood, and enhance and
20 harmonize the structure with the residential and
21 create -- create a new beautiful building, that
22 will be -- definitely be -- enhance the -- the
23 area.

24 As mentioned, this -- the applicant
25 requires -- this project requires a D-1 use

1 variance.

2 I must show the positive and negative
3 criteria, but the D variance could only be
4 granted in special and particular cases for
5 special reasons.

6 And also, the negative criteria that this
7 -- this variance can be granted without
8 substantial detriment to the public good, and not
9 substantially impair the intent and purpose of
10 the zone plan and Zoning Ordinance.

11 As well, when you consider the D variance,
12 you must show that the proposed use inherently
13 serves the public good, or that the proposed use
14 promotes the general welfare because the proposed
15 site is particularly suited for that use.

16 It is in my opinion that the proposed mixed
17 use building, with eight residential units, is
18 particularly suited because it will remove the
19 nonconformity of the building, the laundromat.
20 The laundromat sticks out like a sore -- sore
21 thumb, does not relate to any of the surrounding
22 uses within the area.

23 New residential building will integrate,
24 blend, and harmonize with the residential
25 character of the neighborhood, rather than an

1 existing singular commercial building.

2 It will -- as you could see, by the
3 rendering, it would aesthetically improve the
4 building. It will add landscaping. It's -- will
5 definitely be an aesthetic improvement to what is
6 existing there before.

7 Down the block, the neighborhood commercial
8 zone would permit this use. But because of where
9 the property is located, only one block to the
10 north of the neighborhood commercial zone, this
11 is not a permitted use.

12 It will not have any negative impacts to
13 the surrounding area. It will not interfere with
14 the day-to-day operations of the laundromat.

15 The construction can be created, it could
16 be done without any interference to the
17 laundromat.

18 As mentioned, there's going to be an
19 elevator there. It would be handicap accessible,
20 so will provide handicap apartments to -- to any
21 handicapped accessible individuals.

22 It promotes the purposes of zoning and
23 municipal land use as it promotes a desirable
24 visual environment.

25 As you could see, it is an improvement from

1 | what it was existing there before.

2 | It's also, in my opinion, that there will
3 | be no substantial impairment to the intent and
4 | purpose of the zone plan and Zoning Ordinance and
5 | Master Plan.

6 | It will -- first thing, it eliminates the
7 | nonconformity, it eliminates the laundromat,
8 | which is not permitted in the zone.

9 | It is located next to the neighborhood
10 | commercial, where mixed use buildings are
11 | permitted.

12 | It promotes the Master Plan by following
13 | goals by -- goals by provides balances of uses in
14 | appropriate locations, it provides a broad range
15 | of housing choices, include handicap accessible,
16 | and it preserves the character of the
17 | neighborhood by creating a building that is more
18 | in tune and harmonizes itself with the
19 | surrounding residential area.

20 | And as well, it encourages mixed use
21 | development.

22 | As mentioned, there is a parking variance
23 | required. As per RSIS, this proposed residential
24 | addition will require 16 apartment (sic) spaces;
25 | with the existing laundromat, they're required 11

1 parking spaces. So, a total of 27 parking spaces
2 are required for this proposed project.

3 As mentioned, as Mr. Pereiras previously
4 mentioned, there are 19 existing parking spaces,
5 including one handicapped parking space.

6 As per the lease agreement with the
7 laundromat, my client has access to 50 percent of
8 the parking spaces on the property, after nine
9 p.m.

10 This creates reserve spaces -- nine parking
11 spaces for the residential units, which will have
12 signage, which will be scribed to say reserved
13 for residential use -- the residential tenants
14 only.

15 And it's my opinion that -- that the
16 proposed use will be a positive, aesthetically
17 improve the neighborhood, and the positive
18 criteria can be met, and there will be no
19 negative detriments to the proposed use.

20 CHAIRMAN GARCIA: Any question guys?

21 Across the street is the firehouse, right?

22 MR. BAILER: Correct.

23 CHAIRMAN GARCIA: And you -- as per your
24 testimony, you don't understand that going to
25 create any negative impact to the -- to the

1 service that the firehouse is providing to the
2 community.

3 MR. BAILER: In my opinion, no.

4 CHAIRMAN GARCIA: Okay.

5 How many units are there? Eight units?

6 MS. PEREIRAS: Eight units, we're
7 proposing.

8 CHAIRMAN GARCIA: Okay.

9 No further questions for now.

10 Who's the next one, Mr. Pereiras?

11 MR. PEREIRAS: Thank you.

12 I'll speak over here.

13 And just to further emphasize that, and
14 I'll speak -- you want me to take the mic?

15 MS. DILLON: Yeah.

16 MR. PEREIRAS: All right.

17 And just -- I want to clarify something,
18 and I'll keep the planner while we're here, we're
19 not removing the laundrymat (sic). We're keeping
20 the laundrymat (sic), so that remains an existing
21 nonconformance.

22 And that's going to be an existing
23 nonconformance. It's an existing nonconformance
24 today, even though it was permitted at one time.

25 It's an existing nonconformance today.

1 It's going to continue, even if you approve this
2 Board as an existing nonconformance throughout,
3 and we're adding the -- the eight units above.

4 Right?

5 Just to clarify on the parking situation,
6 and making sure that we don't interfere with the
7 firehouse across the street, this is the -- the
8 sidewalk line on New York Avenue. There's no
9 parking along here.

10 This is an existing curb cut. We're not
11 making any changes to that. There's an existing
12 curb cut along 16th Street. We're not making any
13 changes to that.

14 There's really no changes to the site,
15 except for two big things.

16 Number one.

17 We're demolishing this, creating an
18 additional parking spot.

19 So, we're improving the parking situation
20 -- by adding another parking spot there. And
21 we're doing this addition for the elevator and
22 stair that doesn't really affect anything on the
23 site, and won't affect the firehouse across the
24 street.

25 MR. GRULLON: You say the two -- the curb

1 cuts, they're existing?

2 MR. PEREIRAS: They're existing to remain.
3 We're not touching them.

4 I'm open for your questions.

5 CHAIRMAN GARCIA: Okay.

6 What -- I understand that you have a
7 current -- the current condition of the parking
8 lot that you have there, in that laundromat, is
9 -- whatchamacallit -- you have an entry through
10 16?

11 MR. PEREIRAS: Correct.

12 CHAIRMAN GARCIA: And through New York
13 Avenue.

14 MR. PEREIRAS: Correct.

15 CHAIRMAN GARCIA: And also, I think that in
16 the entry through New York Avenue, you have kind
17 of those block in front of the firehouse.

18 Yes?

19 MR. PEREIRAS: Um hum.

20 CHAIRMAN GARCIA: In your design, I know
21 that you're not touching the -- the layout of the
22 parking lot.

23 You didn't think about to probably create a
24 better traffic pattern for the firehouse, for the
25 school that is near there, to have another access

1 to -- through 16?

2 MR. PEREIRAS: I debated this at great
3 length, and here is -- here is the balance of it.

4 If I were to eliminate the parking -- the
5 driveway cut on New York Avenue, we could add two
6 parking spaces there. So, now, we're providing
7 more parking.

8 But the problem is that the people from the
9 laundrymat (sic) are generally coming from New
10 York Avenue. That's the commercial -- the more
11 commercial of the streets.

