

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, March 19, 2015
Commencing at 6:32 p.m.

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

VICTOR M. GRULLON
MIGUEL ORTIZ, (Arrived at 7:05 p.m.)
HARLENNY E. JAVIER
JOSEPH D. BONACCI, Alternate No. 2
ELISA FLORES, Alternate No. 3
KHALED DARDIR, Alternate No. 4
ANDRES GARCIA, Chairman

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

DOMINGA CARRO
MARGARITA GUTIERREZ
DAVID W. PRESSEY
JOHN MEDINA, Alternate No. 1

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

CARLOS VALLEJO, Secretary to the Board

ULYSSES ISA, ESQ., Board Attorney

DAVID SPATZ, Consultant, (Left at 7:17 p.m.)
Community Housing and Planning Associates

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

BIANCA P. PEREIRAS, ESQ.,
Appearing on behalf of Applicant, Zohara 544, LLC

THOMAS L. CURCIO, ESQ.,
Attorney for Applicant, Arturo Hernandez

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Reino Magico

LUIS A. ALUM, ESQ.,
Attorney for Applicant, Melani(sic) Hidalgo

PETER M. FLANNERY, ESQ.,
Attorney for Applicant, Rosario Management, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Dalema Corporation

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant,
Liberty Park at Union City, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant,
Bhado & Bhado Development, LLC

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1 THE SECRETARY: Please take notice that on
2 Thursday, November (sic) 19, 2015, at six p.m., a
3 Regular Meeting is scheduled, start at 6:35 for
4 the City of Union City, Zoning Board of
5 Adjustment, to be held in the Municipal Chambers,
6 located on the second floor, 3715 Palisade
7 Avenue, Union City, New Jersey.

8 Can everybody kindly stand up to allegiance
9 to the flag, please?

10

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

13

14 THE SECRETARY: Thank you.

15

16 **Roll Call:**

17

18 THE SECRETARY: Roll call for tonight's
19 meeting.

20 Chairman Garcia?

21 CHAIRMAN GARCIA: Present.

22 THE SECRETARY: Victor Grullon?

23 MR. GRULLON: Present.

24 THE SECRETARY: Margarita Gutierrez?

25 Absent.

1 Miguel Ortiz? Absent.

2 Mr. David Pressey? Absent.

3 Harlenny Javier?

4 MS. JAVIER: Present.

5 THE SECRETARY: Dominga Carro? Absent.

6 John Medina? Absent.

7 Joseph Bonacci?

8 MR. BONACCI: Present.

9 THE SECRETARY: Khaled Dardir?

10 MR. DARDIR: Here.

11 THE SECRETARY: Elisa Flores?

12 MS. FLORES: Here.

13 THE SECRETARY: Let the record indicate we
14 have six Board members. So, we have a Board made
15 up of six members.

16 MR. ISA: Thank you, Mr. Secretary.

17 Actually, before we move on, I wanted to
18 apologize to the Board and to members of the
19 public for not being present last -- at last
20 meeting. But, unfortunately, I was -- I was ill.

21 But in any case, I hope -- I hope the
22 person that was here was able to assist with
23 everything.

24 Thank you.

25 * * *

1 **RESOLUTIONS:**

2

3 (1) Navin Joshi - 520 New York Avenue -
4 Amending Original Application Reducing it to
5 three (3) stories four (4) residential units

6 (2) 541-543 45th Street, LLC - 539-543 45th
7 Street, Block 255, Lots 44 & 45. Rear extension
8 to existing structure to be used as a medical
9 facility

10

11 THE SECRETARY: On tonight's agenda, we
12 have three Resolutions.

13 Navin Joshi, 520 New York Avenue.

14 Second Resolution, 541-543 45th Street.

15 Third Resolution, Zohara, 544, LLC, 544
16 40th Street.

17 MR. ISA: Now, if -- if I may?

18 I -- I -- I would suggest that we vote on
19 -- on the first two Resolutions, because I know
20 that Zohara, five five -- 544, LLC presented some
21 plans.

22 I don't know if the Board wanted to look at
23 them before -- before seeing it and before --
24 before voting on them.

25 So, we should vote on the first two. We

1 | can do those --

2 | THE SECRETARY: These are the revised plans
3 | for Zohara.

4 | MR. ISA: You want to call --

5 | CHAIRMAN GARCIA: You can take the next
6 | one.

7 | THE SECRETARY: You want to call Zohara --
8 | well, let's do these -- let's do the two
9 | Resolutions. Let's call Zohara, so that they can
10 | -- so, we can talk about the plans.

11 | THE SECRETARY: All right.

12 | MR. ISA: And then, we can do that
13 | Resolution.

14 | Okay?

15 | THE SECRETARY: Okay, Mr. --

16 | MR. ISA: So, let's --

17 | CHAIRMAN GARCIA: Let's do 1 and 2?

18 | MR. ISA: Yeah. One and 2, and then, we'll
19 | -- we'll handle that separately.

20 | THE SECRETARY: All right. We are going to
21 | get a motion for Resolution 1 and 2, Navin Joshi,
22 | 520 New York Avenue and Resolution 2, 541-543 45th
23 | Street.

24 | Can I have a motion to approve these
25 | Resolutions?

1 CHAIRMAN GARCIA: Aye.

2 THE SECRETARY: Motion --

3 MR. GRULLON: I --

4 THE SECRETARY: -- by Chairman --

5 MR. GRULLON: -- I second.

6 THE SECRETARY: -- Andres Garcia.

7 Second by?

8 MR. GRULLON: Victor.

9 THE SECRETARY: Mr. Grullon.

10 Chairman Garcia, to approve the --

11 CHAIRMAN GARCIA: Yes.

12 THE SECRETARY: Victor Grullon?

13 MR. GRULLON: Yes.

14 THE SECRETARY: Harlenny Javier?

15 MS. JAVIER: Yes.

16 THE SECRETARY: Joseph Bonacci?

17 MR. BONACCI: Yes.

18 THE SECRETARY: Khaled Dardir?

19 MR. DARDIR: Yes.

20 THE SECRETARY: Elisa Flores?

21 MS. FLORES: Yes.

22 THE SECRETARY: Motion carries, six in
23 favor.

24 * * *

25

1 **RESOLUTIONS:**

2

3 (3) Zohara 544, LLC - 544 40th Street. Block
4 234, Lots 9 and 10. Multi-family residential
5 apartments. Proposed two (2) new units in an
6 existing sixteen (16) unit building. Total
7 eighteen (18) units

8

9 MR. ISA: Okay. So, then -- now, why don't
10 we call up Zohara, so that they can -- so we can
11 deal with their -- with those plan changes.

12 THE SECRETARY: You want --

13 MR. ISA: You want to call them?

14 THE SECRETARY: Okay. We're calling -- the
15 third Resolution?

16 MR. ISA: Yeah. Call the -- the applicant.
17 Zohara, 544, LLC.

18 MS. PEREIRAS: Good evening, members of the
19 Board.

20 Bianca Pereiras, on behalf of Zohara.

21 (Whereupon, there was an interruption in
22 the recording.)

23 MR. DILLON: We're good.

24 MS. PEREIRAS: Yeah.

25 MR. ISA: Good to go?

1 MR. DILLON: Yes.

2 MR. ISA: Good. Okay.

3 So, yes, Mr. Chairman, you may recall, we
4 had asked the applicant to come back with plans
5 that would show -- demonstrate the changes that
6 the Board had requested.

7 And -- and having done that, if the -- if
8 the changes are, in fact, accurate, the -- we
9 would then approve the Resolution, based on the
10 changes that we have recommended.

11 CHAIRMAN GARCIA: I revised (sic) the
12 plans, and they have the 18 parking spaces that
13 was requested.

14 So, I -- I make my motion to adopt this
15 Resolution.

16 THE SECRETARY: Motion to adopt the
17 Resolution of Zohara 544, LLC by Chairman Andres
18 Garcia.

19 Second by?

20 MR. GRULLON: Aye.

21 THE SECRETARY: Mr. Victor Grullon.

22 Andres Garcia?

23 CHAIRMAN GARCIA: Yes.

24 THE SECRETARY: Victor Grullon?

25 MR. GRULLON: Yes.

1 THE SECRETARY: Harlenny Javier?

2 MS. JAVIER: Yes.

3 THE SECRETARY: Joseph Bonacci?

4 MR. BONACCI: Yes.

5 THE SECRETARY: Khaled Dardir?

6 MR. DARDIR: Yes.

7 THE SECRETARY: Elisa Flores?

8 MS. FLORES: Yes.

9 THE SECRETARY: Motion carries, six in
10 favor.

11 MS. PEREIRAS: Thank you very much.

12 CHAIRMAN GARCIA: Only three copies?

13 Okay. No. I mean the -- sign the five
14 copies now --

15 MS. PEREIRAS: I think I brought some more.

16 CHAIRMAN GARCIA: Because there's --
17 there's only three.

18 MR. ISA: She can drop them off.

19 CHAIRMAN GARCIA: We are signing five.

20 Okay.

21 * * *

22

23

24

25

1 **Bhado & Bhado Development, LLC - 1705 Palisade**
2 **Avenue:**

3

4 MR. ISA: Okay. I think we're going out
5 of order, Mr. Secretary.

6 THE SECRETARY: First one, we are going to
7 go first with Bhado Bhado, to adjourn the
8 application.

9 Okay.

10 MR. ALONSO: Good evening, Mr. Chairman,
11 members of the Board.

12 For the record, Alvaro Alonso, Alonso
13 Navarette, on behalf of Bhado Bhado Development,
14 LLC.

15 CHAIRMAN GARCIA: Bhado Bhado.

16 MR. ALONSO: We had a conflict with some of
17 our expert witnesses, who were not available for
18 this evening, so we're not ready to proceed.

19 I'm going to ask that this matter be
20 carried.

21 CHAIRMAN GARCIA: When is the next meeting?

22 THE SECRETARY: April 9th.

23 CHAIRMAN GARCIA: Okay.

24 Okay. I make my motion to adjourn this
25 application to --

1 THE SECRETARY: Motion to adjourn the
2 application by Chairman Andres Garcia.

3 Second by?

4 MR. GRULLON: I second.

5 THE SECRETARY: Mr. Grullon.
6 Andres Garcia?

7 CHAIRMAN GARCIA: Yes.

8 THE SECRETARY: Victor Grullon?

9 MR. GRULLON: Yes.

10 THE SECRETARY: Harlenny Javier?

11 MS. JAVIER: Yes.

12 THE SECRETARY: Joseph Bonacci?

13 MR. BONACCI: Yes.

14 THE SECRETARY: Khaled Dardir?

15 MR. DARDIR: Yes.

16 THE SECRETARY: Elisa Flores?

17 MS. FLORES: Yes.

18 THE SECRETARY: Motion carries. The next
19 meeting is April the 9th.

20 MR. ALONSO: Thank you.

21 * * *

22

23

24

25

1 **Liberty Park at Union City, LLC - 649-651 38th**

2 **Street:**

3

4 MR. ALONSO: Mr. Chairman, with -- with
5 respect to number 6, Liberty Park?

6 CHAIRMAN GARCIA: Yes. I was ready to ask
7 you for that.

8 MR. ISA: Liberty --

9 CHAIRMAN GARCIA: I'm going to -- I really
10 want to thank you for all the information that
11 you sent regarding the -- the paper court -- I
12 mean, paper from the court regarding the evasion
13 of the -- of the property adjacent to -- to that
14 application.

15 And I really want to ask you for a big
16 favor, if you can ask your client is if we could
17 -- this is only waiting for vote.

18 MR. ALONSO: Yes. Yeah. Everything --

19 CHAIRMAN GARCIA: Everything went to --

20 MR. ALONSO: Everything's in. Yeah.

21 CHAIRMAN GARCIA: But since we had that
22 issue that the lease was one of the condition
23 that actually it is -- it is stated in the -- in
24 the Resolution to be approved that application, I
25 remember I read today actually is a condition

1 number three in the -- in the Resolution.

2 And -- and now the person doesn't have the
3 lease for parking in that space. And I really
4 want to ask you if it's okay to adjourn this
5 application and want to bring that applicant --
6 that -- that client, whoever it is, applicant,
7 whatever it is, to next meeting, because I need
8 that they testify here and I need to find out
9 what's going on with that.

10 MR. ALONSO: Yeah. That -- that's no
11 problem, Mr. Chairman.

12 CHAIRMAN GARCIA: Thank you. I really
13 appreciate --

14 MR. ALONSO: I can consent on behalf of my
15 client.

16 CHAIRMAN GARCIA: And I -- and we -- we
17 promise you that we going -- we're going to have
18 the Resolution done, so doesn't going to create
19 an impact --

20 MR. ALONSO: Assume --

21 CHAIRMAN GARCIA: -- to your client for
22 that.

23 MR. ALONSO: Assuming that there's an
24 approval.

25 MR. ISA: Of course.

1 In fact, what I will do is -- I'll draft --
2 I'll draft the Resolution --

3 CHAIRMAN GARCIA: You draw up both.

4 MR. ISA: -- in both directions.

5 CHAIRMAN GARCIA: Right.

6 MR. ISA: You know, one approval, one
7 denying --

8 CHAIRMAN GARCIA: Right.

9 MR. ISA: -- so that we can be ready,
10 whichever way the Board goes.

11 MR. ALONSO: I appreciate that.

12 CHAIRMAN GARCIA: Yeah.

13 MR. ISA: Yeah.

14 MR. ALONSO: And I'll consent on behalf of
15 my client.

16 MR. ISA: Okay.

17 CHAIRMAN GARCIA: Okay. Thank you very
18 much.

19 MR. ISA: Thank you.

20 CHAIRMAN GARCIA: We really appreciate
21 that.

22 MR. ISA: Thank you. And --

23 CHAIRMAN GARCIA: Ulysses, please, can you
24 follow up with that on that --

25 MR. ISA: Well, what I --

1 CHAIRMAN GARCIA: -- you try your best.

2 MR. ISA: I already -- I've already reached
3 out for -- for that applicant's attorney. Talked
4 to him.

5 You know, he was unaware of the -- this --
6 of this current situation, which is -- you know,
7 it's understandable, he might not have been
8 involved -- you know, subsequent to the
9 approvals.

10 I'll advise him and -- you know, we'll --
11 we'll send his -- his clients a request to be
12 here.

13 MR. ALONSO: Okay.

14 MR. ISA: And you know, we can -- we can
15 discuss that in the coming -- in the coming
16 weeks, I guess. And I'll discuss that with Mr.
17 Mulkay also.

18 CHAIRMAN GARCIA: Okay.

19 MR. ISA: Okay?

20 MR. ALONSO: I guess we --

21 CHAIRMAN GARCIA: Thank you very much.

22 MR. ALONSO: -- we need a vote to adjourn
23 it?

24 MR. ISA: Yes.

25 CHAIRMAN GARCIA: Yes. Yes.

1 I make my motion to adjourn this
2 application for next meeting.

3 MR. GRULLON: I second.

4 THE SECRETARY: Motion to adjourn Liberty
5 Park at Union City, LLC, 649-651 38th Street, by
6 Chairman Andres Garcia.

7 Second by Mr. Grullon to approve the
8 adjournment.

9 Andres Garcia?

10 CHAIRMAN GARCIA: Yes.

11 THE SECRETARY: Victor Grullon?

12 MR. GRULLON: Yes.

13 THE SECRETARY: Harlenny Javier?

14 MS. JAVIER: Yes.

15 THE SECRETARY: Joseph Bonacci?

16 MR. BONACCI: Yes.

17 THE SECRETARY: Khaled Dardir?

18 MR. DARDIR: Yes.

19 THE SECRETARY: Elisa Flores?

20 MS. FLORES: Yes.

21 THE SECRETARY: Motion carries.

22 MR. ALONSO: Thank you very much.

23 THE SECRETARY: Six in favor.

24 MR. ISA: Thank you, Mr. Alonso.

25 * * *

1 **Reino Magico - 701 Bergenline Avenue:**

2

3 THE SECRETARY: Next application tonight --
4 tonight's agenda is Reino Magico.

5 Mrs. Pereiras?

6 CHAIRMAN GARCIA: I want to recuse myself
7 for this -- for this application. I did last
8 time.

9 And I'm going to get out and I'm going to
10 leave the floor to Mr. whoever.

11 MR. ISA: Let the record reflect that Mr.
12 Andres Garcia, the Chairman, recusing himself
13 from the application.

14

15 **Election of Acting Chairperson:**

16

17 MR. ISA: Now, in his absence, the Board
18 will need an Acting Chairman, so is there a
19 motion --

20 THE SECRETARY: Can I have a motion to an
21 Acting Chairman, please, for this application?

22 Motion by Mr. Bonacci.

23 MR. ISA: Who -- who you appointing?

24 THE SECRETARY: Who are you appointing Mr.
25 Bonacci?

1 MR. BONACCI: I'm sorry?

2 MR. ISA: Who is -- who are you moving to
3 make the Chairman?

4 MR. BONACCI: I was going to say --

5 MR. ISA: Mr. Grullon? Is that --

6 THE SECRETARY: Motion by Mr. --

7 MR. BONACCI: Is that okay with you?

8 THE SECRETARY: -- Bonacci --

9 MS. JAVIER: Second.

10 THE SECRETARY: -- Mr. Grullon.

11 MS. JAVIER: Second.

12 THE SECRETARY: Second Mrs. Javier?

13 MS. JAVIER: Yes.

14 THE SECRETARY: Roll call.

15 Victor Grullon?

16 MR. GRULLON: I accept.

17 THE SECRETARY: Abstain.

18 Harlenny Javier?

19 MS. JAVIER: Yes.

20 THE SECRETARY: Joseph Bonacci?

21 MR. BONACCI: Yes.

22 THE SECRETARY: Khaled Dardir?

23 MR. DARDIR: Yes.

24 THE SECRETARY: Elisa Flores?

25 MS. FLORES: Yes.

1 THE SECRETARY: Motion carries; four in
2 favor.

3 MS. PEREIRAS: Thank you.

4 MR. ISA: All right. So, floor --

5 MS. PEREIRAS: Again --

6 MR. ISA: -- is yours.

7 MS. PEREIRAS: Again, good evening.

8 May it please the Board, Bianca Pereiras,
9 on behalf of Reino Magico.

10 This is for their property located at 701
11 Bergenline Avenue, also known as Block 35, Lots 1
12 and 2.

13 And just for purposes of the record, I just
14 wanted to confirm that jurisdiction was
15 established at last month's meeting.

16 MR. ISA: I -- I was not present at last
17 month's meeting, but --

18 ACTING CHAIRPERSON GRULLON: Do we have the
19 --

20 MR. ISA: -- but I have -- all the
21 information was given to me by -- by Mr.
22 Carvajal, who was here in my stead, and yes, in
23 fact, jurisdiction was obtained and you have --

24 MS. PEREIRAS: Thank you very much.

25 MR. ISA: -- you certainly can proceed.

1 ACTING CHAIRPERSON GRULLON: One second.

2 MS. PEREIRAS: Sure.

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

5 ACTING CHAIRPERSON GRULLON: Yeah. You may
6 proceed, Ms. Pereiras.

7 MS. PEREIRAS: Thank you.

8 There has been a daycare at this site,
9 since the 1960s, and it's been owned and operated
10 by the same family for at least the past 25
11 years.

12 The owner has now a need to expand. They
13 actually have a waiting list of many children who
14 want to join the center.

15 And so, we are here before this Board for
16 an addition to expand the business.

17 We have two experts to testify before the
18 Board. We also have the owner/operator, if the
19 Board has any questions for her.

20 But I'd like to begin with our architect,
21 Mr. Manuel Pereiras.

22 MR. DILLON: Please raise your right hand.

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

25 MR. PEREIRAS: I do.

1 MR. DILLON: State your name and spell it
2 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 MR. DILLON: Thanks.

8 ACTING CHAIRPERSON GRULLON: We accept your
9 qualifications.

10 MR. PEREIRAS: Thank you so very much.

11 MS. PEREIRAS: Mr. Pereiras, are you
12 familiar with the site located at 701 Bergenline
13 Avenue?

14 MR. PEREIRAS: I am.

15 MS. PEREIRAS: And did you prepare the
16 drawings before the Board this evening?

17 MR. PEREIRAS: I have.

18 MS. PEREIRAS: And can you please describe
19 the proposed project for the Board?

20 MR. PEREIRAS: I'd be very happy to.

21 First of all, thank you everyone, for
22 having us here. It's a pleasure to see you all.

23 The property in question is on Bergenline
24 Avenue. However, we are in the R district, so
25 the -- the commercial district in Bergenline

1 Avenue ends on 8th Street. And we're sitting in
2 -- in the R district.

3 So, everything I'm presenting to you is
4 based on the standards of the R district, which
5 what you see here before you, and it's the same
6 drawings that you have in front of you over
7 there, simply put on the easel for ease of
8 presentation, we have the first sheet that has
9 both the existing and proposed site plan.

10 If you look at the -- the left hand side,
11 we -- we show the existing site how it sits.

12 The building is an existing three story
13 brick building, brick and siding building, that
14 hugs the corner of the street.

15 It has zero setback along Seventh Ave --
16 Seventh Street and -- and Bergenline Avenue. And
17 it has a zero setback along the rear yard, as
18 well.

19 It also has a one story garage addition on
20 the side.

21 This building is -- has been an institution
22 in the area. This daycare has been in operation
23 for well over 25 years and it's -- and it's run
24 very well, managed very well, has an excellent
25 reputation.

1 However, this is all done despite having a
2 very difficult facility to operate out of. And
3 in order to illustrate that, I'm going to show
4 you the existing conditions.

5 This is a new piece of evidence that I'm
6 presenting here. It's -- it's Sheet Z05. And
7 Z05 -- you don't have it before you.

8 ACTING CHAIRPERSON GRULLON: We don't have.

9 MR. PEREIRAS: It's just here on the -- on
10 the --

11 Z05 -- and would you like me to mark it as
12 a new sheet?

13 ACTING CHAIRPERSON GRULLON: Yes.

14 MR. PEREIRAS: Okay. I'll mark it A-1 for
15 applicant.

16 For the record, I'm marking bottom right
17 hand corner A-1.

18

19 (Whereupon, Sheet Z05 was received and
20 marked as Exhibit A-1.)

21

22 MR. PEREIRAS: In this sheet, it shows the
23 existing conditions of the building. There's a
24 basement, first floor, second floor, and third
25 floor.

1 As you could see, the circulation within
2 the facility is extremely difficult. In order to
3 get from one classroom to the other, you have to
4 go through the back, into -- along this end, you
5 have to go through an office along here to
6 circulate.

7 The biggest issue and the most troublesome
8 issue is that the abutments on the floor above
9 circulate actually through the daycare, in order
10 to exit, and go in and out of the daycare.

11 So, we're taking advantage of this
12 opportunity and really making this a state-of-
13 the-art facility. We're renovating the interior
14 to make it work very well.

15 And we're adding -- making an addition to
16 make this really so that the facility matches the
17 high level of caliber that -- that they've been
18 running and managing as a daycare for well over
19 25 years.

20 And what we propose to do is tear down the
21 one story garage, along the rear of the property.
22 So, we're introducing a new rear yard setback
23 along the back of the building. And that rear
24 yard setback is going to serve as our playground
25 area.

1 So, now, this building will have a very
2 nice playground area, with a soft surface for the
3 kids, and some playground equipment there.

4 That playground area and that rear yard
5 setback for the new addition is 12 feet. And
6 it's the width of the lot, which is -- which is
7 20 -- 25 feet.

8 So, we're going to have a rear playground
9 along there.

10 We're also setting back our new addition
11 another three foot eight from the property line.
12 And that serves several purposes.

13 Number one, we're going to be separating
14 and give a good setback from the adjacent
15 buildings. But it's also going to serve as an
16 emergency egress for the rest of the facility.

17 So, rooms along the back will be able to
18 egress through there in a safe manner, that meets
19 all Code requirements, and provides nice windows
20 and openings for the daycare along that side.

21 So, our -- our addition is a two story
22 addition that's going to be attached to the
23 building, and we're going to include also the
24 basement -- a basement in that addition.

25 Our planner is going to go much more in

1 detail with the variances and our setbacks, but
2 let me just go over them briefly to describe them
3 here.

4 We have a minimum lot area of 5,000 square
5 feet. We're -- we're a little bit shy of that,
6 so we're asking for a variance on that.

7 We have a minimum lot depth of -- depth of
8 a hundred feet, and we're shy of that too. We're
9 at 65.06, so we have a variance.

10 We have a minimum side yard of four feet
11 total. We're dealing with a preexisting
12 condition. The building's already on the
13 property line along Seventh Street and along
14 Bergenline Avenue.

15 So, that's an existing variance.

16 The rear yard. We're required to have 25
17 percent of the lot. It's 16 feet. We're shy of
18 that. Since we're dealing with an undersized
19 lot, that triggers the -- the additional
20 variance.

21 We're completely in compliance with
22 building height.

23 Coverage. We're at 84.3 percent, building
24 coverage, whereas 60 is required in our -- in our
25 district.

1 And off-street parking, and total of 16
2 spaces would be required. The existing facility
3 hasn't had any spaces and we continue -- there's
4 simply no space in the site in order to
5 accommodate those spaces. However, it's a --
6 it's a local facility that manages and runs for
7 local operations for the -- the needs of the
8 local community.

9 I'm turning now to page -- to Sheet Z01 --
10 Z02.

11 On Sheet Z02, we see the basement and the
12 first floor plan, in addition -- first and
13 foremost, the -- the fantastic thing about
14 putting the basement in this area is that it
15 creates communication and circulation for the
16 existing daycare along -- along their existing
17 basement.

18 So, by creating this new addition of a
19 staircase that meets a basement, we're creating a
20 much safer environment throughout the daycare
21 facility.

22 And we're providing two rooms down there.
23 One room that's 403 square feet and another room
24 of 328 square feet.

25 The one room along the end is going to have

1 windows within a window well, very well lit.
2 It's going to have bathroom facilities for
3 children. And you could fit a total of 12
4 children in that rear room.

5 The front room is -- is more like a mixed
6 use, a multi-purpose room. It's -- it's more for
7 conference for teachers, and for running internal
8 training and a lunchroom.

9 On the ground floor, we're creating a much
10 better circulation pattern. So, the first thing,
11 I'd like to point out, is the main entrance of
12 the building, used to be along Seventh Street.
13 And there was this corridor that had the access
14 to the apartments upstairs, and had the access
15 for the daycare.

16 We're -- we're dividing that completely and
17 we're isolating the apartments upstairs.

18 So, the apartments upstairs will continue
19 to have that entrance along Seventh Street.

20 And then, the new entrance for the building
21 is created along Bergenline Avenue. So, this is
22 now a new more commercial presence, and it's more
23 appropriate along Bergenline Avenue, and we're
24 treating that as such.

25 So, we're moving the entrance from the side

1 on Seventh Street to Bergenline Avenue.

2 The entrance is -- that we're creating is a
3 new vestibule. We created two large forms. We
4 have a stair tower across here. We have the
5 existing building across here, and the entrance
6 matches -- hugs in between the buildings into
7 each of these two forms.

8 So, we're isolating the entrance from the
9 neighboring property and we're isolating it from
10 the street. So, we're keeping it right in the
11 middle of the property, so for the safety of the
12 children and to provide good circulation.

13 You walk in, we're creating a nice large
14 reception area that's going to give ample room
15 for stroller location. It's also going to
16 provide office area and be able to, from a
17 security standpoint, manage the circulation
18 throughout the building, from that one off --
19 from one central point.

20 We're breaking the new entry into the
21 existing building from here, and we reconfigured
22 these -- this entire area.

23 Number one, we're creating facilities for
24 -- for ADA accessibility, for the bathrooms, and
25 everything to bring your building up to Code.

1 And we're creating a new circulation path,
2 that I'm pointing to here. This U shaped
3 circulation path allows access to each of the
4 classrooms, without having to go through the
5 classroom or -- or going through an inconvenient
6 space.

7 And each of these classrooms, in this new
8 design, now has two means of egress from every
9 room. So, each classroom will have another way
10 of escaping, in case there ever is an emergency
11 or any issue.

12 The existing -- the proposed building,
13 behind this reception area and waiting area and
14 stroller area is an infant room. So, what we're
15 proposing to do from a Code standpoint, is called
16 an I4 and I4 allows you to have infants, which is
17 a critical thing and an inherently beneficial use
18 for the neighborhood, because there are -- there
19 simply aren't enough places that take infants.
20 And there's a huge need for that.

21 DYFS is actually in a crisis, where they
22 need to place infants in locations, and there's
23 nowhere to put them.

24 So, this particular use, on the ground
25 floor, is critically important for the

1 neighborhood. It's something that we -- that
2 Union City needs.