12 So, if someone were to come into New York
13 Avenue, I don't want people to pull up into -- I
14 like the idea that they could pull into the
15 parking lot and -- and do their laundry.

16 I don't want them to pull up and cause a
17 hazard with the firehouse. I want them to have
18 that ability.

19 Or they're going to have to go around and I
20 think it's going to cause more traffic with the
21 school parents and the schools in the
22 neighborhood.

23 So, I've been -- and we're willing to do
24 whatever the Board really thinks is appropriate.

25 I was debating that back and forth. We

1 talked to the client about that. And we'll go
2 either way.

3 I don't think it's a better solution to
4 close this off and just keep on 16th Street,
5 because of that problem. We're going to create
6 more traffic, and people aren't going to have the
7 ability to go in there from New York Avenue.

8 So, we're open to your suggestions, and
9 we'll go either way.

10 CHAIRMAN GARCIA: Because I think that that
11 laundromat was there before the school.

12 I know the -- the firehouse was there.

13 MR. PEREIRAS: Um hum.

14 CHAIRMAN GARCIA: And I know that the
15 private school also was there. However, you're
16 adding another eight units.

17 MR. PEREIRAS: Correct.

18 CHAIRMAN GARCIA: You know what I mean?
19 You're -- you're adding minimum or I don't know,
20 I'm not a traffic expert, but you're adding more
21 traffic.

22 MR. PEREIRAS: There's no doubt about it.

23 CHAIRMAN GARCIA: You're incrementing the
24 -- the situation and the traffic.

25 MR. PEREIRAS: No doubt about it.

1 CHAIRMAN GARCIA: That's one of my
2 comments.

3 Going back to the layout of the -- of the
4 apartment, you are presenting eight two bedroom
5 units?

6 MR. PEREIRAS: No. Six two bedrooms.

7 CHAIRMAN GARCIA: Six two bedrooms.

8 MR. PEREIRAS: And two one bedrooms.

9 CHAIRMAN GARCIA: Two one bedrooms.

10 Can you go through the size of the --

11 MR. PEREIRAS: I'll be happy to.

12 CHAIRMAN GARCIA: Okay.

13 MR. PEREIRAS: We have four 800 square foot
14 two bedrooms. So, four of the units are 800
15 square feet.

16 Two of the units are 774 square feet. And
17 that's also a two bedroom.

18 And then, we have two one bedrooms that are
19 661 square feet, all in compliance with the
20 Ordinance and our minimum requirements.

21 CHAIRMAN GARCIA: The building doesn't
22 going to have -- doesn't going to have any
23 expansion? Everything going to go up.

24 MR. PEREIRAS: Except for the stair and the
25 elevator.

1 CHAIRMAN GARCIA: Right.

2 MR. PEREIRAS: The stair and the elevator
3 are on the outside of the building. Everything
4 else is just going up.

5 CHAIRMAN GARCIA: But doesn't going to go
6 -- doesn't going to take anything -- anything
7 from the setback. Going to take space from --

8 MR. PEREIRAS: Correct.

9 CHAIRMAN GARCIA: -- the parking lot.

10 MR. PEREIRAS: Correct.

11 CHAIRMAN GARCIA: Not from the setback.

12 MR. PEREIRAS: We're not increasing any
13 setbacks.

14 CHAIRMAN GARCIA: Any setback.

15 And you are --

16 Okay, the parking spaces that you need for
17 the commercial unit, how many parking spaces do
18 you need --

19 MR. PEREIRAS: I think --

20 CHAIRMAN GARCIA: -- for the commercial?

21 MR. PEREIRAS: -- depending on how you
22 calculate, either ten or 11.

23 Mr. Spatz, did you calculate it or --

24 MR. SPATZ: I did, but the Chairman has my
25 copy of the report.

1 MR. PEREIRAS: Okay.

2 MR. SPATZ: I think -- I think it was 11.

3 CHAIRMAN GARCIA: Okay. I have it.

4 It's that one. Is that one? Check if it's
5 that one.

6 Sorry, Mr. Spatz.

7 MR. SPATZ: That's okay.

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

10 MR. SPATZ: The laundromat requires 11.

11 MR. PEREIRAS: So, 11 spaces for the
12 laundrymat (sic).

13 CHAIRMAN GARCIA: For the laundromat. And
14 you are providing 11?

15 MR. PEREIRAS: Yes.

16 CHAIRMAN GARCIA: And for the units, how
17 many are you providing?

18 MR. PEREIRAS: We're providing -- well, if
19 we count 11 for the laundrymat (sic), we have
20 eight for the units. So, one per unit.

21 So, now, there's the aspect, also, of
22 shared parking. So, there's eight parking spaces
23 dedicated to these units. But then, there's
24 another 11 that are available to the apartments
25 after closing hours.

1 So, after the laundrymat's (sic) open from
2 seven to nine. So, those parking spaces are
3 available for the apartments after that time.

4 Now, what we're proposing and this Board is
5 eight units, eight parking spaces for eight
6 units, 11 parking spaces for the laundrymat
7 (sic).

8 But please keep in mind that there's a -- a
9 shared aspect of that, as well.

10 CHAIRMAN GARCIA: Right.

11 Okay. So, basically, you're eight parking
12 short.

13 MR. PEREIRAS: Correct.

14 CHAIRMAN GARCIA: If you -- I mean, if you
15 --

16 MR. PEREIRAS: Well, not eight.

17 CHAIRMAN GARCIA: -- the whole population,
18 including commercial --

19 MR. PEREIRAS: I think we're --

20 CHAIRMAN GARCIA: -- and --

21 MR. PEREIRAS: -- seven short. Yeah.

22 CHAIRMAN GARCIA: Seven short.

23 Okay. Any question, guys?

24 Any member -- member of the public?

25 Yes, Mr. Price?

1 MR. PRICE: Larry Price, 1006 Palisade.
2 Question.

3 What's the square footage of the site?

4 MR. PEREIRAS: Eww. I'll tell you in a
5 second; 15,192 square feet. It's a very --

6 MR. PRICE: Fif --

7 MR. PEREIRAS: -- large site.

8 MR. PRICE: -- fifteen one nine --

9 MR. PEREIRAS: Thousand. Yes.

10 MR. PRICE: -- 15 thousand --

11 MR. PEREIRAS: Fifteen one nine two.

12 MR. PRICE: Okay.

13 MR. PEREIRAS: So --

14 MR. PRICE: Okay.

15 Question.

16 One of the parking spots --

17 MR. PEREIRAS: I'm listening to you, Mr.
18 Price.

19 MR. PRICE: No. I'll let you --

20 MR. PEREIRAS: I'm doing my own calculation
21 of how many -- it would be -- if we go to a
22 typical 2500 square foot in a -- in an R zone,
23 that would be permitted, three units. We would
24 fit six of them here.

25 So, six times three, we would be. As of

1 right, we would have 18 residential units.

2 So, if this were -- like let's say, we
3 theoretically split this up into three family
4 houses, we would fit -- we would fit 18
5 apartments in here.

6 What we're asking for is actually a lot
7 less, from the residential side. We're asking
8 for eight apartments, and we're asking for the
9 laundrymat (sic) as well.