3 And we're providing that here. We have an
4 occupancy of 14 children that would be able to
5 stay on this ground floor that could accommodate
6 infants.

7 In that space, we also have a baby changing
8 station. So there's an isolated area where --
9 where it circulates the air and -- and removes
10 any -- any smells that you might not want. And
11 it's open to the room itself. And an additional
12 bathroom facility for the teachers.

13 On the ground floor, you can also see that
14 we've done an indent on the building in order to
15 maintain and manage the garbage for the building.
16 That's going to be held along on the side here.

17 And you can see the grate -- the metal
18 grate that leaves air and circulation for the --
19 the basement.

20 And as you can see, we have a nice wide
21 area that leads to the playground in the back,
22 that serves as secondary means of egress for this
23 classroom and this classroom, escape through
24 there. And the -- the playground, as well, will
25 have that means of egress along the side of the

1 building.

2 If we move upstairs, to the next floor, you
3 can see the existing building and our new
4 building attached here.

5 As you go up the stairs, you have two more
6 classrooms. A classroom with an occupancy of 13
7 people and the other classroom with an occupancy
8 of 11 children.

9 Each of those classrooms have their
10 bathroom facility, and additional sinks for --
11 for the child activities.

12 And we're using as second means of egress,
13 connection through the existing building to move
14 that stairwell down.

15 Our façade is a very simple and elegant
16 façade. I'm pointing you to the top left part of
17 the building.

18 We have the existing structure, which we're
19 going to do some cosmetic changes and make it a
20 lot better.

21 And then, what we're proposing here is,
22 first and foremost, a nice glass storefront
23 entryway that's going to allow a lot of light to
24 come in. It's going to make it very open and
25 inviting so that you could see the activities of

1 the daycare. And it's going to be very clear and
2 visible for parents, for drop off and pickup.

3 So, that whole area is going to be glass.

4 And then, we've broken up into two simple
5 corridors. One is the -- the stairwell tower and
6 the other is the -- the portion of the building
7 here.

8 And we broke that up for scale. So, as we
9 go into the neighboring properties, we've reduced
10 the scale of the building and the mass a little
11 bit, and brings it to more a intimate level.

12 Very simple solution, but very elegant.

13 The sides of the building. There's nothing
14 much to it.

15 As you can see here, this is the stair
16 tower. This is the roof line here along here, of
17 our addition.

18 As you can see, the addition is a lot lower
19 than the adjacent building. It's lower than the
20 adjacent building to the other side. So, it's
21 completely unintrusive. You're on Bergenline
22 Avenue, so there's very small setbacks along the
23 side yards.

24 Our building is set back three foot eight,
25 and it's also lower, so there's no real impact to

1 any neighbors. We have 12 feet, I would give
2 you, in the rear yard. So, we're not
3 obstructing, in any way, any of the neighbors in
4 any fashion.

5 That concludes my presentation. I'm open
6 for your questions and comments.

7 ACTING CHAIRPERSON GRULLON: Okay. Mr.
8 Pereiras, we're going to wait for questions at
9 the end of the next presentation.

10 Do you have another witness?

11 MS. PEREIRAS: Yes, I do.

12 I'd like to call up our planner, Mr.
13 Michael Kauker.

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

16 MR. DILLON: Please raise your right hand.

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

19 MR. KAUKER: I do.

20 MR. DILLON: State your name and spell it
21 for the record.

22 MR. KAUKER: My name is Michael D. Kauker,
23 K-A-U-K-E-R.

24 ACTING CHAIRPERSON GRULLON: It's a
25 pleasure to accept your qualifications.

1 Thank you.

2 MS. PEREIRAS: Mr. Kauker, are you familiar
3 with 701 Bergenline Avenue?

4 MR. KAUKER: Yes, I am. I had an
5 opportunity to go visit the subject property, in
6 addition to reviewing the plans that were
7 prepared by Mr. Pereiras.

8 MS. PEREIRAS: And are you also familiar
9 with the Zoning Map of the City of Union City?

10 MR. KAUKER: I am, as well. Yes.

11 MS. PEREIRAS: And can you please describe
12 the project, from a planning perspective?

13 MR. KAUKER: Certainly.

14 As mentioned, I had an opportunity to
15 review the plans, the Zoning Ordinance, the
16 Master Plan of Union City, and also go look at
17 the subject property.

18 The applicant is here this evening for a
19 D-1 use variance, and C bulk variances, as well.

20 The property was described by Mr. Pereiras.
21 It's -- more specifically, it's located on
22 Bergenline Avenue and Seventh Street. It's
23 located on the northwest corner.

24 It's identified -- it consists of actually
25 two tax lots. It's Block 35 and Tax Lots number

1 1 and number 2.

2 The existing building, three story
3 building, is located on Lot number 1 on the
4 corner, and the garage is located on Lot number 2
5 just to the interior.

6 It's located in the R, low density,
7 residential district. And the property has a
8 total lot area of 3,226 square feet.

9 The existing use has been on the property,
10 it's my understanding, for a number of years. At
11 least about 30 years.

12 The subject -- the property or Lot number
13 2, as I mentioned, is occupied currently by a one
14 story garage. It's proposed that that will be
15 demolished in order to accommodate the addition
16 to the existing daycare center.

17 The applicant proposes a two story
18 addition, which will be located in Lot number 2.
19 Obviously, as Mr. Pereiras described, there is
20 going to be a play area to the rear of the
21 proposed building.

22 The building is designed to be consistent
23 with the existing building, from a front yard
24 setback standpoint.

25 So, it will be -- it will have a zero front

1 yard setback, but it will be consistent with the
2 existing building, and a number of other
3 buildings that do exist along Bergenline Avenue.

4 As I mentioned, I had an opportunity to
5 review the Master Plan.

6 There are a number of goals and objectives
7 that I just want to bring to the Board's
8 attention, that I feel that the application does
9 address and further.

10 Firstly, to provide a balance mix of land
11 uses, and a balanced development pattern in
12 appropriate locations.

13 Secondly, to promote and reinforce the City
14 as a desirable residential location.

15 And thirdly, to improve the quality of life
16 of residents of Union City.

17 I feel that the provision of childcare
18 services is something that does further those
19 goals in the Master Plan.

20 Obviously, it's something that is important
21 to the residents of the community, and I think
22 it's an important service to have.

23 As I mentioned, from a zoning standpoint,
24 we're located in the R residential district. The
25 use is not specifically permitted in the zone.

1 | Therefore, we require a D-1 use variance.

2 | With respect to the variance proofs, in
3 | order for the Board to grant a use variance, the
4 | applicant must make an affirmative showing of
5 | both the positive and the negative criteria.

6 | With respect to this particular use,
7 | childcare centers are defined as what's known as
8 | inherently beneficial uses.

9 | Now, the court -- or not the courts, but
10 | the legislature has actually amended the
11 | definition of inherently beneficial uses to
12 | include childcare centers.

13 | So, pursuant to State legislation, this is
14 | recognized as an inherently beneficial use.

15 | When you're dealing with inherently
16 | beneficial use, the Sica test is utilized in
17 | assessing the variance request.

18 | Essentially, with an inherently beneficial
19 | use, the positive criteria is presumptively met.
20 | And the Board is charged with going through the
21 | Sica test, which is a four part test.

22 | It consists of, number one, you need to
23 | identify the public interest at stake.

24 | Secondly, to identify the detrimental
25 | effect that will ensue from the grant of the

1 variance, recognizing that certain affects, such
2 as an increase in traffic, or some tendency to
3 impact residential character will usually attend
4 to any non-residential use in a residential zone.
5 When minimal, such an affect need not outweigh an
6 inherently beneficial use.

7 Number three. The Board can impose
8 reasonable conditions to reduce prospective
9 detrimental impacts.

10

11 (Whereupon, Miguel Ortiz arrived at 7:05
12 p.m.)

13

14 MR. KAUKER: And number four. The Board
15 must weigh the positive and negative criteria and
16 determine whether, --

17 MR. ORTIZ: Good evening.

18 MR. KAUKER: -- on balance, the positive
19 criteria outweigh the negative criteria.

20 THE SECRETARY: May I -- may I have a
21 second, please?

22 MR. KAUKER: Sure.

23 THE SECRETARY: Let the record show up that
24 Mr. Miguel Ortiz is in the meeting right now.

25 MR. ISA: I would just -- whenever this

1 application is concluded, if it comes to a vote
2 today, I would recommend that you abstain, since
3 you missed the first half of the testimony.

4 MR. KAUKER: Okay.

5 With respect to that four part test, I'll
6 go over that in a little bit more detail now.

7 Firstly, to identify the public interest at
8 stake.

9 As I mentioned before, the proposed
10 childcare center is an inherently beneficial use.
11 And the public -- public interest will be served
12 through the provision of childcare services.

13 There's also a need for this type of use.
14 If you look at the demographic statistics in
15 Union City, the U.S. census data indicates that
16 7.3 percent of the population is under the age of
17 five years old.

18 And when you look at the -- approximately
19 the five to the ten year old cohort and above,
20 that is one of the largest population cohorts in
21 Union City.

22 So, that segment of the population,
23 essentially, would be served by the proposed
24 inherently beneficial use.

25 One other thing that I just did want to

1 point out, with respect to that 7.3 percent of
2 children, historically, that has been
3 undercounted.

4 The census did recognize that during the
5 last census, they found that those numbers were
6 undercounted, so that number could actually be
7 greater.

8 The Master Plan also indicated that 70
9 percent of the households in Union City are
10 family households. And -- and those were
11 primarily the households that this use and
12 childcare centers intend to serve.

13 In addition, it promotes the following
14 purposes of zoning:

15 It promotes Purpose A, which deals with the
16 promotion of the general welfare.

17 Obviously, the general welfare is promoted
18 through the provision of childcare services,
19 which is an inherently beneficial use.

20 Secondly, with respect to identifying the
21 detrimental effect that will ensure from the
22 grant of a variance, from a planning and zoning
23 standpoint, the potential detrimental impacts
24 that could ensure from the proposed use really
25 include uses on the surrounding area, and the

1 Master Plan, the Zone Plan and the community as a
2 whole.

3 We've evaluated -- evaluated potential
4 impacts from a land use standpoint. It's our
5 opinion that there will not be any detrimental
6 effects that result in the grant of a variance.

7 Land use impacts look at things such as --
8 you know, building setbacks, building heights.
9 And as I mentioned before, the building setbacks
10 and heights are consistent with other buildings
11 in the neighborhood, although we do require a
12 setback variance for the front yard, which I'll
13 go over briefly.

14 With respect to any visual impacts, we're
15 designing a new building that's going to be very
16 aesthetically pleasing. So, I think that that
17 would actually have a positive impact on the
18 neighborhood. So, I don't think that there would
19 be any visual impacts from the proposed use.

20 With respect to traffic impacts, this
21 particular use, although it's a childcare center
22 use, one of the unique things about this area is
23 that there's a wide availability to mass transit.

24 There's actually a bus stop that's located
25 in front of the police station, which is right

1 across Seventh Street, from this use.

2 In addition to that, approximately 95
3 percent of the student population walks with
4 their parents to this particular use.

5 So, this childcare center really draws from
6 the surrounding neighborhood, as well.

7 So, there won't be any traffic impacts, in
8 my opinion, because of the fact that these
9 individuals do walk primarily to the use.

10 With respect to any potential detriment to
11 the Master Plan and Zone Plan, as I identified
12 before, it's my opinion that the application does
13 meet the goals and objectives of the Master Plan,
14 as I identified to the Board previously.

15 Number three, to impose reasonable
16 conditions to reduce prospective detrimental
17 effects.

18 Essentially, it's the Board's
19 responsibility to determine whether or not any
20 potential effects or impacts are identified. And
21 if so, propose reasonable mitigation measures.

22 You know, it's my opinion that there would
23 not be any substantial impacts related to this
24 application.

25 Impacts that could be assessed by the Board

1 include such things as the intensity of the use,
2 traffic impacts, building setbacks, building
3 heights.

4 As I mentioned before, it's my opinion that
5 all of those things will not have a substantial
6 impact on the community or the surrounding
7 neighborhood.

8 Finally, the applicant, with respect to the
9 use variance, must weigh the positive and the
10 negative criteria.

11 In my opinion, the positive contribution
12 made by the provision of the childcare services
13 would outweigh any negative impact resulting from
14 the proposed use.

15 So, therefore, I believe the D-1 variance
16 could be granted by this Board.

17 Now, moving toward the C variances. The
18 applicant is requesting a number of C variances,
19 and I'll go over those.

20 The first is a front yard setback variance.
21 And in order to grant these variances, the Board
22 must -- there are two classifications of C
23 variances. There's a C-1 and there's a C-2.

24 With respect to the C-1, an applicant can
25 -- can request a variance, and the Board can

1 | grant a variance, if there's a particular -- if
2 | there's particular hardship or -- with respect to
3 | the specific piece of the property, and the
4 | variance its requested.

5 | Or that the C-2 variance, the applicant --
6 | the -- the variance can be granted if the Board
7 | finds that the benefits derived, due to the grant
8 | of the variance, outweigh the detrimental
9 | impacts.

10 | With respect to the front yard variance,
11 | the Ordinance requires a front yard setback of
12 | ten feet, where zero feet is proposed.

13 | If you look at the existing buildings
14 | located along Bergenline Avenue, in this area,
15 | predominantly, the majority of them front on the
16 | street, as does the existing three story building
17 | which the addition is going to be adjacent to.

18 | It's my opinion that maintaining the street
19 | line between the two buildings is a benefit to
20 | this particular application, and to the community
21 | as a whole.

22 | Building coverage is another variance
23 | that's required.

24 | The Ordinance -- Ordinance permits a
25 | maximum building coverage of 60 -- 60 percent --

1 | excuse me -- where a coverage of 84.3 percent is
2 | proposed.

3 | Again, the applicant is -- is looking to
4 | maximize the size of the building in order to
5 | provide this service to the public.

6 | And in terms of mitigating this particular
7 | variance, if you, again, look at the
8 | neighborhood, the -- the coverage requirement is
9 | consistent with other uses, and other buildings
10 | in the area.

11 | In addition, there is a lot coverage
12 | variance that's required.

13 | The Ordinance permits a maximum lot
14 | coverage of 75 percent, where the existing
15 | coverage is a hundred percent, and the proposed
16 | coverage will be a hundred percent.

17 | You know, obviously, this building (sic) is
18 | entirely covered by building or impervious area,
19 | so we're just looking to continue that.

20 | And actually, the area that's going to be
21 | proposed in the back is a play area. It's going
22 | to be a somewhat permeable area, although I
23 | wouldn't argue that it would not have to comply
24 | with the definition of coverage.

25 | And finally, a parking variance is

1 required.

2 Pursuant to the Ordinance, 16 parking
3 spaces would be required, where zero parking
4 spaces are proposed.

5 As I mentioned before, the in -- 95 percent
6 of the individuals who utilize this facility
7 walk. So, there's really not a need for parking.

8 In addition, as I mentioned before, there
9 is mass transit that is proximate to this
10 proposed site, or this site.

11 Therefore, I think that the parking
12 variance that's requested could be granted,
13 because there really isn't a need for parking at
14 this particular site.

15 The variances, in a whole, all -- all of
16 the variances that are required are necessary to
17 appropriately develop this property for its
18 intended use.

19 And with respect to the negative criteria
20 for the C variances, the applicant must show
21 again that there will be no substantial detriment
22 to the public good.

23 As I mentioned before, it's my opinion that
24 there would not be a substantial detriment, given
25 the deviations in the building setback, in terms

1 of the front yard setback, and also the rear yard
2 setback, the lot coverages, and parking.

3 And finally, as I mentioned before, I did
4 go into detail with respect to the Master Plan.

5 It's my opinion that there will not be a
6 substantial detriment to the Master Plan or the
7 Zoning Ordinance of the community.

8 And in closing, it's my opinion that the
9 positive criteria, with respect to the
10 application in its entirety, do outweigh the
11 negative criteria.

12 And I feel that the Board could grant the
13 requested variances.

14 Thank you.

15 ACTING CHAIRPERSON GRULLON: Thank you, Mr.
16 Kauker.

17 Mr. Kauker, my first question for you,
18 could you -- another question, could you please
19 describe the neighborhood for us?

20 MR. KAUKER: Certainly.

21 ACTING CHAIRPERSON GRULLON: Did you get a
22 chance to go around?

23 MR. KAUKER: Yeah. I did.

24 The neighborhood is primarily residential
25 in nature. It's actually entirely residential,

1 with the exception of the childcare center on the
2 corner property, the subject property, and the
3 police precinct building that's located on the
4 opposite side of Seventh Street.

5 Other than that, it consists of one, two
6 family, and -- and it looks like maybe three or
7 four family homes in the area.

8 So, it's predominantly residential in
9 nature, but a lot of times, you do see childcare
10 centers in these types of neighborhoods, because
11 predominantly for the -- the reason that I
12 mentioned before, they really serve that
13 neighborhood. You know, that's what they're
14 intended to do, and that's why I think you see a
15 lot of -- of the individuals who use the facility
16 that walk there.

17 ACTING CHAIRPERSON GRULLON: Now, and --
18 and this business has been operating in that area
19 --

20 MS. PEREIRAS: It's been open --

21 ACTING CHAIRPERSON GRULLON: -- for many
22 years.

23 MS. PEREIRAS: Correct.

24 It was open there some time in the 1960s.
25 It's been run by my client and her family for the

1 past 25 years.

2 ACTING CHAIRPERSON GRULLON: And do you
3 have an idea -- do you know how many children is
4 being -- occupying the current condition of the
5 building?

6 MS. PEREIRAS: Yes. Mr. Kauker, I believe
7 you have the number.

8 MR. KAUKER: Yeah. I spoke with the
9 client. There -- right now, they have a license
10 to have 54 children.

11 ACTING CHAIRPERSON GRULLON: Fifty-four
12 children?

13 MR. KAUKER: Yes.

14 ACTING CHAIRPERSON GRULLON: And looking to
15 increase to how many?

16 MR. KAUKER: They are looking to increase
17 -- they have to get another license from the
18 State, but I believe they would look to double
19 that number. I think the next license is a
20 hundred children.

21 ACTING CHAIRPERSON GRULLON: A hundred
22 children?

23 MR. KAUKER: Yes.

24 ACTING CHAIRPERSON GRULLON: Will that
25 increase the ratio of the employee -- the

1 employees that needs to be -- who work in that
2 building?

3 MR. KAUKER: I believe there's a specific
4 ratio of employees to students that has to be
5 maintained.

6 ACTING CHAIRPERSON GRULLON: Yes.

7 MR. BONACCI: What's the -- I'm sorry.
8 Just to question the operating hours?

9 MR. KAUKER: The operating hours? I do
10 have that, as well.

11 They're -- it's Monday through Friday, 7:30
12 to 5:30.

13 Just one other thing I wanted to point out,
14 the drop off in the morning, although it's not
15 all the children at one time, primarily ranges
16 from 7:30 to 8:30.

17 MR. BONACCI: Okay.

18 And there's apartments that are part of
19 this facility, too?

20 MR. KAUKER: There are existing apartments
21 on the second and third floor of the existing
22 building.

23 MR. BONACCI: Okay.

24 And that's -- that's close to kind of where
25 like the students or the children hang out, or do

1 | their thing?

2 | MR. KAUKER: No. It's -- the -- well, the
3 | in the existing building, the childcare center is
4 | on the first floor. The apartments are on the
5 | second and third floor.

6 | The new building will be separated, and as
7 | Mr. Pereiras mentioned, they are designing it in
8 | such a way so the existing residences do not have
9 | to interact with the children.

10 | ACTING CHAIRPERSON GRULLON: We're going to
11 | -- we're going to ask that question to Mr.
12 | Pereiras again.

13 | Any other member?

14 | MS. PEREIRAS: If there are no more
15 | questions for Mr. Kauker, he does have another
16 | meeting in another town, --

17 | MR. KAUKER: Thank you.

18 | MS. PEREIRAS: -- if he can be excused.

19 | ACTING CHAIRPERSON GRULLON: Okay. Let me
20 | open it then to the public.

21 | MS. PEREIRAS: Sure.

22 | ACTING CHAIRPERSON GRULLON: First, it's
23 | not -- it's not the way --

24 | MS. PEREIRAS: I understand.

25 | ACTING CHAIRPERSON GRULLON: -- we normally

1 do.

2 MR. KAUKER: Thank you.

3 ACTING CHAIRPERSON GRULLON: In this case,
4 we're just going to do as a favor to you.

5 MS. PEREIRAS: Thank you.

6 ACTING CHAIRPERSON GRULLON: We're going to
7 open it to the public for Mr. -- for question to
8 the planner.

9 Open to the public?

10 No one from the public.

11 Closed to the public for question to the
12 planner.

13 Thank you, Mr. Kauker.

14 MR. KAUKER: Thank you very much.

15 ACTING CHAIRPERSON GRULLON: Thank you.

16 MR. KAUKER: I appreciate it.

17 ACTING CHAIRPERSON GRULLON: Mr. Pereiras?

18 MR. PEREIRAS: Yes?

19 ACTING CHAIRPERSON GRULLON: I know we're
20 going to have --

21 MR. PEREIRAS: So, to answer your question.

22 ACTING CHAIRPERSON GRULLON: Yes. Yes. We
23 would like --

24

25 (Whereupon, David Spatz left at 7:17 p.m.)

1

2 MR. PEREIRAS: Which is critical, and
3 that's one of the main reasons we're at this
4 application.

5 Currently, the daycare and the residences
6 use the same entrance. They use the same
7 hallway. They -- they go through.

8 What we're doing is completely isolating
9 the two.

10 The entrances for the -- for the residences
11 will continue on Seventh Street, completely
12 isolated from the daycare. There's no
13 communication between the two.

14 And the entrance for the daycare is now
15 properly and correctly on Bergenline Avenue, with
16 its own entry vestibule and -- and controls.

17 ACTING CHAIRPERSON GRULLON: But you're
18 going to be doing demolition on the existing
19 building?

20 MR. PEREIRAS: There's a lot of work that
21 has to be done. We're going to bring everything
22 up to Code, so this facility is going to be up to
23 -- like perfect standards of today, including
24 sprinkler systems, and other things that we have
25 to do.

1 So, there is a lot of interior demolition
2 to that existing daycare that we're going to be
3 modifying and -- and working through.

4 And if you look at the plans, everything in
5 gray, in the existing side, is what we're
6 proposing to change.

7 So, for example, all this area, all these
8 gray walls are interventions. We're demolishing
9 what's there and we're preparing -- we're
10 recreating this new area.

11 So, if you see here, this is the entrance
12 to the apartments upstairs, completely isolated
13 by this wall that we created.

14 So, now it's a clear distinction between
15 the two uses.

16 ACTING CHAIRPERSON GRULLON: Mr. Pereiras,
17 could you go over to Z4 -- Z04?

18 MR. PEREIRAS: I'll be happy to.

19 With regard to our elevation, on Sheet Z04
20 --

21 ACTING CHAIRPERSON GRULLON: Could you
22 describe the railing there? You have a railing
23 -- like a roof deck?

24 MR. PEREIRAS: Correct.

25 So, the stair is going to access all the

1 way to the roof. That's because we have no site
2 area to put any equipment.

3 So, our playground is along the back. We
4 don't want condensers back there. We don't want
5 any roof equipment for the children.

6 And the front of the building, we're right
7 on the property line.

8 So, we're putting all our equipment, which
9 is the mechanical units, on the roof. In order
10 to do that, we need to provide a stairwell up to
11 the roof for a building of this nature and these
12 characteristics.

13 So, in order to do that, we put a rail
14 along the building, make it safe. It's parapet,
15 it's fire protected, and everything works well.

16 ACTING CHAIRPERSON GRULLON: And the access
17 to that roof? How -- how is it going to be?

18 MR. PEREIRAS: It's the new stairwell that
19 we're creating. That new stairwell, and it's --
20 it's identified here, on the elevation, here on
21 the profile, and that's the access for the roof.

22 MR. DARDIR: Who will have access to the
23 door?

24 MR. PEREIRAS: To the roof?

25 MR. DARDIR: Yeah, because there's an open

1 door.

2 MR. PEREIRAS: The owners of the facility.

3 ACTING CHAIRPERSON GRULLON: Not from the
4 inside of the building, from a classroom?

5 MR. PEREIRAS: From inside the building.

6 ACTING CHAIRPERSON GRULLON: You mean, from
7 the classrooms.

8 MR. PEREIRAS: There's no direct access
9 from a classroom to the roof. You would have to
10 enter the stairwell, go up to the roof. And what
11 we have done in every single daycare facility and
12 every school in the area, is that that door is
13 secured. It has an alarm panel on it, so if it
14 -- it rings -- and these are all Code issues that
15 we have to comply with.

16 So, if anyone were to open that roof, it
17 would have an alarm panel, and it would sound and
18 it would be alerted for the entire school.

19 And in addition to that, we provided that
20 railing, so there's -- even some -- by some crazy
21 miracle, a child would be able to get up on the
22 roof, they can't do anything, because it's --
23 they're railed in.

24 ACTING CHAIRPERSON GRULLON: Okay.

25 Currently, do they have a drop -- a drop off zone

1 | for this daycare?

2 | MR. PEREIRAS: The drop off and pickup is
3 | done along Seventh Street, and they do have a
4 | drop off zone.

5 | And what we're going to be doing, we're
6 | going to be going before the Board of
7 | Commissioners, and we're going to be requesting a
8 | drop off zone on Bergenline Avenue.

9 | ACTING CHAIRPERSON GRULLON: I don't have
10 | any more questions.

11 | Do you guys?

12 | MR. BONACCI: Just one thing.

13 | This paved parking area, that's not a
14 | proposal. That's already there?

15 | MR. PEREIRAS: That's what's existing. So,
16 | if you're looking at the drawing, the drawing to
17 | your left is all the existing conditions. The
18 | drawing on the right is the addition.

19 | MR. BONACCI: Okay.

20 | MR. PEREIRAS: So, that paved parking area,
21 | which isn't really a parking, it's more like the
22 | playground right now, that's where we're putting
23 | the building.

24 | ACTING CHAIRPERSON GRULLON: No more
25 | question?

1 Let me open it to the public.

2 Open to the public.

3 Anyone from the public?

4 Taking in consideration that all you're
5 doing is improving the existing condition of the
6 building, to make -- to make it better for the
7 children, and for the neighborhood, I make a
8 motion to grant the application.

9 MR. BONACCI: I second.

10 THE SECRETARY: Motion to grant the
11 application by Acting Chairman Victor Grullon.

12 MR. BONACCI: Second.

13 THE SECRETARY: Second by Mr. Bonacci.

14 Roll call to approve the application.

15 Acting Chairman Victor Grullon?

16 ACTING CHAIRPERSON GRULLON: Yes.

17 THE SECRETARY: Harlenny Javier?

18 MS. JAVIER: Yes.

19 THE SECRETARY: Joseph Bonacci?

20 MR. BONACCI: Yes.

21 THE SECRETARY: Khaled Dardir?

22 MR. DARDIR: Yes.

23 THE SECRETARY: Elisa Flores?

24 MS. FLORES: Yes.

25 THE SECRETARY: Mr. -- Mr. Ortiz, you

1 abstain.

2 Right?

3 MR. ORTIZ: Yes. I'm abstain.

4 THE SECRETARY: Motion carries. Five in
5 favor, one abstain, and one recuse.

6 MS. PEREIRAS: Thank you all very much.

7 MR. PEREIRAS: Thank you.

8 ACTING CHAIRPERSON GRULLON: Thank you.

9 MS. PEREIRAS: Thank you.

10 Good night.

11 ACTING CHAIRPERSON GRULLON: Thank you.

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

14 THE SECRETARY: Can we call Mr. Garcia?

15 MR. ISA: Why don't we take a two minute
16 break to go get --

17 THE SECRETARY: All right.

18 MR. ISA: -- Mr. Garcia?

19 THE SECRETARY: Two minute break.

20 MR. ISA: Off the record, two minutes.

21

22 (Whereupon, the Board recessed from 7:24
23 p.m. to 7:30 p.m.)

24 * * *

25

1 **Arturo Hernandez - 413-415 36th Street:**

2

3 THE SECRETARY: Let's go back in business.

4 Let the record indicate that Chairman Andres

5 Garcia joined the meeting.

6 Next application on tonight's agenda is

7 Arturo Hernandez, 413-415 36th Street.

8 Mr. Curcio?

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

11 MR. CURCIO: Good evening, Thomas Curcio.

12 Offices at 322 48th Street, Union City, Mr.

13 Chairman, Board members, counsel.

14 MR. ISA: Mr. Chairman, members of the
15 Board, I've been provided with the documentation
16 here for jurisdiction, and everything appears to
17 be in order, and the Board would have
18 jurisdiction to proceed.

19 MR. CURCIO: Thank you.

20 MR. ISA: You may proceed.

21 MR. CURCIO: Thank you, sir.

22 MR. ISA: The floor is yours, Mr. Curcio.

23 MR. CURCIO: Thank you.

24 Thank you, counsel.

25 This application, essentially, is a request

1 for Mr. Hernandez, who is not here this evening,
2 he's an elderly gentleman, lives in Miami and is
3 infirmed. He was not able to come.

4 His -- his niece, it happens, Dulce
5 Celones, is with us today. She's authorized in
6 the application, signed by Mr. Hernandez, to act
7 on his behalf and -- and she will do that, and
8 she will offer some specifics as to the project.

9 And we have one expert, and that is our --
10 our famed architect, who previously testified in
11 the earlier case, Mr. Pereiras.

12 The -- I'll be brief about it, in terms of
13 my introduction.

14 The property on 36th Street consists of a
15 daycare center, on the ground floor, and it has
16 three apartments, residential apartments on the
17 second floor.

18 The property was purchased in 1984, by
19 Arturo Hernandez. And at that point, there
20 existed a hat factory and on the -- on the first
21 floor, and on the second floor, just one
22 apartment.

23 He proceeded with proper architectural
24 plans and approvals to convert it into a three
25 residential apartment building, on the second

1 floor.

2 Because of an incident on the block, the
3 building inspector became involved and determined
4 that the records in the Building Department
5 reflected only one residential apartment, which
6 is what it was in '84. And we were cited, of
7 course, with a violation and we're here to ask
8 the Board to consider legalizing, technically,
9 what already exists and has been existing for
10 very many years.

11 I'll ask Dulce Celones, please, to testify
12 and offer some facts to the Board, which may be
13 of assistance, and certainly give you some
14 historical perspective.

15 Dulce, please?

16 MR. DILLON: Please raise your right hand.

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

19 MS. CELONES: Yes, I do.

20 MR. DILLON: State your name and spell it
21 for the record.

22 MS. CELONES: Dulce, D-U-L-C-E, Celones,
23 C-E-L-O-N-E-S.

24 MR. DILLON: Thank you.

25 MR. ISA: Speak up.

1 MS. CELONES: Speak up louder. Okay.

2 CHAIRMAN GARCIA: Stand next to --

3 MR. ISA: Closer to the --

4 CHAIRMAN GARCIA: -- the microphone. Is
5 going to be better.

6 MS. CELONES: Okay.

7 MR. ISA: -- microphone.

8 MS. CELONES: Okay.

9 MR. DILLON: Thank you.

10 MS. CELONES: You're welcome.

11 MR. CURCIO: Mrs. Celones, you are, in
12 fact, the niece of Arturo Hernandez?

13 MS. CELONES: Yes, I am.

14 MR. CURCIO: And Mr. Hernandez is unable to
15 make it here because of his health and his
16 location.

17 MS. CELONES: That is true. Um hum.

18 MR. CURCIO: Okay.

19 And you're very familiar with this
20 building, because the building has been in your
21 family, essentially, since 1984.

22 Is that correct?

23 MS. CELONES: Yes, it has.

24 MR. CURCIO: And you had occasion, on -- on
25 -- frequently, to visit that building.

1 Is that correct?

2 MS. CELONES: That is correct.

3 MR. CURCIO: And I'll lead just a little
4 bit, if I may, but so, in -- in '84, your uncle
5 -- October of '84, your uncle purchased this
6 building.

7 Correct?

8 MS. CELONES: Um hum. Yes, he did.

9 MR. CURCIO: And at that time, it consisted
10 on the ground floor of a hat factory.

11 MS. CELONES: Um hum.

12 MR. CURCIO: Is that right?

13 MS. CELONES: Yeah.

14 MR. CURCIO: And bridal --

15 MS. CELONES: And bridal.

16 MR. CURCIO: Bridal?

17 MS. CELONES: Yeah.

18 MR. CURCIO: And on the second floor was
19 one residential apartment.

20 MS. CELONES: One apartment.

21 MR. CURCIO: Which is indicated in Mr.
22 Pereiras' drawings as apartment number 3, I
23 believe.

24 MS. CELONES: Yeah. Um hum.

25 MR. CURCIO: And your uncle proceeded,

1 immediately after purchasing, with architectural
2 plans.

3 Is that correct?

4 MS. CELONES: Yes.

5 MR. CURCIO: An application --

6 MS. CELONES: He did.

7 MR. CURCIO: -- to the City of Union City
8 --

9 MS. CELONES: Yes, he did.

10 MR. CURCIO: -- for leave to construct or
11 to add two additional apartments.

12 Is that correct?

13 MS. CELONES: Exactly. Um hum.

14 MR. CURCIO: And prior to that, the area
15 that the other -- the two additional apartments
16 occupy was considered, or consisted of just an
17 vacant area --

18 MS. CELONES: Just like a loft.

19 MR. CURCIO: -- perhaps used for storage?

20 MS. CELONES: Um hum. Like a loft --

21 MR. CURCIO: A loft.

22 MS. CELONES: -- area above the factory.

23 Yeah. Um hum.

24 MR. CURCIO: Okay.

25 And do you know what happened to the

1 architectural plans and approvals that your uncle
2 received from the City, at that time?

3 MS. CELONES: Well, our copies -- when they
4 moved, my uncle moved to Florida, Hurricane
5 Andrew happened, so when they moved down there,
6 they lost everything.

7 So, we have no records of anything that was
8 done at that time.

9 MR. CURCIO: And did you, in fact, make
10 application to the City of Union City, under the
11 Freedom of Information Act, for the records that
12 the City possessed?

13 MS. CELONES: Yes, we did.

14 MR. CURCIO: And was the City able to
15 uncover any of those records for you?

16 MS. CELONES: No. No records were found.

17 MR. CURCIO: Okay.

18 But as far as you know, to the best of your
19 recollection, an architect was, in fact,
20 involved, and applications were made to the City.

21 MS. CELONES: Most definitely.

22 MR. CURCIO: Since early 1985 --

23 MS. CELONES: Um hum.

24 MR. CURCIO: -- have there been three
25 residential apartments on the second floor of

1 | that building?

2 | MS. CELONES: Yes, there has been.

3 | MR. CURCIO: And have those apartments been
4 | occupied?

5 | MS. CELONES: They've always been occupied.

6 | MR. CURCIO: And can you tell us,
7 | essentially, the character of the occupancy?

8 | I understand family members have occupied.
9 | Is that right?

10 | MS. CELONES: Yeah. It's all family. One
11 | apartment was his mother-in-law and his wife's
12 | sister.

13 | The middle apartment was his other -- the
14 | brother of the wife's sister.

15 | And the third apartment was another member
16 | of the family. All family. And they're all now
17 | 80 and 80 plus, right now.

18 | MR. CURCIO: And at the present time, is
19 | family only occupying those apartments?

20 | MS. CELONES: Yes.

21 | MR. CURCIO: And, in fact, two out of the
22 | three apartments are occupied and there's one
23 | apartment is vacant.

24 | MS. CELONES: One is vacant right now.

25 | MR. CURCIO: Is that right?

1 MS. CELONES: Um hum.

2 MR. CURCIO: Okay.

3 And are -- essentially, for purposes of
4 legitimatizing -- if I may use that word --

5 MS. CELONES: Um hum.

6 MR. CURCIO: -- the three apartments,
7 you're asking the Board to consider this
8 application.

9 Is that correct?

10 MS. CELONES: Yes, please.

11 MR. CURCIO: I have no further questions of
12 this witness.

13 Would there be any questions from the
14 Board, or counsel?

15 CHAIRMAN GARCIA: Okay.

16 Yeah, one other question I have is probably
17 repeat like the same question is, did you recall
18 any -- major modification in the -- after your
19 uncle purchased the property?

20 MS. CELONES: Modifi --

21 CHAIRMAN GARCIA: Any major modification?
22 No change at all?

23 MS. CELONES: No. They created two
24 apartments.

25 CHAIRMAN GARCIA: Two -- they created --

1 MS. CELONES: Yeah.

2 CHAIRMAN GARCIA: -- two apartment. Okay.

3 MS. CELONES: Yeah. It was -- it was like
4 a loft. And then, there was --

5 CHAIRMAN GARCIA: Okay. That's --

6 MS. CELONES: -- there was the original
7 apartment. Yeah.

8 CHAIRMAN GARCIA: Okay. Okay. And that
9 was how -- how many years ago?

10 MS. CELONES: Thirty.

11 CHAIRMAN GARCIA: Like 30 years ago?

12 MS. CELONES: Yeah. I was four.

13 CHAIRMAN GARCIA: Okay. Okay. Okay.

14 And currently, you have the -- the child
15 center.

16 MR. CURCIO: Yes.

17 MS. CELONES: Yeah.

18 CHAIRMAN GARCIA: That's what you have?

19 MS. CELONES: Right.

20 CHAIRMAN GARCIA: On the first floor?

21 MS. CELONES: Exactly.

22 CHAIRMAN GARCIA: Okay.

23 MS. CELONES: And that was a major
24 modification at that time, when they did the
25 child center.

1 CHAIRMAN GARCIA: Okay.

2 MS. CELONES: Yeah.

3 CHAIRMAN GARCIA: Okay.

4 MR. CURCIO: And, in fact, on that --

5 Thank you, Mr. Chairman --

6 MS. CELONES: Um hum.

7 MR. CURCIO: On that subject, of course,
8 the childcare center is -- is licensed by the
9 State.

10 MS. CELONES: Yeah.

11 MR. CURCIO: And the State has inspected,
12 and continues to inspect it --

13 MS. CELONES: Definitely.

14 MR. CURCIO: -- on a regular basis.

15 MS. CELONES: Um hum.

16 MR. CURCIO: And there are sprinklers --

17 MS. CELONES: Um hum.

18 MR. CURCIO: -- in -- in the childcare
19 center.

20 MS. CELONES: Yes.

21 MR. CURCIO: Is that correct?

22 MS. CELONES: Um hum.

23 MR. CURCIO: As required by the State.

24 MS. CELONES: Um hum.

25 MR. CURCIO: Okay.

1 CHAIRMAN GARCIA: Okay. I have no further
2 question for --

3 MS. CELONES: Okay.

4 CHAIRMAN GARCIA: I don't know if any
5 member of the Board have another question?

6 MR. BONACCI: I have a question.

7 So, there's no records of the construction
8 plans at all, because he lost them in the
9 hurricane.

10 MS. CELONES: Yeah.

11 MR. BONACCI: And the construction was done
12 by -- you didn't -- do you guys know who the
13 construction was even done by, to contact them,
14 maybe --

15 MS. CELONES: Do we have the name of --

16 MR. BONACCI: -- to get the plans?

17 MS. CELONES: -- the architect? I think we
18 do.

19 Kenny knows the name of the architect. No?

20 MR. CURCIO: We probably -- we probably
21 could get the name of the architect --

22 MS. CELONES: Um hum.

23 MR. CURCIO: -- who did the work, and this
24 is back in 1985.

25 MR. BONACCI: Yeah.

1 MR. CURCIO: I suspect --

2 CHAIRMAN GARCIA: But there's no record at
3 all in -- in Building Department?

4 MR. CURCIO: Not at all.

5 MS. CELONES: Yeah.

6 MR. CURCIO: No. We -- we applied. We met
7 with the construction personnel, and they were
8 unable to find any record of anything concerning
9 that.

10 MS. CELONES: Yeah.

11 MR. CURCIO: Going back that far.

12 CHAIRMAN GARCIA: But -- but just again,
13 the major construction was done by '84, '85,
14 right, not after that?

15 MS. CELONES: No. No.

16 CHAIRMAN GARCIA: Okay.

17 MS. CELONES: The apartments are exactly as
18 they were at that time.

19 CHAIRMAN GARCIA: Thirty years ago?

20 MS. CELONES: Um hum.

21 CHAIRMAN GARCIA: Okay. Perfect.

22 Okay.

23 MR. CURCIO: Thank you. Thank you very
24 much.

25 CHAIRMAN GARCIA: Thanks.

1 MR. CURCIO: May I call Mr. Pereiras?

2 I -- I assume that he would be accepted by
3 the Board.

4 MR. ISA: I think -- I think he's been here
5 once or twice before.

6 MR. PEREIRAS: Thank you.

7 And I do know I am still under oath.

8 MR. CURCIO: Mr. Pereiras, you had occasion
9 to actually inspect the apartments and the
10 building in question.

11 Is that correct?

12 MR. PEREIRAS: I have. I visited the site
13 at least on two separate occasions.

14 MR. CURCIO: All right. And you're
15 familiar with the neighborhood.

16 MR. PEREIRAS: I am very familiar with the
17 neighborhood, and the drawings were done under my
18 direct supervision.

19 MR. CURCIO: Okay.

20 Thank you.

21 Would you tell us about your drawings,
22 please?

23 MR. PEREIRAS: I'd be very happy to.

24 The drawings you see on the easel are the
25 same drawings you have before you.

1 The -- the lot is a 50 by 100 lot. It's
2 slightly -- slightly atypical. There's a slight
3 angle to the site.

4 The current building occupies the full
5 site. It's zero setback along the front yard,
6 zero on the side yards and zero on the back.

7 The one story structure, which -- that
8 which the daycare occupies covers the building
9 from the front to the back on the ground floor.
10 It's this entire area that I'm pointing to.

11 The area in question that we're going to
12 talk about is the grade area that I'm pointing to
13 now. That's the second story residential area.

14 We have a number of existing
15 nonconformities.

16 We have side yard, we have rear yard, we
17 have zero foot setback on both of those.

18 We have built lot coverage as well, and
19 building coverage, since we're -- we're covering
20 the majority of the site.

21 So, those are all preexisting
22 nonconformities.

23 I'm turning now to the second page.

24 The second page -- actually, before I do
25 that, I'm going to refer you to the photograph.

1 In this photograph, you see the two story
2 existing structure.

3 There's two doors along the side. The door
4 to the left enters you into the daycare. The
5 door to the right enters you into the apartments
6 upstairs.

7 These are all conditions that are existing,
8 definitely been existing for 50 years.

9 The renovation to the apartments, where it
10 was converted from one to three in 1984, is
11 evident here.

12 This front area was the original apartment.
13 There was a small addition along this front area,
14 and along the side of the building. And that
15 constitutes the three units.

16 There is a stairwell that leads you up to a
17 common hallway, and a vestibule that leads into
18 apartment one, apartment two, and apartment
19 three.

20 Walk you through each of the apartments.

21 Apartment one is 929 square feet. It's a
22 two bedroom unit. Both bedrooms are located here
23 and here. Each of the bedrooms is over 150
24 square feet each.

25 The living room area, 287 square feet, is

1 along here, and it opens to an eat-in kitchen
2 area.

3 It has a small powder room, as well.

4 Apartment number two is a 677 square foot
5 one bedroom apartment. You walk in. There's 133
6 square foot bedroom, living area of 183 square
7 feet, a proper dining area and a -- and a kitchen
8 area.

9 And then, apartment number three, at the
10 end of the hallway, is a 673 square foot, one
11 bedroom. It's actually a one bedroom plus den,
12 railroad apartment.

13 You go from living room to eat-in kitchen,
14 to a small den area, and then the existing master
15 bedroom along the rear of the property, with its
16 bathroom.

17 We proposed no changes to the aesthetic or
18 the layouts of the -- of these units. However,
19 there is significant improvements that we are
20 proposing for the life, safety, and welfare of
21 the building.

22 We are going to be adding a sprinkler
23 system to the structure, because we're adding
24 these new units.

25 And we're working on creating fire

1 | separations between the units, and between the
2 | floors, making the daycare safer below, and
3 | making the safety between the units.

4 | There are some doors that we have to swap
5 | out to provide fire ratings on them. And there's
6 | going to be an alarm system put into the
7 | building, that's going to be a low voltage alarm
8 | system that monitors the building for fire or any
9 | issues of that nature.

10 | Beyond that, there's no real changes that
11 | we propose. These are existing conditions.

12 | The -- the applicant had all their best
13 | intentions, in 1984, when they -- when they did
14 | the construction, and -- and went through the
15 | proper channels. And we're here correcting
16 | errors and lost paperwork.

17 | CHAIRMAN GARCIA: Mr. Pereiras, will you --
18 | I don't know if you have more questions.

19 | MR. CURCIO: No.

20 | Thank you.

21 | CHAIRMAN GARCIA: Mr. Pereiras, with your
22 | experience -- I mean, as you mentioned, you
23 | visited the site.

24 | I mean, whatever was done there, it is what
25 | is -- I mean, what --

1 MR. PEREIRAS: Okay. So --

2 CHAIRMAN GARCIA: -- what can you say --
3 what -- just seeing that you, as an architect,
4 with the experience that you have --

5 MR. PEREIRAS: There is no doubt that the
6 original structure is significantly old, well
7 over 80 years old.

8 The additions that were done, easily 30
9 years old. Those apartments have been there. I
10 mean, the -- the fixtures are dated. The -- the
11 work is dated.

12 It's -- it's easily -- I -- the applicant's
13 statement that it was done in 1984 is perfectly
14 plausible. I have no reason to -- to not believe
15 it.

16 CHAIRMAN GARCIA: Okay. And in the -- in
17 the tax record, for instance, whatever you pay,
18 what -- how many units that record say? Because
19 if you don't have any record from Building
20 Department, at least tax record or something like
21 -- all the time, been occupied by family?

22 MR. CURCIO: Yes.

23 CHAIRMAN GARCIA: Okay. Okay.

24 So, that mean then we don't care about the
25 rent, or nothing, no record --

1 MR. CURCIO: Yeah, it's not a factor, but
2 -- and I -- I can't say with accuracy how many
3 units are actually taxed.

4 CHAIRMAN GARCIA: Right.
5 Right.

6 MR. CURCIO: I can't say that.
7 I'm sorry.

8 CHAIRMAN GARCIA: Yes. And the memo from
9 Building Department, they don't -- they don't
10 state any unit. They only say that a number of
11 legal units, for a property must be verified as
12 part of the Zoning Board application process.
13 According to the Building Department record, the
14 property you had inquired about blah, blah, blah
15 -- was really only commercial space.

16 MR. PEREIRAS: Yeah.

17 We went back to the old tax records from 19
18 -- I think '73, and it said residential above.
19 But it didn't clarify how many units or --

20 CHAIRMAN GARCIA: Right.

21 MR. PEREIRAS: I think you have it in front
22 of you.

23 MR. ISA: Now, if I may?

24 CHAIRMAN GARCIA: Yeah.

25 MR. ISA: In your experience as an

1 architect, you do a lot of larger structures here
2 in Union City.

3 I mean, some of the construction we
4 asserted was in '84, but the -- the rest of it,
5 what's your -- what's your opinion on -- on how
6 many -- what -- what the number -- the original
7 number of units were after -- before the change,
8 just based on the -- the structure?

9 MR. PEREIRAS: In my professional opinion,
10 the applicant's statement is true. There was one
11 unit up there that was probably a loft space of
12 some sort, that was preexisting. And in 1984,
13 they -- they moved forward and they built the
14 other two units.

15 MR. BONACCI: I'm sorry. Just to jump in
16 here for a second.

17 CHAIRMAN GARCIA: No, no, no.

18 MR. BONACCI: So, you believe it was one
19 loft area, with like a single bathroom? And
20 then, they added the other two units, and added
21 bathrooms and stuff, for those two, as well.

22 MR. PEREIRAS: Correct. In -- in my
23 opinion --

24 MR. BONACCI: You could tell from the
25 pipes, I would assume, right? Like the plumbing

1 and everything?

2 MR. PEREIRAS: Yeah.

3 MR. BONACCI: You have to do a whole thing.

4 MR. PEREIRAS: This -- this portion here
5 was definitely built in the '80s. So, I think
6 this was an addition that they did in the '80s.

7 Over here, it's kind of a hodge-podge.
8 There's old and there's new.

9 So, I assume that there -- there were
10 modifications there in 1984, but there is
11 definitely older parts of the structure that were
12 preexisting. Preexisting our Ordinance,
13 definitely.

14 MR. BONACCI: And right now, the -- the
15 below is a -- a daycare center?

16 MR. PEREIRAS: It's a daycare center. It's
17 not in question right now. They have a valid CO.
18 Everything's in operation. They get inspected by
19 the State, and everything is operating correctly.

20 MR. BONACCI: Okay.

21 MR. PEREIRAS: And one of the -- the
22 important things, and the important aspect to
23 think about in this application is that by coming
24 before this Board, we have to modify this
25 structure to today's Codes.

1 So, even if this was done legally in 1984,
2 we're not questioning that, we're not even saying
3 that, the Codes have varied -- they have changed
4 drastically.

5 So, in order to make this Code compliant
6 today, the applicant has to go through a few --
7 you know, a few hoops and ladders to get to that
8 point, including the sprinkler system, including
9 a lot of modifications.

10 So, we're going to be come -- come out with
11 a very safe, secure building. And that's
12 important for a few reasons.

13 Number one, and utmost importance, is that
14 there's a daycare facility below.

15 So, I really want to see this get approved
16 and -- and so that we have the right fire
17 separations, and have the right things done to
18 this -- to this building, to make it Code
19 compliant, make it safe for everyone.

20 CHAIRMAN GARCIA: So, in reality, you are
21 looking for the legalization of three units.

22 MR. PEREIRAS: Yes.

23 CHAIRMAN GARCIA: Okay.

24 I have no further question.

25 Any other question?

1 You have no more witness?

2 MR. CURCIO: No.

3 CHAIRMAN GARCIA: Any member of the public
4 wants to step forward?

5 Okay.

6 Closed to the public.

7 I mean, taking in consideration the -- the
8 testimony of Mr. Pereiras, who already
9 demonstrate to us that he -- we already accept
10 his qualification, and also demonstrate to us to
11 have the capacity to -- at least to interpretate
12 (sic) some kind of construction, or some kind of
13 -- you know --

14 Also, seeing that record, back in '82,
15 talking about the residence above, and also, it
16 is basically a family building, I mean, and it is
17 over 30 years being with the units up there,
18 according to testimony of Mr. Pereiras, I think -
19 - I don't see any reason why we could not grant
20 it.

21 So, I'm going to make my motion to grant
22 this application without any condition,
23 basically, because nothing going to been done,
24 just legalizing -- legalizing the units.

25 So, I make my motion to grant this

1 application to legalize three units above
2 commercial.

3 MR. GRULLON: Second the motion.

4 THE SECRETARY: Motion to approve the
5 application by Chairman Andres Garcia.

6 Second -- second by Victor Grullon.

7 Roll call to approve -- to approve this
8 application.

9 Andres Garcia?

10 CHAIRMAN GARCIA: Yes.

11 THE SECRETARY: Victor Grullon?

12 MR. GRULLON: Yes.

13 THE SECRETARY: Miguel Ortiz?

14 MR. ORTIZ: Yes.

15 THE SECRETARY: Harlenny Javier?

16 MS. JAVIER: Yes.

17 THE SECRETARY: Joseph Bonacci?

18 MR. BONACCI: Yes.

19 THE SECRETARY: Khaled Dardir?

20 MR. DARDIR: Yes.

21 THE SECRETARY: Elisa Flores?

22 MS. FLORES: Yes.

23 THE SECRETARY: Motion carries. Seven in
24 favor.

25 MR. PEREIRAS: Thank you.

1 MR. CURCIO: Thank you very much.

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

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1 **Melani (sic) Hidalgo - 314 19th Street:**

2

3 THE SECRETARY: Next application tonight's
4 agenda, Melanie Hidalgo, 314 19th Street.

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

7 MR. ISA: All right. Mr. Chairman, members
8 of the Board, counsel has provided me with proof
9 of -- all the proofs for obtaining jurisdiction.
10 Everything appears to be in order. The Board has
11 jurisdiction to proceed.

12 CHAIRMAN GARCIA: One is enough.

13 You have two witness, or one?

14 MR. ALUM: Two witnesses.

15 CHAIRMAN GARCIA: So, we're going --

16 MR. ALUM: But we started with -- if
17 there's a need, I'm not certain if all the
18 members --

19 CHAIRMAN GARCIA: Yeah. That's -- that's
20 why I'm asking you.

21 MR. ALUM: Yeah.

22 CHAIRMAN GARCIA: Because I don't know who
23 was here, listening to the first --

24 MR. ISA: Let's --

25 CHAIRMAN GARCIA: -- this architect.

1 MR. ISA: Let's make this simple.

2 Who was here at the last meeting?

3 CHAIRMAN GARCIA: But was not at the last
4 meeting that we hear this one.

5 MR. ALUM: No. The previous.

6 CHAIRMAN GARCIA: The previous one.

7 MR. ISA: All right. So, I think we didn't
8 have some of these Board members here present.

9 So, it might be --

10 CHAIRMAN GARCIA: It is your -- your
11 architect --

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

14 CHAIRMAN GARCIA: Oh, that's right. You
15 re-notice.

16 MR. ALUM: Absolutely. Yes.

17 CHAIRMAN GARCIA: Okay. So --

18 MR. ISA: So we're hearing it --

19 CHAIRMAN GARCIA: So, we're going to --
20 we're going to rehear everything. Okay.

21 MR. ALUM: Okay.

22 MR. ISA: And considering that we don't
23 have -- even if you -- since we don't have all
24 the members and these -- the members that are
25 present didn't read the transcript --

1 MR. ALUM: Right.

2 MR. ISA: -- you know, and you re-noticed,
3 best would be --

4 CHAIRMAN GARCIA: Right.

5 MR. ISA: -- wise to -- to do the whole
6 thing again.

7 MR. ALUM: Of course.

8 MR. PRICE: Starting now.

9 MR. ISA: Mr. Price?

10 MR. ALUM: So, Mr. Chairman, Board members,
11 counsel, my name is Luis Alum, and I'm here
12 representing Melanie Hidalgo.

13 The -- the property in question is 314 19th
14 Street. And it's an existing two family unit.

15 Melanie purchased the property in 2005, in
16 October. It's going to be ten years.

17 When she purchased the property, it had an
18 existing basement apartment. And the intention
19 is twofold.

20 One -- or the application is twofold -- to
21 legalize the basement apartment and to subdivide
22 the first floor apartment into two smaller
23 apartments.

24 And at this time, I would ask Mr. Carballo
25 come forward.

1 I -- I assume that there would be no need
2 to qualify Mr. Carballo.

3 MR. ISA: Okay. Mr. Carballo has been
4 present before the Board on numerous occasions.

5 But Mr. Chairman, unless you object, I
6 think we should accept his qualifications.

7 CHAIRMAN GARCIA: Did we?

8 MR. ISA: At least once or twice.

9 CHAIRMAN GARCIA: Yeah. It's our -- it's
10 our pleasure.

11 MR. ISA: All right, Mr. Carballo.

12 CHAIRMAN GARCIA: Just for the record, and
13 also to advise to the whole Board, whatever was
14 testified we'll say before regarding this
15 application doesn't count for -- this is just
16 starting from scratch.

17 MR. ISA: They're presenting -- they're
18 presenting new.

19 So, if you heard something before --

20 CHAIRMAN GARCIA: Right.

21 MR. ISA: -- just -- I mean, they might
22 present it again, maybe they're presenting it
23 different, I don't know. This is a new
24 application.

25 CHAIRMAN GARCIA: Yeah. Whatever going to

1 be in consideration is whatever they say now.

2 MR. ALUM: And actually, also that in terms
3 of the work to be performed, it's all interior.
4 There's no exterior work. There's no extension
5 of the existing structure.

6 And Mr. Carballo can elaborate on that.

7 MR. CARBALLO: Good evening, Chairman,
8 members of the Board.

9 Jose Carballo, I'm the architect for the
10 project. And as the Chairman explained, I've
11 been here numerous times. I've been qualified as
12 an expert, as an architect, prior to this
13 meeting.

14 CHAIRMAN GARCIA: He is older than me on
15 the Board, and I already been here for 12 years.

16 MR. CARBALLO: Couple years before I was
17 born, yes.

18 Property in question tonight is at 314 19th
19 Street. And what it is is my client bought a
20 building, two family building, that had a legal
21 -- an illegal apartment in the -- in the
22 basement, the lower level.

23 The first floor, which contains one unit,
24 if you look at the survey, it's a rather large
25 apartment. It actually has been built out over

1 time. My client built it like this, but it does
2 go all the way back to the end of the property,
3 which is almost a hundred foot long.

4 Out on the second floor, there's another
5 apartment.

6 The proposal that we have in front of you
7 tonight is we take that basement apartment,
8 legalize it. The basement apartment is a -- it's
9 a one bedroom apartment. It's about 890 square
10 feet. Ceiling heights are about seven foot four.
11 So, it does meet Code.