10 So, it -- and I assume that's why you asked
11 for lot size, to kind of get that equivalence of
12 density.

13 MR. PRICE: One -- one of the reasons.

14 MR. PEREIRAS: Sure.

15 MR. PRICE: Okay.

16 The 19th parking spot that you're adding is
17 coming from the demolition of a garage.

18 MR. PEREIRAS: Correct. So, you could say
19 that it's a swap one-to-one, but yes. That
20 garage is -- the way that -- the garage is
21 actually to the neighbor's property. And it's
22 used as storage space, I believe.

23 So, we're really -- we're adding a parking
24 space. But you could -- you could very easily
25 make the argument that it's a one-to-one swap.

1 MR. PRICE: This is a garage that's at 406
2 16th Street.

3 MR. PEREIRAS: Correct.

4 MR. PRICE: By the way, 406 16th Street and
5 1601 New York Avenue are commonly owned.

6 Correct?

7 MR. PEREIRAS: Correct.

8 MR. PRICE: Okay.

9 So, we are taking one garage space away
10 from 406 16th Street, and we're adding one at 1601
11 New York Avenue.

12 MR. PEREIRAS: The difference, and the
13 important distinction is that it's a garage space
14 that's inaccessible.

15 So, it's inaccessible to a car right --
16 currently. So, what we're doing is we're
17 providing a space that's actually usable.

18 MR. PRICE: Okay. Okay. Very good.

19 Thank you.

20 MR. PEREIRAS: Okay.

21 CHAIRMAN GARCIA: I have a question for Mr.
22 Spatz.

23 Mr. Spatz --

24 MR. SPATZ: Yes?

25 CHAIRMAN GARCIA: -- in that zone, and the

1 size of lot --

2 MR. SPATZ: Right.

3 CHAIRMAN GARCIA: -- what is permitted
4 there if -- what is permitted there?

5 MR. SPATZ: The zone permits one, two and
6 three families on a 25 by a hundred lot.

7 CHAIRMAN GARCIA: Right.

8 MR. SPATZ: So --

9 CHAIRMAN GARCIA: And you have -- which one
10 is the size that you have there?

11 MR. PEREIRAS: So, we have --

12 MR. SPATZ: Fifteen --

13 MR. PEREIRAS: -- 15,000 and change.

14 MR. SPATZ: Fifteen thousand.

15 MR. PEREIRAS: So, we could split up,
16 theoretically, into six lots and put six three
17 families in there.

18 CHAIRMAN GARCIA: So, you could put 18
19 units.

20 MR. PEREIRAS: We could put 18 units in
21 there.

22 MR. SPATZ: Right.

23 CHAIRMAN GARCIA: Three bedroom, 18 unit.

24 MR. PEREIRAS: Right.

25 Which would be a disaster because then --

1 then the parking variance that we would be asking
2 for would be extraordinary, because imagine three
3 bedrooms, people having two or three cars, with
4 -- with the difference of one or two bedroom
5 units, the -- we're mitigating the amount of cars
6 by a lot.

7 CHAIRMAN GARCIA: Okay. Any other member
8 of the public wants to step forward?

9 Okay. Closed to the public.

10 Any member of the Board have any question?

11 MR. GRULLON: No.

12 MS. GUTIERREZ: No.

13 CHAIRMAN GARCIA: No?

14 I just -- I just going to recall one of the
15 prior application, when I pointed the greedy of
16 the application.

17 And one of the question that -- the reason
18 of my question to Mr. Spatz, regarding what is
19 allowed there, is just for me to compare what is
20 -- what could be better for the location.

21 I think that is no reason why to deny the
22 application, because application is maintaining
23 the -- the setback, is providing decent amount of
24 parking. I know it's not providing all that is
25 required, but that's probably part of the reason

1 | you are here.

2 | MR. PEREIRAS: Um hum.

3 | CHAIRMAN GARCIA: However, I think that
4 | it's a chance to improve the New York Avenue
5 | traffic.

6 | I know there probably going to be -- it
7 | will be -- probably going to have some kind of
8 | impact to the business. However, with all due
9 | respect to your -- to your client, it is not our
10 | business --

11 | MR. PEREIRAS: Um hum.

12 | CHAIRMAN GARCIA: -- to be here just to
13 | make -- you know, to help the -- your customer
14 | to make business.

15 | I mean, we are here to try to improve --
16 | because like I mentioned, when we have -- when --

17 | MS. GUTIERREZ: Bless you.

18 | CHAIRMAN GARCIA: -- when they --

19 | MR. PEREIRAS: Thank you.

20 | CHAIRMAN GARCIA: -- establish the
21 | laundromat, we didn't have the issue that we have
22 | with the -- with the school.

23 | MR. PEREIRAS: Um hum.

24 | CHAIRMAN GARCIA: And I think it's a good
25 | time for the applicant to mitigate the -- the

1 negative impact of the traffic on New York
2 Avenue, and that's why I'm probably going to
3 recommend to have the access through 16th Avenue
4 -- Street.

5 MR. PERIERAS: Okay.

6 CHIRMAN GARCIA: And I -- and like I
7 mentioned, I think it's a great application. And
8 like always -- I mean, respecting the setback. I
9 think it is -- I mean, enough reason to grant the
10 application with that condition.

11 Close the -- the driveway through New York
12 Avenue, and have everything through -- all the
13 access through 16th Street.

14 MR. PEREIRAS: Okay. We concede.

15 CHAIRMAN GARCIA: So, if it's doable, I
16 don't know if you need to talk to your client,
17 but I think that I -- I make my motion to grant
18 this application with only that condition, to all
19 the -- you know, the access only through 16th
20 Street.

21 MR. PEREIRAS: We happily --

22 MS. PEREIRAS: We have.

23 MR. PEREIRAS: -- concede.

24 MS. PEREIRAS: Right.

25 CHAIRMAN GARCIA: Okay.

1 MR. ISA: That also changes the parking
2 situation, I think is --

3 MR. PEREIRAS: We add parking.

4 MS. PEREIRAS: We have more parking spots
5 now.

6 CHAIRMAN GARCIA: Yeah. Minimize the --
7 yeah. Because --

8 MR. ISA: Adds two spots.

9 MS. PEREIRAS: Um hum.

10 CHAIRMAN GARCIA: -- there now going to be
11 just --

12 MS. PEREIRAS: We have two additional
13 spots.

14 CHAIRMAN GARCIA: -- two additional spots.

15 MR. PEREIRAS: Yes.

16 CHAIRMAN GARCIA: Right. So, I make my
17 motion to --

18 THE SECRETARY: Motion to approve --

19 CHAIRMAN GARCIA: -- grant this application
20 with the --

21 THE SECRETARY: -- the application with the
22 condition by Chairman Andres Garcia.

23 Second by Margarita Gutierrez.

24 Andres Garcia?

25 CHAIRMAN GARCIA: Yes.

1 THE SECRETARY: Victor Grullon?
2 MR. GRULLON: Yes.
3 THE SECRETARY: Margarita Gutierrez?
4 MS. GUTIERREZ: Yes.
5 THE SECRETARY: Miguel Ortiz?
6 MR. ORTIZ: Yes.
7 THE SECRETARY: David Pressey?
8 MS. DILLON: He's recused.
9 He's recused.
10 MR. SPATZ: He recused himself.
11 THE SECRETARY: Oh, he recused himself.
12 Sorry.
13 Johnny Medina.
14 MR. MEDINA: Yes.
15 MR. ISA: Two minute break, guys.
16 MS. PEREIRAS: Oh, no problem. Not a --
17 THE SECRETARY: Let the record indicate the
18 application for 1601-1605 New York Avenue has
19 been grant -- granted by five in favor.
20 MS. PEREIRAS: Thank you very much.
21 THE SECRETARY: And one recuse.
22 MS. GUTIERREZ: You're welcome.
23 CHAIRMAN GARCIA: I'm just going to need a
24 two minute break. I need to make a phone call to
25 my --

1 MS. PEREIRAS: That's fine.

2

3 (Whereupon, the Board recessed from 9:42
4 p.m. to 9:50 p.m.)