12 The first floor, the proposal we have
13 tonight is to subdivide that unit in half.

14 My client has found out that being such a
15 large unit, when she's rented it out, what has
16 become is a -- basically, a rooming house.
17 People have been renting it on a per room basis,
18 and that's why she's, basically, taking everybody
19 out of there, and it's vacant at this point. So,
20 she wants to subdivide it, just so it is a little
21 bit more manageable.

22 So, from a -- a unit that has four
23 bedrooms, what we want to do is subdivide it into
24 two units, each one having one bedroom.

25 Also, the -- what this would do is that it

1 would turn this building into a four unit
2 building. Accessibility now comes into play.

3 So, the first two -- the first two units on
4 the -- on the first floor, at grade level, those
5 would be accessible units. You know, the
6 bathrooms will be larger, the kitchen would be a
7 certain size, and with certain conditions so that
8 they could be converted to fully accessible
9 units.

10 As counsel explained, there will not be any
11 extensions to this building, enlargements of any
12 kind. Not horizontally, not vertically.

13 The building will remain as is.

14 On the first page of the drawings, you have
15 photos that show the front of the building, as
16 well as the rear of the building.

17 As you can see from the photo to the right,
18 which is the rear view, you can see the existing
19 building, and you can see the extensions that --
20 that were put onto this building.

21 Again, no extensions to this building.
22 Basically, convert it to a four family building.
23 And you know, obviously, we'll have to go through
24 the Building Department, if the project is
25 approved, and update it as far as Codes, so that

1 | they comply to the new four unit building.

2 | MR. ALUM: Well, can you elaborate if any
3 | work is going to be done on the second floor?

4 | MR. CARBALLO: No. There's no work -- the
5 | only -- the only work that's being done here,
6 | it's on the first floor, which is subdivision of
7 | the large apartment into the two apartments.

8 | The basement is going to remain the way it
9 | is, and the second floor is going to remain the
10 | way it is.

11 | MR. ALUM: And the variances that we would
12 | need are?

13 | MR. CARBALLO: Well, I -- I think the
14 | planner will get into that.

15 | MR. ALUM: We'll -- we'll address that.
16 | Okay.

17 | Very good. All right.

18 | CHAIRMAN GARCIA: So, you are -- you're
19 | requesting from two to four.

20 | Right?

21 | MR. CARBALLO: That's correct. Legalizing
22 | one and subdividing one.

23 | CHAIRMAN GARCIA: Because now, you have two
24 | legal.

25 | MR. CARBALLO: We have two legal. We have

1 the first floor and the second floor.

2 CHAIRMAN GARCIA: And one of the legal,
3 you're going to convert it in two.

4 MR. CARBALLO: Into two. Correct. The
5 large unit.

6 CHAIRMAN GARCIA: And another one, you're
7 going to --

8 MR. ALUM: Which --

9 CHAIRMAN GARCIA: -- legalize so --

10 MR. CARBALLO: This is correct.

11 MR. ALUM: Which is the -- technically, the
12 -- the first floor of the structure.

13 CHAIRMAN GARCIA: Okay. Okay.

14 And all the -- all the changes going to be
15 inside. Right? Nothing --

16 MR. ALUM: All inside.

17 MR. CARBALLO: There's nothing being done
18 to the outside of the building.

19 CHAIRMAN GARCIA: Nothing. Okay.

20 MR. ALUM: And I can -- and I can attest to
21 the problems that Ms. Hidalgo has had in terms of
22 renting out the apartments, or the apartment and
23 essentially becoming sub-rentals.

24 We have been in court a number of times.

25 CHAIRMAN GARCIA: Okay. Any other

1 question?

2 Not for now?

3 Bring the planner.

4 MR. CARBALLO: I'll be here all night.

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

7 MR. ALUM: Second witness is Mr. Gabe --

8 MR. DILLON: Please raise your right hand.

9 MR. ALUM: Oh.

10 MR. DILLON: Do you swear the testimony
11 you're about to give this Board is the whole
12 truth?

13 MR. BAILER: I do.

14 MR. DILLON: State your name and spell it
15 for the record.

16 MR. BAILER: Gabe Bailer, B-A-I-L-E-R.
17 Address 95 Webster Avenue, Jersey City, New
18 Jersey.

19 MR. DILLON: Thank you.

20 MR. BAILER: You're welcome.

21 MR. ALUM: Mr. Bailer's a professional
22 planner and I'd like to pass this --

23 CHAIRMAN GARCIA: We accept his
24 qualification before.

25 MR. BAILER: Thank you. Thank you, Mr.

1 Chairman.

2 Good evening, Mr. Chairman, members of the
3 Board.

4 As Mr. Carballo previously explained, what
5 we are proposing is to convert the first floor of
6 this existing building into two one bedroom
7 apartments, and as well legalize the basement
8 apartment, which was preexisting before my client
9 bought the property.

10 We're here tonight for two variances. We
11 are here for a D-1 use variance, as this property
12 is located in the R-1 -- R zone. And maximum of
13 three families are permitted, we are proposing
14 four residential units, four families. So, we
15 require a DU -- D-1 use variance, as well as a
16 parking variance.

17 I went to the subject property and it's
18 located at 314 9th (sic) Street -- 19th Street,
19 between Palisade and New York Avenue. It is
20 identified as Block 101, Lot 26, and the existing
21 conditions.

22 As mentioned by Mr. Carballo before,
23 there's a basement apartment, a first floor, a
24 two bedroom apartment, which is not -- is vacant
25 as of now. And it's a large two bedroom

1 apartment, and there's a second floor, two -- two
2 bedroom apartment.

3 There is one parking space on the front of
4 the property.

5 I handed out -- Mr. Alum handed out a
6 picture board of the surrounding area, with the
7 subject property. So, I'd like to go through
8 each one and just kind of explain the -- the
9 neighborhood, and how this project relates to the
10 surrounding conditions.

11 As you could see, on the picture board, you
12 have letters A through K. And on the lower right
13 hand corner is aerial photography, satellite --
14 Google satellite image which shows where the
15 picture was taken in relation -- in relationship
16 to the area.

17 Picture A is the property. It's the
18 subject property. It's a two story frame
19 building. And there is one parking space on the
20 front.

21 If you go up to picture B, which is on New
22 York Avenue, is the high school.

23 Picture C shows a three family -- three
24 family residential unit. And next door is also a
25 three family.

1 Picture D is on the corner of Palisade and
2 19th Street. And you could see, it's a -- it's a
3 three family.

4 Picture E is going down 19th Street, closer
5 -- heading towards Palisade. And you see the
6 character of the two family, three family
7 neighborhood and how -- how the component is.

8 Picture -- picture F shows the residential,
9 with some garages.

10 Picture G is the corner of 19th and
11 Palisade Avenue. And as you could see, it's a
12 two, three family.

13 And picture H is going up back towards New
14 York Avenue. And you see the two, three family.

15 And picture K is on -- on the corner of
16 19th Street and New York Avenue. And that is a
17 multi-family unit, with commercial on the ground
18 floor.

19 So, we are here tonight to -- a D-1 use
20 variance for permitting the four family, when a
21 max of three family is -- max -- is --

22 MR. ALUM: Permitted.

23 MR. BAILER: Permit -- yeah -- permit --
24 when a max of three family is permitted.

25 So, I looked in relationship to the Master

1 Plan to this proposed project, and there is some
2 -- there are several goals and objectives that
3 relate to this project.

4 One is provide a balance of land uses and
5 balance of development patterns; provide a broad
6 range of housing choices; promote and reinforce
7 the city as a desirable residential location; and
8 capitalize on the city's proximity to Manhattan.

9 In relationship to the D-1 use variance, my
10 -- I must show the positive and negative
11 criteria. And with the Medici -- the case law of
12 the Medici, I must show that either the proposed
13 use variance inherently serves the public good,
14 or the proposed use promotes the general --
15 general welfare because the -- the proposed site
16 is particularly suited for that use.

17 As well, I'm going to show the negative
18 criteria, but there's no negative detriments to
19 the zoning -- Zoning Ordinance and Master Plan.

20 And it's in my professional opinion, as a
21 planner, that this proposed four family meets the
22 positive criteria.

23 As -- as you could see by the pictures,
24 that it's a residential character and
25 neighborhood. There is three family. As well,

1 | there's a high density unit on -- residential
2 | dwelling on -- on New York Avenue.

3 | There are going to be no additions to this
4 | -- this building. Everything is preexisting.
5 | There's going to be no building additions.
6 | Everything is going to be internal.

7 | There's also, as mentioned before, the --
8 | the layout of the existing two bedroom on the
9 | first floor, because of the size, attracted
10 | tenants with multiple -- multiple individuals,
11 | which actually increased the -- the density,
12 | which increased the -- the individuals within
13 | that building.

14 | A two one bedrooms will attract individuals
15 | who want to take advantage of Palisade Avenue,
16 | direct access into New York City, and have that
17 | public transportation options. And there's --
18 | there's all the public transportation on Palisade
19 | and New York.

20 | And it is my feeling that with this that
21 | there will be no negative detriments to the
22 | Zoning Ordinance, as it -- with the Municipal
23 | Land Use Law as the project, provides balance of
24 | land uses, provides appropriate location and is
25 | suitable to the surrounding area.

1 In terms of parking, as per Code, a total
2 of eight parking spaces are required. There is
3 one parking space on-site.

4 When you do look at, in terms of the
5 requirements, you -- appropriate for a city
6 location, high density location, you want to take
7 use of public transportation.

8 You have New York Avenue there. You have
9 Palisade Avenue.

10 My wife works in the city. She goes --
11 takes the 1-2-3 bus, that goes straight into Port
12 Authority.

13 So, you have the access and you don't need
14 the reliability of a car or the -- the
15 pedestrian, you could walk. And this is
16 something that is -- is attractive to Union City,
17 and people want to take advantage of that.

18 So, with -- with the transportation
19 options, I feel that a parking variance is
20 appropriate for this application.

21 In conclusion, I feel that the application
22 met all the positive/negative criteria, and I --
23 in my professional planning opinion, that the
24 Board could look upon this project favorably.

25 CHAIRMAN GARCIA: Okay.

1 So, you understand that negative impact, it
2 is a minimum versus what the positive impact that
3 going to create this -- if this application is
4 granted.

5 MR. BAILER: Um hum.

6 CHAIRMAN GARCIA: You understand, yes?

7 MR. BAILER: Wait. The --

8 CHAIRMAN GARCIA: The question is that if
9 there is any negative impact in granting this
10 application is minimum, versus what the positive
11 --

12 MR. BAILER: Positive. Yeah.

13 CHAIRMAN GARCIA: -- impact going to be on
14 the --

15 MR. BAILER: In my opinion, the positive
16 criteria outweigh the negative criteria.

17 CHAIRMAN GARCIA: Okay. Perfect.

18 And actually, you have three units and are
19 -- are the three units occupied right now?

20 MR. ALUM: No. The -- the first floor is
21 -- is empty. The one that --

22 CHAIRMAN GARCIA: That one is empty for a
23 long time? Or it's empty --

24 MR. ALUM: It's been -- it's been kept
25 vacant for considerable period of time.

1 CHAIRMAN GARCIA: Okay.

2 MR. ALUM: Ms. Hidalgo, come forward.

3 MR. DILLON: Would you please raise your
4 right hand?

5 MS. HIDALGO: Good evening, everyone.

6 MR. DILLON: Do you swear the testimony
7 you're about to give this Board is the whole
8 truth?

9 MS. HIDALGO: It is.

10 MR. DILLON: State your name.

11 MS. HIDALGO: Melanie Hidalgo.

12 MR. DILLON: Spell it for the record, as
13 well.

14 MS. HIDALGO: Melanie, M-E-L-A-N-I-E.
15 Hidalgo, H-I-D-A-L-G-O.

16 MR. DILLON: Thank you.

17 MR. ALUM: Ms. Hidalgo, you purchased the
18 property on October 20th, 2005.

19 Correct?

20 MS. HIDALGO: Correct.

21 MR. ALUM: So, it's going to be almost ten
22 years in October.

23 MS. HIDALGO: Um hum.

24 MR. ALUM: How long has the first floor
25 apartment been vacant?

1 MS. HIDALGO: Is -- is one year and a half.

2 MR. ALUM: One and a half years?

3 MS. HIDALGO: Um hum.

4 MR. ALUM: Okay.

5 Roughly, how many times have we gone to
6 court to evict tenants for sub-renting the
7 apartment? That specific apartment?

8 MS. HIDALGO: We went to court, I think,
9 twice.

10 MR. ALUM: At least twice.

11 MS. HIDALGO: At least twice.

12 CHAIRMAN GARCIA: Because the size of the
13 unit, then they sub-lease it.

14 MS. HIDALGO: Yes.

15 MR. ALUM: Correct.

16 MS. HIDALGO: Because the --

17 MR. ALUM: It attracted --

18 MS. HIDALGO: -- size of the unit, I rent
19 for certain amount of people, but then since they
20 have so many rooms, and then they decide to rent
21 out the -- the rooms, that they consider
22 additional rooms.

23 CHAIRMAN GARCIA: Okay.

24 MR. BONACCI: Have you -- have you ever
25 lived in the property for the last ten years?

1 MS. HIDALGO: At the beginning, in 2006.

2 MR. BONACCI: Okay. And you were --

3 MS. HIDALGO: And then --

4 MR. BONACCI: And you were renting it out
5 while you were living there?

6 MS. HIDALGO: Just the second floor.

7 MR. BONACCI: Okay. And you didn't have
8 any problems with that?

9 MS. HIDALGO: No. Not -- not with the
10 second floor.

11 MR. BONACCI: It was just when you gave out
12 the first floor, people were giving out the
13 basement.

14 MR. ALUM: No, not --

15 MS. HIDALGO: No, no.

16 MR. ALUM: -- the basement. They would
17 literally subdivide --

18 MR. BONACCI: The basement themselves.

19 MR. ALUM: No, no.

20 MS. HIDALGO: No, no. The first floor.

21 MR. ALUM: The first floor apartment. And
22 -- and they would put locks in the various
23 bedrooms and rooms, and -- and in essence, sub-
24 rent various rooms in the apartment.

25 It is her intention -- it is Melanie's

1 | intention, and I'll ask her, should the Board be
2 | inclined to approve the application, is it your
3 | intention to move to the second floor apartment
4 | of the structure?

5 | MS. HIDALGO: Yes. If that is -- it is
6 | approved, because the first one is a very large
7 | apartment. It's -- it's even sometimes hard to
8 | find people that are looking for such a large
9 | apartment.

10 | And the second floor is -- is very suitable
11 | to me, because it have two bedrooms. It's big.
12 | Not as big as the first floor.

13 | So, if -- if that is approved, I'm planning
14 | to move to the second floor. And then, renting
15 | the other parts.

16 | MR. ALUM: And, in fact, you work in -- in
17 | the city.

18 | Correct?

19 | MS. HIDALGO: Yes. That's -- that's why --

20 | MR. ALUM: And --

21 | MS. HIDALGO: -- I will live in there.

22 | MR. ALUM: And you would be taking public
23 | transportation to the city.

24 | MS. HIDALGO: Yes. Because we have the
25 | local buses on New York Avenue, and also we have

1 the New Jersey transportation on Palisade Avenue.

2 CHAIRMAN GARCIA: Okay.

3 And the layout going to be -- the basement,
4 first floor, going to be two apartment, and the
5 third -- second floor going to be one unit.

6 MS. HIDALGO: Correct.

7 MR. ALUM: Correct.

8 CHAIRMAN GARCIA: Okay.

9 I have no further question on my side.

10 I don't know if any member of the Board
11 have a question.

12 Any member of the public want to step
13 forward?

14 Mr. Price?

15 MR. DILLON: I didn't swear Larry in,
16 right?

17 MR. PRICE: You haven't.

18 MR. DILLON: Huh?

19 MR. PRICE: You haven't.

20 MR. DILLON: Not yet. Yeah. You're late.

21 MR. PRICE: What?

22 MR. DILLON: I said you're late.

23 MR. PRICE: Yes.

24 MR. DILLON: Please raise your right hand.

25 Do you swear the testimony you're about to

1 give this Board is the whole truth?

2 MR. PRICE: I do.

3 MR. DILLON: State your name and spell it
4 for the record.

5 MR. PRICE: Larry Price, 1006 Palisade
6 Avenue.

7 I think my questions are to Mr. Carballo.

8 MR. CARBALLO: Yes, Mr. Price?

9 MR. PRICE: Okay. The basement apartment
10 is one bedroom.

11 Correct?

12 MR. CARBALLO: That is correct.

13 MR. PRICE: And it's 890 square feet.

14 MR. CARBALLO: That is correct.

15 MR. PRICE: Okay.

16 The first floor, which is currently vacant,
17 is two bedrooms or four bedrooms?

18 MR. CARBALLO: Actually, what we counted,
19 it was about four bedrooms.

20 MR. PRICE: So --

21 MR. CARBALLO: It has a whole bunch of
22 rooms in a row, and -- and they were all, at one
23 time, used as bedrooms.

24 MR. PRICE: Okay. How large is the first
25 floor?

1 MR. CARBALLO: It's about -- it's over 1200
2 square feet.

3 MR. PRICE: Okay.

4 When you divide it into two one bed --
5 you're going to divide it into two one bedroom
6 apartments.

7 MR. CARBALLO: That is correct.

8 MR. PRICE: Okay. How large will each
9 apartment be?

10 MR. CARBALLO: The largest one is 646 and
11 the smallest one is 600, 599.

12 MR. PRICE: Five ninety-nine.

13 Okay. How large is the second floor? The
14 top floor?

15 MR. CARBALLO: The top floor is just over a
16 thousand.

17 MR. PRICE: Thousand.

18 And that is a two bedroom apartment?

19 MR. CARBALLO: That is a two bedroom
20 apartment.

21 MR. PRICE: Okay.

22 And there's only one parking spot in the
23 front of the building.

24 MR. CARBALLO: That is correct.

25 MR. PRICE: Okay.

1 Thank you very much.

2 MR. CARBALLO: Okay.

3 CHAIRMAN GARCIA: The planner, please?

4 Did you have a chance to visit the area?

5 MR. BAILER: Yes. Yes.

6 CHAIRMAN GARCIA: I'm assuming, because the
7 report you gave to me here is that, basically --
8 basically, the surrounding neighborhood is
9 basically the same type of -- of houses that you
10 are presenting now.

11 Right?

12 MR. BAILER: It's similar in nature.

13 CHAIRMAN GARCIA: Similar in nature.

14 MR. BAILER: Yup.

15 CHAIRMAN GARCIA: Did you have the chance
16 to go through the tax records to see those units
17 that you mark here as Exhibit -- which exhibit is
18 this one? Did you present it as an exhibit? No?

19 MR. BAILER: No. I don't believe --

20 MR. ALUM: I don't think we marked it as an
21 exhibit.

22 CHAIRMAN GARCIA: Didn't we mark --

23 MR. ALUM: Yes.

24 CHAIRMAN GARCIA: -- it an exhibit?

25 MR. ISA: Mark this as exhibit -- I guess

1 --

2 MR. DILLON: A-1.

3 MR. ISA: Yeah. Well, the plan would be
4 A-1. So, make this A-2.

5 MR. ALUM: A-2?

6

7 (Whereupon, Plans were received and marked
8 as Exhibit A-1.)

9

10 (Whereupon, Existing Conditions Photographs
11 were received and marked as Exhibit A-2.)

12

13 MR. BAILER: I did look at the -- the tax
14 records, but I also -- when I was doing the
15 inventory, I looked at the number of doorbells,
16 the number of mailboxes, and as well as the
17 number of electric gas meter -- meters outside.

18 And I saw numerous -- three doorbells,
19 mailboxes, and I saw several -- four mailboxes,
20 electric meters outside.

21 CHAIRMAN GARCIA: Okay.

22 Basically, the 12 -- I mean, the 11 example
23 that you gave me here are basically the same like
24 few blocks around?

25 MR. ALUM: In the proximity.

1 MR. BAILER: Yeah. Yeah. It's all been --
2 as you can see, on the bottom right hand side,
3 picture A is the subject property.

4 CHAIRMAN GARCIA: So, basically, is the
5 same block.

6 MR. BAILER: Yeah. Same block. Um hum.

7 CHAIRMAN GARCIA: It's the same block --

8 MR. BAILER: On 19th Street. Yup.

9 CHAIRMAN GARCIA: Is Pal and New York.
10 Right?

11 MR. BAILER: Yeah. Between Palisade and
12 New York. Yup.

13 CHAIRMAN GARCIA: Right. Okay.

14 And basically, how is the -- all the -- all
15 the one -- the 11 example you gave me here, how
16 many parking spaces do they provide? Do they
17 provide enough parking space? Do they provide
18 one parking space? Do they -- I mean, are they
19 still also --

20 MR. BAILER: Well, actually --

21 CHAIRMAN GARCIA: -- the same situation?

22 MR. BAILER: -- most of them provide --
23 provide one or two. But actually, right across
24 the street, there is one of the -- one of the
25 buildings has, I believe, three or four parking

1 spaces. And as well, there -- there are garages
2 on -- on the property, as well. On -- on 19th
3 Street.

4 CHAIRMAN GARCIA: Okay.

5 And this is -- this is -- which zone is
6 this one?

7 MR. BAILER: I'm sorry?

8 CHAIRMAN GARCIA: What zone is this one? R
9 zone?

10 MR. ALUM: R. R zone.

11 MR. BAILER: Yeah. Yeah. R.

12 CHAIRMAN GARCIA: R zone?

13 MR. BAILER: Yeah, it's a low density.

14 CHAIRMAN GARCIA: And you are -- what is
15 permitted there?

16 MR. BAILER: Max of three units, and we're
17 --

18 CHAIRMAN GARCIA: Three units?

19 MR. BAILER: And we're proposing four.

20 CHAIRMAN GARCIA: You're proposing four?

21 And is any particular reason why it is --
22 the reason for the four, this for the size of the
23 -- of the apartment?

24 MR. ALUM: Correct. The basement has been
25 an existing when Ms. Hidalgo purchased it. It

1 | has -- it has been -- it had been there.

2 | And the subdivision of the street level, if
3 | you will, is because of the size of the unit.

4 | And the difficulties that we have
5 | experienced, so upon which, she decided just to
6 | leave it vacant.

7 | CHAIRMAN GARCIA: Okay.

8 | MS. HIDALGO: I just wanted to --

9 | CHAIRMAN GARCIA: Can you put here, for the
10 | microphone?

11 | MS. HIDALGO: I'm sorry.

12 | CHAIRMAN GARCIA: No problem.

13 | MS. HIDALGO: I just wanted to add up that
14 | become -- making the apartments two, one bedroom
15 | units is going to be less people in -- in the
16 | building, because it's going to be only one
17 | bedroom in each one of them. So, it's going to
18 | be only two people living there, instead of
19 | having --

20 | CHAIRMAN GARCIA: Whole family.

21 | MS. HIDALGO: -- all that group of people
22 | living in that huge apartment.

23 | CHAIRMAN GARCIA: Okay.

24 | MR. ALUM: So, you would minimize the --
25 | the density of the whole --

1 MS. HIDALGO: Oh, definitely. Definitely.

2 CHAIRMAN GARCIA: I have question for
3 planner.

4 If you are coming -- if you are planning --
5 if your client is planning just to present the
6 three units, you don't have to come to this
7 Board.

8 Right?

9 MR. BAILER: No. No. It's permitted.

10 CHAIRMAN GARCIA: It's permitted.

11 MR. BAILER: But as my client mentioned
12 before, with the layout of the first floor, how
13 there was many, many, many people occupied there.
14 And that by having two one bedrooms, it will be
15 more appropriate for the area, as well. Decrease
16 the number of people within the property.

17 CHAIRMAN GARCIA: Okay. Do you --

18 MR. BONACCI: I'm sorry.

19 You said there's three meters on this
20 building? Three electric, three gas?

21 MR. BAILER: I'm trying to recall. I
22 believe so.

23 MS. HIDALGO: There's three.

24 MR. BAILER: Yeah, three. Yeah.

25 MR. BONACCI: So now you're going to add a

1 fourth unit. How's that going to get split up?

2 MR. BAILER: I mean, that's PSE&G. I
3 really can't --

4 MS. HIDALGO: One more.

5 MR. BONACCI: You're also going to have to
6 figure out with the tenant --

7 MR. BAILER: The tenant. Yeah. Electric.
8 Yeah.

9 MR. BONACCI: Who's going to pay what for
10 the gas, and who's going to pay what for the
11 electric.

12 MR. ALUM: No, there would be -- there will
13 be separate --

14 MR. BONACCI: Meters?

15 MR. ALUM: -- meters, of course, for each
16 apartment.

17 MR. BONACCI: You'll have to add another
18 then, right? Another electric, and another gas.

19 MR. ALUM: Correct.

20 MR. ISA: Typically, those kinds of issues
21 are handled with the Building Department, later,
22 in the various --

23 MR. ALUM: Right. PSE&G and the Building
24 Department.

25 MS. HIDALGO: And the Building Department.

1 CHAIRMAN GARCIA: Let me ask a question.

2 Do you have family? You have kids?

3 MS. HIDALGO: If I have --

4 CHAIRMAN GARCIA: No?

5 MS. HIDALGO: -- family or kids? I have --

6 CHAIRMAN GARCIA: Kids.

7 MS. HIDALGO: -- one.

8 CHAIRMAN GARCIA: One?

9 MS. HIDALGO: Um hum.

10 CHAIRMAN GARCIA: And that kid's going to
11 live with you?

12 MS. HIDALGO: Of course.

13 CHAIRMAN GARCIA: Come with you?

14 MS. HIDALGO: Um hum.

15 CHAIRMAN GARCIA: Okay. Are you a single
16 mother?

17 MS. HIDALGO: Yes.

18 CHAIRMAN GARCIA: Okay. Sorry for the --

19 MS. HIDALGO: No, that's okay.

20 CHAIRMAN GARCIA: No. Let me -- let me ask
21 -- well, let me explain to you why I'm asking you
22 this one.

23 As per the Ordinance -- I mean, like --
24 like that's -- that's what was my question about
25 R zone is only three units.

1 However, one of the reasons that the Zoning
2 Board exists is because you come here to request
3 a variance. I mean, and sometime, it's nothing
4 from -- we don't have to get involved in your
5 personal situation. We don't have to get
6 involved.

7 The same way that we said we don't have --
8 people say, oh, they -- they come and they
9 approve here 80 units, that going to be more
10 taxes for the City.

11 MS. HIDALGO: Um hum.

12 CHAIRMAN GARCIA: We don't -- we don't care
13 about that. We don't have to -- let me be more
14 -- less rude like that.

15 We don't have to take that in
16 consideration.

17 The same way I don't have to take in
18 consideration your hardship.

19 MS. HIDALGO: Um hum.

20 CHAIRMAN GARCIA: Your personal hardship.

21 However, I'm -- I'm different. Okay? And
22 the reason I asking question is because I think
23 that if your plan is to come here, to live here,
24 to live with your child, as a single mother -- I
25 mean, you also need -- I mean, to have less

1 problem.

2 You know, you have to minimize your -- your
3 problem, as best as you can, to survive.

4 MS. HIDALGO: Um hum.

5 CHAIRMAN GARCIA: And I think that you
6 probably -- I mean, granting this application,
7 you're probably going to go to another court,
8 because you probably going to be -- going to be
9 appeal.

10 However, it's in the hand of the other
11 judge to understand your necessity. Okay?

12 For me, I could tell, this particular case,
13 I think is -- is enough reason, just being a
14 single mother, to try to survive in this
15 difficult time, is enough reason for me to grant
16 this application.

17 So, that you're going to have a problem
18 another -- in another -- another court, and that
19 is -- the judge going to have another decision, I
20 have -- we have to respect.

21 But right now, I mean, to be a mother, a
22 single mother, trying to go -- I mean, to get a
23 better life for your child, for me is enough
24 reason to grant this.

25 So, I make my motion to grant this

1 application.

2 MS. HIDALGO: Thank you.

3 MR. GRULLON: And I just want to add to the
4 record that on this application, the current --
5 the current condition has seven bedrooms. And if
6 we grant the application, by allowing to divide
7 the first floor, is going to reduce the amount of
8 bedroom to five. Is going to be reducing the
9 amount of bedroom by two, which is going to
10 require less parking spaces than the current
11 condition.