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1 **Rayyaz, LLC - 224 19th Street:**

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3 THE SECRETARY: Rayyaz, LLC, 224 19th
4 Street.

5 Mrs. Pereiras?

6 MS. PEREIRAS: Thank you.

7 Again, Bianca Pereiras on behalf of Rayyaz,
8 LLC.

9 This is for a property located at 224 19th
10 Street, Block 175, Lot 92.

11 This property is located in the R low
12 density residential zone.

13 This application is to legalize one
14 apartment, one unit in a six unit apartment
15 building.

16 There are six units, we're looking to
17 legalize one unit that has belonged to the super
18 for a very long time. The super is actually
19 here, if the Board has any questions of them.

20 But we are legalizing the super's unit.

21 Mr. Pereiras?

22 MR. PEREIRAS: I remember I am still under
23 oath and I am familiar with the project, and I'm
24 familiar with the site, and I prepared the
25 drawings.

1 MR. ISA: We obtained jurisdiction at the
2 last meeting.

3 Right?

4 MS. PEREIRAS: We did.

5 MR. ISA: Okay.

6 MS. PEREIRAS: Mr. Pereiras, can you please
7 describe the proposed legalization for the Board?

8 MR. PEREIRAS: Be happy to.

9 As you can see in the bottom left hand
10 corner of the drawings, there's a photograph of
11 the building.

12 You have a beautiful building. It's a -- a
13 brick structure that's three and a half stories
14 tall.

15 Each of those floors has an apartment on
16 each side. So, when you go up, there's an
17 apartment on the left, an apartment on the right,
18 three floors. Those are six apartments.

19 The first apartment below, which is
20 partially underground, partially elevated, is --
21 is the super's apartment. It actually splits the
22 -- splitting the space in half.

23 You have the boiler room on one left, and
24 the super's apartment on the right.

25 As this Board has seen many, many times

1 before, it's very common that the super apartment
2 wasn't registered with the City, or wasn't
3 registered with the Building Department, but has
4 been there for a very, very long time.

5 The tenants of that are the super. They've
6 lived there themselves since 1993.

7 They don't want to move. They don't want
8 to be displaced. It would be a horrible hardship
9 for them to move.

10 Their son was born and -- and lived there
11 his entire life. And they consider it home.
12 They don't want to leave out of this apartment.

13 And we're looking to legalize this unit.

14 It's a 588 square foot apartment.

15 You walk in at this point into the living
16 space, dining room space, kitchen and bathroom.

17 Unfortunately, because of Code
18 requirements, we're going to have to modify the
19 bathroom and make it larger. So, that's going to
20 invade a little bit in their -- in their dining
21 space in the dining room.

22 But everything else remains the same. We
23 have an existing bedroom -- two existing bedrooms
24 along the front of the building.

25 We're going to make some modifications for

1 Code, for fire regulation. We're going to have a
2 domestic line sprinkler system added to this
3 apartment. We're going to have emergency escape
4 windows.

5 Yes?

6 CHAIRMAN GARCIA: Did you say something?

7 MS. PEREIRAS: No.

8 MR. PEREIRAS: Oh, you're looking at a
9 different --

10 MS. PEREIRAS: No.

11 MR. PEREIRAS: -- drawing.

12 MR. ISA: Mr. Vallejo?

13 THE SECRETARY: Which one you have?

14 MR. ISA: Give me one of those.

15 THE SECRETARY: 224 19th Street?

16 CHAIRMAN GARCIA: This is 11 -- 1116.

17 MS. GUTIERREZ: Gave me the wrong one.

18 MR. GRULLON: We got one here. Don't
19 worry.

20 CHAIRMAN GARCIA: Never mind. Never mind.
21 This is probably the next application.

22 MS. PEREIRAS: Okay. Yes, it is.

23 MR. PEREIRAS: That's the next one.

24 CHAIRMAN GARCIA: Thank you. Sorry for
25 that.

1 MR. PEREIRAS: Okay.

2 So, just to go over with the number from
3 the Building Department.

4 We have six legal. We're going for the
5 seventh one in the basement, the super's
6 apartment.

7 We're going to do all the modifications
8 from a Code standpoint. We're adding a sprinkler
9 system to the -- to the unit. We're making it
10 ADA accessible. We're adding emergency escape
11 windows. It's going to meet -- it's going to
12 have a two hour fire separation from the rest of
13 the building. It's going to comply with all
14 Code. It's going to bring the building up to a
15 good health -- for the health, safety and welfare
16 of the -- of the inhabitants and the neighbors.

17 Definite improvement. Positive criteria
18 definitely outweighs the negative in this.

19 We have tenants that have lived there for
20 over 20 years. We don't want to displace them.
21 It would be an undue hardship towards them.

22 Let me go over the variances very quickly.

23 We're -- we have an existing building. The
24 -- we have a -- we are in the R zone. So, we're
25 asking for a D-2, which is an expansion of a

1 nonconforming use.

2 We have existing nonconformities as to side
3 yard, front yard setback and parking.

4 There is an existing nonconformance for
5 parking. Fourteen spaces would be required in
6 that Ordinance. We are providing zero. Zero has
7 been for the existence of this building from
8 probably over a hundred years old, has zero
9 parking -- well, not a hundred, 80 years old,
10 hundred -- has no parking spaces, and will
11 continue to not have parking spaces.

12 And the impact is preexisting to the
13 neighborhood. The tenants have lived there this
14 whole time.

15 That concludes my testimony. I'm open for
16 questions.

17 CHAIRMAN GARCIA: Okay. You are legalizing
18 one unit.

19 MR. PEREIRAS: Correct.

20 CHAIRMAN GARCIA: So, you're going to go
21 from six to seven.

22 MR. PEREIRAS: Correct.

23 MS. PEREIRAS: Correct.

24 CHAIRMAN GARCIA: Why you said here, unit
25 number 8?

1 How you have the --

2 MR. PEREIRAS: I have no idea why I said
3 that. And I believe that's a typo.

4 CHAIRMAN GARCIA: So are you planning to --

5 MR. PEREIRAS: And everywhere else has a
6 six to seven.

7 CHAIRMAN GARCIA: Are you planning to come
8 next month for --

9 MR. PEREIRAS: Yeah, maybe. Maybe. No,
10 there's only seven units in this building. It's
11 going from six to seven and you have a very good
12 eye.

13 CHAIRMAN GARCIA: Okay.

14 For how long is the -- you said that this
15 is the tenant -- the super --

16 MR. PEREIRAS: Correct.

17 CHAIRMAN GARCIA: -- basement for the
18 super. Right?

19 How long the super been working as a super
20 in that building?

21 MR. PEREIRAS: Since 1993.

22 CHAIRMAN GARCIA: 1993. Talking about 21
23 years.

24 And before he move in -- oh, they prepare
25 that apartment for him? Or was there?

1 MR. PEREIRAS: It is my belief and I think
2 we have someone in the neighborhood who -- in the
3 courtroom right now, that may testify that he
4 remembers that this -- that there was a unit
5 there for the landlord for the super -- for the
6 super of the building for many years.

7 It was renovated in 1993.

8 So, when -- when the current tenant of that
9 space, the super, moved in, they moved into a
10 fully renovated apartment in 1993.

11 CHAIRMAN GARCIA: Renovated, but not --

12 MR. PEREIRAS: But not new.

13 MR. PEREIRAS: But not a new apartment.

14 CHAIRMAN GARCIA: Not a new apartment.

15 MR. PEREIRAS: I believe it's been there
16 for a long time.

17 CHAIRMAN GARCIA: So that mean that not
18 necessarily that -- can you understand that it's
19 the same owner since 1993.

20 MR. PEREIRAS: It's not. It's -- the owner
21 has changed hands. And that's why we're here
22 before the Board, because the new owner is
23 actually a -- a good landlord, that's cleaning up
24 his buildings.

25 I'm not sure if a violation was issued, I

1 | don't believe so. I think he voluntarily is
2 | before this Board to legalize this unit.

3 | CHAIRMAN GARCIA: Okay.

4 | MR. GRULLON: And you're going to be
5 | bringing this unit up to Code.

6 | MR. PEREIRAS: A hundred percent up to
7 | Code.

8 | MR. GRULLON: Sprinkled.

9 | MR. PEREIRAS: It will be a domestic line
10 | sprinkler system, emergency escape windows, two
11 | hour fire separation, ADA compliance, all those
12 | things will have to take -- will take place.

13 | MR. GRULLON: And I imagine the height --
14 | the height of the ceiling is --

15 | MR. PEREIRAS: It has --

16 | MR. GRULLON: -- compliant.

17 | MR. PEREIRAS: It's currently okay.

18 | It's a very well kept apartment. It looks
19 | very nice.

20 | Even the super even did marble wainscoting.

21 | MR. GRULLON: What is the square footage of
22 | the apartment?

23 | MR. PEREIRAS: Five hundred eighty-eight
24 | square feet. Two bedroom.

25 | CHAIRMAN GARCIA: Any other question?

1 Any member of the public want to step
2 forward?

3 I'm going to close to the public.

4 And I think this is -- this is kind of a
5 preexisting condition. Also is actually the
6 super apartment.

7 And it's well maintained and no -- I mean
8 it's to legalize the unit, doesn't going to
9 create any negative impacts, so I'm going to make
10 my motion to grant this application without any
11 condition.

12 THE SECRETARY: Motion to approve the
13 application by Chairman Andres Garcia.

14 Second by?

15 MR. GRULLON: I second the motion.

16 THE SECRETARY: Victor Grullon.

17 Andres Garcia, to approve the application?

18 CHAIRMAN GARCIA: Yes.

19 THE SECRETARY: Victor Grullon?

20 MR. GRULLON: Yes.

21 THE SECRETARY: Margarita Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Miguel Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: David Pressey?

1 MR. PRESSEY: Yes.

2 THE SECRETARY: John Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Motion carries with the
5 condition.

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

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1 1511-1513 Summit Avenue, LLC - 1511-1513 Summit
2 Avenue:

3

4 MR. ISA: Next is 1511-1513 Summit Avenue,
5 LLC.

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

8 THE SECRETARY: Next application on
9 tonight's meeting is 1511-1513 Summit Avenue,
10 LLC, 1511-1513 Summit Avenue.

11 Mrs. Pereiras?

12 MS. PEREIRAS: Thank you very much.

13 Bianca Pereiras on behalf of 1511-1513
14 Summit Avenue, LLC., also known as Block 80, Lot
15 2.

16 This is our client's application to
17 legalize several units in the building.

18 When my clients acquired the property,
19 there were approximately 26 residential units in
20 the building. We are actually removing four of
21 those units, because they were too small, and my
22 client is legalizing additional units.

23 So, we're going, technically, from 26
24 units, which are there, down to 22.

25 We have one expert to testify before the

1 Board this evening, that is our architect, Mr.
2 Manuel Pereiras.

3 MR. PEREIRAS: I remember I am still under
4 oath.

5 MS. GUTIERREZ: After 12 o'clock.

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

8 CHAIRMAN GARCIA: Okay. Okay. You can
9 proceed. Don't worry about.

10 So, you're going -- you're going to go from
11 26 to 22?

12 MS. PEREIRAS: Right. But according to the
13 -- let me just -- according to the records, there
14 are 16 legal units.

15 CHAIRMAN GARCIA: So --

16 MS. PEREIRAS: When my client purchased the
17 property, there were technically 26 units in
18 there.

19 CHAIRMAN GARCIA: So, you're legalizing six
20 now.

21 MS. PEREIRAS: Correct.

22 CHAIRMAN GARCIA: In the practice, you are
23 reducing --

24 MS. PEREIRAS: Yes.

25 CHAIRMAN GARCIA: -- but legal --

1 MS. PEREIRAS: Correct.

2 CHAIRMAN GARCIA: Legally, you're going to
3 legalize six.

4 MS. PEREIRAS: That is correct.

5 CHAIRMAN GARCIA: You're bringing from 16
6 to 22.

7 MS. PEREIRAS: Correct.

8 MR. PEREIRAS: Correct.

9 CHAIRMAN GARCIA: Okay.

10 MS. PEREIRAS: Mr. Pereiras, if you can
11 please describe the project for the Board?

12 MR. PEREIRAS: I'd be happy to.

13 If you look at the top of the photograph --
14 top of the page, there's a photograph of the
15 preexisting building.

16 It's actually divided into two addresses.
17 There's 511 on one side, and 513 on the right
18 hand side.

19 And we're -- for the purposes of this
20 application, we're dealing with it as one total
21 building. But you'll see me referencing 511 or
22 513, each having its own independent address and
23 -- and entrance.

24 As you could see, it's a four story
25 building. It has a ground store -- a ground

1 level, and it's in the CN neighborhood on Summit
2 Avenue.

3 I believe that at one time, that ground
4 level was a commercial in nature, probably had
5 stores in it. It's evident from the architecture
6 of the building, and it is on Summit Avenue.

7 And then, you have three stories above that
8 of residential.

9 Now, the building has a zero setback on the
10 front, sides -- and sides. And it has a rear
11 yard setback of 28 feet. It has a -- an areaway
12 for windows cut into the building.

13 And it has a -- a couple of non-
14 conformances. Actually, only one which would be
15 parking, as far as bulk requirements.

16 Since we are in the CN district, we are in
17 compliance.

18 Now, it's a very confusing and difficult
19 building to explain, the way it was cut up, and
20 what we're proposing.

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

23 MR. PEREIRAS: Sure. I'll talk into the
24 other mic.

25 MS. DILLON: Thank you. Thank you very

1 much.

2 MR. PEREIRAS: All right. So, I prepared
3 another document. It's 11 by 17 piece of paper,
4 and I created this diagram, so you could
5 reference it, just to make things easier, a
6 little bit more understood.