12 And I second the motion to grant.

13 CHAIRMAN GARCIA: And less dense impact.

14 MR. GRULLON: Yes.

15 MR. ISA: Good point.

16 Thank you.

17 THE SECRETARY: Motion to approve this
18 application by Chairman Andres Garcia.

19 Second by Victor Grullon.

20 Roll call to approve this application.

21 Chairman Garcia?

22 CHAIRMAN GARCIA: Yes.

23 THE SECRETARY: Victor Grullon?

24 MR. GRULLON: Yes.

25 THE SECRETARY: Miguel Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: Harlenny Javier?

3 MS. JAVIER: Yes.

4 THE SECRETARY: Joseph Bonacci?

5 MR. BONACCI: Yes.

6 THE SECRETARY: Khaled Dardir?

7 MR. DARDIR: Yes.

8 THE SECRETARY: Elisa Flores?

9 MS. FLORES: Yes.

10 THE SECRETARY: Motion carries.

11 MR. BAILER: Thank you.

12 MS. HIDALGO: Thank you.

13 MR. ALUM: Thank you.

14 MS. HIDALGO: Thank you.

15 MR. ALUM: Good night.

16 Thank you.

17 (Whereupon, there was a pause in the
18 proceedings.)

19 MR. ISA: Hold on a second.

20 How many -- how many members of the Board
21 do we have right now?

22 Oh, we have eight now. Oh, because Miguel
23 came on board. Okay.

24 Who's the alternates?

25 CHAIRMAN GARCIA: Can you -- can we -- can

1 we call for recess, please?

2 Two minute break?

3 MR. ISA: Yeah. Hold on. We --

4 CHAIRMAN GARCIA: Two minute break.

5 THE SECRETARY: Okay.

6

7 (Whereupon, the Board recessed from 8:25
8 p.m. to 8:26 p.m.)

9 * * *

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1 **Rosario Management, LLC - 2709-2715 Central**
2 **Avenue:**

3

4 THE SECRETARY: Ready?

5 Next application tonight's agenda, Rosario
6 Management, LLC, 2709-2715 Central Avenue.

7 MR. FLANNERY: Yes. Good evening.

8 Mr. Chairman, members of the Board,
9 counsel, Peter Flannery, on behalf of the
10 applicant, Rosario Management.

11 At last month's hearing, I believe notice
12 -- the Affidavit of Proof of Service was
13 provided.

14 CHAIRMAN GARCIA: Mr. --

15 MR. FLANNERY: I know counsel's not here.

16 MR. ISA: No. I -- but juris --

17 MR. FLANNERY: But it's my understanding
18 that --

19 MR. ISA: Jurisdiction was obtained last
20 meeting.

21 MR. FLANNERY: Thank you.

22 MR. ISA: So, the Board has jurisdiction to
23 proceed.

24 MR. FLANNERY: Thank you, counsel.

25 This property is located at 2709-2715

1 Central Avenue, here in Union City, Block 155,
2 Lot 18. It's in the R residential district,
3 corner of Central Avenue and 28th Street.

4 Sometime prior to 2003 -- 2003 is when the
5 applicant purchased the property. Sometime prior
6 to 2003, the building was converted into four
7 residential units on the first floor, and two on
8 the second floor.

9 The applicant purchased the building with
10 those six units.

11 Recently, the Building Department -- an
12 inspector came by and -- and determined that the
13 four units on the first floor were illegal, were
14 not authorized, so we made application to this
15 Board.

16 Again, the -- the applicant thought that
17 they were permitted when purchasing the property,
18 but they were not.

19 No exterior changes were made to the
20 building, or to the lot since 2003.

21 The R zone only permits up to three
22 residential units. Therefore, a D-1 use variance
23 is required and has been requested.

24 In addition, because a use variance is
25 requested, site plan approval is also requested.

1 There is a potential parking variance,
2 which our planner will get into in more detail
3 for 12 parking spaces required, only two are
4 provided on the property currently. There --
5 there's a two space parking lot next to the
6 existing building.

7 Also, the building is quite old. It's over
8 100 years old and there are various preexisting,
9 nonconforming conditions.

10 Lot area, lot width, setbacks, impervious
11 coverage, building coverage.

12 And we don't believe that those variances
13 are needed because of the nonconforming
14 structure, but they were noticed and if the Board
15 decides that we need testimony on those, we can
16 provide.

17 I have two witnesses tonight, two experts.
18 An architect and a professional planner.

19 With the Board's permission, I'd like to
20 bring up my first witness, Martha Brazoban-
21 McCloud, registered architect in the State of New
22 Jersey.

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

25 MR. DILLON: Please raise your right hand.

1 Do you swear the testimony that you're
2 about to give this Board is the whole truth?

3 MS. BRAZOBAN: Yes.

4 MR. DILLON: State your name and spell it
5 for the record.

6 MS. BRAZOBAN: Martha Brazoban, M-A-R-T-H-A,
7 last name, B-R-A-Z-O-B-A-N.

8 MR. FLANNERY: Ms. Brazoban, you are a
9 licensed architect in the State of New Jersey.

10 Correct?

11 MS. BRAZOBAN: Yes.

12 MR. FLANNERY: And you have experience
13 before -- appearing before planning and zoning
14 boards, in the State of New Jersey, including
15 this Board.

16 MS. BRAZOBAN: Yes. Well, not including
17 this Board.

18 MR. FLANNERY: Not this Board, but --

19 MS. BRAZOBAN: But --

20 MR. FLANNERY: -- throughout --

21 MS. BRAZOBAN: -- another --

22 MR. FLANNERY: -- the State of New Jersey.

23 MS. BRAZOBAN: Excuse me.

24 Other boards throughout New Jersey.

25 MR. FLANNERY: I ask -- thank you.

1 I ask that the Board accept Ms. Brazoban's
2 qualifications as expert in architecture.

3 CHAIRMAN GARCIA: Yes. Taking in
4 consideration that she stated that she testified
5 already prior boards, State of New Jersey, yes,
6 we're going to grant -- it is my pleasure to
7 grant her qualification.

8 MR. FLANNERY: Thank you, Mr. Chairman.

9 CHAIRMAN GARCIA: No problem.

10 MR. FLANNERY: I believe we are going to be
11 referring to the plan set that was submitted with
12 the application.

13 I don't know that we need to mark that as
14 an exhibit.

15 CHAIRMAN GARCIA: No.

16 MR. FLANNERY: But we do --

17 CHAIRMAN GARCIA: You already --

18 MR. FLANNERY: Right. It's the exact same
19 plan set that the Board members have in front of
20 them.

21 This is mounted for the Board's review.

22 We also have a slightly revised, Sheet 1,
23 which we're going to mark as Exhibit A-1.

24 And I have handouts. I'll pass these out
25 to the Board.

1

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

4

5 (Whereupon, Revision of Zoning Analysis
6 Table was received and marked as Exhibit A-2.)

7

8 MR. FLANNERY: This Exhibit, A-2, Ms.
9 Brazoban will describe in more detail.

10 It's essentially just a revision of the
11 Zoning Analysis Table that's on the cover sheet.

12 MR. DILLON: Do you want to make this as
13 A-1 or --

14 MR. FLANNERY: A-1.

15 MR. DILLON: And what do you want to mark
16 as A2?

17 MR. FLANNERY: A-2 will be another exhibit.

18 MR. DILLON: Okay.

19 MR. PRICE: Anyway, I think I'm going to
20 put an objection in for this submission.

21 MLUL requires that on the initial
22 submission of all papers be ten days in advance.
23 Revisions can be at hope, but so he's making an
24 original submission here, and he's handing it
25 out.

1 CHAIRMAN GARCIA: No, basically, let me --
2 let me --

3 MR. FLANNERY: Well, I can provide Mr.
4 Price --

5 CHAIRMAN GARCIA: -- let's clarify.

6 MR. FLANNERY: -- with a copy.

7 CHAIRMAN GARCIA: No. Let's clarify.

8 Carlos, can you come here for a second,
9 please?

10 THE SECRETARY: Yes.

11 CHAIRMAN GARCIA: This one that you
12 presented to us via -- they deposited to the --
13 to your office ten days ago? This one.

14 THE SECRETARY: That was -- yeah. That was
15 in the folder.

16 CHAIRMAN GARCIA: In the folder. Right?

17 THE SECRETARY: This --

18 CHAIRMAN GARCIA: This is exactly the same
19 thing, what he's doing. I don't know --

20 MR. PRICE: But he's changing -- no, he's
21 change -- he says he's changing this.

22 MR. ISA: The zoning tabulation.

23 MR. PRICE: So, this is still an original
24 submission, because this is the initial
25 submission to the Board.

1 MR. ISA: Are you just -- you're going to
2 be presenting some of the change -- some changes
3 today?

4 MR. FLANNERY: Yes. We'll be presenting,
5 we'll be discussing this exhibit.

6 You know, honestly, they're very minor
7 changes. I mean, if the Board doesn't want to
8 accept this tonight -- you know, we can proceed
9 with the original plan.

10 CHAIRMAN GARCIA: But the law is we have to
11 be presented ten days before.

12 MR. ISA: Yeah. No. I mean, it is true
13 that -- that things have to be presented ten days
14 before, but you know, we should -- let's hear the
15 -- the presentation and we may need to adjourn
16 it, and -- and -- and provide time.

17 And depending on what -- I don't -- I don't
18 know what --

19 MR. PRICE: Depending on what he says.

20 MR. ISA: Depending on what you say.

21 MR. PRICE: I have my objection on the
22 record.

23 MR. ISA: And depending on the changes --

24 MR. PRICE: That's all.

25 MR. ISA: -- just are --

1 CHAIRMAN GARCIA: Yeah. I mean, he has an
2 objection.

3 MR. FLANNERY: Right.

4 CHAIRMAN GARCIA: I mean, it's up to you --

5 MR. ISA: It's a valid --

6 CHAIRMAN GARCIA: -- if you want to
7 continue, or if you want to adjourn it for the
8 next meeting.

9 MR. FLANNERY: Honestly, we could withdraw
10 this exhibit, if this is a big problem.

11 MR. ISA: Well, I mean, if -- if you --

12 MR. FLANNERY: We'd like to get through
13 tonight.

14 MR. ISA: -- if the changes are minor --
15 you know, you can -- you know, maybe -- maybe
16 it's not worth -- maybe it's not a big deal. All
17 right? So, let's just --

18 MR. FLANNERY: It's really not a big deal.
19 I can withdraw the --

20 MR. ISA: -- move forward.

21 MR. FLANNERY: -- the exhibit. I can take
22 it back. We can rely on the plan submission set.
23 That's fine.

24 I didn't mean to cause problem.

25 MR. ISA: Just -- just -- no. We can --

1 just proceed with your presentation.

2 MR. FLANNERY: Okay.

3 MR. ISA: And if --

4 MR. FLANNERY: Fair enough.

5 MR. ISA: -- we run into trouble, we'll --
6 we'll --

7 MR. FLANNERY: We'll deal with it then.

8 MR. ISA: -- we'll just keep an eye on it.
9 All right?

10 MR. FLANNERY: Understood. Thank you,
11 counsel.

12 Ms. Brazoban, if you could just briefly
13 describe the board which is the -- I believe this
14 is the plan that was originally submitted.

15 MS. BRAZOBAN: The first page, yes --
16 excuse me -- indicates the -- it's the site plan,
17 including the zoning for the property.

18 And pictures of the -- the building as it
19 exists.

20 You want me to -- the modifications that
21 were done --

22 MR. FLANNERY: Right.

23 MS. BRAZOBAN: -- was basically to the
24 zoning chart, indicating the variances that were
25 required and that the lot coverage, the

1 impervious coverage was a hundred percent versus
2 75 percent, which was what we had originally
3 submitted.

4 Those are the --

5 MR. FLANNERY: These are all --

6 MS. BRAZOBAN: -- that's --

7 MR. FLANNERY: These are the preexisting --

8 MS. BRAZOBAN: Pre --

9 MR. FLANNERY: -- nonconformities. Right?

10 MS. BRAZOBAN: Yes.

11 MR. FLANNERY: Conditions. These are not
12 new variances. These are just the variances that
13 were listed as existing conditions, the --

14 MS. BRAZOBAN: Oh, great.

15 Thank you.

16 MR. FLANNERY: -- 100 plus year old
17 structure.

18 MR. ISA: Might make it easier --

19 MR. FLANNERY: Oh, thank you, counsel.

20 MS. BRAZOBAN: Thank you.

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

23 MS. BRAZOBAN: So, basically, it was to
24 correct the existing conditions, so that they
25 were reflected in the plans.

1 MR. FLANNERY: Thank you.

2 That's the cover sheet, and I -- and I
3 guess the -- skip to the third page of the -- of
4 the submitted plan set.

5 MS. BRAZOBAN: Yes.

6 So, on Sheet A-1-0 is the floor plans for
7 the existing building, which has -- it's a two
8 story building, with a basement. It contains --
9 in the basement is the utilities. Basically, the
10 hot water heaters and storage space for -- for
11 the building, and a -- a play area.

12 The first floor has three studios and a two
13 bedroom apartment at the rear. And the second
14 story has two, two bedroom apartments.

15 MR. FLANNERY: And just to confirm, there
16 are no units in the basement. Correct? All the
17 residential --

18 MS. BRAZOBAN: No. There are no units.

19 MR. FLANNERY: -- units are on the first
20 and second floor.

21 MS. BRAZOBAN: Yes.

22 MR. FLANNERY: Thank you.

23 And if you just briefly show access to the
24 units. I believe there's a -- on the first
25 floor, there's a common hallway, as well as

1 individual --

2 MS. BRAZOBAN: Yup. Yes.

3 MR. FLANNERY: -- exterior.

4 MS. BRAZOBAN: Two of the studio units are
5 accessed directly from the street. And there is
6 a main entrance that has public corridor, through
7 which you access the two bedroom at the rear of
8 the building.

9 You can also access two of the studios from
10 that common corridor.

11 The -- from the common corridor, you go
12 upstairs to the second floor and you access the
13 two apartments on the second floor.

14 MR. FLANNERY: And I believe if we could
15 move to the -- I don't know if it was back -- the
16 cover sheet, but there's a sheet that shows -- or
17 the site plan.

18 Just point out the -- the parking area.

19 MS. BRAZOBAN: The parking area is on the
20 rear of the building.

21 MR. FLANNERY: Right. It --

22 MS. BRAZOBAN: And it has access for two
23 parking spaces.

24 MR. FLANNERY: And that's on Central
25 Avenue.

1 MS. BRAZOBAN: On Central Avenue.

2 MR. FLANNERY: It's technically the rear
3 yard under the Ordinance, but it's -- it's off of
4 Central Avenue.

5 MS. BRAZOBAN: Yes. It's off --

6 MR. FLANNERY: There's a --

7 MS. BRAZOBAN: -- of Central.

8 MR. FLANNERY: -- full access to Central.

9 MS. BRAZOBAN: Yes.

10 MR. FLANNERY: That's all the direct --
11 that's all the direct questions I have of Ms.
12 Brazoban.

13 CHAIRMAN GARCIA: Can you -- how many --
14 how many units is -- how many apartments?

15 MS. BRAZOBAN: It currently has six.

16 CHAIRMAN GARCIA: Right. And you want --
17 and you want -- the application is to convert it
18 in six units.

19 Right?

20 MR. FLANNERY: Correct. It's --

21 CHAIRMAN GARCIA: It's --

22 MR. FLANNERY: -- essentially legitimize,
23 for lack of a better word, the six units --

24 CHAIRMAN GARCIA: Six units.

25 MR. FLANNERY: -- that are existing.

1 CHAIRMAN GARCIA: Right.

2 And the six units are -- can you -- can you
3 give me the breakdown? How many studio? How
4 many one bedroom?

5 MS. BRAZOBAN: There's four -- three
6 studios and three two bedrooms. One two bedroom
7 on the first floor, and two two bedrooms on the
8 second floor.

9 CHAIRMAN GARCIA: And the studios are just
10 a studio, or one bedroom studio?

11 MS. BRAZOBAN: They're just studios.

12 CHAIRMAN GARCIA: Just studios. Okay.

13 So, in reality, you have six bedrooms.
14 Right?

15 MS. BRAZOBAN: Yes. On the -- on the
16 ground floor.

17 CHAIRMAN GARCIA: I mean, no, but you got
18 six bedroom because you have three two bedroom --

19 MS. BRAZOBAN: Yes.

20 CHAIRMAN GARCIA: -- apartment.

21 MS. BRAZOBAN: Yes.

22 CHAIRMAN GARCIA: Plus the three studios,
23 so you're talking about you have, basically, nine
24 bedrooms, if we consider the three studio as a
25 one bedroom.

1 MS. BRAZOBAN: Yes.

2 CHAIRMAN GARCIA: Okay.

3 And the current -- I don't know, in the
4 application here, probably going to ask Mr. --

5 Carlos, here, say proposed convert existing
6 mixed use.

7 Is this an existing mix -- mixed use?

8 MR. FLANNERY: If I can just -- I'll ask a
9 --

10 MS. BRAZOBAN: You want to --

11 MR. FLANNERY: -- question to clarify that.

12 It's our understanding that we reviewed the
13 -- the Building Department records. They showed
14 records for a -- what was then a nonconforming
15 preexisting two commercial units on the first
16 floor, and two residential units on the second
17 floor.

18 Correct?

19 CHAIRMAN GARCIA: That's what they have on
20 record.

21 MS. BRAZOBAN: Yes.

22 MR. FLANNERY: That's what's in the
23 records. And apparently, the prior owner, at
24 some point, converted the commercial units into
25 the four residential units.

1 CHAIRMAN GARCIA: And -- and everything.

2 Okay.

3 When you -- your client purchased this
4 property?

5 MR. FLANNERY: Yes.

6 CHAIRMAN GARCIA: Your client. When they
7 -- when they buy --

8 MR. FLANNERY: Oh, 2003.

9 CHAIRMAN GARCIA: 2003. And when the --
10 when the applicant bought the property is -- it
11 was the same existing condition?

12 MR. FLANNERY: Correct. I can represent
13 that it was four units.

14 CHAIRMAN GARCIA: The -- the applicant
15 didn't buy the property as a mixed use.

16 MR. FLANNERY: Correct.

17 CHAIRMAN GARCIA: Bought it as a
18 residential unit.

19 Can you come here and --

20 MR. FLANNERY: We could have -- now, we're
21 going to have to have the grandson of the owner
22 translate --

23 CHAIRMAN GARCIA: No problem.

24 MR. FLANNERY: -- for the owner.

25 I can have them both sworn in.

1 CHAIRMAN GARCIA: One second. One second.

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

4 MR. DILLON: So --

5 CHAIRMAN GARCIA: No. Sometime, we ask one
6 of the attorney, most of the time come here, to
7 translate but --

8 MR. FLANNERY: Oh, sure. Okay.

9 CHAIRMAN GARCIA: Okay.

10 MR. DILLON: All right. So --

11 MR. FLANNERY: Thank you.

12 MR. DILLON: -- I have to swear --

13 CHAIRMAN GARCIA: Yeah. You have to swear
14 him.

15 MR. ISA: Swear them both in.

16 CHAIRMAN GARCIA: Both.

17 MR. ISA: Swear in -- swear the interpreter
18 first.

19 Want me to do it?

20 MR. DILLON: No, I'll do it.

21 Please raise your right hand.

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

24 MR. ROSARIO: Yes.

25 MR. DILLON: State your name and spell it.

1 MR. ROSARIO: Alexander Rosario,
2 A-L-E-X-A-N-D-E-R, R-O-S-A-R-I-O.

3 MR. DILLON: Thank you.

4 MR. ISA: One more thing.

5 Now, Mr. Rosario, do you further swear that
6 you're going to translate from English to
7 Spanish, and Spanish to English, to the best of
8 your ability?

9 I know you're not an interpreter.

10 MR. ROSARIO: Yes. Yes.

11 MR. ISA: Thank you.

12 CHAIRMAN GARCIA: And just for the record,
13 I mean, we are not accepting him as testifying.
14 He only going to translate.

15 MR. ISA: That's why -- that's why --

16 CHAIRMAN GARCIA: Right. Right. Right.

17 So --

18 MR. ISA: I asked to translate --

19 CHAIRMAN GARCIA: Whatever -- whatever he
20 said going to be just translated. And whatever
21 --

22 MR. ISA: She said.

23 CHAIRMAN GARCIA: -- she's going to say.

24 MR. DILLON: Okay. So now --

25

1 (Whereupon, Alexander Rosario translated
2 from English to Spanish and Spanish to English
3 for Argentina Diaz.)
4

5 CHAIRMAN GARCIA: Do me a favor, can you
6 translate her, what we're saying now?

7 MR. ISA: And vice-versa. You know, when
8 we say something in English, you tell her in
9 Spanish. Whenever she says something in Spanish,
10 you tell us. Even though a lot of us speak
11 Spanish, we have to do this anyway.

12 CHAIRMAN GARCIA: And now we have to swear
13 him -- her.

14 MR. DILLON: Okay. So, please raise your
15 right hand.

16 Do you swear that the testimony you're
17 about to give this Board is the whole truth?

18 MR. ROSARIO(FOR ARGENTINA DIAZ): Yes.

19 MR. DILLON: State your name and spell it
20 for the record.

21 MR. ROSARIO: Argentina Diaz, D-I-A-Z.

22 MR. DILLON: Got you. Easy.

23 CHAIRMAN GARCIA: Argentina is going to be
24 -- you're going to be a problem with that.
25 That's kind of a country.

1 Okay.

2 MR. DILLON: I got it.

3 CHAIRMAN GARCIA: The -- the question I
4 have is when she bought the property, she bought
5 it as a mixed use? I mean, with commercial and
6 apartment? Or she bought it just as a
7 residential? Just apartment?

8 MR. ROSARIO: Only residential.

9 CHAIRMAN GARCIA: Okay. Perfecto. I mean
10 perfect.

11 I'm Dominican. That's --

12 And when she -- when she bought apartment?

13 I mean, the -- the unit?

14 MR. ROSARIO: 2003.

15 CHAIRMAN GARCIA: Okay. And how is the
16 current condition, Ms. -- how many units does she
17 has right now there?

18 MR. ROSARIO: Six units.

19 CHAIRMAN GARCIA: Are they rented?

20 MR. ROSARIO: Five of them are rented, one
21 of them she lives in.

22 CHAIRMAN GARCIA: Okay. Okay. Perfect.
23 And I think that, for now, I'm okay. I just
24 wanted to -- which one -- there was another
25 question.

1 MR. ISA: Yeah. Are you -- when you --
2 when you purchased the building, are you aware
3 how long they had been residential, more or less?
4 Does she have any -- did she have --

5 CHAIRMAN GARCIA: Okay. When -- when she
6 bought apartment -- the building --

7 MR. ROSARIO: Um hum.

8 CHAIRMAN GARCIA: -- she bought it like it
9 was six units.

10 MR. ISA: Did she know --

11 CHAIRMAN GARCIA: Did she know before was
12 mixed use, before she knew that was commercial or
13 that -- she know for the whole life that was only
14 residential?

15 MR. ROSARIO: Okay. So -- so --

16 CHAIRMAN GARCIA: Give him -- give him a
17 break, to translate.

18 MR. ROSARIO: Okay. So when she bought the
19 building, she didn't know that prior to her
20 owning it, it was used as double residential and
21 commercial.

22 Only after she visited here, the City Hall,
23 did she find out that -- 1973 it was used as a
24 double.

25 CHAIRMAN GARCIA: Okay.

1 MR. ROSARIO: Residential and commercial.

2 CHAIRMAN GARCIA: Okay.

3 Okay. I have a question for the architect
4 now.

5 Did you have a chance to visit the site?

6 MS. BRAZOBAN: My staff did.

7 CHAIRMAN GARCIA: Okay. Oh, your staff
8 did.

9 Okay.

10 MS. BRAZOBAN: She was --

11 MR. ISA: Chooses. Okay.

12 MS. BRAZOBAN: -- my -- she is -- yeah.

13 CHAIRMAN GARCIA: Okay.

14 MR. ISA: Well, in -- in your visiting, how
15 old -- I mean -- you know, this is relative. I
16 mean, you can't be exact on it, but does it -- it
17 looks -- does it look like the residential units
18 have been there for an extended period of time?

19 MS. BRAZOBAN: I would say, yes. I mean,
20 she does maintain the building in pretty good
21 condition.

22 So, it's -- you know, fixed up and new
23 finishes. But it's -- it's relatively -- you
24 know, you can visually see that it's been there
25 for awhile.

1 MR. ISA: Yeah.

2 CHAIRMAN GARCIA: Okay.

3 MR. ISA: No. It's -- you're talking -- I
4 mean, this is your estimate, and I know -- you
5 know, I'm -- you're looking. It was -- it was
6 residential definitely before she bought it, and
7 -- and for -- for some period before that.

8 Right?

9 MS. BRAZOBAN: Yes.

10 CHAIRMAN GARCIA: I don't know. Any other
11 question?

12 I have no further question for now, for the
13 applicant, and not for the architect. Probably
14 you can bring the next witness.

15 MR. FLANNERY: Thank you, Mr. Chairman.

16 CHAIRMAN GARCIA: Thank you very much.

17 MR. FLANNERY: Thank you.

18 My next and final witness is Mr. Gabe
19 Bailer, who will be providing professional
20 planning testimony.

21 Has Mr. Bailer, -- he was previously sworn,
22 do we have to swear him in again?

23 MR. DILLON: I think he's still under oath.
24 Right?

25 MR. ISA: Yeah. He's still under oath.

1 MR. FLANNERY: Great.

2 CHAIRMAN GARCIA: Yes. From a previous
3 application.

4 MR. FLANNERY: And then, the Board, I
5 assume, will accept Mr. Bailer's qualifications,
6 having just heard them.

7 CHAIRMAN GARCIA: Absolutely.

8 MR. FLANNERY: Thank you.

9 Mr. Bailer, just very briefly, we -- we
10 have one exhibit tonight. Might want to mark
11 this Exhibit A-2. This is a presentation
12 exhibit.

13 Pass this around.

14

15 (Whereupon, Existing Conditions Photographs
16 was received and marked as Exhibit A-2.)

17

18 MR. BAILER: It may look similar to the
19 other one, but different pictures. Same format.

20 MR. BAILER: Yeah. Different area of the
21 city.

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

24 MR. FLANNERY: Mr. Bailer, just briefly go
25 through the proofs for the D-1 variance and also

1 discuss the parking variance.

2 MR. BAILER: Sure.

3 Well, first of all, I want to mention
4 subject property is 2709-2715 Central Avenue,
5 Block 155, Lot 18.

6 As you could see -- and it's on the corner
7 of Central Avenue and 28th Street.

8 Existing. It's a two story brick masonry
9 building. It's -- as previously mentioned, that
10 it's an old building, over a hundred years old.

11 The property requires a D-1 use variance,
12 as we are legalizing six apartments. And it's
13 located in the R zone, when a maximum of three
14 residential units are permitted.

15 As well, we are required a parking
16 variance.

17 If the studio apartments are not -- there
18 -- there's a total of six units. There's three
19 studios and three two bedroom apartments.

20 As the studio apartments do not have
21 bedrooms, I believe they should not be counted
22 towards the parking requirement, as there are no
23 requirements for studio -- studio within the
24 Zoning Code.

25 If you look into the two bedrooms, as per

1 Code, they are two units per two bedroom. With
2 the three bedrooms, there are six parking spaces
3 required, when two on-site are permitted.

4 I'd like to go through the -- the picture
5 board, describing the existing conditions and the
6 surrounding uses.

7 As previously mentioned, with the -- the
8 previous application, I have letters A through K,
9 and on the right side, you have an aerial
10 photography where these pictures are taken.

11 Picture A, B, and C is the building. The
12 two story brick building. As you could see, it's
13 a very old building, and it is on the corner,
14 which is key on Central Avenue and 28th Street.

15 Parking -- picture D shows the parking on
16 the side of the building. There is two parking
17 spaces there, and they've been existing for --
18 since the -- my client -- picture -- bought the
19 building.

20 Picture E is on the corner of Central and
21 27th Street. And this is on the corner. And as
22 you could see, it's a high density building.
23 There's numerous apartments, with -- within that
24 -- that apartment building.

25 Picture F, G, and H are -- is across the

1 street from the subject property.

2 Picture I is on the corner of 28th Street
3 and Central Avenue.

4 And Picture J is on the opposite corner of
5 the property. It's on the corner. And as you
6 could see, it's a new building. It's a higher
7 density residential building.

8 And Picture K, which is directly across the
9 street, is also a higher density building, and is
10 similar in nature to what is existing with the
11 six -- the six units in the property.

12 With the use variance requirement, I have
13 to show the positive and negative criteria, and
14 how this proposed project is suitable in nature,
15 and how it relates to the Master Plan and Zoning
16 Ordinance, as well as there is no detriment to
17 the Master Plan, Municipal Land Use Law, and the
18 Zoning Ordinance.

19 As you could see, it's my opinion that this
20 site -- this proposed six units, when there's
21 going to be no additions, all the -- the bulk
22 variances are preexisting, there's going to be no
23 exterior changes, only the work will be internal.

24 So, as you could see by the picture board,
25 the surrounding residential character of the

1 neighborhood, as well as the higher density
2 buildings that are located on the corner, similar
3 as this project is.

4 The layout of the building is more
5 appropriate for residential. There was
6 commercial existing before 2003. But as you
7 could see, at the layout, that this is more
8 appropriate for a residential.

9 Commercial units are not permitted in the R
10 zone, so these commercial uses were existing as
11 pre -- preexisting, nonconforming.

12 As previously mentioned, there's going to
13 be no additions. There is public transportation
14 along JFK Boulevard, Bergenline, as well as 30th
15 Street. Go up 30th Street, you have the bus
16 access direct into Port Authority, the apartments
17 were marketed towards young professionals, as --
18 as some of them are -- are already occupied.

19 And as -- as also mentioned, that this --
20 this property is on -- on the corner lot.

21 With the negative criteria, there will be
22 no detriment to the public good. It does not
23 substantially impair the Union City Master Plan.

24 And as per Price versus 414 19th Street,
25 this court case said that the fact that the

1 apartments have existed for years is itself
2 evidence that legalizing it will not
3 substantially impair the intent and purpose of
4 the Zoning Plan and Zoning Ordinance. Granting
5 the variance promote the proposed use will not
6 impair the Zoning Ordinance, and will not impact
7 the Municipal Land Use Law, or the Master Plan.

8 MR. FLANNERY: In terms of the parking
9 variance, and just quickly go through those
10 proofs for the -- the C-2 variance.

11 MR. BAILER: Sure. Sure.

12 As this -- the C-2 Code that I must show
13 that the parking will not have a detriment.

14 There are two existing parking spaces
15 there. They have been preexisting, as well as
16 that these units have been there for several
17 years, before 2003.

18 There is transportation along Bergenline,
19 along 30th Street. And the studio apartments, do
20 not, based on the studio really, do not promote
21 or the -- a car or automobile, transportation --
22 public transportation is more appropriate for a
23 studio apartment.

24 Based on the positive and negative
25 criteria, I feel that the positive outweigh any

1 negative detriments, and I feel that this
2 application is appropriate for the -- for the
3 area.

4 MR. FLANNERY: Thank you.

5 Also, in the -- the Union City Land
6 Development Ordinance, there is a provision
7 allowing the Board to make a decision on -- on
8 parking. If the Board determines that there's
9 adequate parking on the street, parking variance
10 may not be required.

11 MR. BAILER: Hmm.

12 MR. FLANNERY: It's your opinion that the
13 on-street parking is adequate, as judging by your
14 Exhibit A-2. From the aerial, I see there's
15 across the street parking, as well as residential
16 uses, with garages and driveways.

17 And is it your opinion that there's
18 adequate on-street parking?

19 MR. BAILER: Well, since there are garages
20 and driveways, along that corridor, yes, there's
21 appropriate parking.

22 MR. FLANNERY: And even if the Board were
23 to determine that 12 spaces are required -- you
24 know, based on the studio units being one
25 bedroom, it's still your opinion that the

1 | variances is warranted and that the on-street
2 | parking is adequate?

3 | MR. BAILER: Yes. Yes.

4 | MR. FLANNERY: Thank you.

5 | Those are all the questions I have.

6 | CHAIRMAN GARCIA: Okay. This one is
7 | located in R zone.

8 | Right?

9 | MR. FLANNERY: Correct.

10 | CHAIRMAN GARCIA: And according to the
11 | Building Department, it is in record as --

12 | MS. JAVIER: Sorry.

13 | CHAIRMAN GARCIA: -- as a -- as a mixed
14 | use.

15 | Right?

16 | MR. FLANNERY: I think that the mixed use
17 | was a -- was a preexisting nonconforming mixed
18 | use building.

19 | CHAIRMAN GARCIA: Yeah. But right now,
20 | it's like that, in -- in Building Department.

21 | MR. FLANNERY: Right.

22 | CHAIRMAN GARCIA: It's a mixed use.

23 | MR. FLANNERY: The Building Department
24 | records. Right.

25 | CHAIRMAN GARCIA: Right.

1 MR. FLANNERY: Correct. I can represent
2 that.

3 CHAIRMAN GARCIA: Right.

4 So, my question is, for you to bring this
5 one to Code -- I mean, to -- to comply with the
6 Ordinance, you have to convert the three unit on
7 the top with the three unit -- I mean, you have
8 to make it up and create just three units.

9 Right?

10 Because in the residential -- in the R
11 zone, you are allowed up to three units.

12 MR. FLANNERY: Correct. You'd be adding
13 three units. Right.

14 CHAIRMAN GARCIA: So you need to rebuild
15 everything inside.

16 MR. FLANNERY: Well, I think everything's
17 already built --

18 CHAIRMAN GARCIA: No, no, no. I mean, if
19 you want to bring that one to Code, if you want
20 to bring --

21 MR. FLANNERY: Oh, sure. Certainly, Mr.
22 Chairman. Yes.

23 CHAIRMAN GARCIA: -- one to -- you know, to
24 -- to comply with -- with the Ordinance. Okay?

25 By that same token, if we -- if we say we

1 reject this application, you are -- for Building
2 Department, you are in the mixed use, so you also
3 could put some business down there.

4 Right? Right now.

5 MR. FLANNERY: Right.

6 CHAIRMAN GARCIA: Without no problem. And
7 it is nonconforming with the R zone.

8 MR. FLANNERY: Correct.

9 CHAIRMAN GARCIA: Right.

10 MR. ISA: So -- so, in your opinion, Mr.
11 Bailer, would this -- would this application,
12 even though the -- the preexisting commercial
13 use, which doesn't exist anymore, has the
14 protection of being a preexisting nonconformity,
15 would you -- would it be your opinion that --
16 that making this residential brings it closer to
17 conformity with -- with the Ordinance.

18 MR. BAILER: Yes. Yes, it does.

19 As previously mentioned, commercial uses
20 are not even permitted in the R zone.

21 MR. ISA: Now, you reviewed -- did you --
22 you looked at the whole area. I'm looking, those
23 pictures. Does this -- are there other --

24 MR. BAILER: Yes. There --

25 MR. ISA: -- mixed uses in the area?

1 MR. BAILER: On -- yes. Picture E is --
2 Picture E and K, they are -- there are some
3 existing -- preexisting commercial uses.

4 MR. ISA: But --

5 MR. BAILER: However, but if you look at
6 the building and the layout, based on the masonry
7 brick, I -- I'm not an architect, but as a
8 planner, I really don't see how that would
9 operate and be efficient.

10 MR. ISA: And in that -- but in that area,
11 aside from mixed uses, there's also strictly --
12 plenty of strictly residential uses.

13 MR. BAILER: Um hum.

14 MR. ISA: Is that correct?

15 MR. BAILER: Correct.

16 MR. FLANNERY: Right. And looking at your
17 Exhibit A-2, Mr. Bailer, it looks like there are
18 many apartment buildings, as well. I'm looking
19 at E and J.

20 MR. BAILER: Yes. And -- and that's --

21 MR. FLANNERY: K is like -- you know, many
22 apartment units in those buildings, far more than
23 three.

24 MR. BAILER: Yes.

25 MR. FLANNERY: Far more than six.

1 MR. BAILER: Yes. And -- and picture J is
2 a newer building, and that is -- that's higher
3 density. That's -- it's more than six units.
4 And that's on the corner, as well.

5 MR. ISA: So --

6 CHAIRMAN GARCIA: And can you repeat the --
7 the case that you mentioned? Price versus?

8 MR. BAILER: Price versus -- and this was
9 provided me -- provided by Mr. Flannery. It is
10 --

11 MR. FLANNERY: Price v 414 9th Street
12 Associates. It is an unpublished Appellate
13 Division case.

14 MR. PRICE: I think you're citing my
15 adversary's brief.

16 CHAIRMAN GARCIA: Any other question?

17 MR. GRULLON: What is permitted? How many
18 units is permitted in that zone?

19 MR. BAILER: Three units.

20 MR. GRULLON: Three units.

21 MR. ISA: So, you're really looking for --
22 I mean, to go back to residential and -- and
23 three units more than what would be permitted.

24 MR. FLANNERY: Correct.

25 CHAIRMAN GARCIA: Have any other question?

1 No?

2 Member of the public want to step forward?

3 Yes, Mr. Price?

4 MR. PRICE: Still Larry Price.

5 CHAIRMAN GARCIA: Okay.

6 MR. PRICE: Questions of the architect.

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

9 MR. PRICE: Okay. The lot here is 25 by a
10 hundred.

11 Correct?

12 MS. BRAZOBAN: Yes.

13 MR. PRICE: So, we have a 2500 square foot
14 lot.

15 MS. BRAZOBAN: Yes.

16 MR. PRICE: Okay. The building that sits
17 on this lot is 78 feet long.

18 Correct?

19 MS. BRAZOBAN: Yes.

20 MR. PRICE: Okay.

21 It comes to the property -- comes to the
22 property line on the sidewalk.

23 MS. BRAZOBAN: Yes, it does.

24 MR. PRICE: But in the back, there's a five
25 foot alleyway or something back there?

1 MS. BRAZOBAN: No. In the back, you have a
2 much larger space than that, because you've got
3 space for two parking space -- for two cars --

4 MR. PRICE: No, no.

5 MS. BRAZOBAN: -- to park.

6 MR. PRICE: I'm not talking to the --
7 that's a 22 --

8 MS. BRAZOBAN: Oh, you're --

9 MR. PRICE: -- foot space.

10 MS. BRAZOBAN: You're talking about in --

11 MR. PRICE: It's --

12 MR. FLANNERY: The side yard, between the
13 building and the property line, opposite Central
14 Avenue?

15 MR. ISA: I think that's what he means.

16 MR. PRICE: What?

17 MR. ISA: Just -- we're just trying to help
18 clarify what we're talking about here.

19 MR. PRICE: Right.

20 MR. ISA: You're referring to -- if we're
21 looking - if we're at the front of the building
22 on Central Avenue.

23 MR. PRICE: Right.

24 MR. ISA: You're not talking to the -- to
25 the side, you're talking what's behind the

1 building --

2 MR. PRICE: To the left is a 22 foot space.

3 MR. ISA: And then --

4 MR. PRICE: It goes --

5 MR. ISA: Okay.

6 MR. PRICE: -- we know about -- that's the
7 two parking spots.

8 MR. ISA: So -- behind the building.

9 MR. PRICE: Behind the building.

10 MS. BRAZOBAN: Behind the building.

11 MR. PRICE: Five feet -- 5.16 feet?

12 MS. BRAZOBAN: You mean in between this
13 building and the --

14 MR. PRICE: Well and --

15 MS. BRAZOBAN: -- adjacent property?

16 MR. PRICE: Well, yeah. Toward the
17 property line.

18 MS. BRAZOBAN: Yes.

19 MR. PRICE: There's a five foot space
20 there.

21 MS. BRAZOBAN: Yes.

22 MR. PRICE: So our building is 78 feet
23 long, by approximately 20 feet wide.

24 MS. BRAZOBAN: Yes.

25 MR. PRICE: Okay.

1 And has a total square footage of 1252
2 square feet.

3 MS. BRAZOBAN: Yes.

4 MR. PRICE: Correct?

5 Okay.

6 Now, on the ground floor, you want to put
7 three studio apartments and one two bedroom
8 apartment?

9 MS. BRAZOBAN: Yes.

10 MR. PRICE: Okay. How large are the three
11 studio apartments?

12 MS. BRAZOBAN: They run about 198, 200
13 square feet.

14 MR. PRICE: A hundred --

15 MS. BRAZOBAN: And these --

16 MR. PRICE: A hundred ninety-eight to what?

17 MS. BRAZOBAN: To about 202, give or take.

18 MR. PRICE: Roughly, 200 square feet?

19 MS. BRAZOBAN: Yes. And they're
20 preexisting. We're not proposing to put that
21 size apartment there at this time. They were
22 existing and have been existing for more than --
23 since 2003.

24 MR. PRICE: Okay.

25 MS. BRAZOBAN: And prior to.

1 MR. PRICE: But they're three --

2 MS. BRAZOBAN: Yes.

3 MR. PRICE: -- will be 200 square feet,
4 approximately.

5 Okay. There's a two bedroom apartment.
6 How large is that? How many square feet?

7 MS. BRAZOBAN: Give me one second.

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

10 MS. BRAZOBAN: Four hundred 56.

11 MR. PRICE: Four hundred and fifty --

12 MS. BRAZOBAN: Fifty-six. Those are the
13 two on the -- one of the second -- the second
14 floor.

15 MR. PRICE: Oh, wait -- wait a minute.

16 MS. BRAZOBAN: That -- I'm sorry.

17 MR. PRICE: I'm still -- I'm still talking
18 first floor.

19 MS. BRAZOBAN: I apologize.

20 MR. PRICE: Yeah.

21 MS. BRAZOBAN: It's 380.

22 MR. PRICE: Three eighty on the first
23 floor.

24 MS. BRAZOBAN: And those are approximate
25 numbers.

1 MR. PRICE: Okay.

2 Okay, then, on the second floor, we have
3 two two bedroom apartments.

4 Correct?

5 MS. BRAZOBAN: Yes.

6 MR. PRICE: Okay. How large are they?

7 MS. BRAZOBAN: One is 456.

8 MR. PRICE: Four fifty-six.

9 MS. BRAZOBAN: And the other one is
10 roughly, I would say, about 500. Again --

11 MR. PRICE: Approximately 500.

12 MS. BRAZOBAN: Yeah.

13 Because when you -- the footprint is 1200.
14 When you take away the common space and the
15 exterior walls.

16 MR. PRICE: Thank you.

17 That's it.

18 CHAIRMAN GARCIA: It is any -- do you have
19 any --

20 How can I say?

21 Any like picture or something to show the
22 -- the existing condition of the -- show it to
23 the Board, the -- at least the age of the -- you
24 know, how old are all those condition, all those
25 division in the apartment?

1 I mean --

2 MS. BRAZOBAN: Not --

3 CHAIRMAN GARCIA: -- you don't have any
4 picture?

5 MS. BRAZOBAN: No. Not -- we don't have it
6 with us today.

7 CHAIRMAN GARCIA: I'm going to ask for --
8 I'm going to ask for a favor. I don't know. You
9 can talk to your client.

10 MR. FLANNERY: Sure.

11 CHAIRMAN GARCIA: I'm going to request to
12 adjourn this application.

13 I would like to -- for the architect to
14 visit the site, not send anybody.

15 And -- because she's the one that have the
16 -- the experience. I don't -- I mean, I -- no
17 underestimating -- underestimating the capacity
18 of the lady that work for the firm.

19 MR. FLANNERY: Um hum.

20 CHAIRMAN GARCIA: However, we are accepting
21 her qualification. We don't know the
22 qualification of the other person in the firm.
23 Okay?

24 MR. FLANNERY: Okay.

25 CHAIRMAN GARCIA: I want to hear the

1 testimony that -- I mean, I think that the Board
2 need to hear the testimony from the architect,
3 saying, yes, I went there. And everything
4 appeared to be preexisting.

5 MR. FLANNERY: Okay.

6 CHAIRMAN GARCIA: And I -- if it's -- if
7 it's possible, you could come here with some
8 picture or something to just to keep a record for
9 that.

10 MR. FLANNERY: Sure, Mr. Chairman.

11 CHAIRMAN GARCIA: Okay?

12 MR. FLANNERY: We can do that.

13 CHAIRMAN GARCIA: So, if -- I don't know if
14 you want to talk to your client and ask her if
15 it's comfortable with her to adjourn the
16 application for next meeting?

17 MR. FLANNERY: Yes. If you don't mind, I'd
18 --

19 CHAIRMAN GARCIA: Yes.

20

21 (Whereupon, there was a pause in the
22 proceedings while Mr. Flannery conferred with his
23 client.)

24

25 MR. FLANNERY: Mr. Chairman, adjournment of

1 the application is fine by my --

2 CHAIRMAN GARCIA: Is fine? Okay.

3 MR. FLANNERY: -- client.

4 And thank you for your courtesies.

5 CHAIRMAN GARCIA: Okay. No, no. Thank you
6 for your courtesy.

7 So, I make my motion to grant this app -- I
8 mean, to adjourn this application for the next
9 meeting, April the 9th.

10 MR. FLANNERY: April 9.

11 THE SECRETARY: Motion to adjourn the
12 application by Chairman Andres Garcia for April
13 9.

14 Second by?

15 MR. GRULLON: I second.

16 THE SECRETARY: Second by Mr. Grullon.
17 Roll call to adjourn this application.
18 Chairman Garcia?

19 CHAIRMAN GARCIA: Yes.

20 THE SECRETARY: Victor Grullon?

21 MR. GRULLON: Yes.

22 THE SECRETARY: Miguel Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Harlenny Javier?

25 MS. JAVIER: Yes.

1 THE SECRETARY: Joseph Bonacci?

2 MR. BONACCI: Yes, sure.

3 THE SECRETARY: Khaled Dardir?

4 MR. DARDIR: Yes.

5 THE SECRETARY: Elisa Flores?

6 MS. FLORES: Yes.

7 THE SECRETARY: Motion carries.

8 MR. FLANNERY: Just to clarify. That's

9 April 9th, six p.m.

10 CHAIRMAN GARCIA: Yes.

11 MR. FLANNERY: Same --

12 CHAIRMAN GARCIA: The same time.

13 MR. FLANNERY: Same location.

14 Right.

15 CHAIRMAN GARCIA: Yes. The same location.

16 MR. FLANNERY: Thank you.

17 CHAIRMAN GARCIA: Can I have two minute
18 break?

19 MR. ISA: Two minute break.

20 CHAIRMAN GARCIA: Two minute break.

21 THE SECRETARY: Two minute break.

22

23 (Whereupon, the Board recessed from 9:07
24 p.m. to 9:17 p.m.)

25

1 THE SECRETARY: Ready?

2 MR. ISA: Yeah. We're ready.

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

5 * * *

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1 **Dalema Corporation - 815 14th Street:**

2

3 THE SECRETARY: Have your attention,
4 please. Let's go back in business.

5 Next application on tonight's agenda,
6 Dalema Corporation, 815 14th Street.

7 Mr. Alonso, please?

8 MR. ALONSO: Good evening, Mr. Chairman,
9 members of the Board.

10 For the record, Alvaro Alonso, from the
11 firm Alonso Navarette on behalf of Dalema Corp.

12 This application was originally scheduled
13 for the February 19th meeting, at which time the
14 notices were provided and the Board took
15 jurisdiction.

16 The matter was carried to today and we're
17 ready to proceed.

18 Just by way of background, my client
19 purchased this property back in 1995. At the
20 time they purchased it, it was two buildings.
21 One in the front, one in the back.

22 The building in the front has three units.
23 The building in the back has two units.

24 You're going to hear some testimony tonight
25 as to all the due diligence that went on before

1 | they -- they actually purchased it.

2 | Since then, there has been no violations,
3 | no problems, but the Building Department recently
4 | issued summonses for having illegal units.

5 | That matter is currently pending before the
6 | Municipal Court in Union City. And it's been
7 | adjourned so that we can come here to try to get
8 | this -- this legalized.

9 | This application has two parts to it. The
10 | first part is I'm seeking the interpretation, or
11 | actually an appeal. I'm appealing the decision
12 | of the -- the Building Department that this, in
13 | fact, is a preexisting five unit property, which
14 | dates prior to 1975, which is grandfathered in.
15 | It's prior to the -- to the Zoning Ordinance.

16 | In the event that the Board doesn't find
17 | that this existed as five units prior to 1975,
18 | then the second part of the relief would be the
19 | variances, in order to legalize it.

20 | With that said, I have two witnesses this
21 | evening. I have a representative from Dalema
22 | Corporation, and I also have Albert Arencibia,
23 | the architect.

24 | So, with that said, I'm going to call Eddie
25 | Toledo.

1 MR. TOLEDO: How are you?

2 MR. DILLON: Please raise your right hand.

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

5 MR. TOLEDO: I do. Yes.

6 MR. DILLON: State your name and spell it
7 for the record.

8 MR. TOLEDO: Edward Toledo, and --

9 MR. DILLON: Can you spell your last name?

10 MR. TOLEDO: T-O-L-E-D-O.

11 MR. DILLON: Thank you.

12 MR. TOLEDO: And I'm Leon Toledo's son, the
13 owner.

14 MR. ALONSO: Okay.

15 MR. DILLON: Okay.

16 MR. ALONSO: And the owner of the property
17 is Dalema Corporation.

18 Correct?

19 MR. TOLEDO: Correct.

20 MR. ALONSO: And your father, who's seated
21 here, should the Board have any questions, is the
22 President and the sole shareholder.

23 MR. TOLEDO: Yes.

24 MR. ALONSO: Correct?

25 But --

1 MR. TOLEDO: Yes.

2 MR. ALONSO: -- he doesn't speak fluently
3 in English --

4 MR. TOLEDO: Correct.

5 MR. ALONSO: -- and it'd be easier for
6 presentation purposes for you to -- to represent
7 the -- the corporation.

8 Is that correct?

9 MR. TOLEDO: Correct.

10 MR. ALONSO: Now, you have a real estate
11 license.

12 MR. TOLEDO: Right.

13 MR. ALONSO: Correct?

14 And in 1995, you were a licensed real --
15 realtor.

16 MR. TOLEDO: Yes.

17 MR. ALONSO: And you helped your father
18 purchase the property.

19 Correct?

20 MR. TOLEDO: Yes.

21 MR. ALONSO: And you performed the due
22 diligence that was necessary in order to
23 determine whether or not this was five units.

24 MR. TOLEDO: Absolutely.

25 MR. ALONSO: Okay.

1 What did you do before you closed on the
2 purchase of the property, to try to determine how
3 many legal units there were?

4 MR. TOLEDO: At that time, my attorney was
5 Scott Bazzani, which before the purchase, had me
6 come -- come to the Building Department and
7 verify that what we were buying was a true five
8 family.

9 We came to the Building Department and the
10 Building Department instructed us to go to the
11 registration of the rents department, to find out
12 if it was registered as a five. And that's the
13 way -- at that time, it was.

14 So, we went there and got a paper that
15 shows, from 1993, two years prior to us
16 purchasing the property, that it was a five
17 family and there were five tenants there.

18 So, before we -- two years prior to buying
19 it, that's what happened.

20 In 1996, a lot of the school systems
21 required, in Union City, for the Building
22 Department to go out and verify that the tenants
23 are living there, and it's in habitable
24 condition, and check the apartments to get a CCO
25 to continue occupancy for the units.

1 And one of the units in question, or -- is
2 a unit that they actually went to -- and I have
3 the documentation with the seal of the City
4 showing the Certificate of -- the CCO for one of
5 the units in question.

6 So, I have that here -- you know, in case
7 the Board wants to see it. But it's an actual
8 original that I received, after they did the
9 proper inspections and checked the apartment.

10 My -- my biggest concern is that the
11 average tenants that have been living there have
12 been living there for over 15 years. I'm not
13 there to raise rents or anything. It's just been
14 like a family business there at the house, and
15 the tenants that are living there are close to
16 family.

17 So, my concern was that all of a sudden we
18 get this situation and I'm trying to do
19 everything in my power to show that this is the
20 way it was purchased.

21 I've been paying taxes on the property
22 since the original purchase as a five family.
23 And the tax records can reflect that, ever since
24 I purchased it.

25 In 2008, the City, I guess, was going

1 around and checking to make sure that all the
2 legal three and four, five -- five families had a
3 lighting system and had the fire detector
4 systems. And they would go to the multi-
5 families.

6 So, I had a gentleman, by the name of
7 Miranda (phonetic), which I believe is still
8 working for the City, and we were required to do
9 -- install smoke detectors and emergency lights.

10 MR. ALONSO: And that's only in the front
11 building, which --

12 MR. TOLEDO: In the front building, which
13 -- which was the three units.

14 As far as I know, I believe that if
15 anything is over three units, that's required.
16 If anything's two, it's not.

17 So, they went there to the front of the
18 building and required us to put the emergency
19 smoke detectors and lighting. And we got the
20 proper permits to do it.

21 MR. ALONSO: And those permits were issued
22 by the Building Department, who now is
23 questioning the units.

24 MR. TOLEDO: Correct.

25 And they went there and I have a letter

1 from the Union City Fire Prevention Bureau that
2 we did everything. We abated everything they
3 requested for us to abate.

4 And as far as we've owned for 20 years,
5 we've never had any issues whatsoever. And, now
6 --

7 MR. ALONSO: Okay.

8 So, when you went to buy -- you went to the
9 Building Department. They referred to the other
10 agencies in the City.

11 MR. TOLEDO: That's correct.

12 MR. ALONSO: Rent Control Board had -- had
13 it as five units.

14 MR. TOLEDO: Correct.

15 MR. ALONSO: The Community Development
16 Agency had it as five units.

17 MR. TOLEDO: Correct.

18 MR. ALONSO: The Tax Department had it as
19 five units.

20 MR. TOLEDO: Correct.

21 MR. ALONSO: The Fire Department had it as
22 five units, actually three units --

23 MR. TOLEDO: At that time --

24 MR. ALONSO: -- in the front --

25 MR. TOLEDO: At that time, it wasn't

1 required to have a fire -- I don't remember
2 having a seal with where they would go, at that
3 time, in 1995.

4 MR. ALONSO: No. I'm talking about in
5 2008.

6 MR. TOLEDO: Oh, yeah. They actually --

7 MR. ALONSO: And then they inspected it as
8 a three unit in the front.

9 MR. TOLEDO: It was required. They said I
10 had to do that because it was three families in
11 the front. And that's the way they had it in the
12 City.

13 So, they made us do it. I mean, it's not a
14 bad thing, but it's -- it's what they made us do.

15 They made us go and get the proper permits
16 and it was inspected by the City.

17 MR. ALONSO: Now, in terms of the -- the
18 number of meters.

19 How many meters service the building?

20 MR. TOLEDO: There -- I have the picture.
21 They're currently five meters, four meters, and
22 one meter is the house meter.

23 MR. ALONSO: Okay.

24 And that's where probably the prior owner
25 used to live, and they used to pay --

1 MR. TOLEDO: Correct.

2 I have a -- I have a document from the
3 PSE&G which actually says where the meter -- it's
4 for the rear -- rear home. Rear ground level
5 home. And --

6 MR. ALONSO: And then, the ones in the
7 rear, there's one on the ground floor and one on
8 the second floor.

9 MR. TOLEDO: Correct.

10 MR. ALONSO: Okay. And they each have
11 their own meters.

12 MR. TOLEDO: Each have their own meters.
13 Yes.

14 MR. ALONSO: Okay.

15 Since 1995, when you purchased the
16 property, until now, when you have these, have
17 you ever been cited for any violations?

18 MR. TOLEDO: Never. We recently even did a
19 sidewalk there and got the proper permits to do
20 the sidewalk. I applied for the permits.

21 MR. ALONSO: Has anybody in the City ever
22 questioned the legality of the units, other than
23 the summons that was just issued?

24 MR. TOLEDO: Never, ever has anyone ever --
25 like I said, they've done CCOs on the place,

1 | because the children needed someone to go there
2 | and verify that they're living there, and the
3 | conditions, and so we've never had an issue.

4 | And the same tenants have lived there, so
5 | it's not -- hasn't been a turnaround where so
6 | many people have left and come, and left and --
7 | it's basically been the same families living
8 | there for over 14 years.

9 | MR. ALONSO: Now, part of the application,
10 | the second part, the alternative relief that I --
11 | I referred to it as, indicates that if this is
12 | not granted -- the appeal is not granted, and we
13 | want variances, we're actually looking to
14 | downsize it to a four unit.

15 | Is that correct?

16 | MR. TOLEDO: That's correct.

17 | MR. ALONSO: Okay.

18 | In fact, have you vacated the basement in
19 | the front building?

20 | MR. TOLEDO: I did. I've been very honest
21 | with the tenants and explained that I'm going
22 | through a situation. And I don't want to see a
23 | tenant in a situation that I'm in, suffering from
24 | whatever consequences or actions happen.

25 | And I told them that -- I found them an

1 apartment, and I vacated the basement apartment
2 in the front of the house.

3 And I -- I know to this day, I could still
4 be renting it and collecting rent. But I decided
5 it's not about that, it's about doing the right
6 thing. In case something happens, I -- I needed
7 to do something for them.

8 So, it's been vacant ever since October of
9 last year.

10 MR. ALONSO: Now --

11 MR. TOLEDO: Which --

12 MR. ALONSO: Now, as a result of coming
13 before this Board, and everything that's
14 happened, you had an architect visit the site.