7 Along the -- along the top, we have the
8 existing condition. First, second, third, and
9 fourth floor, and their equivalent to the
10 proposed condition. First, second, third, and
11 fourth floor on the bottom.

12 So, we have existing, and we have proposed.

13 Now, in the existing condition, we have 26
14 units that are currently in place.

15 The Building Department recognizes that 16
16 units are legal. We don't know which 16 are
17 legal.

18 So that's the first kind of confusion. And
19 I'm going to make some assumptions that we're
20 going to work our way through it.

21 CHAIRMAN GARCIA: The one on the right
22 side, you got four units.

23 MR. PEREIRAS: So, this is the fourth
24 floor.

25 CHAIRMAN GARCIA: Four unit. This one has

1 six plus -- I mean, two plus four is six unit.

2 MR. PEREIRAS: Correct.

3 CHAIRMAN GARCIA: You're talking about ten.
4 Right?

5 MR. PEREIRAS: Correct.

6 CHAIRMAN GARCIA: And then, this one, you
7 have another six, 16. And then, this one is like
8 --

9 MR. PEREIRAS: A bunch.

10 CHAIRMAN GARCIA: Okay. Okay.

11 MR. PEREIRAS: So, in this floor, we have
12 one, two, three, four, five, six, seven, eight,
13 nine, ten --

14 CHAIRMAN GARCIA: Ten.

15 MR. PEREIRAS: -- units.

16 CHAIRMAN GARCIA: Ten units.

17 MR. PEREIRAS: So, we have ten units on the
18 ground floor, and then 16 above, which is what
19 leads us to our first big clue.

20 We have 16 legal units according to the
21 Building Department.

22 CHAIRMAN GARCIA: So --

23 MR. PEREIRAS: I have a feeling that it's
24 16 units above, and that the ten on the ground
25 floor were commercial spaces, and they were

1 stores for -- and that's what the Building
2 Department has registered.

3 This is an assumption on my part.

4 CHAIRMAN GARCIA: So you have --

5 MR. PEREIRAS: I don't know.

6 CHAIRMAN GARCIA: So you have 16 unit, plus
7 commercial.

8 MR. PEREIRAS: Plus commercial.

9 CHAIRMAN GARCIA: Okay.

10 MR. PEREIRAS: So, my assumption is that
11 these units up here have always been there and
12 have been registered in the Building Department.

13 They were, at one point, long units, and at
14 some point throughout its history, some were
15 divided in half, front and back.

16 Okay?

17 And then, on the ground floor, when it was
18 changed from commercial to residential, it was
19 broken up into horrible, tiny units.

20 Our client, our patron, purchased the
21 building recently, less than a year. Purchased
22 it with violations. And we're here before this
23 Board to correct this and make this better.

24 So, what we're proposing to do, and our --
25 my efforts are making the assumption that the top

1 | ones are -- are valid, we're proposing to
2 | legalize this entire building, and coming before
3 | this Board to legalize it as a whole.

4 | But what we're -- our changes are primarily
5 | on this first, ground floor.

6 | So, we're bringing it back to somewhat of
7 | an original condition. And instead of having
8 | these ten units, we're going back to one unit
9 | across this way, front and back split, front and
10 | back split, and one unit across the side, so that
11 | we have one, two, three, four, five, six units.

12 | So, on the ground floor, we have -- we're
13 | legalizing those six units on the ground floor.

14 | Okay?

15 | So, these are the existing 16. And these
16 | are the proposed six that we have.

17 | And from the purposes of argument and for
18 | clarity of the record, I think that we have to
19 | look at this building as a whole, and say, we're
20 | legalizing 16 -- 22 units in total.

21 | Okay?

22 | So, we're coming before this Board
23 | requesting to legalize 22 units.

24 | And the way I want to do this is to bring
25 | the entire building up to Code, and bring it into

1 compliance.

2 So, instead of asking for domestic line
3 sprinkler systems, per unit, and doing all this
4 two hour separations between the building, what I
5 propose is to completely legalize the entire
6 building, and fix it all, so that everything in
7 every single apartment, all -- all 22 of them,
8 are going to be brought up to Code.

9 So, we're going to put a full sprinkler
10 system into that building. That means we're
11 going to take a new line from the street. It's
12 probably going to be a four inch line, and we're
13 going to sprinkler the entire building, all the
14 common areas, and every apartment.

15 And we're going to make the hallways fire
16 rated, as -- as it's required, and go through the
17 entire building and bring it up to Code, and
18 legalize all 22 units.

19 Now, we have some issues, and I'll walk you
20 through the building.

21 Some units are small, but I'll walk through
22 everything.

23 So, I want to go one by one, and read the
24 square footages of the units.

25 We have 715 square feet, we have 378 square

1 feet, 378 square feet, 715 square feet, 351 and
2 351.

3 CHAIRMAN GARCIA: That's the proposal.

4 MR. PEREIRAS: So, that's --

5 That's the proposed unit size. And I have
6 -- and there's a little bit of a dilemma, and I
7 want to be clear with the Board on how I'm doing
8 this.

9 If you look at these units, this one, I
10 could keep easily as a single unit, because
11 there's a more easier path between the units.

12 This is very tight, in reality. So, if I
13 were to walk from the beginning to the back of
14 the apartment, you're literally walking through a
15 hallway that's less than two feet, to squeeze
16 through, and then, like 12 feet to get across.

17 So, the only connection between these is
18 extremely awkward. So, I'm splitting this into a
19 rear apartment, and a front apartment.

20 And I'm going to just clarify that by
21 looking at our enlarged floor plan, where we
22 could really examine the proposed condition.

23 So, you walk into the building, and you
24 have an entrance into one apartment. It's a
25 large live -- it's basically a studio apartment

1 | that we created. It's a large living area,
2 | closet, kitchen and dining area, and a small
3 | bathroom.

4 | The same is of the other unit right next to
5 | it.

6 | So, we're proposing, basically, a 358
7 | square foot studio there.

8 | On the rear part of the unit, we have a 370
9 | square foot studio. And we're making those ADA
10 | adaptable, so they're going to be handicap
11 | compliant units.

12 | So, we're going to create an ADA bathroom
13 | in that space, and then their adaptable kitchen,
14 | and their living -- living area, sleeping area.

15 | The apartment stays as a whole. And you
16 | see it's -- it actually works much better as a
17 | studio apartment than a full apartment, because
18 | in order to get to the next space, you basically
19 | have to walk through the room, so it's like a
20 | shotgun type apartment.

21 | So, in this condition, you walk into a
22 | living area, dining room area, and you could walk
23 | in through one bedroom to get to the next
24 | bedroom.

25 | And that's apartment number 1.

1 Apartment number 2B and 2A are studios.
2 And apartment number 1B and 1A, on the other side
3 of the building, are studios. And then, this
4 would be another two bedroom apartment, where you
5 walk in, kitchen, dining area, living room space,
6 and then the two bedrooms along the front, which
7 mimics almost identically all the units above.

8 So, the units above that are split up, are
9 equal to these studios.

10 The units above that are continuous are
11 like this layout. So, it's a typical layout.

12 How do I have to go over that again,
13 because I know it's confusing and -- and strange.

14 CHAIRMAN GARCIA: No, the only question I
15 have is, if this is a kind of meter, why this is
16 -- is you're able to continue and this --

17 MR. PEREIRAS: I don't think you should.
18 It's really horrible. It's a -- it's awkward.
19 It should be a --

20 But I don't want to be --

21 CHAIRMAN GARCIA: No, no, no, no.

22 MR. PEREIRAS: I don't want to be that
23 aggressive, and I don't want to be -- what's the
24 word -- you used it earlier today.

25 MR. ISA: Greedy.

1 CHAIRMAN GARCIA: Greedy?

2 MR. PEREIRAS: Greedy and ask for more
3 units. And it's -- I think it's horrible. I
4 think it's a horrible kind of hallway.

5 I wouldn't want to live there, but I don't
6 want to ask for more units. And I don't know how
7 to --

8 CHAIRMAN GARCIA: Well, this is the same --

9 MR. PEREIRAS: It is.

10 CHAIRMAN GARCIA: Okay.

11 MR. PEREIRAS: It is.

12 CHAIRMAN GARCIA: No, no. Okay.

13 MR. PEREIRAS: I just don't want to be
14 greedy.

15 And it -- and my client wants more units.
16 Okay? He bought the building with more units.
17 He wants --

18 I had to negotiate him down to this.

19 CHAIRMAN GARCIA: But I'm asking you --

20 MR. PEREIRAS: But I don't think less would
21 be --

22 CHAIRMAN GARCIA: -- probably two more. I
23 probably could say, oh, you don't have just one
24 -- one --

25 MR. PEREIRAS: You can and --

1 CHAIRMAN GARCIA: -- one --

2 MR. PEREIRAS: -- and we understand that.
3 And I -- but I don't see it as even being that
4 much better.

5 I -- it's a little bit of a give and take
6 there. And we're open to your suggestions.

7 MR. GRULLON: The unit that you're
8 removing, Mr. Pereiras, are all on the ground
9 floor. The ground floor.

10 MR. PEREIRAS: Correct.

11 MR. GRULLON: Four units.

12 MR. PEREIRAS: Correct. I don't want to
13 modify any of the units above. There's tenants
14 there. Everything's working very well.

15 There's tenants on the ground floor, too,
16 but they're really -- they're bad units. They're
17 small, they're not -- they're not adequate.

18 CHAIRMAN GARCIA: Okay.

19 That's it?

20 MR. PEREIRAS: That's it.

21 MR. GRULLON: So, you will be doing the
22 entire building with sprinkle?

23 MR. PEREIRAS: Yes. We're going to -- the
24 way I want to see it, and the way I would like
25 this Board to approve it and the Resolution to be

1 read, is that we're legalizing 22 units --

2 MS. PEREIRAS: Yes.

3 MR. PEREIRAS: -- 22 units in this
4 building, so that now I am obliged, as the
5 architect, to go to the Building Department, and
6 basically bring everything up to conformance.

7 So, I would be putting a sprinkler system
8 throughout the entire building, and making sure
9 that this thing is -- that the health, life,
10 safety, and welfare of the inhabitants, and the
11 neighbors is appropriate.

12 So, that's what we're requesting for this
13 Board to legalize it as a whole 22 units.

14 MR. PRESSEY: And nothing to do with
15 parking.

16 Right?

17 MR. PEREIRAS: I'm sorry?

18 MR. PRESSEY: Nothing to do with parking.

19 MR. PEREIRAS: Absolutely nothing. The
20 building has -- it's on property that's property
21 -- on property line in the front. And that's the
22 existing case.

23 And remember, we're actually reducing the
24 number of units from what's really existing,
25 what's there in real life.

1 CHAIRMAN GARCIA: And basically, all the
2 change going to be inside -- interior --
3 interior.

4 MR. PEREIRAS: Correct.

5 CHAIRMAN GARCIA: Nothing outside.

6 MR. PEREIRAS: And I think that's fair
7 because it's a -- it's a very attractive building
8 from the outside.

9 There is -- there's really not much to do
10 on the outside.

11 MR. GRULLON: When did your client purchase
12 the building?

13 MR. PEREIRAS: About a year ago.

14 MS. PEREIRAS: Earlier this year.

15 MR. GRULLON: Yeah. He probably purchased
16 how many units?

17 MR. PEREIRAS: Twenty-six.

18 MR. GRULLON: Twenty-six?

19 And is he here because -- do we have
20 anything?

21 MR. PEREIRAS: We needn't even bother with
22 that. I mean, it's -- he purchased it as 26
23 units.

24 CHAIRMAN GARCIA: Any member of the public
25 wants to step forward?

1 Mr. Price?

2 MR. PRICE: Can you flip to the before and
3 after?

4 MR. PEREIRAS: The diagram?

5 MR. PRICE: The diagram. Okay.

6 I notice that on the top floor, you have a
7 sort of standard issue -- whatever -- right and
8 left apartment.

9 MR. PEREIRAS: Correct.

10 MR. PRICE: Okay.

11 Now, you made the assumption that the 16
12 legal apartments were the apartments on the
13 second, third, and fourth.

14 How about an alternative explanation, which
15 is this was a standard issue building --

16 MR. PEREIRAS: Four.

17 MR. PRICE: -- four floors, right and left,
18 you got eight in one building, eight in the next
19 building, 16 apartments. Those are your 16 legal
20 apartments.

21 MR. PEREIRAS: It's a plausible
22 alternative.

23 MR. PRICE: Okay.

24 CHAIRMAN GARCIA: One second.

25 That's why I asked you before. I mean, I

1 | can't -- you know, I'm not thinking about that,
2 | but that's why I ask you that if it's 16 units,
3 | plus commercial.

4 | MR. PEREIRAS: I don't know what the
5 | Building Department memo - the -- do you have it
6 | there?

7 | CHAIRMAN GARCIA: Just 16 units.

8 | Okay. Okay.

9 | Go ahead, Mr. Price.

10 | MR. PRICE: Okay. Next question.

11 | Have you gone through the apartments?

12 | MR. PEREIRAS: No, I have not.

13 | MR. PRICE: You have not.

14 | MR. PEREIRAS: My employees have. I've
15 | seen pictures of them. I have not gone through
16 | them myself.

17 | MR. PRICE: Okay. Okay.

18 | You're an expert -- experts can answer a
19 | hypothetical question.

20 | Let me just contrast in the existing
21 | condition, the third floor and the fourth floor.

22 | The third floor -- or sorry -- the fourth
23 | floor has four apartments.

24 | MR. PEREIRAS: Correct.

25 | MR. PRICE: The third floor has --

1 MR. PEREIRAS: Six.

2 MR. PRICE: -- two on the left hand side,
3 but has four on the right hand side.

4 MR. PEREIRAS: Correct.

5 MR. PRICE: That -- the four on the right
6 hand side clearly cannot be the original
7 condition.

8 Correct?

9 MR. PEREIRAS: Correct.

10 MR. PRICE: Okay. So, they -- these
11 apartments were divided for and aft --

12 MR. PEREIRAS: I think it --

13 MR. PRICE: -- at some point.

14 MR. PEREIRAS: I think the original
15 condition is more than likely, in my expert
16 opinion, the fourth floor. The -- similar to the
17 fourth floor, where you have four apartments.
18 One on each side.