15 Correct?

16 MR. TOLEDO: Yes.

17 MR. ALONSO: Okay.

18 And you -- he inspected the basement
19 apartment in the front.

20 MR. TOLEDO: Yes.

21 MR. ALONSO: And there's a number of issues
22 that have to be addressed --

23 MR. TOLEDO: Yes.

24 MR. ALONSO: -- in order to make it Code
25 compliant.

1 Correct?

2 MR. TOLEDO: Right.

3 MR. ALONSO: And it's going to be very
4 expensive.

5 MR. TOLEDO: Yes.

6 MR. ALONSO: Okay. It's one of the reasons
7 why you -- you've chosen to eliminate it.
8 Irrespective of what this Board does, you're
9 going to eliminate that basement apartment.

10 MR. TOLEDO: Yes.

11 MR. ALONSO: Okay.

12 MR. TOLEDO: Absolutely.

13 MR. ALONSO: And -- and that's basically
14 it.

15 Is there anything else that you needed to
16 --

17 MR. TOLEDO: I mean, like I said, I've been
18 paying taxes as a five. I've been insured as a
19 five family. It's not an easy house to insure.
20 I live -- the house is basically next to a repair
21 shop, a car repair shop, and a car dealer in the
22 corner.

23 So, it's -- it hasn't been the easiest
24 property to insure. It's -- it's been very
25 costly to insure it as a five. And I've -- I've

1 | had -- paid for 20 years as a five family,
2 | between taxes and insurance.

3 | And at the moment, like I said, I did
4 | vacate the apartment. I did find them an
5 | apartment. I just didn't want a problem for them
6 | if a problem arises.

7 | And like I said, I think anyone that would
8 | be just out for the rent, and just think about
9 | themselves would still continue on renting the
10 | apartment today, because I still haven't had a --
11 | where someone has said, you got to leave right
12 | now.

13 | But I thought it was the right thing to do,
14 | and before I sit with -- you know, stand in front
15 | of the Board -- you know, maybe you could take
16 | that into consideration, as well.

17 | But I have been there for 20 years.

18 | MR. ALONSO: Mr. Chairman, I have no
19 | further questions of Mr. Toledo.

20 | If the Board has any questions, he'd be
21 | happy to answer them.

22 | MR. BONACCI: You -- your father has owned
23 | the building for 20 years.

24 | MR. TOLEDO: Twenty years, 1995.

25 | MR. BONACCI: You guys been taxpayers ever

1 | since on the building, as -- as a five?

2 | MR. TOLEDO: As a five and we never fell
3 | behind on any taxes.

4 | CHAIRMAN GARCIA: Do you have the record?

5 | MR. ALONSO: It would have been submitted
6 | with the application. Do you have that? The tax
7 | --

8 | CHAIRMAN GARCIA: Carlos?

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

11 | THE SECRETARY: This envelope, Mr. Alonso?

12 | MR. ALONSO: It should be.

13 | THE SECRETARY: You have everything where
14 | you send it to me.

15 | MR. ALONSO: Let's see if I have a copy of
16 | it.

17 | (Whereupon, there was a pause in the
18 | proceedings.)

19 | CHAIRMAN GARCIA: Do you have like a green
20 | card?

21 | THE SECRETARY: Only this envelope.

22 | CHAIRMAN GARCIA: Alonso?

23 | MR. ALONSO: I'm sorry?

24 | CHAIRMAN GARCIA: Do you have a green card?
25 | You need the green card?

1 MR. ALONSO: We do not have the green card,
2 no.

3 CHAIRMAN GARCIA: No?

4 MR. BONACCI: In your father's name or your
5 name?

6 MR. TOLEDO: My dad.

7 MR. BONACCI: Your dad's name, okay.

8 MR. TOLEDO: Yeah. He's the corporation
9 owner.

10 MR. BONACCI: Okay.

11 MR. TOLEDO: Yes.

12 CHAIRMAN GARCIA: You have -- how many
13 electrical meter you have there?

14 MR. TOLEDO: I believe there are five, or
15 four. And one is a house meter.

16 We pay for the electricity for the rear
17 ground level and for the front.

18 MR. BONACCI: Front is like hallway light
19 type of deal?

20 MR. TOLEDO: Hallway light. Right.

21 MR. BONACCI: Got you.

22 MR. ALONSO: Mr. Chairman, I don't know if
23 your Secretary found it, but I do have a copy of
24 the taxes paid that was submitted with the
25 application.

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

3 MR. BONACCI: You guys applied for a permit
4 to do the sidewalk, you never had any problem
5 with that?

6 MR. TOLEDO: No. I have the permit right
7 here. Never had a problem.

8 CHAIRMAN GARCIA: And how is the layout of
9 the house? How many unit in the first floor?
10 How many unit in the second floor?

11 MR. TOLEDO: Apartmentwise?

12 The first floor, downstairs, the ground
13 level in the front is a one bedroom.

14 CHAIRMAN GARCIA: No, no. I mean, how many
15 units on the first floor, and how many units on
16 second floor? How many apartments --

17 MR. TOLEDO: I don't understand.

18 MR. ALONSO: Each floor has one.

19 MR. TOLEDO: One unit.

20 MR. ALONSO: There's three in the -- three
21 in --

22 MR. TOLEDO: Three in the front.

23 MR. ALONSO: -- the front, two in the back.

24 MR. TOLEDO: One per floor. And then, the
25 rear has one per floor.

1 CHAIRMAN GARCIA: You have two story
2 building --

3 MR. TOLEDO: In --

4 CHAIRMAN GARCIA: -- with a ground floor.
5 Right?

6 MR. TOLEDO: In the back and in the front.
7 There's two and a half stories in the front.

8 CHAIRMAN GARCIA: Okay.

9 MR. TOLEDO: I got the fire escapes in the
10 back --

11 CHAIRMAN GARCIA: Okay.

12 MR. TOLEDO: -- and everything.

13 CHAIRMAN GARCIA: Okay. Okay. Okay.

14 MR. TOLEDO: Do you want to see some
15 pictures, sir? I have pictures of the place, if
16 --

17 CHAIRMAN GARCIA: Okay.

18 MR. TOLEDO: -- you like.

19 CHAIRMAN GARCIA: This is R zone.

20 MR. ALONSO: Yes.

21 CHAIRMAN GARCIA: Three units allowed,
22 according to the Ordinance.

23 Right?

24 MR. ALONSO: Yes.

25 CHAIRMAN GARCIA: So, for you to comply

1 with the Ordinance, you have to demolish this two
2 unit in the back.

3 Just -- I mean, just to --

4 MR. ALONSO: Correct.

5 CHAIRMAN GARCIA: That's what you have to
6 --

7 Do you know the size of the unit -- of the
8 apartment?

9 MR. ALONSO: Mr. Arencibia is here, and he
10 --

11 CHAIRMAN GARCIA: Oh, okay.

12 MR. ALONSO: -- he has the plans.

13 CHAIRMAN GARCIA: Okay. Let's wait for --
14 okay. Okay. We're probably going to have
15 question -- okay.

16 Let's -- let's have the whole picture.

17 MR. TOLEDO: Yeah.

18 CHAIRMAN GARCIA: And then, we can -- okay.

19 Let's bring Mr. Arencibia, and then we can
20 --

21 MR. ALONSO: Okay.

22 CHAIRMAN GARCIA: Don't go away.

23 MR. TOLEDO: All right. I won't.

24 CHAIRMAN GARCIA: Stay around.

25 MR. TOLEDO: I'll stay around.

1 MR. ALONSO: You can actually have a seat
2 for now if you want.

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

5 MR. DILLON: Please raise your right hand.
6 Do you swear the testimony you're about to
7 give this Board is the whole truth?

8 MR. ARENCIBIA: I do.

9 MR. DILLON: State your name and spell it
10 for the record.

11 MR. ARENCIBIA: Albert Arencibia,
12 A-R-E-N-C-I-B-I-A.

13 MR. DILLON: Thank you.

14 MR. ARENCIBIA: Um hum.

15 MR. ALONSO: Mr. Arencibia, did you have a
16 -- oh, before I do that.

17 Mr. Chairman, Mr. Arencibia has been before
18 this Board --

19 CHAIRMAN GARCIA: I never going to forget
20 Mr. Arencibia, because I think he was the first
21 architect bring in to Union City the metal thing,
22 that's there on 30th Street.

23 MR. ARENCIBIA: Which one?

24 CHAIRMAN GARCIA: Thirtieth Street.

25 MR. ARENCIBIA: The metal thing?

1 MR. ALONSO: Metal cladding on the
2 building.

3 CHAIRMAN GARCIA: Like -- like the cover
4 thing.

5 That's okay. I know.

6 MR. ARENCIBIA: If it was beautiful, it's
7 mine. If it's ugly, it wasn't.

8 CHAIRMAN GARCIA: Okay.

9 Yeah, we'll accept his qualifications.

10 MR. ALONSO: Thank you. Thank you very
11 much.

12 MR. ARENCIBIA: Oh, I -- yes.

13 CHAIRMAN GARCIA: Now you got it. Right?
14 Now you got it. Now you got it.

15 MR. ALONSO: Mr. Arencibia --

16 MR. ARENCIBIA: I'm old. Sorry.

17 MR. ALONSO: -- did you have an opportunity
18 to visit the site, in order to prepare the
19 applica -- the plans that are before the Board?

20 MR. ARENCIBIA: Yes, I did.

21 MR. ALONSO: Okay. And before you actually
22 get into the plans, can you give a description,
23 in terms of the -- the type of construction and
24 the materials that were used, and can you
25 estimate, based on your experience, and

1 education, and knowledge, the age of those units?

2 MR. ARENCIBIA: Well, the units that I saw
3 -- I basically saw a couple of the units in the
4 building. I didn't really go upstairs. The
5 front units in the building.

6 But of all the units that I saw -- you
7 know, they've basically been there from the '70s.
8 I -- you know, the tile work in the bathroom was
9 the old fashioned tile work, the old fashioned
10 faucets, handles. The -- you know, the sink is
11 older.

12 I mean, everything was in good shape, but
13 it was -- you know, it was aged. It was -- it
14 was timed.

15 MR. ALONSO: Okay. So, based on -- in your
16 expert testimony, it probably predates 1975.

17 MR. ARENCIBIA: Probably. Yeah.

18 MR. ALONSO: And it probably predates the
19 Zoning Ordinance.

20 MR. ARENCIBIA: Yeah. It was definitely
21 '70s, something like that. That time period.
22 Yes. I would --

23 MR. ALONSO: Okay.

24 Now, can you please review for the Board
25 the layouts of the units?

1 MR. ARENCIBIA: Okay.

2 Just so everybody is clear, the -- the
3 three units will be -- were in the front
4 building. There's basically a little basement in
5 the front, and one of the units was in the
6 basement, and they had another unit on the first
7 floor above that, and the second floor above
8 that.

9 So, in the basement, that's the unit that
10 they vacated. When I visited the unit, it was --
11 and I indicated I saw that it was very low
12 ceiling height. The unit was fine. The bedroom
13 was fine, the kitchen was -- small kitchen, small
14 bathroom. But it was a very low ceiling.

15 But the other units that I -- that I
16 visited in the back had very good ceiling
17 heights, had good windows, plenty of light and
18 air.

19 The unit in -- in the back, the ground
20 floor, it's like had an exit in the front, out of
21 the back, so plenty means of egress.

22 So, it was a very safe unit. So, as far as
23 the actual layout of the unit itself, it's --
24 it's a small unit. I believe the unit -- it's
25 roughly -- it's roughly about 600 square feet.

1 So -- but it's a nice comfortable, like one
2 bedroom. Has a small little like appendage to
3 the back, which is like a small little like
4 seating area there.

5 And you could see that, if you like, on
6 Sheet A100. So -- but it had a nice kitchen, and
7 an open space, one bedroom, nice large bathroom.
8 And then, you have an existing -- I call it a
9 little den. It's basically like a -- had a
10 little like -- little -- a seating area there.

11 MR. ALONSO: Okay.

12 And what about the units in the back?

13 MR. ARENCIBIA: That's -- that's one of the
14 units in the back.

15 MR. ALONSO: Okay.

16 Now, with respect to the -- the basement
17 unit in the front, there's issues there that do
18 not meet the current Code.

19 Is that correct?

20 MR. ARENCIBIA: That's correct.

21 MR. ALONSO: Okay.

22 So, and our client has indicated that he
23 does not want to maintain that unit anymore, and
24 he's going to actually vacate it and not rent it
25 out any -- any longer.

1 MR. ARENCIBIA: That's correct.

2 MR. ALONSO: Okay.

3 Now, I see that you have a zoning analysis.
4 What we would need is -- it's either a D-1
5 variance because it is two principal use
6 structures on one lot.

7 Okay. Or we would need -- really what we
8 would need is a D-2 variance, which is an
9 expansion of a preexisting nonconforming use,
10 because those two buildings already were there.

11 MR. ARENCIBIA: Preexist.

12 MR. ALONSO: And all we're doing is, if the
13 Board find that they weren't legal units, that
14 we're just looking to legalize them. So, it
15 would be a D-2 variance.

16 In addition, there were some bulk variances
17 that are required, so I'm going to have Mr.
18 Arencibia review the zoning analysis.

19 MR. ARENCIBIA: Sure. Okay. So, we
20 discussed about the -- the variance, D variance.

21 The other variance -- again, it's all
22 preexisting. There's no new construction in the
23 entire application.

24 So, side yard would be a variance. One
25 side, and both sides.

1 Minimum rear yard would be a variance.

2 Maximum building coverage would be a
3 variance.

4 Maximum lot coverage would be a variance,
5 as well as parking.

6 So, all those, again, are preexisting,
7 they're not being affected one way or the other.

8 MR. ALONSO: Okay.

9 Mr. Chairman, I have no further questions
10 of Mr. Arencibia.

11 CHAIRMAN GARCIA: Mr. Arencibia, with --
12 with your experience -- I mean, it is -- this is
13 -- this condition has been there for, what, ten
14 years, five years?

15 MR. ARENCIBIA: Oh, longer than that.

16 CHAIRMAN GARCIA: I mean, some of them were
17 there like 20 years?

18 MR. ARENCIBIA: I mean, by just -- by just
19 the fixtures that I saw, because it had sort of
20 like sort of the -- the tile work in the
21 bathrooms that I have in my house during the
22 '70s, so I -- I'd say probably some time in the
23 '70s. Like back then.

24 CHAIRMAN GARCIA: Okay.

25 And both structure -- I mean, deem it to be

1 the same age?

2 MR. ARENCIBIA: Same age period? Yeah. Um
3 hum. Yeah. They've both been there for a long,
4 long time.

5 CHAIRMAN GARCIA: Yeah.

6 Okay. And the size of the units -- do you
7 know the size of the units?

8 MR. ARENCIBIA: Well, what I did, I went
9 into two units, like I said, and this is
10 basically -- the unit down below, I knew -- I
11 knew when we went in there, and I discussed the
12 whole issue with the height, that it will be very
13 difficult to prove because it was very low, low
14 height. There were small windows. So, it'd be
15 hard to get even an egress window. Wouldn't have
16 a lot of ventilation. You had the door -- so, it
17 was habitable, but it was -- it will be very
18 difficult to make that one unit a permanent unit.
19 So, at that time, he was indicating that he might
20 shut that down, which apparently what he did.

21 So, I concentrated on the unit in the back.
22 And that's basically what I concentrated the --
23 the plans for that.

24 CHAIRMAN GARCIA: Okay.

25 And are you planning to do any change? Any

1 --

2 MR. ARENCIBIA: Everything is there.

3 CHAIRMAN GARCIA: Do you have another
4 witness?

5 No?

6 MR. ALONSO: I have no further witnesses.

7 CHAIRMAN GARCIA: Did -- did you visit the
8 area? Did you -- or no?

9 MR. ARENCIBIA: Yes.

10 CHAIRMAN GARCIA: Did you visit -- you went
11 to the place?

12 MR. ARENCIBIA: Oh, yeah.

13 CHAIRMAN GARCIA: Yeah?

14 MR. ARENCIBIA: Yeah. I went in there.

15 CHAIRMAN GARCIA: And driving --

16 MR. ARENCIBIA: I went to the downstairs
17 unit. I went to the unit in the back.

18 CHAIRMAN GARCIA: And driving around there,
19 it is -- is that a structure similar to the --
20 conforming with the neighborhood?

21 MR. ARENCIBIA: On some toward the east,
22 more so, on the right.

23 Toward the west, they have like the whole
24 dealership in -- an auto dealership on the
25 corner.

1 So -- so, it's a mixed -- it's a mixed bag
2 as far as what the other types of construction
3 types that are there.

4 CHAIRMAN GARCIA: Okay.

5 Have any question?

6 MR. GRULLON: Mr. Alonso, our Building
7 Department has this building as a two units?

8 MR. ALONSO: They're not sure, be quite
9 frank. We actually had a meeting before we filed
10 the application, and as part of the Municipal
11 Court hearings, we actually had a meeting with --
12 with the Building Department, and they really
13 weren't sure what it was.

14 And they indicated that they were going to
15 give us a violation for two units. One in the
16 rear and one in the front.

17 And we said, well, what's the basis for
18 that determination? And they said, well, we're
19 not sure, but we don't think that they're legal.

20 Honestly, that's -- that was the
21 determination. And the Municipal Court -- you
22 know, put it off, so we could resolve it here.

23 MR. BONACCI: But your -- your client had
24 to show that there were five tenants that were in
25 that same unit that we're talking about.

1 Right?

2 MR. ALONSO: Right. I -- I have a number
3 of cases like that where -- and I've presented
4 before this -- this Board, where I bring in
5 records from all the different agencies, and for
6 whatever reason, the Building Department doesn't
7 have a full --

8 CHAIRMAN GARCIA: Let me ask you a
9 question.

10 For when you bring this -- when you put out
11 this report?

12 MR. ALONSO: Yes. If you look at this --
13 this appears to be a document, a printout from
14 the Tax Assessor's Office.

15 CHAIRMAN GARCIA: Okay.

16 MR. ALONSO: And then it will say, land
17 dim, which is land dimensions, 25 by one -- by
18 125. And then, building description. It says
19 2F, 3U\2F, 2U, H.

20 Two F is two story frame. Three U is three
21 units. That would be the front --

22 CHAIRMAN GARCIA: Yeah. You have there the
23 three and two.

24 MR. ALONSO: And then 2F, 2U.

25 CHAIRMAN GARCIA: You have the breakdown,

1 with the three and two units.

2 MR. ALONSO: That's -- that's five.

3 CHAIRMAN GARCIA: That's what I'm asking
4 you, what you have that.

5 MR. ALONSO: Yeah. It's five units.

6 MR. BONACCI: Three plus two equals five.
7 Right?

8 MR. ARENCIBIA: Not at the Building
9 Department.

10 MR. ALONSO: Right.

11 MR. GRULLON: But your plan is looking to
12 legalize four units in that -- in that lot?

13 MR. ALONSO: No. We're -- we're saying,
14 the purpose of the appeal is asking this Board to
15 confirm that what we're saying is correct. That
16 it existed. We showed the documentation to
17 support it.

18 It's not just him telling you this, there's
19 documentation to -- to support that position.

20 So, we're just appealing the Building
21 Department's determination that this is five
22 units.

23 What that does is that resolve -- that will
24 resolve the Municipal Court case, because now the
25 judge says, okay, we have a Board, this Board --

1 | but one of the remedies that we have is to appeal
2 | to this Board, and then you make the
3 | determination.

4 | That resolves the Municipal Court case.
5 | That case gets dismissed.

6 | But I'm saying this with the proviso that
7 | we are going to eliminate that basement
8 | apartment.

9 | So, what I would need from this Board, and
10 | request from this Board is an appeal -- to grant
11 | the appeal as a five unit, with the understanding
12 | that we're really going to use it as four.

13 | So, in the future, we can't rent that
14 | basement apartment, because we're not going to --
15 | to comply with whatever the -- the Code is.

16 | MR. ARENCIBIA: Right. We wouldn't comply
17 | with Code, anyway.

18 | MR. ALONSO: Right. So, if you were --

19 | MR. ARENCIBIA: You couldn't make it --

20 | MR. ALONSO: -- to grant the appeal for
21 | five units, that satisfies my application.

22 | But I'm telling you, and my client told
23 | you, that we're not going to be renting the
24 | apartment, and we're going to do whatever the
25 | Building Department needs us to do to eliminate

1 the kitchen downstairs, which effectively turns
2 it into a basement.

3 MR. ISA: So, then, it would be a four unit
4 with a basement.

5 MR. ALONSO: Correct. It would be a
6 basement.

7 MR. ISA: So -- but you're looking --

8 MR. ALONSO: Not a -- not a basement
9 apartment, just --

10 MR. ISA: -- for an interpretation that
11 it's a five unit --

12 MR. ALONSO: Correct.

13 MR. ISA: -- or you're appealing the
14 determination that it isn't a five unit, so that
15 then once you have it as a five unit, you can
16 bring it back down to four units.

17 MR. ALONSO: Correct.

18 MR. ISA: I just want to make sure I got --

19 MR. ALONSO: That's -- that's absolutely
20 correct.

21 MR. ISA: Okay.

22 MR. ALONSO: I'm just telling you what my
23 intentions are. Once we get this appeal --

24 MR. ISA: No, I -- I understand.

25 MR. ALONSO: -- we're not going to rent

1 | this as a five unit building.

2 | We're going to rent it as a four unit
3 | building.

4 | MR. DARDIR: I see it pretty clear cut.
5 | So, yes, where I stand.

6 | CHAIRMAN GARCIA: Any other question?
7 | Any member of the public?

8 | Yes, Mr. Price?

9 | MR. PRICE: Actually, my questions are to
10 | Mr. Toledo.

11 | First question. When you were doing the
12 | due diligence in 1993, before your --

13 | MR. TOLEDO: '95.

14 | MR. PRICE: -- father bought it --

15 | MR. TOLEDO: '95.

16 | MR. PRICE: -- 1995, you did it personally?

17 | MR. TOLEDO: Yes.

18 | MR. PRICE: You were the one who went to
19 | the Building Department?

20 | MR. TOLEDO: Yes. I came to the Building
21 | Department, as per Scott Bazzani, an attorney --

22 | MR. PRICE: Okay.

23 | MR. TOLEDO: -- in Union City at that time.

24 | MR. PRICE: That time.

25 | MR. TOLEDO: Yes, sir.

1 MR. PRICE: Okay.

2 You said that the tenants in the apartments
3 have been there for 40 or 50 years?

4 MR. TOLEDO: No, I didn't say that.

5 MR. PRICE: Oh.

6 MR. TOLEDO: I said the tenants that have
7 been there have been with me for over 14 or 15
8 years. And that --

9 MR. PRICE: Fourteen or 15?

10 MR. TOLEDO: Yes.

11 MR. PRICE: Okay. Nobody's been there --

12 MR. TOLEDO: No.

13 MR. PRICE: -- since --

14 MR. TOLEDO: No. Not at all.

15 MR. PRICE: Okay.

16 MR. TOLEDO: No.

17 MR. PRICE: Misunderstood.

18 Thank you.

19 MR. TOLEDO: You're welcome.

20 CHAIRMAN GARCIA: Any other member of the
21 public?

22 Okay. Closed to the public.

23 No more witness?

24 MR. ALONSO: That's it, Mr. Chairman.

25 CHAIRMAN GARCIA: I think that with the

1 testimony that -- from the part of the family,
2 and also the testimony with the expert,
3 Arencibia, and also proof of the tax records
4 showing that it's three unit in front, two unit
5 in back and I understand this is a preexisting
6 condition. It's nothing like they're new here,
7 they come here to say it's probably what we could
8 call kind of a interpretation or legalization of
9 the units.

10 I don't mean -- it is not like -- like we
11 are presenting new five units in the residential
12 zone, where only three is allowed.

13 So, I think I make my motion to grant this
14 application because this is a -- this is a
15 preexisting condition. It is here.

16 So, I make my motion to grant this
17 application.

18 THE SECRETARY: Motion to grant the
19 application by Chairman Andres Garcia.

20 MR. GRULLON: I second.

21 THE SECRETARY: Second by Mr. Grullon.

22 Roll call to approve this application.

23 Chairman Garcia?

24 CHAIRMAN GARCIA: Yes.

25 THE SECRETARY: Victor Grullon?

1 MR. GRULLON: Yes.

2 THE SECRETARY: Harlenny Javier?

3 MS. JAVIER: Yes.

4 THE SECRETARY: Joseph Bonacci?

5 MR. BONACCI: Yes.

6 THE SECRETARY: Khaled Dardir?

7 MR. DARDIR: Yes.

8 THE SECRETARY: Elisa Flores?

9 MS. FLORES: Yes.

10 THE SECRETARY: Miguel Ortiz?

11 MR. ORTIZ: Yes.

12 THE SECRETARY: Motion carries.

13 MR. ALONSO: Thank --

14 THE SECRETARY: Seven in favor.

15 CHAIRMAN GARCIA: Motion --

16 MR. ALONSO: Thank you very much.

17 Have a good evening.

18 CHAIRMAN GARCIA: Have a good night.

19 MR. ARENCIBIA: Thank you very much.

20 MR. TOLEDO: Thank you so much. Okay?

21 Thank you.

22 CHAIRMAN GARCIA: No, thank you.

23 Bye.

24 * * *

25

1 **Alberto & Ignazio Laguna - 201 New York Avenue:**

2

3 THE SECRETARY: The last thing tonight --
4 in tonight's meeting, application --

5 CHAIRMAN GARCIA: Alberto Ignazio Laguna.

6 THE SECRETARY: -- the last -- the last,
7 Alberto Ignazio Laguna, 201 New York Avenue.

8 CHAIRMAN GARCIA: 201 New York. I have to
9 recuse myself.

10 A VOICE: You're right by it?

11 CHAIRMAN GARCIA: I am right behind you
12 guys. I'm 203 Palisade Avenue.

13 Oh, no, no, no. You are 201. You are in
14 the -- you are in the west.

15 A VOICE: Tell me what address you are.

16 CHAIRMAN GARCIA: Yes. If I'm on the list,
17 I have to recuse myself.

18 MR. ISA: I don't have the list here.

19 MR. GRULLON: Do you have the list?

20 A VOICE: I have a list but --

21 CHAIRMAN GARCIA: Can I see? Andres
22 Garcia, 203 Palisade Avenue.

23 A VOICE: 203?

24 CHAIRMAN GARCIA: Palisade Avenue. I don't
25 think so, because you are on the west side.

1 A VOICE: If you didn't get anything from
2 us?

3 CHAIRMAN GARCIA: Well, we tell you. I
4 don't know what I get, but I don't know what I --

5 A VOICE: 203 what?

6 CHAIRMAN GARCIA: 203 Palisade Avenue.

7 A VOICE: No. 203 New York.

8 CHAIRMAN GARCIA: No, because I'm all the
9 way --

10 A VOICE: I don't have any Palisade Avenue.

11 CHAIRMAN GARCIA: No, because -- right.
12 Okay.

13 And I received from the -- across the
14 street. Okay. Okay. That was to the Planning
15 Board. That was -- okay.

16 No, I'm not. I'm not.

17 A VOICE: No. No.

18 CHAIRMAN GARCIA: Okay.

19 A VOICE: No.

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

22 CHAIRMAN GARCIA: This is where the fire
23 was by the park?

24 A VOICE: Yeah.

25 CHAIRMAN GARCIA: Okay. Yeah. No. That's

1 --

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

4 A VOICE: We're both going to be
5 testifying, plus the owners.

6 MR. DILLON: Well, who's testifying as the
7 expert?

8 A VOICE: We're both architects. We'll be
9 testifying.

10 MR. DILLON: All right. Well, one of you
11 has to --

12 MR. ISA: One of you guys has to start.

13 A VOICE: I'll be doing most of the
14 speaking.

15 (Whereupon, there was a pause in the
16 proceedings.)

17 A VOICE: Ready?

18 CHAIRMAN GARCIA: Ulysses?

19 MR. ISA: Well, okay. You guys are both
20 architects, and you're both going to be
21 testifying.

22 A VOICE: Yes.

23 MR. ISA: Right?

24 MR. DILLON: So, both be sworn in?

25 MR. ISA: So, are you going to be

1 testifying together? There's no attorney?