19 And my only reason for arguing and -- that
20 it wasn't the ground floor, is because it looks
21 commercial. The size of the windows in the front
22 are commercial. That's -- I make that
23 assumption.

24 But it's completely an assumption, and it
25 could be plausible both ways.

1 MR. PRICE: Okay. What -- this is quite an
2 old building, isn't it?

3 MR. PEREIRAS: It is.

4 MR. PRICE: Original construction. When
5 would you estimate it was --

6 MR. PEREIRAS: It was probably --

7 MR. PRICE: -- 19 -- 1900?

8 MR. PEREIRAS: Yeah. It was probably in
9 the teens, my guess.

10 MR. PRICE: Okay. And we have -- if we
11 assume that on the third floor, this division was
12 made at some point, we don't know whether it was
13 made 20 years ago, or it could have been made 60
14 years ago.

15 MR. PEREIRAS: Correct.

16 MR. PRICE: In which case those four
17 apartments would be part of the 16, but if it was
18 made 20 years ago, they would not be.

19 MR. PEREIRAS: Correct.

20 MR. PRICE: We don't know. Okay.

21 MR. PEREIRAS: We have no idea. And that's
22 why I want this Board to not even --

23 Really, what we're legalizing is a 22 unit
24 building. And is this appropriate as a 22
25 building -- unit building or is it not? And

1 | that's really the question before the Board.

2 | MR. PRICE: Okay. My other question, in
3 | term -- we're not changing the up -- the upstairs
4 | at all.

5 | But in these cases where they've divided,
6 | what are the sizes of these apartments?

7 | MR. PEREIRAS: I'll tell you exactly; 396
8 | and 378 in the rear.

9 | MR. PRICE: What kind of apartments are
10 | they now?

11 | MR. PEREIRAS: These are all studios.

12 | MR. PRICE: They're all studio apartments?

13 | MR. PEREIRAS: Yes.

14 | And some have -- and I saw the photographs,
15 | some have like makeshift walls. But that's
16 | something that we would be correcting, as we come
17 | through and renovate and -- and correct these
18 | buildings.

19 | So, there's a lot of violations in the
20 | building. And that's one of the -- the great
21 | things about getting this approved legally, is
22 | that now we're going to go through and correct a
23 | lot of those violations and make it into a safe
24 | building.

25 | MR. PRICE: Okay.

1 Thank you.

2 CHAIRMAN GARCIA: Thank you.

3 Any other question, guys?

4 MR. GRULLON: Mr. Pereiras, all the units
5 are rented you said? You mentioned that?

6 MR. PEREIRAS: I -- not all of them, but
7 the majority of them. I believe all the upper
8 floors are rented, and on the first floor, I
9 think they already evicted some of the people
10 that were in units that were like 160 square
11 feet.

12 MR. GRULLON: Yeah.

13 MR. PEREIRAS: So, there -- all those
14 people have been evicted, or in the process of
15 eviction.

16 CHAIRMAN GARCIA: You mentioned they're
17 going to be sprinkle everything.

18 Right?

19 MR. PEREIRAS: Absolutely. This is going
20 to be sprinkler.

21 CHAIRMAN GARCIA: How do you -- how is the
22 process to sprinkle the whole building when you
23 have people living in there?

24 It is something external or is --

25 MR. PEREIRAS: So, when there's people

1 | living in the building, we actually try to do as
2 | minimum of an intrusion into the apartments as
3 | possible.

4 | So, what we normally do is we go through
5 | the corridor with a main pipe. And from that
6 | corridor, you do side wall heads that just
7 | penetrate the side wall.

8 | Now, that, in most cases, is good enough,
9 | so that you could spray the entire room with side
10 | wall heads.

11 | There's some cases where it's not going to
12 | be enough, and that pipe actually has to go
13 | across the ceiling.

14 | But we can do that easily here, because the
15 | joists are running in the same direction.

16 | So, we would run the pipe through the
17 | ceiling, which is going to create a lot of dust.
18 | But that's something that they -- you know, they
19 | tape away, they -- they put plastic bags, and
20 | they run across, and that's particularly for the
21 | windows, cause -- because of the proximity of the
22 | property line, each window has to have a
23 | sprinkler head, as well.

24 | So, it's something that can be done with
25 | tenants. It just has to be done carefully with

1 the right contractor.

2 CHAIRMAN GARCIA: Okay.

3 Thank you.

4 MR. PEREIRAS: And our biggest difficulty,
5 and the most expensive aspect of this, is that
6 the sidewalks are new and the street is new.

7 So, in compliance with the Ordinance that
8 the City has put forth, the owner actually has to
9 mill the street and -- and go through a
10 significant cost.

11 It's probably going to cost him at least 30
12 to \$40,000.00, just to mill the street in order
13 to get the -- the fire connection.

14 So, this is not going to be -- this is not
15 going to be cheap in any way. It's going to be a
16 series of efforts in order to make this
17 compliant.

18 CHAIRMAN GARCIA: Okay.

19 No question?

20 So, I think that understanding that it's
21 kind of precondition, or existing condition,
22 preexisting condition, and also understanding
23 that it is in reality probably legally is going
24 up, but in the real practice is going down.

25 I think that going to have better units,

1 more space.

2 And I'm going to make my motion to grant
3 this application with -- I know that the Building
4 Department going to require the sprinkle --

5 MR. PEREIRAS: Um hum.

6 CHAIRMAN GARCIA: -- however, I just want
7 to state it in the Resolution that one of the
8 main condition is to sprinkle the whole building.

9 I make my motion to grant this application.

10 THE SECRETARY: Motion to grant the
11 application by Chairman Andres Garcia.

12 Second by?

13 MR. GRULLON: I'll second.

14 THE SECRETARY: Victor Grullon.

15 Roll call.

16 Andres Garcia?

17 CHAIRMAN GARCIA: Yes.

18 THE SECRETARY: Victor Grullon?

19 MR. GRULLON: Yes.

20 THE SECRETARY: Margarita Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Miguel Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: David Pressey?

25 MR. PRESSEY: Yes.

1 THE SECRETARY: John Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Motion carries.

4 MS. PEREIRAS: Thank you all very much.

5 MR. PEREIRAS: Thank you.

6 MS. PEREIRAS: Good night. We'll see you
7 next month.

8 MR. GRULLON: Good night.

9 MR. ISA: Good night.

10 MS. GUTIERREZ: Thank you.

11 Good night.

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1 **ADJOURNMENT:**

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3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion to close tonight's meeting, please?

6 MS. GUTIERREZ: I make a motion.

7 THE SECRETARY: Motion by Mr. David
8 Pressey.

9 Second by Margarita Gutierrez.

10 Roll call.

11 Andres Garcia?

12 CHAIRMAN GARCIA: Yes.

13 THE SECRETARY: Mr. Grullon?

14 MR. GRULLON: Yes.

15 THE SECRETARY: Margarita Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Miguel Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: David?

20 MR. PRESSEY: Yes.

21 THE SECRETARY: Pressey?

22 John Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Let the record show that
25 the meeting has ended.

1 Thank you.

2

3 (Whereupon, the proceedings were concluded
4 at 10:23 p.m.)

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1 STATE OF NEW JERSEY :

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3 COUNTY OF ESSEX :

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6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY ZONING BOARD OF
10 ADJUSTMENT held on Thursday, November 13, 2014,
11 and digitally recorded.

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