2 A VOICE: No.

3 MR. ISA: Okay. So -- all right.

4 A VOICE: The owner chose --

5 MR. ISA: Is your clients here?

6 A VOICE: Yes. Client's here.

7 A VOICE: Both of them.

8 MR. ISA: Okay. So, then your -- your
9 client should be -- well, I mean --

10 A VOICE: They're technically presenting.
11 We're --

12 MR. ISA: Are you a corporate applicant or
13 which --

14 A VOICE: No. No.

15 MR. ISA: Alberto? No. This is --

16 MR. DILLON: Last one.

17 CHAIRMAN GARCIA: Alberto Ignazio Laguna.
18 Who are they?

19 MR. ISA: Are they here?

20 A VOICE: Yes.

21 MR. ISA: All right. You have to come
22 forward.

23 Okay. Say -- say your name and spell it
24 for the record.

25 MR. A. LAGUNA: Alberto Laguna, L-A-G --

1 CHAIRMAN GARCIA: Can you come close --

2 MR. A. LAGUNA: -- U-N-A.

3 MR. ISA: And is this --

4 MR. I. LAGUNA: Ignazio Laguna, L-A-G-U-N-
5 A.

6 CHAIRMAN GARCIA: Can you come close to the
7 microphone?

8 MR. A. LAGUNA: Okay.

9 MR. DILLON: Am I -- am I swearing them in?

10 MR. ISA: Swear -- swear them -- swear them
11 both in.

12 MR. DILLON: Okay.

13 MR. ISA: I want to ask them a few
14 questions.

15 MR. DILLON: You first.

16 Raise your right hand.

17 MR. A. LAGUNA: Okay.

18 MR. DILLON: Do you swear the testimony
19 that you're about to give this Board is the whole
20 truth?

21 MR. A. LAGUNA: Yes, I do.

22 MR. DILLON: State your name for the
23 record.

24 MR. A. LAGUNA: The name is Alberto Laguna,
25 L-A-G-U-N-A.

1 MR. DILLON: Thank you.

2 Now, please raise your right hand.

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

5 MR. I. LAGUNA: I do.

6 MR. DILLON: State your name for the
7 record.

8 MR. I. LAGUNA: My name is Ignazio Laguna,
9 L-A-G-U-N-A.

10 MR. DILLON: Thank you.

11 So, now, should I swear in the architects,
12 as well?

13 So, let's keep going.

14 MR. BLANCO: Eduardo -- Eduardo Blanco, Blanco
15 Group.

16 MR. DILLON: I'm sorry. I have to do the whole
17 --

18 THE SECRETARY: One second, please. Let the
19 record --

20 CHAIRMAN GARCIA: One second, just for the
21 record.

22 MR. ISA: For the record, one of our Board
23 members is, I believe, is a tenant of yours. So,
24 she's going to be recusing herself for the
25 application.

1 If you don't -- if you don't mind waiting,
2 afterward, I want to go into closed session to
3 discuss one thing.

4 Okay. So -

5

6 (Whereupon, Elisa Flores was recused from
7 the application and stepped down from the dais.)

8

9 MR. DILLON: So let's --

10 MR. ISA: So, did you swear in the two
11 parties?

12 MR. DILLON: No. I've sworn in --

13 MR. BLANCO: The owners.

14 MR. ISA: Okay. The owners. Okay. That's
15 fine.

16 Now, Mr. -- which one is which?

17 MR. A. LAGUNA: I'm Alberto.

18 MR. ISA: Alberto.

19 MR. DILLON: Alberto.

20 MR. A. LAGUNA: He's Ignazio.

21 MR. ISA: Alb -- Mr. -- Mr. Laguna. Right?

22 CHAIRMAN GARCIA: They both are Mr. Laguna.

23 MR. ISA: Well, whichever --

24 CHAIRMAN GARCIA: Father and son. Right?

25 MR. ISA: -- one wants to answer is fine.

1 CHAIRMAN GARCIA: Father and son. Right?

2 MR. ISA: You are the owners.

3 MR. I. LAGUNA: Brothers.

4 MR. ISA: You're the owners of 201 New York
5 Avenue?

6 MR. A. LAGUNA: Yup.

7 MR. ISA: And -- and you are representing
8 yourselves here.

9 MR. A. LAGUNA: Yeah.

10 MR. ISA: And you retained the services of
11 -- of --

12 MR. BLANCO: The Blanco Group.

13 MR. ISA: -- these architects to represent
14 you.

15 Right?

16 MR. A. LAGUNA: Yup.

17 MR. ISA: And you are -- Mr. --

18 MR. BLANCO: I'm Eduardo Blanco, owner and
19 partner of Blanco Group, Paul Giammona, partner,
20 also.

21 MR. ISA: I don't believe they've testified
22 before.

23 Could you --

24 MR. BLANCO: We actually testified eight,
25 nine years ago here, but you guys --

1 MR. ISA: I don't know if any Board member
2 was --

3 MR. BLANCO: -- are all new.

4 MR. ISA: -- here.

5 MR. BLANCO: Yeah.

6 MR. ISA: Could you just -- just briefly --

7 CHAIRMAN GARCIA: No. Has to be more than
8 12 --

9 MR. BLANCO: Yeah.

10 CHAIRMAN GARCIA: -- because I don't recall
11 you. And I'm pretty good remembering people.

12 MR. BLANCO: I had hair.

13 MR. ISA: If you could go through your
14 qualifications, just for --

15 MR. BLANCO: Yeah. We're both architects,
16 NJIT. We sat on -- we presented at many Boards,
17 Jersey City, North Bergen, Weehawken, Jersey --
18 Newark, Secaucus, in the last ten to 12 years.

19 MR. ISA: Okay. Well, I mean, I think, at
20 this point, would you -- would you like your
21 architect to -- to present your application?

22 MR. A. LAGUNA: Yes.

23 MR. I. LAGUNA: Yes.

24 MR. ISA: Okay. So, instruct him to do so.

25 MR. I. LAGUNA: Go right ahead.

1 MR. BLANCO: Thank you.

2 MR. DILLON: All right, so now can I swear
3 them in?

4 MR. ISA: Yeah. So swear them in an --

5 MR. DILLON: So now I have to swear both of
6 you in.

7 MR. BLANCO: I thought you did that
8 already.

9 MR. DILLON: No.

10 MR. BLANCO: Okay.

11 MR. DILLON: All right. So, please raise
12 your right hand.

13 Do you swear the testimony you're about to
14 give this Board is the whole truth?

15 MR. BLANCO: Yes.

16 MR. DILLON: State your name and spell it
17 for the record.

18 MR. BLANCO: Eduardo, E-D-U-A-R-D-O,
19 Blanco, B-L-A-N-C-O.

20 MR. DILLON: Thank you.

21 MR. ISA: Okay.

22 MR. DILLON: And then, please raise your
23 right hand.

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

1 MR. GIAMMONA: I do.

2 MR. DILLON: State your name and spell it
3 for the record.

4 MR. GIAMMONA: Paul Giammona,
5 G-I-A-M-M-O-N-A.

6 MR. DILLON: G-I-A --

7 MR. GIAMMONA: M-M-O-N-A.

8 MR. DILLON: Got it.

9 Thank you.

10 MR. BLANCO: The reason we're here today is
11 you may or may not know, this address is 201 New
12 York Avenue. It's been -- there was a building
13 fire in that block and I believe four to five
14 lots were burnt down to the ground.

15 Both Mr. and Mr. Laguna had an existing
16 five family unit, with a commercial space. Now,
17 the land is completely vacant. If you can see in
18 the application, we presented some photographs in
19 the end.

20 We also have some photographs here of the
21 -- what was there prior, which was an existing
22 five family unit, with commercial space.

23 This was the unit that was there. This is
24 the vacant lot. Right there is a picture.

25 This was what the block looked like with

1 the buildings. These units were all burnt down.
2 One, two, three, four, five, and six being this
3 last unit, all burnt down to the ground. There's
4 nothing there now.

5 So, my clients just chose to replace pretty
6 much in-kind with a couple upgrades, but it's
7 pretty much a new five unit, with a commercial
8 space below, mimicking similar to what they had
9 before.

10 If you want, I can go through each floor
11 plan, per floor.

12 MR. ISA: Yes, please.

13 MR. BLANCO: On AR1, it starts off with a
14 basement, which is pretty much an open area. And
15 most of it consists for the commercial storefront
16 on the first floor.

17 The previous building had a side entrance
18 for the apartments. We're doing the same thing
19 again.

20 So, the first floor has a one unit, 602
21 square feet, and has a -- in the front, has a
22 vendor space, 645 square feet.

23 As you go to the second and third floor,
24 they're mimic floors. There are two units, front
25 and back, 604 square feet, six -- 646 square

1 feet, 640 square feet. And that's pretty much
2 all.

3 The building is three stories, as you could
4 see on AR2, with a storefront and URIS (phonetic)
5 windows on both floors.

6 This is a side profile of the street. As
7 you could see, it's very much similar to what was
8 there before, just a newer version.

9 And that's pretty much all their intent
10 was, was to mimic pretty much what they had.
11 Obviously, they didn't cause the fire. It's not
12 their choice that the fire happened, but they had
13 rental income and they had a -- a storefront that
14 they controlled.

15 So now, it's been how long since you had
16 it?

17 MR. A. LAGUNA: Have the building?

18 MR. BLANCO: Yeah.

19 MR. A. LAGUNA: For about -- we own the
20 building about 30 years.

21 MR. BLANCO: Thirty years.

22 And the fire?

23 MR. A. LAGUNA: Happened about a year now.

24 MR. BLANCO: A year.

25 MR. I. LAGUNA: In May.

1 MR. A. LAGUNA: In May. It was May 6th.
2 May 6th, May 7th.

3 MR. BLANCO: I think that's pretty much all
4 I have.

5 MR. GRULLON: Could you --

6 MR. BLANCO: I -- go ahead. I'm sorry.

7 MR. GRULLON: Could you explain the -- the
8 side yard?

9 MR. ISA: One second. Now --

10 CHAIRMAN GARCIA: Let me ask a question. I
11 have a question for you guys.

12 None of you are a planner?

13 MR. BLANCO: No.

14 CHAIRMAN GARCIA: Just architect?

15 MR. BLANCO: Yeah.

16 CHAIRMAN GARCIA: Ulysses, in residential
17 zone, this application, they need a D-1 variance.
18 Right?

19 MR. BLANCO: Yeah.

20 MR. ISA: Well, I mean, you're looking for
21 -- to -- to --

22 CHAIRMAN GARCIA: Of all the variance.

23 MR. ISA: -- to put a commercial -- a
24 commercial unit in there.

25 Right?

1 MR. BLANCO: There was a commercial unit
2 before, and five family all together.

3 MR. ISA: And now, you're looking to --

4 MR. BLANCO: Do the same thing.

5 MR. A. LAGUNA: Same thing.

6 CHAIRMAN GARCIA: Yeah. But this -- it is
7 --

8 MR. ISA: Is it a preexisting --

9 CHAIRMAN GARCIA: No. But this was a fire.

10 MR. ISA: It was a fire.

11 CHAIRMAN GARCIA: So, yeah. That was
12 completely demolished. So, it's -- it has to be
13 --

14 MR. ISA: I mean, if they were -- if they
15 were building the exact same thing, then maybe it
16 would just be -- they could just do it as of
17 right. But -- or before the Planning Board.

18 But what are you -- what are you looking to
19 -- you're --

20 MR. BLANCO: We're doing the same thing
21 again.

22 MR. A. LAGUNA: The same thing that we had
23 there.

24 MR. ISA: But it was nonconforming, to
25 begin with.

1 MR. BLANCO: It was nonconforming before.

2 All the lots --

3 MR. ISA: Okay. I got it.

4 MR. BLANCO: -- are nonconforming,
5 regardless.

6 MR. ISA: I got it.

7 CHAIRMAN GARCIA: And you --

8 MR. ISA: What is the zone?

9 MR. BLANCO: It's an R zone.

10 MR. ISA: It's an R zone.

11 MR. BLANCO: Two family zone.

12 CHAIRMAN GARCIA: They --

13 MR. ISA: They need a planner.

14 CHAIRMAN GARCIA: They need a planner.

15 MR. ISA: Yeah.

16 CHAIRMAN GARCIA: That's -- I'm just -- you
17 can go with -- and present it and we're --

18 MR. BLANCO: You're requesting a
19 recommendation planner, but not required to have
20 a planner.

21 CHAIRMAN GARCIA: Oh, no. That's okay. No
22 problem.

23 MR. ISA: No, no.

24 MR. BLANCO: That's -- no. I'm just
25 saying.

1 CHAIRMAN GARCIA: You could present
2 whatever. I mean, like --

3 MR. ISA: Yeah.

4 CHAIRMAN GARCIA: -- it's okay.

5 MR. ISA: You can present however you --

6 MR. BLANCO: Same thing with the -- you
7 know, I'm just --

8 CHAIRMAN GARCIA: Okay.

9 MR. ISA: You can present --

10 CHAIRMAN GARCIA: You can proceed. Listen
11 --

12 MR. BLANCO: That's -- I mean, we felt the
13 application was simple enough to represent
14 ourselves. There's no -- I mean, we did -- did
15 some further investigation. That's why we
16 brought photos --

17 CHAIRMAN GARCIA: The only --

18 MR. BLANCO: -- of existing --

19 CHAIRMAN GARCIA: The only suggestion is
20 just -- just in case you get appeal, and then --

21 MR. ISA: Yeah.

22 CHAIRMAN GARCIA: -- you're going to get a
23 lot of disadvantage in -- in appeal court.

24 MR. BLANCO: All right, we --

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

1 -- that's the only thing.

2 MR. BLANCO: We understand.

3 CHAIRMAN GARCIA: So, if you want to
4 continue, we're more than happy -- we're here.
5 Like I told you, we don't have -- I mean, we
6 could be up until one o'clock in the morning.

7 You want to talk to your client, we could
8 have two minute break. Talk to them. And then
9 you decide if you could proceed.

10 MR. BLANCO: You want to talk?

11 CHAIRMAN GARCIA: Okay. Let's two minute
12 -- let's two minute break and talk to them. You
13 could go outside and talk. Okay?

14

15 (Whereupon, the Board recessed from 9:57
16 p.m. to 10:02 p.m.)

17

18 THE SECRETARY: Please --

19 CHAIRMAN GARCIA: Yes. Resume the meeting.

20 THE SECRETARY: Back to business.

21 Go ahead, Mr. Blanco.

22 MR. BLANCO: Mr. Chairman, my client would
23 like to state what he wants to do.

24 CHAIRMAN GARCIA: Okay. They're welcome to

25 --

1 MR. A. LAGUNA: Want to go right ahead.

2 MR. BLANCO: He's going to continue to go
3 ahead.

4 CHAIRMAN GARCIA: Okay. No problem.

5 MR. BLANCO: Without the planner.

6 CHAIRMAN GARCIA: No problem.

7 MR. BLANCO: He feels that both his
8 testimony and our testimony would be sufficient
9 to --

10 CHAIRMAN GARCIA: No problem.

11 MR. BLANCO: -- support the application.

12 CHAIRMAN GARCIA: Okay. No problem.

13 MR. BLANCO: Okay. So --

14 MR. DILLON: Mr. Blanco, if you could just
15 put the microphone.

16 MR. BLANCO: Okay.

17 So, I believe I left off on the -- what was
18 previously there and the site conditions. The
19 existing building there.

20 We took a scenario around the exact -- the
21 entire block. There is multiple two, three,
22 four, and five family units, some with commercial
23 storefronts to indicate --

24 This is directly across the street from
25 where the building was.

1 And as we stated before, we are pretty much
2 just mimicking what's there.

3 This was behind the unit itself. It was
4 actually a daycare.

5 Right?

6 MR. A. LAGUNA: Yeah.

7 MR. BLANCO: Okay. So, our indication is
8 there -- there are multiple units there with
9 existing commercial storefronts within the
10 vicinity, plus being that it's only an R zone,
11 allowing two families, R more than one. There
12 are two family, three family, four families, just
13 within that block, lot itself.

14 So, again, we want to revert to the basis
15 that we're replacing pretty the same condition of
16 five units with a commercial front.

17 That's pretty much where we stand.

18 CHAIRMAN GARCIA: Can you go through the
19 size of the units?

20 MR. BLANCO: Yeah. I believe I did that
21 before but I'll do it again, just to touch base.

22 Basement unit, again, is an open floor
23 plan, pretty much with utilities. And that is
24 primarily for the vendor space, which is on the
25 first floor.

1 CHAIRMAN GARCIA: Okay.

2 MR. BLANCO: Okay. In the front of the
3 unit.

4 There is a side entrance for all the units
5 in the building. That was the same side entrance
6 that we had last time, in the other units. We
7 wanted to mimic, again, the same concept.

8 There's a rear unit, 602 square feet. As
9 you go up the stair, you now have the second and
10 third floor, which mimic each other. There's a
11 front unit and a rear unit, both 604 square feet
12 -- 646 square feet, each unit. Second and third
13 floor. And they face the park. There is nothing
14 there but street, park.

15 And then, just the standard roofline.

16 CHAIRMAN GARCIA: Okay. You know our
17 Ordinance.

18 Right?

19 MR. BLANCO: Yes, we do.

20 CHAIRMAN GARCIA: I mean, according to --
21 how many square feet do you need for the -- for
22 the two bedroom apartment?

23 You have one -- you have one apartment, 602
24 square feet for two bedroom.

25 Right?

1 MR. BLANCO: Um hum.

2 CHAIRMAN GARCIA: And you have another one,
3 646, for two units. Right? All the apartment
4 are two units.

5 Right?

6 MR. BLANCO: They're all two bedroom units.

7 CHAIRMAN GARCIA: Two bedroom units, I
8 mean. Yes.

9 And the -- the smaller one is 602. And the
10 largest one is 646.

11 MR. BLANCO: Yes.

12 CHAIRMAN GARCIA: Correct?

13 Okay. How many square feet do you need for
14 a two bedroom apartment in Union City?

15 MR. BLANCO: Well, it depends. I mean, we
16 were trying to mimic what he had, where he had
17 two bedroom units within the same square footage
18 ratio.

19 CHAIRMAN GARCIA: Okay. But that doesn't
20 mean that they -- that they could come here with
21 a better quality of units.

22 MR. BLANCO: Well, not better quality,
23 they're the --

24 CHAIRMAN GARCIA: Not have any chance to --

25 MR. BLANCO: -- same square footage, pretty

1 much as what was there.

2 CHAIRMAN GARCIA: Yeah. But I mean, what
3 I'm saying is --

4 Ulysses, do you recall how many square feet
5 you need for two bedroom in Union City?

6 MR. ISA: Actually, I --

7 CHAIRMAN GARCIA: Do I have here --

8 MR. ISA: I can look it up in the
9 Ordinance.

10 Minimum unit square foot size.

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

13 CHAIRMAN GARCIA: One bedroom.

14 Okay. Two bedroom units, you need 750
15 square feet.

16 I understand that you are trying to come
17 with a mimic. I completely agree with that. No
18 problem. Perfect.

19 But by the same token, also, you have the
20 chance to have a better quality of unit, bringing
21 here.

22 Right?

23 MR. BLANCO: It would be -- not to
24 interrupt you, but if we were to seek that issue,
25 you would be expanding the building more than

1 | what it is, and would be encroaching the lot
2 | lines even more, especially in the back, because
3 | I would have no other than way but going further
4 | back, in order to get that 750 square feet per
5 | unit.

6 | So, as we stated before --

7 | CHAIRMAN GARCIA: Also, but you could come
8 | with one -- one bedroom units, when you have 500
9 | -- 550 square feet.

10 | MR. BLANCO: That is correct. I could see
11 | your point, but again, the owner had two bedroom
12 | units within that same square footage, and we
13 | were just mimicking what he had.

14 | He didn't ask for the fire. He got it,
15 | unfortunately.

16 | MR. BONACCI: That's --

17 | MR. BLANCO: And -- and it's pretty much
18 | what he's replacing.

19 | The building, don't forget, was existing
20 | way before the Zoning Ordinance was in effect.
21 | We understand that there's nothing there and he
22 | has to comply to the Zoning Ordinance, as close
23 | as -- but the reason we're here is asking for
24 | relief on that, as well as a couple other
25 | variances.

1 CHAIRMAN GARCIA: Do we have the memo from
2 Mr. -- Mr. Spatz on this one?

3 THE SECRETARY: I -- I send the information
4 Mr. Spatz recommend to the Zoning Board, and I
5 didn't get --

6 CHAIRMAN GARCIA: No.

7 MR. BLANCO: The only thing Mr. Spatz has
8 indicated is that we -- we need to present in
9 front of you.

10 CHAIRMAN GARCIA: Yeah.

11 MR. BLANCO: That's all.

12 CHAIRMAN GARCIA: But I need to -- I need
13 to --

14 MR. ISA: We need -- we need to --

15 CHAIRMAN GARCIA: This particular case --
16 I'm -- let me tell you, just to be fair for
17 everybody. Okay?

18 I don't want here to -- I don't want to
19 come here and -- I mean, just to listen to you,
20 accept everything that you said, say, okay, grant
21 it because it's a mimic, and then you go to
22 court, you have a problem, fix it then. Why you
23 couldn't fix it in the beginning?

24 Because you're going to come back to this
25 Board with the same application.

1 MR. BLANCO: We understand.

2 CHAIRMAN GARCIA: You know what I mean?

3 MR. BLANCO: Yeah.

4 CHAIRMAN GARCIA: So, right now, what I'm
5 going to do is I'm going to ask for an
6 adjournment for next month, and I'm going to ask
7 Mr. Spatz for his report, and I want to see his
8 opinion.

9 MR. BLANCO: We were understanding that Mr.
10 Spatz was supposed to be here.

11 THE SECRETARY: He have to another meeting,
12 and he --

13 MR. BLANCO: Yeah.

14 MR. ISA: But --

15 CHAIRMAN GARCIA: Okay. You know what?
16 I'm going to make my motion to adjourn this
17 application for next meeting.

18 THE SECRETARY: Motion to adjourn the
19 application --

20 CHAIRMAN GARCIA: I need the -- I need the
21 opinion from Mr. Spatz.

22 THE SECRETARY: -- by Chairman --

23 CHAIRMAN GARCIA: Thank you very much.

24 THE SECRETARY: -- Andres Garcia.

25 Second by?

1 MR. GRULLON: I second the motion.

2 THE SECRETARY: Second -- second by Victor
3 Grullon.

4 Roll call to adjourn this application for
5 the next meeting on April 9.

6 Chairman Garcia?

7 CHAIRMAN GARCIA: Yes.

8 THE SECRETARY: Victor Grullon?

9 MR. GRULLON: Yes.

10 THE SECRETARY: Miguel Ortiz?

11 MR. ORTIZ: Yes.

12 THE SECRETARY: Harlenny -- Harlenny
13 Javier?

14 MS. JAVIER: Yes.

15 THE SECRETARY: Joseph Bonacci?

16 MR. BONACCI: No.

17 THE SECRETARY: No?

18 MR. BONACCI: No.

19 CHAIRMAN GARCIA: No, to adjourn it?

20 No? Okay. No, no. I'm asking you.

21 MR. BONACCI: I -- I don't see a problem
22 with just letting him build up --

23 CHAIRMAN GARCIA: Okay.

24 MR. BONACCI: -- the same thing he wanted
25 before.

1 CHAIRMAN GARCIA: Okay.

2 MR. BONACCI: He had a fire. It's a
3 terrible thing.

4 CHAIRMAN GARCIA: Yeah. But the reason is,
5 the Board pay -- pay professional for advice, and
6 I make my motion to -- I mean, I -- my opinion,
7 you could -- I don't mind, you could listen.

8 MR. ISA: You could disagree. You don't
9 have to --

10 CHAIRMAN GARCIA: But my opinion is, I need
11 -- in my 12 years, when I don't feel secure, when
12 I don't feel good, that's why I get -- they get
13 paid.

14 MR. GRULLON: We're not -- we're not --

15 CHAIRMAN GARCIA: Okay?

16 MR. GRULLON: -- denying it, we're only
17 adjourning it.

18 CHAIRMAN GARCIA: Okay?

19 THE SECRETARY: Khaled Dardir?

20 MR. DARDIR: Yes.

21 THE SECRETARY: Let the record indicate
22 that motion carries.

23 MR. BLANCO: I have a question --

24 THE SECRETARY: Five in favor.

25 MR. BLANCO: -- Chair?

1 We don't have to re-notify, do we?

2 THE SECRETARY: One --

3 CHAIRMAN GARCIA: No, no. No re-notice.

4 MR. ISA: No new notice.

5 CHAIRMAN GARCIA: No, no, no. Just a
6 continuance. No re-notice.

7 THE SECRETARY: And --

8 MR. BLANCO: And it's April 9th.

9 THE SECRETARY: -- no --

10 MR. ISA: Good question.

11 CHAIRMAN GARCIA: Huh?

12 MR. BLANCO: April 9th you said?

13 CHAIRMAN GARCIA: April 9th.

14 THE SECRETARY: -- abstain, one recuse.

15 MR. GRULLON: April 9.

16 CHAIRMAN GARCIA: And do me a favor --

17 THE SECRETARY: Motion carries.

18 CHAIRMAN GARCIA: Yes. Do me a favor,
19 Carlos?

20 THE SECRETARY: No further notice required.

21 CHAIRMAN GARCIA: Do me a favor? Can you
22 put in the first lease? I don't want to have
23 this gentleman --

24 MR. BLANCO: Thank you.

25 CHAIRMAN GARCIA: Yeah. Yeah. No, no, no.

1 I mean --

2 MR. GIAMMONA: Do you guys need the both of
3 us or just have one of us?

4 MR. ISA: I mean --

5 MR. BLANCO: Yeah. Because I -- I have him
6 for another meeting that day.

7 MR. ISA: Whatever you think. Whatever.
8 What?

9 MR. PRICE: Did you get the mailings and
10 the notice?

11 MR. ISA: I believe --

12 THE SECRETARY: Yes.

13 MR. ISA: Yes. Yes.

14 CHAIRMAN GARCIA: They presented.

15 MR. ISA: Yeah, no. They were presented.

16 CHAIRMAN GARCIA: No. One of -- one of you
17 is sufficient.

18 MR. BLANCO: We appreciate it.

19 Thank you.

20 MR. ISA: Thank you very much.

21 MR. BLANCO: Okay.

22 CHAIRMAN GARCIA: Thank you.

23 THE SECRETARY: All right.

24 * * *

25

1 **CLOSED SESSION:**

2

3 MR. ISA: Actually, before we adjourn
4 today's meeting --

5 THE SECRETARY: I know we have Closed
6 Session.

7 Mrs. --

8 MR. ISA: Yeah.

9 THE SECRETARY: Can you come in, please?

10

11 (Whereupon, Elisa Flores returned to the
12 dais.)

13

14 CHAIRMAN GARCIA: Are you here for this --
15 this application?

16 A VOICE: We were told we'd be on the
17 agenda, but we weren't.

18 CHAIRMAN GARCIA: Okay.

19 MR. ISA: I'd like to -- I would like to go
20 into closed session briefly to --

21 CHAIRMAN GARCIA: Anything for the public.

22 MR. ISA: So, what we need is a motion to
23 go into closed session, seconded, a vote.

24 CHAIRMAN GARCIA: Make my motion.

25 MR. ISA: We wait for everyone to leave,

1 and then we --

2 THE SECRETARY: All right. May I have a
3 motion to go to closed session?

4 Mr. --

5 Motion by Mr. Bonacci.

6 MR. GRULLON: Second.

7 THE SECRETARY: Second by?

8 Mr. Victor -- Victor Grullon.

9 Chairman Garcia?

10 CHAIRMAN GARCIA: Yes.

11 THE SECRETARY: Victor Grullon?

12 MR. GRULLON: Yes.

13 THE SECRETARY: Miguel Ortiz?

14 MR. ORTIZ: Yes.

15 THE SECRETARY: Harlenny Javier?

16 MS. JAVIER: Yes.

17 THE SECRETARY: Joseph Bonacci?

18 MR. BONACCI: Yes.

19 THE SECRETARY: Khaled Dardir?

20 MR. DARDIR: Yes.

21 THE SECRETARY: Elisa Flores?

22 Motion carries.

23 We are in closed session.

24 MR. ISA: Give us a minute for -- guys, you
25 can take the conversation out to the hallway.

1

2 (Whereupon, the Board moved to Closed
3 Session at 10:12 p.m.)

4

5 (Whereupon, the Board returned to Open
6 Session at 10:23 p.m.)

7

* * *

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1 **ADJOURNMENT:**

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3 THE SECRETARY: Ready?

4 May I have a motion to close -- to end the
5 session?

6 CHAIRMAN GARCIA: Aye.

7 THE SECRETARY: Motion by Mr. -- by
8 Chairman Andres Garcia.

9 Second by Mr. Victor Grullon.

10 All in favor to close the session?

11

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

13

14 THE SECRETARY: The aye have it. Motion
15 carries.

16 Thank you.

17 Have a beautiful night, everyone.

18 MR. ISA: Yes.

19

20 (Whereupon, the proceedings were concluded
21 at 10:23 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY BOARD OF ADJUSTMENT
9 held on Thursday, March 19, 2015 and digitally
10 recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon