

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, April 9, 2015
Commencing at 6:43 p.m.

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

KHALED DARDIR
VICTOR M. GRULLON
MIGUEL ORTIZ
DAVID W. PRESSEY
JOHN MEDINA, Alternate No. 1
JOSEPH D. BONACCI, Alternate No. 2
ANDRES GARCIA, Chairman

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

MARGARITA GUTIERREZ
HARLENNY E. JAVIER
ELISA FLORES, Alternate No. 3

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
Community Housing and Planning Associates

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

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

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

ALAIN MULKAY, ESQ.,
Attorney for Cuban Eyes Auto Body Shop

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

ALAIN MULKAY, ESQ.,
Attorney for Applicant, 408 37th Street, LLC

ALAIN MULKAY, ESQ.,
Attorney for Applicant, HIMEJI, LLC

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

3 Please take notice that on Thursday, April
4 9, 2015, at 6:45 p.m. a Regular Meeting is
5 scheduled for the City of Union City Zoning Board
6 of Adjustment, to be held in Municipal Chambers,
7 located at 2nd floor, 3715 Palisade Avenue, Union
8 City, New Jersey.

9 Can everybody kindly rise to pledge
10 allegiance to the flag, please?

11

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

14

15 THE SECRETARY: Notice of this meeting has
16 been provided as follows:

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

23

24 **ROLL CALL:**

25

1 THE SECRETARY: Roll call for tonight's
2 meeting.

3 Chairman Garcia?

4 CHAIRMAN GARCIA: Yes.

5 THE SECRETARY: Victor Grullon?

6 MR. GRULLON: Here.

7 THE SECRETARY: Margarita Gutierrez?
8 Absent.

9 Miguel Ortiz?

10 MR. ORTIZ: Present.

11 THE SECRETARY: David Pressey?

12 MR. PRESSEY: Here.

13 THE SECRETARY: Harlenny Javier? Absent.
14 Khaled Dardir?

15 MR. DARDIR: Here.

16 THE SECRETARY: John Medina?

17 MR. MEDINA: Here.

18 THE SECRETARY: Joseph Bonacci?

19 MR. BONACCI: Here.

20 THE SECRETARY: Elisa Flores? Absent.

21 Let the record indicate that we have seven
22 Board members present, so we have a Board made up
23 of seven members.

24 * * *

25

1 **RESOLUTIONS:**

2

3 (1) Arturo Hernandez - 413-415 36th Street,
4 Block 209, Lots 21 & 22, Legalization of existing
5 residential units in an existing multi-family.
6 Approved.

7 (2) Reino Magico - 701 Bergenline Avenue -
8 Block 35, Lot 1, Addition to an existing daycare.
9 Approved.

10 (3) Melanie Hidalgo, 314 19th Street, Block 101,
11 Lot 26, Existing three dwelling units, proposed
12 one dwelling unit, total four dwelling units.
13 Approved.

14 (4) Dalema Corp., 815 14th Street, Block 68, Lot
15 25, Legalization of Apartment Unit - Total four
16 units, multi-family dwelling. Approved.

17

18 THE SECRETARY: Okay.

19 We have four Resolutions in tonight's
20 agenda.

21 First -- first Resolution, Arturo
22 Hernandez, 413-415 36th Street.

23 Number 2.

24 Reino Magico, 701 Bergenline Avenue.

25 Number 3.

1 Melanie Hidalgo, 314 19th Street.

2 And number 4.

3 Dalema Corporation, 815 14th Street.

4 Can I have a motion?

5 MR. GRULLON: I make my motion to --

6 THE SECRETARY: Motion to --

7 MR. GRULLON: -- accept.

8 THE SECRETARY: -- approve the Resolution
9 by Victor Grullon.

10 Second by?

11 Second by Miguel Ortiz.

12 Roll call on the Resolutions.

13 Chairman Garcia?

14 CHAIRMAN GARCIA: Yes, except for number 2
15 that I recuse myself, Reino Magico, 701
16 Bergenline Avenue.

17 THE SECRETARY: Except number 2, Chairman
18 Garcia, the rest yes.

19 Victor Grullon?

20 MR. GRULLON: Yes to all.

21 THE SECRETARY: Miguel Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: David Pressey?

24 MR. PRESSEY: I abstain.

25 THE SECRETARY: Abstain.

1 Khaled Dardir?

2 MR. DARDIR: Yes.

3 THE SECRETARY: John Medina?

4 MR. MEDINA: Abstain.

5 THE SECRETARY: Abstain.

6 Joseph Bonacci?

7 MR. BONACCI: Yes.

8 THE SECRETARY: Motion carries. Five in
9 favor.

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1 **RESOLUTIONS:**

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3 (5) HIMEJI, LLC - 1410-1418 Palisade Avenue,
4 Block 181, Lots 12, 13, 14 & 15, Amendment to
5 Resolution memorialized on September 10, 2009.

6

7 THE SECRETARY: We have a correction on
8 tonight's agenda.

9 Himeji, LLC, 1410-1418 --

10 CHAIRMAN GARCIA: Carlos?

11 MR. ISA: Mr. Vallejo, before we continue
12 with that, we're going to -- at the end of the --
13 the hearing, we're going to listen to the -- to
14 the applicant's attorney and some of his experts
15 as to -- as to the correction, specifically.

16 CHAIRMAN GARCIA: Yeah. Just to the
17 public, and also for the member of the Board. I
18 mean, it -- we have number 5 -- the Resolution
19 number 5 is an amendment to a Resolution that was
20 granted back in 2009. The correction of that.

21 And I think that the -- one of the idea was
22 to probably -- I mean, the applicant is here and
23 also, the -- the expert here, and it's better to
24 refresh the mind, and also most of you guys were
25 not here in -- in that application.

1 And basically, they're going to come at the
2 end with kind of wrap around, and before we go
3 through the amendment.

4 Okay?

5 THE SECRETARY: All right. That mean can
6 I have a motion to --

7 MR. ISA: No.

8 CHAIRMAN GARCIA: No, don't need a motion.
9 Just that -- that one going to be by the end,
10 that Resolution.

11 * * *

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1 **Rosario Management, LLC - 2709-2715 Central**
2 **Avenue:**

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4 MR. ISA: Call the first application.

5 THE SECRETARY: Go for tonight's first
6 application, we are going to call Liberty Park at
7 Union City, LLC, 649-651 38th Street.

8 CHAIRMAN GARCIA: What about -- what about
9 Rosario Management?

10 MR. ISA: What about Rosario Management,
11 Corp.?

12 THE SECRETARY: Huh?

13 MR. ISA: Isn't Rosario Management before
14 them?

15 THE SECRETARY: You mentioned to me before
16 that you're going to do Liberty first.

17 MR. FLANNERY: I believe that the
18 applicant, Rosario, has been --

19 MR. ISA: It's number one on the agenda, so
20 I didn't think I had to let you know.

21 THE SECRETARY: All right. I'm sorry about
22 that.

23 We're going back in business.

24 First -- first application on tonight's
25 agenda, Rosario Management, LLC, 2709-2715

1 Central Avenue.

2 Mr. Faiella?

3 MR. FLANNERY: Yes.

4 Thank you.

5 Mr. Chairman, members of the Board,
6 counsel, Peter Flannery, of Sills, Cummis and
7 Gross, here on behalf of the applicant, Rosario
8 Management, LLC.

9 As the Board will recall, at last month's
10 meeting, the Board wanted a little more
11 information regarding the interior of the
12 building, photographs of the interior.

13 One of the architects actually walked
14 through the building, get a better idea as to the
15 age of the improvements, the interior apartments.

16 So, tonight, I -- I have with me Martha
17 Brazoban, the architect, who was previously sworn
18 and qualified as an expert in the field of
19 architecture, who is here to present some
20 photographs, as well as discuss -- discuss her
21 walk through.

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

24 MR. FLANNERY: I don't know if we need to
25 have Ms. Brazoban sworn in again, or if she's --

1 MR. DILLON: I'll swear her. I just want
2 to give her the mic first.

3 MR. FLANNERY: Okay.

4 MR. ISA: She was sworn in last meeting.

5 MR. FLANNERY: Thank you.

6 MR. DILLON: Please raise your right hand.

7 Do you swear the testimony that you're
8 about to give this Board is the whole truth?

9 MS. BRAZOBAN: I do.

10 MR. DILLON: State your name and spell it
11 for the record.

12 MS. BRAZOBAN: Martha Brazoban, M-A-R-T-H-A,
13 B-R-A-Z-O-B-A-N.

14 MR. DILLON: Thank you.

15 MR. FLANNERY: Thank you.

16 Ms. Brazoban, you have an exhibit with you
17 here tonight. I think this is A-3.

18 It's an exhibit showing interior photos of
19 the building that was taken recently.

20 I also have a black and white handout for
21 the Board, same exhibit, just on a smaller scale.

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

24 MR. DILLON: Do you want this marked?

25 MR. FLANNERY: Yeah. A-3.

1 MR. DILLON: A-3?

2

3 (Whereupon, Interior Photographs were
4 received and marked as Exhibit A-3.)

5

6 MR. FLANNERY: Ms. Brazoban, if you just
7 very briefly go through these photographs, and
8 explain to the Board what is shown, what units
9 are shown in each photograph.

10 I believe you had also inspected the
11 property this past Saturday --

12 MS. BRAZOBAN: Yes.

13 MR. FLANNERY: -- April 4th.

14 MS. BRAZOBAN: Yes.

15 Good evening.

16 So, in the -- excuse me -- one of the
17 questions that came up from our last meeting was
18 in regards to my having not gone through the
19 building, which I did, based on what we had
20 discussed.

21 And we took -- I took photographs of the
22 apartments.

23 So, this starting at the first one, which
24 is one, that's the common lobby area where you
25 come in. There's also a photograph of the

1 | stairs, there's a photograph of the existing fire
2 | extinguisher, and the landing at the second
3 | floor, the first top floor pictures.

4 | On the next row is the two bedroom
5 | apartment on the first floor, on the rear of the
6 | first floor, with the living room, the kitchen,
7 | and one of the bedrooms.

8 | And the studio apartment that are on the
9 | first floor on the -- the front part of the
10 | building, the first studio apartment, and then
11 | the second one is on the -- is number 4.

12 | We also took photographs of the first --
13 | this is the other first floor apartment. First
14 | floor -- excuse me -- studio, and of the kitchen
15 | and the bedrooms of the second floor -- second
16 | floor apartment, and the other second floor.

17 | There's two apartments on the second floor.
18 | One in the -- I'm calling it front and back of
19 | the building.

20 | Overall, the building -- the apartments are
21 | in good shape, but it's not new construction. I
22 | would say that it's 20 years plus.

23 | They are -- the -- on the first floor, you
24 | can still see the existing tin ceiling. They do
25 | have a drop ceiling that is also aged. It's not

1 anything that was recently constructed or
2 repaired.

3 What you have is let's say the lobby,
4 because it's a common area. You have new tiles,
5 new paint, and the apartments are in decent
6 condition. All right? They've been painted.
7 They've been maintained, but the overall quality
8 is not of brand new, I just bought it and did it
9 today. It's still somewhat dated.

10 MR. FLANNERY: And you would say that the
11 applicant, having bought the property in 2003,
12 these improvements were constructed at least ten
13 years before that time.

14 MS. BRAZOBAN: Well, I can't like give you
15 a specific date of when, I can just --

16 MR. FLANNERY: Right.

17 MS. BRAZOBAN: -- give you like a range,
18 because it's -- it's like sheet rock.

19 MR. FLANNERY: Right.

20 MS. BRAZOBAN: It's like how you going to
21 know how old the sheet rock is. It's not -- it's
22 definitely not brand new.

23 MR. FLANNERY: Right. But you said maybe
24 20 years ago.

25 MS. BRAZOBAN: Twenty --

1 MR. FLANNERY: So --

2 MS. BRAZOBAN: -- years. Yes.

3 MR. FLANNERY: From --

4 MS. BRAZOBAN: Definite.

5 MR. FLANNERY: -- 2003, maybe -- you know,
6 eight to ten years, based off of that.

7 MS. BRAZOBAN: Yes.

8 MR. FLANNERY: Thank you.

9 CHAIRMAN GARCIA: So, just as per your
10 experience, something like this, not just do it
11 now.

12 MS. BRAZOBAN: No. No. Oh, no.
13 Definitely not recently installed.

14 CHAIRMAN GARCIA: Okay.

15 I really appreciate that you accept our
16 recommendation to go to this, and since you are
17 the one that was made your statements. And you
18 -- this way, you see it.

19 All right.

20 Thank you very much.

21 Basically, I'm seeing like most of the
22 apartment are occupied.

23 Right?

24 This one is not occupied?

25 MS. BRAZOBAN: The two on the second floor

1 are occupied and there is one that's --

2 CHAIRMAN GARCIA: First floor.

3 MS. BRAZOBAN: The first floor.

4 CHAIRMAN GARCIA: Okay. One of the studio.

5 MS. BRAZOBAN: Yes.

6 CHAIRMAN GARCIA: Okay.

7 And basically, your applicant wants to
8 bring this one to Code, so -- I mean, comply with
9 the -- with Ordinance, so this is R zone.

10 Right?

11 MR. FLANNERY: I'm sorry. What?

12 CHAIRMAN GARCIA: This is R zone.

13 Residential.

14 MR. FLANNERY: Yes.

15 MS. BRAZOBAN: Yes.

16 CHAIRMAN GARCIA: Right?

17 MR. FLANNERY: Yes.

18 CHAIRMAN GARCIA: And in order for her to
19 -- for your applicant to bring it to Code, then
20 they have to demolish and create three units
21 only, because that's what she's allowed to.

22 MS. BRAZOBAN: Yes.

23 CHAIRMAN GARCIA: Okay. And reason that
24 she is coming here is because when she bought it,
25 she bought it as a six -- six residential unit,

1 six apartment and now, she realized there's only
2 -- legalizing the six.

3 I have no further question.

4 You have any question?

5 MR. GRULLON: No.

6 CHAIRMAN GARCIA: And you -- you brought a
7 planner here, before.

8 Right?

9 MR. FLANNERY: Yes. And we actually --

10 CHAIRMAN GARCIA: He's here?

11 MR. FLANNERY: He's here. I'd like to
12 bring him up just --

13 CHAIRMAN GARCIA: Oh, okay. Perfect.

14 MR. FLANNERY: -- for cleanup.

15 CHAIRMAN GARCIA: Perfect.

16 MR. FLANNERY: If the Board doesn't mind.

17 CHAIRMAN GARCIA: Yeah.

18 Thank you.

19 MR. FLANNERY: I don't know if any
20 questions for Ms. Brazoban. She's here in case
21 --

22 CHAIRMAN GARCIA: Okay. Thank you.

23 MR. FLANNERY: -- members of the public
24 wanted to --

25 CHAIRMAN GARCIA: Thank you very much.

1 MR. DILLON: Please raise your right hand.

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

4 MR. BAILER: I do.

5 MR. DILLON: State your name and spell it
6 for the record.

7 MR. BAILER: Gabriel Bailer, B-A-I-L-E-R.

8 MR. DILLON: Thank you.

9 MR. FLANNERY: Mr. Bailer, of course, was
10 previously qualified as an expert in the field of
11 professional planning by this Board.

12 CHAIRMAN GARCIA: Yes. Many, yeah. Our
13 pleasure.

14 MR. FLANNERY: Thank you.

15 MR. BAILER: Thank you.

16 MR. FLANNERY: And Mr. Bailer, just briefly
17 go through some supplemental testimony, based on
18 what you just heard.

19 MR. BAILER: Sure.

20 Good evening, Mr. Chairman, members of the
21 Board.

22 Last meeting, I presented to the Board the
23 use variance that is required for this
24 application, where there are six existing
25 residential units, where a max of three

1 residential units are required.

2 I gave the -- the positive/negative
3 criteria, how it relates to the Master Plan, the
4 zoning -- the surrounding residential uses.

5 And I'm here tonight just to add to the
6 testimony regarding a design, a waiver variance
7 for the size of the apartments.

8 There are six apartments, three studios,
9 and three two bedrooms.

10 The minimum size for each studio is
11 required is 400 square feet. The minimum
12 required for a two bedroom is 750 square feet.

13 The three studios -- the first studio is
14 160 square feet, second 184, the third 191 square
15 feet.

16 The two bedrooms, the first one is 442
17 square feet, second 551 square feet, and a third
18 691 square feet.

19 As the architect mentioned, these
20 apartments have been existing. She estimated
21 approximately the construction over 20 years ago.

22 These apartments have been existing with no
23 detriment, no substantial detriment, and related
24 to its existing to the surrounding residential
25 uses.

1 So, it's my opinion that the design waiver
2 is -- is applicable, because these apartments
3 have been existing for so long, with no
4 detriments and no -- no negative -- negative
5 detriments to the surrounding area.

6 CHAIRMAN GARCIA: I have a question for Mr.
7 Spatz.

8 MR. SPATZ: Yes?

9 CHAIRMAN GARCIA: I know that the -- is --
10 which -- I want to hear your opinion. I mean, no
11 I -- I mean, that going to be good for the Board.

12 Having this -- I mean, we have a small
13 unit. However, is kind of preexisting condition,
14 related to the -- for the time when the applicant
15 purchased the property.

16 And also, it is kind of a -- the only way
17 that could be is demolishing everything and bring
18 everything to -- according to the Ordinance.

19 But can you give us your opinion?

20 MR. SPATZ: Well, as you said, the -- the
21 units are all significantly smaller than what the
22 current Zoning Ordinance permits. The prior
23 Ordinance and the Ordinance that was in force
24 when the units were created did not have this
25 sort of a minimum standard. So, you'd have to

1 retroactively apply it.

2 I think if you find that these units are
3 decent size, and are in good condition, I think
4 that you could grant that variance.

5 I think it's different from the basement
6 apartments that we've seen, where -- you know,
7 there's sort of a little bit more negative impact
8 from a basement apartment. These are on first
9 floor and second floor, so they have windows and
10 better means of egress and access.

11 So, I think that, again, if you feel that
12 from the descriptions of the apartments and the
13 photos that they are reasonably sized apartments,
14 given their history, that I think that you could
15 grant that density variance and approve it.

16 CHAIRMAN GARCIA: Okay.

17 And Mr. Spatz, also, how can we consider
18 the -- the studios, as a one bedroom, or just you
19 don't count as a bedroom?

20 MR. SPATZ: It would be considered as a
21 studio. Our Ordinance certainly permits studios
22 apartments, and the minimum size for a new studio
23 apartment would be 400 square feet.

24 CHAIRMAN GARCIA: Okay.

25 So, that means that if they -- they comply

1 with the Ordinance, they could come with three --
2 with -- like just say three -- three unit --
3 three bedroom units.

4 MR. SPATZ: You -- you could probably get
5 three or four apartments. If you combined a
6 couple of the studios, they would become -- you
7 know, one studio apartment.

8 If you combined all of three of them, you
9 could maybe get a one bedroom out of it.

10 So, you'd maybe have three or four units --
11 you know, if you were going to use the current
12 standard for them.

13 CHAIRMAN GARCIA: Okay. I have no further
14 question.

15 You have any question?

16 Any member of the public want to step
17 forward?

18 Yes, Mr. Price?

19 MR. PRICE: Larry Price, 1006 Palisade.

20 I'm already sworn in from last time.

21 Actually, my question really is to Mr.
22 Ulysses.

23 Do we have the usual memorandum from the
24 Building Department on this property?

25 MR. ISA: It's a good question.

1 CHAIRMAN GARCIA: We have it.

2 MR. ISA: We have it, I think, last time,
3 but let me see.

4 CHAIRMAN GARCIA: It's here. Yes. It's
5 two commercial, two unit structure.

6 MR. PRICE: Two commercial and --

7 CHAIRMAN GARCIA: Two unit structure. So,
8 two commercial, two residential.

9 MR. PRICE: Two -- two commercial, two
10 residential.

11 CHAIRMAN GARCIA: And two residential.

12 MR. PRICE: Thank you.

13 CHAIRMAN GARCIA: Yes.

14 And the question to the attorney.

15 Going back to the last meeting, as per the
16 statement of your client, is that this -- she --
17 I mean, she never bought any commercial unit
18 inside. I mean, she never bought it as a
19 commercial.

20 MR. FLANNERY: Correct.

21 CHAIRMAN GARCIA: She always --

22 MR. FLANNERY: Yeah, it was her testimony
23 at the --

24 CHAIRMAN GARCIA: That was her testimony.

25 MR. FLANNERY: -- last hearing that they --

1 | there were six residential units when the
2 | property was purchased. And --

3 | CHAIRMAN GARCIA: But she never -- but she
4 | never bought a mixed use -- mixed use --

5 | MR. FLANNERY: Correct. That was the
6 | testimony.

7 | CHAIRMAN GARCIA: That was the testimony.
8 | Okay.

9 | I think that -- any other member of the
10 | public?

11 | MR. GRULLON: And the property is in the
12 | residential zone right now?

13 | MR. FLANNERY: Correct.

14 | MR. GRULLON: According to the new --

15 | MR. FLANNERY: Yes. Correct.

16 | MR. GRULLON: Okay.

17 | CHAIRMAN GARCIA: Yes.

18 | MR. FLANNERY: R zone.

19 | CHAIRMAN GARCIA: Yes. And that's why
20 | they're here, because they are allowed for three
21 | units.

22 | MR. FLANNERY: Um hum.

23 | MR. GRULLON: Residential.

24 | CHAIRMAN GARCIA: And they -- they have --
25 | residential units, no --

1 MR. GRULLON: No commercial.

2 CHAIRMAN GARCIA: They -- they have --
3 still there are no conforming either because they
4 are legally mixed use. That is not permitted in
5 that zone.

6 And I think like still is not -- like I
7 mentioned, is not -- is not complies with the --
8 with the Ordinance.

9 And as I going to state it, I'm going to
10 state to Mr. Spatz statement, where the -- after
11 the -- the testimony of the two professional,
12 deeming like the units were there for over 20
13 years, and the -- the current owner is only owned
14 the property since 2003. Less than 20 years.

15 And so, this means that this concur with
16 the testimony that she bought it as a residential
17 unit, not as a mixed use.

18 And -- and I think that saying that, I'm
19 going to make my motion to grant this
20 application.

21 THE SECRETARY: Motion to --

22 MR. GRULLON: I second the motion.

23 THE SECRETARY: -- grant the application by
24 Chairman Andres Garcia.

25 MR. GRULLON: I second.

1 THE SECRETARY: Second by Victor Grullon.

2 Roll call to grant the application.

3 Chairman Garcia?

4 CHAIRMAN GARCIA: Yes.

5 THE SECRETARY: Victor Grullon?

6 MR. GRULLON: Yes.

7 THE SECRETARY: Miguel Ortiz?

8 MR. ORTIZ: Yes.

9 THE SECRETARY: David Pressey?

10 MR. PRESSEY: I abstain.

11 THE SECRETARY: Abstain.

12 Khaled Dardir?

13 MR. DARDIR: Yes.

14 THE SECRETARY: John Medina?

15 MR. MEDINA: Abstain.

16 THE SECRETARY: Joseph Bonacci?

17 MR. BONACCI: Yes.

18 THE SECRETARY: Motion carries. Five in
19 favor, two abstains.

20 MR. FLANNERY: Thank you very much.

21 MR. GRULLON: Thank you.

22 Good night.

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

25 * * *

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

2 **Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, Liberty Park at Union City,
6 LLC, 649-651 38th Street.

7 Mr. Alonso?

8 MR. ALONSO: Good evening, Mr. Chairman,
9 members of the Board.

10 For the record, Alvaro Alonso, Alonso
11 Navarette.

12 Mr. Chairman, as you know, the application
13 has been presented, and completed. And I believe
14 we're only here for a vote on the application,
15 with respect to the interpretation that was made.

16 CHAIRMAN GARCIA: Actually, thank you for
17 the courtesy to accept to adjourn the application
18 for this meeting.

19 We have here the -- who was the attorney
20 for that application, is Mr. Mulkay.

21 Mr. Mulkay, the reason of the -- of we ask
22 the Liberty application to -- to move the meeting
23 to today is because one, I know that the Board of
24 Adjustment doesn't have authority enforce any of
25 the -- any of the condition.

1 However, is also our concern that the
2 condition stated in any Resolution, the applicant
3 comply with that.

4 We get -- we get across that -- that
5 application for Cuban Body Shop, something like
6 that.

7 MR. MULKAY: Cuban Eyes Auto Body.

8 CHAIRMAN GARCIA: Right. One of the
9 condition was that the -- to have the lease of
10 that property -- or have a lease where to park
11 the cars, since I remember, I was not in the --
12 in the last meeting, but I was in the beginning
13 of the application, and I recall that one of my
14 concern was the same concern, something that I
15 hate to see in Union City, is where we seen in --
16 in Paterson-Plank Road and Summit Avenue and
17 Central Avenue, that you see all those cars, the
18 middle of the repair and everything.

19 Unfortunately, this is a County road that
20 is shared between Jersey City and Union City.
21 So, that is so -- I mean, I'm always against to
22 see all those things.

23 And one of the condition was to have a
24 lease on the place where you're going to -- or
25 where your client is going to put all those cars.

1 Part of the application was a lease with
2 adjacent property, that I also recall that that
3 -- that that property has an approval back at the
4 time, probably like more than six year.

5 Right?

6 MR. ALONSO: Around 2006.

7 CHAIRMAN GARCIA: Right.

8 MR. ALONSO: 2007.

9 CHAIRMAN GARCIA: Seven year. And now that
10 application come here for -- for interpretation,
11 or amendment, or whatever you want to call it, I
12 don't know we'll just go through that for later,
13 for interpretation.

14 And but now, we some -- some kind of
15 impasse to proceed with that application.

16 And now, also, we received, previous to the
17 last month, a letter from Mr. Alonso, with the
18 court paper showing that day signed the lease,
19 the -- the court -- they got eviction, whatever?

20 MR. ALONSO: Right. My client took the
21 tenant to court for nonpayment of rent, and they
22 obtained a judgement for possession. And the
23 tenant has been, effectively, evicted from the
24 property for nonpayment of rent.

25 CHAIRMAN GARCIA: Okay. So, we need to

1 | just -- just a clarification, probably. Or just
2 | an explanation to -- you know, to the resident of
3 | Union City, because whoever is here representing
4 | Union City. I mean, so, we need to find out.

5 | Again, for record, we are not any
6 | enforcement instrument, because that -- we just
7 | granted, rejected, we put the -- the condition
8 | for whatever we are concerned about our decision,
9 | we are concerned about Union City.

10 | MR. MULKAY: Mr. Chairman, if I may?

11 | Counsel for the Board contacted me about
12 | three weeks ago, four weeks ago, I think prior to
13 | the -- shortly before the previous meeting, and
14 | advised me of the problem.

15 | I reached out to my client. I was able to
16 | confirm that, in fact, my client is not using the
17 | property of parking in that property, anymore.
18 | He is no longer a tenant there.

19 | The Chairman's correct that the Resolution,
20 | at that time, what it required was that he had
21 | off-street parking. That he have a lease for
22 | off-street parking.

23 | My client advises that he has a place where
24 | he's parking the cars. It's actually in North
25 | Bergen, the lot.

1 He doesn't have a written lease. He's
2 paying on a monthly basis, but he's in the
3 process, based on the request from the Chairman
4 -- from the Board Attorney, he's in the process
5 of getting a lease, and he will provide it to the
6 Building Department. Even though the Building
7 Department has not requested it, he will provide
8 it to the Building Department so that there's no
9 issue regarding that -- that requirement.

10 So, he is providing off-street parking, and
11 he is complying fully with the terms of that
12 Resolution and that approval, at that time.

13 And the Chairman is absolutely correct that
14 you were concerned that there will be cars parked
15 on the street, or that looked abandoned, or
16 looked destroyed.

17 And I don't believe that there has been any
18 complaints to the City regarding my client,
19 regarding that location.

20 I'm pretty sure that there haven't been,
21 but --

22 CHAIRMAN GARCIA: Just for the record,
23 also, I mean, I'm -- I'm a little bit upset with
24 my city, and I drive around and I never -- and
25 just for the record, I never saw any abandoned

1 car --

2 MR. MULKAY: Right.

3 CHAIRMAN GARCIA: -- nothing like --

4 MR. MULKAY: Right.

5 CHAIRMAN GARCIA: -- repair on the street,
6 whatever.

7 MR. MULKAY: Right.

8 The warehouse -- the Chairman may recall,
9 the location, it's -- it was an old warehouse, it
10 was an old truck repair warehouse, where they did
11 major welding and -- and truck repairs. And it's
12 pretty big. And for the most part, he keeps most
13 of the cars inside, particularly because he was
14 subject to vandalism at the adjacent lot. Two of
15 his car -- two of the cars of his clients were
16 vandalized. So, he tries to keep everything
17 inside the warehouse, to the extent that he
18 possibly can.

19 CHAIRMAN GARCIA: Okay.

20 MR. MULKAY: All right?

21 MR. GRULLON: Mr. Mulkay, I want to ask for
22 the record that, when we heard that application,
23 we had two different meetings. And our main
24 concern was parking.

25 MR. MULKAY: Correct.

1 MR. GRULLON: And having the -- the cars on
2 the street.

3 And for that meeting, for the approval, the
4 applicant came up with a lease, and also came up
5 with a lot of residents that they would offer
6 parking on that -- on that section, also.

7 MR. MULKAY: Right.

8 MR. GRULLON: And those residents, they
9 were ready to oppose the application --

10 MR. MULKAY: I -- I --

11 MR. GRULLON: -- and because you were going
12 to have a parking lot behind the -- the property.
13 That's why they came up and they spoke in favor
14 of the application.

15 We heard -- we heard the residents, and we
16 -- we kind of approve it with the condition of
17 having that -- those parking spaces.

18 It will be -- you know, sad to see, now
19 that they come up only with four parking spaces,
20 who knows where, and the residents are going to
21 feel like we not doing our job here, because they
22 came -- they came in favor of the application,
23 because they were offered to park in that -- on
24 that lot.

25 And -- and actually, myself I have a

1 | problem with that, because I was the Acting
2 | Chairman at that time, and I -- I heard the
3 | residents, and I -- I kind of listened to what
4 | they wanted to see there, but they were offered
5 | parking in that -- in that place.

6 | MR. MULKAY: Right.

7 | MR. GRULLON: And I want to see -- I mean,
8 | I don't know if -- I know we cannot enforce -- we
9 | cannot enforce anything to the -- to the
10 | application. If they come up with parking, they
11 | have to come up with more than four parking. We
12 | try to be at least -- you know, honest to those
13 | residents, that they offer spaces.

14 | MR. MULKAY: I don't think my client
15 | offered their neighbors parking on the property
16 | that he was renting.

17 | I -- the -- in fact, the neighbors that
18 | came were neighbors that were in favor of the
19 | application. I don't believe anybody came that
20 | was opposed to the application.

21 | My client has a great relationship with the
22 | neighbors, with the -- with the immediate
23 | neighbors, two, three houses around them. He has
24 | a great relationship with all of them.

25 | MR. GRULLON: Yes.

1 MR. MULKAY: And he still, to this day,
2 does.

3 I don't think he --

4 MR. GRULLON: They spoke on the record.

5 MR. MULKAY: -- he offered them.

6 MR. GRULLON: And they -- they were offered
7 to park on that lot.

8 MR. MULKAY: I -- I don't recall it that
9 way. I'm not -- I'm not going to argue, but I
10 don't recall it that way. I don't know that my
11 client did.

12 But as far as I know, he has not had any
13 complaints of the neighbors that he has a good
14 relationship --

15 MR. GRULLON: I just wanted to --

16 MR. MULKAY: -- with the neighbors.

17 MR. GRULLON: -- refresh back.

18 MR. MULKAY: And I just -- just so that
19 it's clear, I don't know the number of parking
20 spaces that he has at the other location. I know
21 that what he's doing is if cars are -- they're
22 waiting for insurance or whatever, he's keeping
23 them over there instead of here. It's about
24 three blocks away, two or three blocks away.
25 It's just on the other side of the street.

1 I don't know if it's four, five, two, or
2 one. I have no idea how many parking spaces it
3 involves.

4 All right?

5 CHAIRMAN GARCIA: Okay.

6 Thank you.

7 MR. MULKAY: You're welcome.

8 MR. GRULLON: Thank you.

9 CHAIRMAN GARCIA: None of your -- can you
10 wrap around the application, just to refresh the
11 minds for everybody, regarding the --

12 MR. ALONSO: Sure.

13 To the best of my recollection, it's a --
14 this is an application that was approved, I think
15 it was around 2006, 2007.

16 And it's for a 63 unit multi-family
17 building.

18 The approvals that were granted by this
19 Board were appealed by Mr. Price. My client won
20 in the Superior Court. They were appealed to the
21 Appellate Division. My client won again.

22 At the time that my client was getting
23 ready to build the building, the recession hit.
24 So, because there was no financing, there was no
25 ability, really, to -- to build the building.

1 So, everything just kind of laid dormant.

2 During that whole period of time, we had
3 the Permit Extension Act, which was extended at
4 least two times after that. And those approvals
5 are still valid today.

6 What happened is, my client went to the
7 Building Department, and wanted to build the
8 building.

9 Now, what happens is, back in 2006, 2007,
10 everybody was building for purposes of
11 condominium sales.

12 So, the types of units were -- were larger.
13 They were different types of construction.

14 Now, we have a rental market. So, those
15 large rental units are really not marketable.

16 So, we needed to reduce the size of the
17 units. So, what we did was we kept the same
18 envelope, the same building, the same overall
19 height. We reduced the number of stories by one.
20 What that allowed us to do was keep the same
21 number of units, which is 63, in the same space.
22 So, they're smaller units. The same bedroom
23 count, the same parking spaces, the same
24 setbacks, the same height.

25 We have not created any new variances. We

1 have not increased on any of the variances that
2 were previously granted, and we don't need
3 amended site plan approval.

4 However, the Building Department felt
5 uncomfortable granting the permits because it
6 wasn't exactly what was approved by this Board.
7 We explained to them that it never is, because
8 what you are presented here are schematic plans.
9 Schematic plans are just that. They're --
10 they're -- it's conceptual plans as to what we
11 want to build.

12 If they're approved, then you get into much
13 more detail. You have construction plans.

14 And the construction plans almost always
15 are going to be a little different than the --
16 the schematic plans.

17 But because they weren't exactly the same,
18 they wanted us to come back here for amended
19 approvals.

20 My conversation with the Building
21 Department at the time was there's nothing for me
22 to ask. I can't ask for variances because the
23 variances were already granted.

24 I can't ask for amendments because there
25 really are no amendments.

1 So, what I asked for was an interpretation.
2 And this Board, under the statute, has the -- has
3 the opportunity to interpret those approvals,
4 compared to what was presented to you now, with
5 the -- with the revisions, and make an
6 interpretation.

7 Is that essentially the same building that
8 was approved last time?

9 And I believe that we presented, through
10 our witnesses, enough evidence to show you that
11 --

12 CHAIRMAN GARCIA: Yeah.

13 MR. ALONSO: -- in fact, it is. It's --
14 it's exactly the same. There are no new
15 variances. The same parking spaces.
16 Everything's the same. Just we have one less
17 story, but the same number of feet in terms of
18 linear height.

19 CHAIRMAN GARCIA: It's just one -- it's one
20 -- you're cutting one story.

21 MR. ALONSO: Correct.

22 CHAIRMAN GARCIA: But the same number of
23 unit.

24 MR. ALONSO: Correct.

25 CHAIRMAN GARCIA: Smaller units, but still

1 | in compliance with the size of --

2 | MR. ALONSO: Right. Same bedroom count,
3 | same parking spaces.

4 | CHAIRMAN GARCIA: Same parking spaces.

5 | And I don't have any question.

6 | You have any question?

7 | MR. GRULLON: It was just the ceiling
8 | height that you changed?

9 | MR. ALONSO: Right. One -- yeah.

10 | MR. GRULLON: In order to --

11 | MR. ALONSO: The ceiling -- yeah. The
12 | ceiling heights changed now. They're actually a
13 | little taller, the ceiling heights. But the
14 | actual square footage is a little smaller.

15 | CHAIRMAN GARCIA: Basically, I mean, yes,
16 | it's something like kind of interpretation to say
17 | yes, this is same approval with just cutting one
18 | floor with the same height, because you are --
19 | you requested same height at that time, and the
20 | same number of units, same parking space, same
21 | everything, except one story less.

22 | I'm also going to thank you -- thanks to
23 | your client for the courtesy to accept to move
24 | this application for today, due to the
25 | clarification that we need --

1 MR. ALONSO: You're welcome.

2 CHAIRMAN GARCIA: -- to go through with the
3 adjacent property.

4 I think that it's enough evidence to --
5 Mr. Spatz?

6 MR. SPATZ: Yes?

7 CHAIRMAN GARCIA: Can you give your opinion
8 --

9 MR. SPATZ: Yes.

10 CHAIRMAN GARCIA: -- about that is the same
11 thing, it is like just --

12 MR. SPATZ: It -- it is the same project as
13 before, as was testified to, with the exception
14 of the number of stories. But the overall height
15 hasn't changed. It isn't as if they've added a
16 story and squeezed it in within the height.
17 They've reduced the number of stories.

18 The variances don't change. They're all --
19 they were all granted previously and none of them
20 have been enlarged or expanded upon since the
21 original one.

22 So, I think this Board could find that it
23 is essentially the same project, and -- you know,
24 provide that information to the Building
25 Department so that they'd be able to issue the

1 permits.

2 CHAIRMAN GARCIA: But that means that if
3 they going to -- if we say no, and they come with
4 the same application, they are going to request
5 the same variance that was approved before.

6 MR. SPATZ: That's right.

7 CHAIRMAN GARCIA: Right?

8 Okay.

9 MR. SPATZ: Right.

10 The Ordinance has changed, but so certain
11 ones -- certain variances that were granted are
12 no longer needed --

13 CHAIRMAN GARCIA: Right.

14 MR. SPATZ: -- actually.

15 CHAIRMAN GARCIA: Right.

16 MR. SPATZ: But essentially, everything
17 else is the same. The apartments meet our
18 current Ordinance, as far as the size goes, so
19 there's no change in anything that affects the
20 density either. They are all conforming --

21 CHAIRMAN GARCIA: Bless you.

22 MR. ALONSO: Bless you.

23 MR. SPATZ: -- to size.

24 MR. ISA: Excuse me.

25 CHAIRMAN GARCIA: Okay.

1 I think that like it is enough evidence
2 already to -- to interpretate that is a -- that
3 we could accept it as the same application that
4 was granted back in time.

5 I don't recall exactly the year, but I know
6 it was awhile ago.

7 So, and also, taking in consideration Mr.
8 Spatz statement, also. I think that it's enough
9 reason to grant the interpretation as the same
10 building that was -- the same application that
11 was approved before.

12 I make my motion to grant it.

13 THE SECRETARY: Motion to approve the
14 application by Chairman Andres Garcia.

15 CHAIRMAN GARCIA: By the way, for the
16 record, is not approving the application, it's
17 approving the interpretation. Just for the
18 record.

19 THE SECRETARY: Motion to approve
20 interpretation by Chairman Andres Garcia.

21 Second by?

22 MR. BONACCI: Second.

23 THE SECRETARY: Second by Mr. Bonacci.

24 Roll call to approve the interpretation for
25 this application.

1 Chairman Garcia?

2 CHAIRMAN GARCIA: Yes.

3 THE SECRETARY: Victor Grullon?

4 MR. GRULLON: Yes, I accept it as the same
5 application.

6 THE SECRETARY: Victor? You say yes?

7 MR. GRULLON: Yes.

8 THE SECRETARY: Miguel Ortiz?

9 MR. ORTIZ: Yes.

10 THE SECRETARY: David Pressey?

11 MR. PRESSEY: Yes.

12 THE SECRETARY: Khaled Dardir?

13 MR. DARDIR: Yes.

14 THE SECRETARY: John Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Joseph Bonacci?

17 MR. BONACCI: Yes.

18 THE SECRETARY: Motion carries. Seven in
19 favor.

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1 **RESOLUTIONS:**

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3 Liberty Park at Union City, LLC -- 649-651 38th
4 Street:

5 CHAIRMAN GARCIA: Before we go to the next
6 item, one of the -- one of the promise that we
7 did to -- to the applicant in order for them to
8 also accept to move the application to today, and
9 I -- we also asked our counsel if he's going to
10 be -- if it's doable, is to -- to adopt the
11 Resolution today.

12 So, now, out of agenda, I want to make my
13 motion to adopt this Resolution.

14 THE SECRETARY: Motion to adopt the
15 Resolution, Chairman Andres Garcia.

16 Second by Mr. Bonacci.

17 Roll call to approve the Resolution.

18 Chairman Andres 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: David Pressey?

25 MR. PRESSEY: Yes.

1 THE SECRETARY: Khaled Dardir?

2 MR. DARDIR: Yes.

3 THE SECRETARY: John Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Joseph Bonacci?

6 MR. BONACCI: Yes.

7 THE SECRETARY: Motion carries. Seven in
8 favor.

9 MR. ALONSO: Thank you very much.

10 CHAIRMAN GARCIA: No, no.

11 Thank you.

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

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

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4 THE SECRETARY: Next application on
5 tonight's agenda, Bhado Bhado Development, LLC,
6 1705 Palisade Avenue.

7 Mr. Alonso?

8 MR. ALONSO: Good evening, Mr. Chairman,
9 members of the Board.

10 Once again for the record, Alvaro Alonso,
11 Alonso Navarette, on behalf of the applicant.

12 This is an application -- Mr. Carballo is
13 getting set up here.

14 I believe that the Board has already
15 received the notices and the Board has obtained
16 jurisdiction.

17 So, with that said, I'm going to call my
18 first witness, Jose Carballo.

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

21 MR. DILLON: Please raise your right hand.

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

24 MR. CARBALLO: Yes, it is.

25 MR. DILLON: State your name and spell it

1 for the record.

2 MR. CARBALLO: Sure.

3 Jose Carballo, C-A-R-B-A-L-L-O.

4 MR. DILLON: Thank you.

5 MR. ALONSO: Mr. Chairman, Mr. Carballo has
6 appeared before this Board on a number of
7 occasions. I would ask that his qualifications
8 be accepted in the field of architecture.

9 CHAIRMAN GARCIA: Yes. It's our pleasure
10 and I think his qualification was accepted
11 before.

12 MR. CARBALLO: Thank you, Mr. Chairman.

13 And just to let you know, I still have a
14 license and it's valid.

15 CHAIRMAN GARCIA: You? Okay.

16 MR. CARBALLO: All paid for, so I'm -- I'm
17 ready to go.

18 CHAIRMAN GARCIA: I better believe you.
19 Okay.

20 MR. ALONSO: Mr. Carballo?

21 MR. CARBALLO: Yes?

22 MR. ALONSO: Did you prepare the
23 architectural plans that are before the Board
24 this evening?

25 MR. CARBALLO: Yes. My office did.

1 MR. ALONSO: Okay.

2 Now, currently, the property -- is it a
3 vacant lot?

4 MR. CARBALLO: It is a vacant lot.

5 MR. ALONSO: But we have a bit of a history
6 with this lot, don't we?

7 MR. CARBALLO: Certainly we do.

8 MR. ALONSO: Okay.

9 Can you briefly just review with the Board
10 what we -- what has happened over the recent
11 years with this property owner?

12 MR. CARBALLO: Okay. There was a building
13 there that was built, but was never completed.
14 This building was -- I believe it was an 11 story
15 building. Oddly enough, it was all wood frame.
16 And what they did is they built it on top of an
17 existing warehouse, and it only had the one
18 parking level at the bottom and everything else
19 on top of that, and I believe it was 36 units.

20 The reason it was never completed is that
21 one of the exterior walls, which was a wall that
22 was supposed to be finished from the outside, was
23 right adjacent to the neighbor's property line.
24 And that neighbor had actually opposed the -- the
25 project.

1 So, when it came time for the building to
2 finish, that -- that wall, they were not granted
3 the air rights to be able to finish this
4 building.

5 And for many years, it stood there.

6 MR. ALONSO: You were not the architect on
7 the original application.

8 MR. CARBALLO: No. I was not the architect
9 of the original application.

10 MR. ALONSO: And our client was not the
11 applicant who came before the Board and obtained
12 the approvals.

13 MR. CARBALLO: That is also correct.

14 MR. ALONSO: And he actually bought it,
15 once the -- it got to that stage of the
16 construction.

17 MR. CARBALLO: That's -- that's right. My
18 client bought the building. He proceeded to make
19 an application in front of this Board.

20 He also proceeded to demolish the building
21 and the application was -- I guess my mind fails
22 me -- about seven, eight years ago.

23 And we actually, at that time, received
24 approvals for a nine story building, seven levels
25 of units, for 28 units and two parking levels

1 underneath that.

2 MR. ALONSO: Okay.

3 And that was never constructed.

4 MR. CARBALLO: That was never constructed.

5 MR. ALONSO: Okay.

6 And now we're here with this new
7 application, and please review with the Board --
8 give us just an overall what it is, and then just
9 you can go on to your plans.

10 MR. CARBALLO: Certainly.

11 The -- the vacant property is just shy of
12 75 by a hundred. I think it's like 74.5 by 99.5.

13 It -- it fronts on -- on Palisade Avenue,
14 and the -- it's a corner on 17th Street.

15 The property actually slopes down towards
16 the back, which allows us to -- actually, slopes
17 -- hold on -- look at the drawings.

18 The property actually slopes up towards the
19 back, which allows us to have a level from
20 Palisade Avenue that goes down, and a level from
21 17th Street that goes up to the second floor, the
22 second parking level.

23 And on top of that, we're actually going to
24 have the same number of units, at 28, but they're
25 lot smaller units.

1 MR. ALONSO: And the overall height is
2 going to be less.

3 MR. CARBALLO: The overall height is going
4 to be less.

5 CHAIRMAN GARCIA: We're missing some set of
6 plan?

7 Carlos?

8 MR. ISA: Carlos?

9 MR. ALONSO: There should be two sets.

10 CHAIRMAN GARCIA: Right.

11 MR. ALONSO: I believe there's --

12 CHAIRMAN GARCIA: We're missing two --
13 because you know, I don't see the chart of
14 variance or nothing here.

15 MR. CARBALLO: You don't see the what?

16 MR. ALONSO: Variances.

17 CHAIRMAN GARCIA: The variances or
18 anything, the chart.

19 MR. CARBALLO: No. There's actually an
20 engineering set of drawings that was provided to
21 the Board, as well. Not done by my office, by
22 somebody else --

23 CHAIRMAN GARCIA: Yeah. But I don't --
24 we're missing what you have there.

25 MR. ALONSO: Costa Engineering. You should

1 have a set.

2 MR. CARBALLO: There you go. Right behind
3 you.

4 CHAIRMAN GARCIA: Thank you.

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

7 MR. CARBALLO: Yes. I'm going to go
8 through the height and all that.

9 But again, the -- the original building
10 that we got approved was actually a nine story
11 building, seven residential units. I'm sorry,
12 seven residential floors of units, over two of
13 parking.

14 Just to give you a comparison of height.
15 If you look at this building, we actually have
16 four residential levels, and it's four -- one,
17 two, three, four -- over one parking level.

18 And as you can see how the land slopes,
19 this is -- this being Palisade Avenue, which goes
20 up towards the back. This is the entrance from
21 17th Street. This is the entrance from Palisade
22 Avenue.

23 MR. ALONSO: Okay.

24 And just to be clear for the record, the --
25 the plans that you were looking at with respect

1 to the topographical measurements for the
2 heights, that was from Costa Engineering.

3 Correct?

4 MR. CARBALLO: That's a set of drawings
5 from Costa Engineering. It's actually a four
6 page set of drawings. It's dated July 8th, 2014.

7 My plan, the architectural drawings, it's a
8 set of four drawings, as well, and it's dated
9 July -- August 26, '14.

10 And that's the set that everybody should
11 have in front of you.

12 MR. ALONSO: All right. So, and we're
13 going to be testifying, basically, from your
14 drawings.

15 MR. CARBALLO: That is correct.

16 So, on page A100 of four, you're going to
17 see the two parking levels. You're going to see
18 the -- the parking level on the left, which has
19 the lobby on the corner. And you have the
20 entrance on Palisade Avenue.

21 This level has 17 cars, including two
22 accessible parking spaces. It has the elevator.
23 It has a utility room towards the back. And you
24 can see the two means of egress from the
25 building.

1 As you go to the second floor, and you come
2 in this way, because that's the higher point, you
3 go to the second floor and you have 22 parking
4 spaces on that floor, for a total of 39 parking
5 spaces.

6 Some of them are tandem. We have six
7 tandem parking spaces. So, we -- we actually
8 have 20, 20, 11 -- 33 direct entry parking
9 spaces. We have 28 units. So, we have at least
10 one direct entry parking space per unit.

11 MR. ALONSO: And how many handicap spaces?

12 MR. CARBALLO: There's -- there's actually
13 three handicap parking spaces. I think we only
14 need two, but we provided three.

15 The building -- the building -- the
16 residential floors are all the same. They have
17 -- they contain seven one bedroom units. The
18 sizes go from 680, which is the smallest unit, to
19 974, which is the largest unit.

20 Again, they're all one bedroom units.
21 Because it is an elevator building, every single
22 one of these units is handicap adaptable, which
23 is what the Code calls for, which means they
24 could be made accessible.

25 And the building is fully sprinklered, not

1 | only the residential floors, but the parking
2 | areas as well.

3 | Going to the elevations. The elevations
4 | have a combination of brick, metal panels, as
5 | well as cement reinforce board -- fiberglass
6 | reinforced cement board.

7 | As you can see, it's -- it's modern in
8 | style. It has a lot of glass.

9 | This being the façade that faces New York
10 | City, so we wanted to give it as much glass as
11 | possible. This is the one facing 17th Street,
12 | from which you could also get views of New York
13 | City.

14 | MR. ALONSO: And with respect to those
15 | building materials and the façade, you're aware
16 | that Union City passed an Ordinance recently
17 | prohibiting certain types of building materials
18 | on the façade.

19 | Correct?

20 | MR. CARBALLO: That -- that is correct.

21 | MR. ALONSO: And we would obviously comply
22 | with that Ordinance.

23 | MR. CARBALLO: Certainly. We're actually
24 | compliant with this building. We're not
25 | providing any of those materials that have been

1 prohibited.

2 MR. ALONSO: Okay.

3 Can you tell us where the trash is going to
4 be located?

5 MR. CARBALLO: If you go back to the floor
6 plan, there's an area back in here that's all
7 utilities -- trash, meters, fire -- you know, the
8 fire valve for the sprinkler system. That's all
9 located towards the back on the building on 17th
10 Street and it's directly adjacent to the street.

11 MR. ALONSO: Okay.

12 Is there anything on the roof?

13 MR. CARBALLO: We're providing a rooftop
14 deck, only for the -- the residents. And that's
15 located on the -- the east side of the building,
16 as you can see from the Palisade Avenue
17 elevation.

18 Again, it's probably going to be around
19 five, 600 square feet. And basically, will have
20 access to the roof through the elevator, as well
21 as through stairs for the means of egress that
22 are required.

23 MR. ALONSO: Okay.

24 Is there anything else you need to add with
25 respect to the architecture?

1 MR. CARBALLO: It's a great looking
2 building. It should be built.

3 MR. ALONSO: Mr. Chairman, I have no
4 further questions.

5 CHAIRMAN GARCIA: Okay. I have a question
6 for you.

7 MR. ALONSO: Sure.

8 CHAIRMAN GARCIA: Can you read number 13?

9 MR. ALONSO: Okay. Let me just look in the
10 file.

11 CHAIRMAN GARCIA: Just for the record, the
12 state -- number 13 in the report -- in Mr. Spatz
13 report, memorandum, is that the statement of the
14 Tax Collector indicate that the fourth quarter
15 for 2014 is currently not paid.

16 That's what I showed to Mr. Alonso.

17 MR. ALONSO: You should have an updated
18 one.

19 MR. DARDIR: Would that include this
20 quarter, too?

21 CHAIRMAN GARCIA: Huh?

22 MR. DARDIR: Would it include this quarter,
23 as well, as for the first quarter?

24 CHAIRMAN GARCIA: Actually, we a little bit
25 more open for just last quarter, is okay, but if

1 the fourth quarter is not paid, then we're
2 talking about, like it's delinquent.

3 MR. ISA: Yeah.

4 CHAIRMAN GARCIA: So, our procedure is to
5 don't listen any application that is --

6 Let's take two minute break.

7 MR. ALONSO: Sure.

8

9 (Whereupon, the Board recessed from 7:36
10 p.m. to 7:43 p.m.)

11

12 THE SECRETARY: Attention, please.

13 We're going back in business.

14 Mr. Chairman?

15 MR. DILLON: We're ready.

16 MR. ALONSO: Thank you, Mr. Chairman.

17 I reviewed the tax certification, statement
18 by the Tax Assessor.

19 If you look at it, it was signed by the Tax
20 Assessor on November 5, 2014. At that time, they
21 did check off the box that says certification
22 that the taxes on the above referenced property
23 are current to date.

24 There is a notation that the fourth quarter
25 taxes were due on November 10, which is five days

1 | later, and they were not paid yet. They weren't
2 | paid because they weren't due.

3 | I have spoken to my client. He indicates
4 | that those taxes were, in fact, paid, and they
5 | are paid current.

6 | And we will provide an updated
7 | certification, just to show that they are paid.

8 | MR. ISA: Yeah. I -- I would suggest to
9 | the Board that given that at the time that the
10 | application was submitted, the taxes were
11 | current. And you know, the -- the applicant
12 | attested that they're still current, that the
13 | Board can proceed with the application and any --
14 | and if it makes any decision it might make, could
15 | be -- you know, kind of pending -- you know,
16 | receipt of --

17 | CHAIRMAN GARCIA: Right.

18 | MR. ISA: -- of an updated --

19 | CHAIRMAN GARCIA: Yes.

20 | MR. ISA: -- tax information.

21 | CHAIRMAN GARCIA: Okay.

22 | MR. ALONSO: Okay.

23 | Mr. -- Mr. Carballo, one of the things we
24 | didn't discuss was the mechanical systems of the
25 | building.

1 MR. CARBALLO: Certainly.

2 I just want to make two comments on that.
3 As you can see, we wanted to make a building that
4 was nice, very appealing, really aesthetic.

5 So, we basically eliminated two things.
6 One of them is we eliminated the PTAC units, or
7 the grills that you see on the outside of the
8 building.

9 This building's HVAC, or heating
10 ventilating, air conditioning system is going to
11 be an internal forced air system, meaning that
12 we're going to have 24 small packages, or
13 condensers on the roof.

14 These are very tiny. And they will be
15 covered so that -- you know, they could not be
16 seen from the street.

17 Second thing that -- that we did is we made
18 the building, the parking areas enclosed. It's
19 not an open garage. It's an enclosed garage,
20 which means that we have to exhaust the fumes.
21 Again, that's all going to be done through the
22 building and up to the roof. And it's small bell
23 like structure that will be on the -- on the roof
24 of that.

25 So, those are the -- the two things that we

1 wanted to bring up.

2 MR. ALONSO: Mr. Chairman, I have nothing
3 further.

4 CHAIRMAN GARCIA: Mr. Carballo, can you --
5 I mean, that -- the peninsula that you have
6 there, the peninsula window.

7 MR. CARBALLO: I'm sorry. The what?

8 CHAIRMAN GARCIA: That's what you call
9 that?

10 MR. CARBALLO: I'm sorry?

11 CHAIRMAN GARCIA: It's not a bay window.
12 It's a bay window? How do you call that?

13 MR. CARBALLO: Which one? This?

14 CHAIRMAN GARCIA: Yes.

15 MR. CARBALLO: That window?

16 CHAIRMAN GARCIA: The one -- the one --
17 this -- can you go to the façade? The first one.
18 The -- the first --

19 MR. CARBALLO: This one here.

20 CHAIRMAN GARCIA: That you see that you
21 have like coming out.

22 MR. CARBALLO: It's cantilevering out foot.
23 Yes.

24 CHAIRMAN GARCIA: A foot. And when -- when
25 you go to the setback --

1 MR. CARBALLO: Um hum.

2 CHAIRMAN GARCIA: -- the setback of the
3 building --

4 MR. CARBALLO: Right.

5 CHAIRMAN GARCIA: -- so that one going to
6 go hanging --

7 MR. CARBALLO: That -- that's correct.

8 CHAIRMAN GARCIA: -- over the --

9 MR. CARBALLO: That's correct. That's --
10 that's going to overhang the -- the property
11 line.

12 CHAIRMAN GARCIA: Overhang the property
13 line.

14 MR. CARBALLO: And I know that we have to
15 go in front of Mayor and Council to get that
16 approved.

17 Should we not get that approved, we will
18 pull it back. What we wanted to do is basically
19 give the building a little bit of interest, and
20 -- and have some shadow lines, which you can see
21 from -- from the shadows that we put on the -- on
22 the elevations.

23 CHAIRMAN GARCIA: And going to through the
24 -- through the setback, the one on north side and
25 one -- not the front setback, the side setback.

1 The rear setback and the side, to the west.

2 MR. CARBALLO: Okay. That's going to be
3 engineering drawings.

4 CHAIRMAN GARCIA: Huh?

5 MR. CARBALLO: That's going to be
6 engineering drawings for that.

7 CHAIRMAN GARCIA: Okay. Oh, you prefer
8 that we go to the engineering?

9 MR. CARBALLO: Well, it's -- ask your
10 question and -- and then, we'll -- we'll see how
11 --

12 CHAIRMAN GARCIA: Can -- can you give me --
13 how many feet setback you going to have on the --
14 on the east side?

15 MR. CARBALLO: We are, from the -- I guess
16 the north setback, which is the one adjacent on
17 the side, we have six inches. And that is six
18 inches to the parking levels.

19 And in the back, we have another six
20 inches, as well.

21 CHAIRMAN GARCIA: When you say in the
22 parking level, you mean on the ground level is
23 six inches.

24 MR. CARBALLO: That's correct.

25 CHAIRMAN GARCIA: And then, you're showing

1 the building after the parking level.

2 MR. CARBALLO: That's correct. Once we get
3 up to the top, that building is approximately
4 five feet one from the property line.

5 CHAIRMAN GARCIA: Five foot. Okay.

6 That's going to be the same -- both sides,
7 right?

8 MR. CARBALLO: That's going to be -- well,
9 the one side and the rear of the property.

10 CHAIRMAN GARCIA: Yeah. Okay.

11 I think I'm going to go to the engineer.

12 Can you go through the layout of the
13 parking lot?

14 MR. CARBALLO: Okay. So, the lower parking
15 level, it's a level that comes from Palisade
16 Avenue. This is the door. This is the drive up
17 lane, drive up lane, and it has parking spaces at
18 both sides of that.

19 Towards, the back, we have the parking
20 spaces for the -- the handicap accessible
21 vehicle.

22 The depth of the garages are 17 on one
23 side, 16 feet two on the other side. And the
24 drive up lane is -- it's about 21 and a half
25 feet, on the first level.

1 Second level is accessed from seven -- 17.
2 That goes up. You have a small ramp going from
3 that level. Again, it's the same layout, where
4 you have a drive up aisle and you have parking
5 spaces at either side of the drive up aisle.

6 CHAIRMAN GARCIA: You only going to have
7 one -- one entry.

8 Right?

9 MR. CARBALLO: Going to have two entrances.
10 One from Palisade --

11 CHAIRMAN GARCIA: One Palisade and --

12 MR. CARBALLO: -- one from 17.

13 CHAIRMAN GARCIA: -- one from 17. Okay.

14 MR. CARBALLO: That's correct.

15 CHAIRMAN GARCIA: And can you go through
16 the size of the -- of the parking spaces?

17 MR. CARBALLO: Parking spaces are about
18 eight and a half feet by seventeen, or sixteen
19 two, the smallest one.

20 CHAIRMAN GARCIA: And all the unit going to
21 be one bedroom apartment.

22 MR. CARBALLO: All -- all 28 units will be
23 one bedroom units.

24 CHAIRMAN GARCIA: And how -- can you figure
25 out -- can you explain to me the terrace on the

1 top?

2 MR. CARBALLO: The terrace at the top --
3 you know, I guess we didn't put it -- we didn't
4 show a plan for that.

5 But basically, what we're going to do is
6 we're going to extend the elevator, we're going
7 to extend the two stairs, provide a way to access
8 this front area over here, for -- you know, I
9 guess, appreciation of New York City.

10 That's where you have the best views of New
11 York City, as well as the front of the building.

12 CHAIRMAN GARCIA: And in the façade, you
13 have kind of balcony, or those -- those are what,
14 French balcony?

15 MR. CARBALLO: No. They're -- they're not.
16 What we wanted to do was just to show that we do
17 have a terrace up on top. So -- so, we provided
18 a -- a railing on that upper floor.

19 What we did is basically just continue the
20 elevation, just to tie it out to that portion of
21 the roof.

22 CHAIRMAN GARCIA: It's just a railing.

23 MR. CARBALLO: It's just -- it's just a
24 railing. And this portion of it comes up. It's
25 just a wall thing. It doesn't go back. It

1 | doesn't cover it. It doesn't -- it doesn't make
2 | it another story.

3 | CHAIRMAN GARCIA: Okay. Any question for
4 | the architect, for now?

5 | MR. PRESSEY: It's a 28 unit?

6 | MR. CARBALLO: Yes.

7 | MR. PRESSEY: Would you happen to have any
8 | type of laundry facility?

9 | MR. CARBALLO: They'll -- each one of the
10 | units will have its own washer, stackable
11 | washer/dryer area.

12 | MR. PRESSEY: Are there any cameras on the
13 | top of there at all?

14 | MR. CARBALLO: I'm sorry?

15 | MR. PRESSEY: Cameras?

16 | MR. CARBALLO: Cameras? Well, the building
17 | will have a security system. We haven't even
18 | gone into that, yet. But yes, it will have a
19 | security system.

20 | You know, for example, the door is -- the
21 | garage doors will be remotely open by -- you
22 | know, residents of the building, as well as --
23 | you know, we'll provide some security going into
24 | the lobby, for -- you know, obviously, tenants or
25 | owners, as well as visitors.

1 MR. PRESSEY: Okay.

2 Thank you.

3 MR. CARBALLO: You're welcome.

4 MR. MEDINA: Seven floor, right?

5 MR. CARBALLO: No. It's actually four
6 residential floors, even though we have two
7 levels of parking, there's only one level,
8 because --

9 MR. MEDINA: So, how many unit by floor?

10 MR. CARBALLO: How many what?

11 MR. MEDINA: How many unit by floor?

12 MR. CARBALLO: There's seven units per
13 floor.

14 MR. MEDINA: Seven?

15 MR. CARBALLO: Seven times four, which is
16 the residential floors, is 28.

17 MR. DARDIR: The parking lots are not
18 linked, right? They're two separate.

19 MR. CARBALLO: No. They're two separate
20 parking lots.

21 MR. DARDIR: And it's spot for -- pretty
22 much the resident, would they have to pay extra
23 for a spot?

24 MR. CARBALLO: I --

25 MR. DARDIR: You don't know that.

1 MR. CARBALLO: I don't know that.

2 MR. DARDIR: Okay.

3 MR. CARBALLO: Right.

4 MR. ALONSO: But each unit would have at
5 least one independent spot.

6 MR. CARBALLO: Be one unit -- one spot will
7 be assigned per unit.

8 MR. ALONSO: Correct.

9 MR. DARDIR: Is the -- I'm not -- I know
10 the area. The surrounding area, does it have a
11 building that's six stories within that one block
12 radius?

13 I know across the street is the -- that --
14 that reservoir, or --

15 MR. CARBALLO: There's a building, which
16 you will hear later, which is actually six
17 stories on Palisade Avenue, and eight stories on
18 Manhattan.

19 MR. DARDIR: Okay.

20 MR. CARBALLO: And that has been previously
21 approved by this Board. It's -- it's two blocks
22 away from here.

23 CHAIRMAN GARCIA: Can you -- can you go
24 back again for the -- because we have an issue
25 with the Building Department now, with -- I want

1 to be clear, where the -- where the floor.

2 You said that you have four residential
3 unit.

4 MR. CARBALLO: That I have what? I'm
5 sorry.

6 MR. ALONSO: Residential floors.

7 CHAIRMAN GARCIA: Four residential unit --
8 I mean, sorry.

9 MR. CARBALLO: Four residential floors.

10 CHAIRMAN GARCIA: Floor, over two parking.

11 MR. CARBALLO: That is correct.

12 CHAIRMAN GARCIA: So, in total, is six
13 story.

14 MR. CARBALLO: It's six levels. It's five
15 stories.

16 MR. DARDIR: Well, from Palisade, it would
17 be six.

18 MR. CARBALLO: From Palisade, would be six
19 levels. Correct.

20 MR. DARDIR: The address is on Palisade.

21 MR. CARBALLO: The address on Palisade
22 Avenue.

23 MR. DARDIR: So, six.

24 CHAIRMAN GARCIA: Okay.

25 And it's good to clarify now, because we're

1 having another application coming back --

2 MR. CARBALLO: I -- I agree with you.

3 CHAIRMAN GARCIA: -- for that issue.

4 MR. CARBALLO: It's actually six levels of
5 building, four residential over two parking.

6 CHAIRMAN GARCIA: Right. Okay.

7 MR. MEDINA: So, it's 39 -- 39 parking
8 space.

9 MR. CARBALLO: It's 39 parking -- 39
10 parking spaces. Correct.

11 MR. MEDINA: And 28 unit.

12 MR. CARBALLO: For 28 units. Correct.

13 Forty-one?

14 I'm sorry. Forty-one parking spaces. I'm
15 sorry.

16 MR. MEDINA: Oh, 41.

17 MR. CARBALLO: I'm being corrected again.

18 MR. MEDINA: Okay.

19 MR. CARBALLO: Forty-one parking spaces for
20 28 units.

21 MR. MEDINA: Okay.

22 CHAIRMAN GARCIA: Actually, the -- the
23 layout here says 17 plus 22 is 39.

24 MR. CARBALLO: Again, let me make sure.

25 CHAIRMAN GARCIA: I mean, that's what it

1 say here. But it's like --

2 MR. CARBALLO: Let's -- let's make sure.

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

5 CHAIRMAN GARCIA: Plus 22.

6 MR. CARBALLO: It's actually 41; 22 plus
7 19.

8 There's parking spaces, the stairs as they
9 come down, they allow to park underneath. And
10 so, we do have a couple more parking spaces under
11 that.

12 So, it's 22 plus 19, is 41 parking spaces.

13 CHAIRMAN GARCIA: So, by the -- the one
14 next to the elevator --

15 MR. CARBALLO: Correct.

16 CHAIRMAN GARCIA: -- and the other one is
17 by -- next to 13.

18 MR. CARBALLO: That is correct.

19 MR. DARDIR: Are those two behind each
20 other? Those parking spots?

21 MR. CARBALLO: On the second floor?

22 MR. DARDIR: Yeah.

23 MR. CARBALLO: Yes. You have tandem
24 parking spaces.

25 MR. DARDIR: So, whoever -- so how would

1 | that work?

2 | MR. CARBALLO: They will be assigned to the
3 | same unit.

4 | MR. DARDIR: Okay.

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

7 | CHAIRMAN GARCIA: Okay.

8 | I have no further questions for you, Mr.
9 | Carballo, for now.

10 | MR. CARBALLO: Okay.

11 | Thank you.

12 | CHAIRMAN GARCIA: Can you bring your --

13 | MR. ALONSO: Thank you.

14 | My next witness is Joseph Staigar.

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

17 | MR. DILLON: Please raise your right hand.

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

20 | MR. STAIGAR: Yes, I do.

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

23 | MR. STAIGAR: Yes. My name's Joseph
24 | Staigar, S-T-A-I-G-A-R.

25 | MR. ALONSO: Mr. Staigar, can you please

1 review professional qualifications in the field
2 of traffic engineering?

3 MR. STAIGAR: Yes.

4 I have a bachelor of science, a master of
5 science degrees from New Jersey Institute of
6 Technology. I've been a professor -- adjunct
7 professor of traffic engineering at NJIT.
8 Professional engineer, licensed in the State of
9 New Jersey. Also, professional planner. And
10 I'll be here as a traffic consultant.

11 I've appeared before this Board many
12 occasions.

13 Thank you.

14 MR. ALONSO: Thank you, Mr. Chairman.

15 MR. ISA: We accept his qualifications.

16 MR. ALONSO: Now, in connection with this
17 application, what was the scope of the -- of the
18 work that you were retained to perform?

19 MR. STAIGAR: Prepare a traffic impact
20 analysis to determine whether, and assess the
21 potential impacts on traffic conditions, exterior
22 traffic conditions, but also, then, work hand in
23 hand with the architect, in designing the -- the
24 parking lot and the site, to ensure there's
25 adequate and safe access to and from the site.

1 MR. ALONSO: Okay. Can you please review
2 your -- your study --

3 MR. STAIGAR: Yes.

4 MR. ALONSO: -- with the Board?

5 MR. STAIGAR: And actually, this is a
6 restudy. We studied this site for the applicant
7 a few years ago, back in 2005 or '6.

8 So, we went back out there and we took
9 updated traffic counts. We took those traffic
10 counts a couple of Tuesdays ago, on a Tuesday,
11 March 31st, during the typical peak hours. Seven
12 a.m. in the morning, and four to six p.m.

13 For residential uses, weekdays, during the
14 rush hours, are the peak hours. They're the
15 worst case condition, when the roadway volumes
16 are at its highest, and the site is generating
17 the maximum volume of its traffic, as well.

18 We have pretty good access at this site, in
19 that Palisade Avenue is a two way traffic flow.
20 And -- and 17th Street will -- on which we are on
21 the corner, have access from, is a one way
22 westbound street.

23 So, anybody making a -- a turn into -- into
24 the driveway, as a left turn, which would be the
25 most -- more difficult one, has only the -- the

1 southbound Palisade Avenue traffic to contend
2 with.

3 Traveling from the north, or someone would
4 -- just make a free flow right turn into the
5 site.

6 Right now, the intersection of 17th and
7 Palisade works at -- at level of service A. And
8 just as in grade school, level services range
9 from A through F.

10 So, we're up in that upper range. And the
11 reason being is the one way traffic flow on -- on
12 Palisade Avenue.

13 Palisade Avenue is one of your heavier
14 streets, in terms of volume in the city. But
15 this -- this poses no impact, because once we
16 superimpose the traffic that will be generated by
17 the site, you stay at the good levels of service.

18 Twenty-eight units. Given adjustments of
19 -- of what the trip generation characteristics
20 are for rental units, one bedroom rental units in
21 Union City, this site will generate ten trips per
22 hour, during the peak hour.

23 And typically, a residential use is a low
24 intensive trip generator, because people go to
25 work, or come home from work at varying times.

1 Some people don't even travel or commute
2 during the -- the commuter, typical rush hours.

3 But that ten -- ten trips per -- per hour
4 easily could be spread over a three hour period
5 in the morning, from six to nine or 6:30 to 9:30
6 in the morning.

7 And conversely, coming home, the same
8 thing. Coming home, some people come home at
9 four o'clock, some people may not be home until
10 6:30, or thereafter, on a typical rush hour
11 period.

12 Once we superimpose that traffic onto the
13 existing traffic volumes that we counted, again,
14 we stay at the good levels of service that we
15 are.

16 We analyzed the driveway, particularly on
17 Palisade Avenue entranceway, to ensure that
18 there's adequate gaps in traffic.

19 That -- that movement, which would then be
20 a shared, either a left turn or a right turn
21 coming out of that driveway, operates at level of
22 service C.

23 So, again, an acceptable level in -- in
24 rush hour conditions.

25 It's not until you get to the bottom of E,

1 or level of service F that you get a failed
2 condition, where the -- the volume exceeds the
3 capacity of that intersection.

4 So, we're in that upper good range of level
5 of service.

6 The last part of it is working with Mr.
7 Carballo, in -- in terms of the layout of the
8 site.

9 We have 49 parking spaces for 28 units.
10 And that --

11 MR. ALONSO: Forty-one.

12 MR. STAIGAR: Twenty --

13 MR. ALONSO: Forty-one parking spaces.

14 MR. STAIGAR: Forty-one spaces. Yes.

15 Forty-one parking spaces for the 28 units,
16 which equates to 1.46 parking spaces per unit.

17 We looked at the -- at the parking
18 requirements -- actually, the parking experience
19 of Union City and the number of vehicles per unit
20 for rental units in the city.

21 And that data comes from the census data,
22 as -- as our own traffic counts that we've taken
23 in the past.

24 And the parking demand for rental units,
25 especially for one bedroom units, is less than

1 one per unit.

2 So, whereas, we can expect in the order of
3 one, or less than one parking space required per
4 unit, we have one -- almost one and a half
5 parking spaces per unit.

6 So, we feel we have ample room for --
7 certainly for our residents, for all -- all
8 conditions.

9 The way that the parking situation will --
10 will work, what we have, for the 28 units, we
11 have 33 parking units. And the reason why I say
12 that is that we do have the tandem spaces. And
13 -- and we have one, two, three, four, five, six
14 of those tandem spaces, or 12 parking spaces.

15 And each one of those will be designated,
16 or reserved to a -- a specific unit. Probably
17 one with two cars, if -- if there is such a -- a
18 tenant.

19 And then, the remainder, which is 19, will
20 be provided for other units. All right?

21 If we have 12 minus the -- the 28 units,
22 that leaves us 16 units that will have a single
23 parking spaces.

24 And then, we'll have left over for guests,
25 or -- or any overflow, if a -- if a other unit

1 has -- so happens to have two cars, which would
2 be very unusual, they could use that parking.

3 So, in terms of parking, we have more than
4 ample space parking on this site for this type of
5 development.

6 We require three types of waivers from --
7 this is -- RSIS, the Residential Site Improvement
8 Standards dictates the requirements for the site.
9 And we have three de minimis exceptions that we
10 are requesting for that from the Board.

11 One is the number of spaces. RSIS says we
12 need 1.8 spaces per unit, which equates to 50
13 parking spaces.

14 We have 41. So, there's -- there's a
15 deminish -- deficiency of nine spaces.

16 Now, that 50 spaces is for the entire
17 state, not only here in Union City, but out in
18 Flemington, New Jersey, or Warren County would
19 require the same number of spaces.

20 But here, we have a site within a half a
21 mile walking distance of this site. There's 11
22 bus lines that can service as -- as mass transit.

23 And RSIS recognizes that under certain
24 circumstances, you can certainly approve such a
25 -- an exception, if you have availability of mass

1 transit. Urban environments provide
2 opportunities for people to walk or to carpool,
3 share ride with one another, as opposed to out in
4 -- in a rural area.

5 So, they recognize that -- that you -- that
6 sites such as this will have less parking demand.
7 And again, that's substantiated by the data that
8 we've collected.

9 The aisle width is only 21 and a half feet;
10 24 feet is required by RSIS.

11 And then, the size of the spaces -- for the
12 most part, they have an adequate width, but some
13 of the lengths are -- are smaller than what RSIS
14 requires. Eighteen feet. We have in the order
15 of 16 and 17 feet.

16 These spaces will be reserved for specific
17 tenants, for the most part. They'll be low --
18 low turnover. Primarily, if they use their car
19 day in and day out, it will leave in the morning,
20 come back in the afternoon, so there's not a
21 constant turnover of -- of vehicle movement.

22 They'll -- this is a garaged area. The
23 residents will be -- will be used to a little bit
24 tighter layout than if they were stopping into a
25 7-Eleven, or someplace, a retail type of use on

1 the road.

2 So, they'll be cognizant of the -- of the
3 somewhat limitations.

4 However, what we did was we -- we analyzed
5 the site with turning templates, for full sized
6 vehicles, and they certainly can be accessed.

7 So, it's not that they can't be accessed,
8 is that someone who's going to be accustomed to
9 driving in here will know that they got to hug to
10 the right side if they're going to make a turn
11 into the parking space.

12 And in so doing, they can get in and out
13 conveniently and -- and safely.

14 So, it will -- it is designed to
15 accommodate all types of turning movements in a
16 safe and efficient manner.

17 MR. ALONSO: Okay. In terms of the
18 traffic, did you form an opinion as to whether or
19 not there will be a degradation in the levels of
20 service?

21 MR. STAIGAR: No. And exactly so. We
22 quantitatively determined that by taking the
23 traffic counts, by doing the analysis to
24 determine that there would be no impact, or no
25 degradation in levels of service. No impact on

1 traffic conditions and no degradation.

2 MR. ALONSO: Mr. Chairman, I have no
3 further questions.

4 CHAIRMAN GARCIA: The -- the entry through
5 17th Street --

6 MR. STAIGAR: Yes.

7 CHAIRMAN GARCIA: -- also has 21 feet wide?

8 MR. STAIGAR: No. That entry -- that entry
9 coming off the road -- actually, the --

10 CHAIRMAN GARCIA: The driveway?

11 MR. STAIGAR: -- if you look at the curb
12 cut, is only 15 feet wide on -- on the
13 engineering plan.

14 CHAIRMAN GARCIA: But here is only 15?

15 MR. STAIGAR: On the -- at the curb line.

16 CHAIRMAN GARCIA: No. But I'm talking
17 about --

18 MR. STAIGAR: No. There --

19 CHAIRMAN GARCIA: -- getting to the --

20 MR. STAIGAR: -- I'm going to have to ask
21 Jose, wherever he may be.

22 MR. CARBALLO: Sixteen.

23 MR. STAIGAR: Sixteen feet.

24 CHAIRMAN GARCIA: And 16, and you're going
25 to turn it to 21.

1 Right?

2 MR. STAIGAR: That's correct. Yes.

3 CHAIRMAN GARCIA: When you make the right
4 to park.

5 MR. STAIGAR: Correct. Yes.

6 CHAIRMAN GARCIA: Okay.

7 MR. STAIGAR: This is -- yes. The 16 feet,
8 as you come in, and then, as you make the turn,
9 it will be 20 -- 21 and a half feet, for the
10 parking maneuvers.

11 CHAIRMAN GARCIA: Okay.

12 And just you said that this only one
13 bedroom apartment, all the apartment.

14 MR. STAIGAR: Yes.

15 CHAIRMAN GARCIA: Right?

16 MR. STAIGAR: Yes.

17 CHAIRMAN GARCIA: And Mr. Staigar, you did
18 your study, you said, March the 31st?

19 MR. STAIGAR: Yes.

20 CHAIRMAN GARCIA: And that was Tuesday.
21 Right?

22 MR. STAIGAR: Yes.

23 CHAIRMAN GARCIA: That was full day or was
24 it spring break?

25 MR. DARDIR: No school; March 31st.

1 MR. MEDINA: School.

2 MR. DARDIR: Spring break is this week.

3 CHAIRMAN GARCIA: This week.

4 MR. STAIGAR: Yeah.

5 CHAIRMAN GARCIA: Okay.

6 MR. STAIGAR: We always check -- I know
7 right around this time, different school --

8 CHAIRMAN GARCIA: Right.

9 MR. STAIGAR: -- school districts have --

10 CHAIRMAN GARCIA: Yeah. Yeah. I mean,
11 it's like my daughter had a spring break like
12 three weeks ago.

13 MR. STAIGAR: Okay.

14 CHAIRMAN GARCIA: Two weeks ago. So, it's
15 like --

16 And 17th Street doesn't have traffic light.
17 Right?

18 MR. STAIGAR: No. There's no traffic light
19 at --

20 CHAIRMAN GARCIA: You have a traffic --

21 MR. STAIGAR: -- at Palisade.

22 CHAIRMAN GARCIA: -- light in the --

23 MR. STAIGAR: At 18th Street.

24 CHAIRMAN GARCIA: At 18th Street.

25 MR. STAIGAR: Half a -- yeah. Actually, a

1 half a block to the north --

2 CHAIRMAN GARCIA: Traffic light.

3 MR. STAIGAR: -- there's an offset
4 intersection of 18th Street, with two traffic
5 signals.

6 CHAIRMAN GARCIA: Yes.

7 MR. STAIGAR: And -- and that produces gaps
8 in traffic, because what that does it stops
9 traffic and starts it up again, so it provides
10 those gaps in traffic to get --

11 CHAIRMAN GARCIA: That's the worst --

12 MR. STAIGAR: -- out.

13 CHAIRMAN GARCIA: -- traffic light in Union
14 City.

15 MR. STAIGAR: It is?

16 CHAIRMAN GARCIA: When you're coming --
17 yeah. When you're coming on 18th Street, to make
18 a right on Palisade Avenue --

19 MR. DARDIR: Double stop.

20 MR. STAIGAR: Because you double stop.
21 Yeah. Because --

22 CHAIRMAN GARCIA: Disaster.

23 MR. STAIGAR: Right. And they're put there
24 purpose --

25 CHAIRMAN GARCIA: I mean, that doesn't --

1 | that doesn't -- I mean the building is -- doesn't
2 | going to impact that one there --

3 | MR. STAIGAR: Yeah. Yeah.

4 | CHAIRMAN GARCIA: -- I know, because --

5 | MR. STAIGAR: I understand.

6 | CHAIRMAN GARCIA: -- but it's -- it's the
7 | worst.

8 | MR. STAIGAR: Yeah.

9 | CHAIRMAN GARCIA: I mean, it's like kind of
10 | a --

11 | MR. STAIGAR: Yeah.

12 | CHAIRMAN GARCIA: I -- I avoid that corner,
13 | because it's like --

14 | MR. BONACCI: School zone. That's why it's
15 | a school zone.

16 | CHAIRMAN GARCIA: No. Yeah. But it's like
17 | making a right there --

18 | MR. DARDIR: The light. Because the
19 | streets are not aligned.

20 | MR. STAIGAR: Yeah. They're not aligned.

21 | CHAIRMAN GARCIA: Aligned. Right.

22 | MR. DARDIR: They're not aligned. Yeah.

23 | MR. STAIGAR: So, they're there, not to
24 | control -- they're there to control traffic, not
25 | because --

1 MR. DARDIR: Yeah.

2 MR. STAIGAR: -- you can't get in and out,
3 but because it stops traffic, so you can make
4 that zigzag movement through.

5 MR. DARDIR: I -- I have a question.

6 How -- how far is the entrance of the
7 parking lot on Palisade to the curb? Like --
8 because they would have to open the garage door.
9 Right?

10 MR. STAIGAR: Yes.

11 MR. CARBALLO: Yes.

12 MR. DARDIR: So, if they're waiting --

13 MR. STAIGAR: From -- from actually the
14 curb line, it's about -- it's about 45 feet to
15 the curb line of 17th Street.

16 MR. DARDIR: Because they don't wait to
17 wait on the street, they could --

18 MR. STAIGAR: Oh. Oh, you're saying --

19 MR. DARDIR: -- could open the door.

20 MR. STAIGAR: -- the depth itself.

21 MR. DARDIR: Yeah.

22 MR. STAIGAR: The building is 15.12. A
23 little over 15 feet from the curb line. So, that
24 will just fit an average car.

25 MR. DARDIR: Okay.

1 MR. STAIGAR: But just as if -- and I
2 believe that we'll have garage doors. Right?
3 And they'll be manually -- I'm sorry --
4 automatically -- you know, like a fob.

5 As you probably come down the street, you
6 might be 30, 40 feet away. You'll open that
7 door, and hopefully, by the time you get to the
8 thing --

9 MR. DARDIR: Yeah.

10 MR. STAIGAR: -- it will be opened up, so
11 --

12 But even if it doesn't, we have -- there's
13 a refuge area in the driveway.

14 MR. DARDIR: Okay.

15 But basically we can say there's 28 units,
16 and there will be -- for those units, 35 parking
17 spots then.

18 MR. STAIGAR: Thirty-three units of parking
19 --

20 MR. DARDIR: Okay.

21 MR. STAIGAR: -- spaces.

22 MR. DARDIR: Thirty-three units?

23 MR. STAIGAR: Yeah. If you know what I
24 mean?

25 MR. DARDIR: Yeah. Because six --

1 MR. STAIGAR: Six of them are doubles.

2 MR. DARDIR: Okay.

3 MR. STAIGAR: Yeah. So, it will be 33,
4 I'll call them parking units --

5 MR. DARDIR: Yeah. Okay.

6 MR. STAIGAR: -- for 28.

7 CHAIRMAN GARCIA: Now, going back, is 36.

8 MR. STAIGAR: Thirty-six.

9 CHAIRMAN GARCIA: You said 41, minus six.

10 MR. STAIGAR: You're right.

11 MR. DARDIR: That's 35. Thirty-five.

12 Thirty-five.

13 CHAIRMAN GARCIA: Thirty-five.

14 MR. STAIGAR: I'm getting confused. Right.

15 Thank you, Mr. Chairman.

16 CHAIRMAN GARCIA: That's if we are not
17 counting the tandem parking as a parking.

18 MR. DARDIR: Well, counting the tandem --

19 CHAIRMAN GARCIA: Right.

20 MR. DARDIR: -- as a unit.

21 CHAIRMAN GARCIA: Right. Right.

22 MR. MEDINA: Main -- main entrance to the
23 building, or the parking is from 17.

24 Correct?

25 MR. STAIGAR: The what? I'm sorry. Say

1 again.

2 MR. MEDINA: The main entrance, parking
3 aisle to get into the building --

4 MR. STAIGAR: Yeah.

5 MR. MEDINA: -- is from Palisade?

6 MR. STAIGAR: Oh, the main entrance?

7 MR. MEDINA: Yes.

8 MR. STAIGAR: The 20 -- there's 22 parking
9 spaces that have access from 17th Street, and 19
10 that have access to -- so, it's almost 50/50.
11 From -- 19 from Palisade.

12 MR. MEDINA: Okay.

13 MR. STAIGAR: So, there's two levels. You
14 come in. You can come into the top, or upper
15 level, say from 17th Street, where there are, as I
16 said, 22 spaces. And then, you come in from the
17 lower level, from Palisade.

18 Because the building rises from up --
19 upwards from Palisade.

20 So, it will be a 50/50 split.

21 MR. ORTIZ: Okay. Mr. Staigar, when the
22 cars exit, are they going to be turning right
23 onto Palisade?

24 MR. STAIGAR: They can -- Palisade's a two
25 way roadway, so they can turn left or right. We

1 analyzed it that way and we get level service C,
2 trying to either make a left or a right turn.

3 MR. DARDIR: And there's no issue or
4 problem with that.

5 MR. STAIGAR: There's no --

6 MR. DARDIR: There's no concern with that.

7 MR. STAIGAR: No. Good -- good gaps in
8 traffic, good -- good sight visibility.

9 MR. DARDIR: Okay.

10 MR. MEDINA: Well, the reason, Palisade is
11 two way.

12 Right?

13 MR. STAIGAR: Yes.

14 MR. MEDINA: Okay. So, you -- you know,
15 from the building, Palisade, you must have right,
16 it's two way, you can't make a left because -- as
17 you know, -- any accidents.

18 So, the point I'm trying to say is the
19 exits to -- from Palisade to the right side,
20 making a right, that's what I'm trying to explain
21 that it's not -- you know, depending the way the
22 parking -- enter to the parking is just trying to
23 look and make a right turn.

24 MR. STAIGAR: Well, you --

25 MR. MEDINA: Just one -- just a point.

1 MR. STAIGAR: Yeah. I understand. But
2 make -- because making a right turn is much
3 easier than making a left turn.

4 MR. MEDINA: That's it. That's the --

5 MR. STAIGAR: Right.

6 MR. MEDINA: Yeah.

7 MR. STAIGAR: But what we did was we
8 analyzed the intersection, with the two way
9 traffic on Palisades, people coming, go
10 southbound and northbound, and making that left
11 hand turn, there's a gap -- there's sufficient
12 gaps in traffic for the volume of traffic that
13 we're anticipating.

14 So, you'll be able to make a left or a
15 right, rather conveniently.

16 That left turn, as I said, is going to have
17 to wait for more -- more time, but you have a
18 level of service C when you average the rights
19 and lefts.

20 So, there's not going to be a line of cars
21 waiting. You'll have to pull up to the -- the
22 line, wait for your gap in traffic, which may
23 take 30 seconds or -- or 40 seconds, or 60
24 seconds, at time, but the gaps are there, to
25 allow that left hand turn.

1 CHAIRMAN GARCIA: But the impact going to
2 be -- the total building doesn't going to impact
3 in that intersection, because you have half
4 coming in through Palisade and half coming
5 through 17th Street.

6 MR. STAIGAR: Correct. You get that great
7 dispersion of traffic. Yes.

8 CHAIRMAN GARCIA: And no --

9 MR. STAIGAR: There's no -- there's no one
10 intersection that gets impacted by all this
11 traffic.

12 CHAIRMAN GARCIA: And just for the -- for
13 the -- for the member of the Board, I mean, I
14 remember back probably more than ten years ago,
15 one of my concern was that, in one of the
16 application, making a left in the two way
17 intersection, I remember that was on Park Avenue
18 and 43rd Street.

19 However, I mean, it is not illegal to make
20 the left there. You have to request to the City
21 to -- on that case, was I think to the County, to
22 put some posts or something to not allow to let
23 some -- to make the left or to the right, in that
24 particular case.

25 But in this -- here, I mean, it's not

1 illegal to make the left.

2 MR. STAIGAR: And -- and based on what we
3 found out, it's a safe movement. You have --
4 absolutely have to use caution. You just can't
5 pull out, but you'll get that gap in traffic to
6 be able to make that left turn.

7 CHAIRMAN GARCIA: How many handicap parking
8 spaces you going to have?

9 MR. STAIGAR: You know, Mr. Carballo shows
10 three.

11 CHAIRMAN GARCIA: Three.

12 MR. STAIGAR: We only really need two, by
13 -- by ADA requirements.

14 CHAIRMAN GARCIA: Okay.

15 MR. STAIGAR: But we have an overabundance
16 of -- of parking --

17 CHAIRMAN GARCIA: Okay.

18 MR. STAIGAR: -- on the site anyway.

19 So, we could, if -- if one of the handicap
20 spaces never gets used, we could convert that to
21 a non-handicapped space. But right now, we can
22 provide three.

23 CHAIRMAN GARCIA: Okay. I have no further
24 question for now for Mr. Staigar.

25 Do you have -- do you have a planner?

1 MR. ALONSO: I have a planner.

2 Unfortunately, Mr. -- it's Mr. Kauker. He was
3 unavailable this evening.

4 So, with respect to my witnesses, I have no
5 more witnesses this evening.

6 CHAIRMAN GARCIA: How do you -- how do you
7 want to proceed? You want to bring those --

8 MR. STAIGAR: I thought -- I thought you
9 want me back --

10 CHAIRMAN GARCIA: -- again, your
11 professional --

12 MR. STAIGAR: -- for more testimony.

13 CHAIRMAN GARCIA: -- for the next -- or do
14 you want that we close this evening with them,
15 and then just hear the -- the --

16 MR. ALONSO: I think it'd probably be
17 better to close with them now, because in case
18 they're unavailable for the next hearing, and
19 this is, again, delayed.

20 CHAIRMAN GARCIA: I -- my recommendation
21 going to be close to the Staigar.

22 MR. ALONSO: Okay.

23 CHAIRMAN GARCIA: But we probably -- I
24 mean, because usually, if any -- if any
25 condition, whatever, in the case that it's

1 granted, then we probably going to ask -- if any
2 adjustment is requested, whatever, we probably
3 going to need the architect.

4 MR. ALONSO: We'll need Mr. Carballo.
5 Okay.

6 CHAIRMAN GARCIA: So --

7 MR. ALONSO: All right. So, what we'll do
8 is we're going to --

9 CHAIRMAN GARCIA: Open to the public --

10 MR. ALONSO: Yeah.

11 CHAIRMAN GARCIA: -- for you, so this way,
12 you don't have to come back --

13 MR. STAIGAR: Yeah.

14 CHAIRMAN GARCIA: -- for the next meeting.
15 And I think that --

16 Any member of the public want to step
17 forward and any question for Mr. Staigar?

18 MR. PRICE: It's just Mr. Staigar?

19 CHAIRMAN GARCIA: Yeah. Just Mr. Staigar,
20 because what going to happen is --

21 MR. PRICE: Mr. Carballo --

22 CHAIRMAN GARCIA: -- Mr. -- Mr. Price, is
23 that usually -- you know, at the end, you -- if
24 any -- if it's granted with any condition, if
25 there's any change, if there's --

1 MR. PRICE: Yeah.

2 CHAIRMAN GARCIA: -- usually, we need an
3 architect here for the --

4 MR. PRICE: We'll need -- yeah.

5 CHAIRMAN GARCIA: So, we're going to leave
6 it for -- for that.

7 MR. PRICE: But Mr. Staigar gets the night
8 off.

9 CHAIRMAN GARCIA: Yeah. Yeah.

10 MR. PRICE: So --

11 MR. STAIGAR: This will be it.

12 MR. PRICE: Okay. Larry Price, 1006
13 Palisade.

14 I'll hold the microphone.

15 MR. STAIGAR: Does he --

16 MR. PRICE: No. I --

17 MR. STAIGAR: You got that? Okay.

18 MR. PRICE: I got that.

19 Okay. Question on traffic.

20 You took traffic counts.

21 MR. STAIGAR: Yes.

22 MR. PRICE: Correct?

23 Palisade Avenue is two way street. North
24 and south.

25 MR. STAIGAR: Correct.

1 MR. PRICE: Okay. During the -- the peak
2 hour, what was the traffic count going north?

3 MR. STAIGAR: Bear with me a second.

4 MR. ALONSO: You want this here?

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

7 MR. STAIGAR: The -- it was -- it was about
8 500 vehicles per hour, southbound, and 550
9 northbound.

10 MR. PRICE: Five-fifty northbound, 500
11 southbound.

12 Okay. You also took traffic counts on 17th
13 Street.

14 MR. STAIGAR: Yes.

15 MR. PRICE: And what were they?

16 MR. STAIGAR: Little over a hundred in a
17 westbound direction.

18 MR. PRICE: Which it only goes one way.

19 MR. STAIGAR: Yeah. Correct.

20 MR. PRICE: Okay.

21 And so, you're saying there were going to
22 be ten trips per hour.

23 MR. STAIGAR: Yes.

24 MR. PRICE: Which get diluted by 500. So,
25 you won't even notice this building.

1 MR. STAIGAR: Correct.

2 MR. PRICE: Okay.

3 If I understood Mr. Carballo correctly,
4 this -- the entrances to the -- both garages are
5 going to be on the property line.

6 MR. STAIGAR: Let me -- let me look at the
7 site plan.

8 That is true for the 17th, but not the
9 Palisades. As -- as you can see from the
10 engineering plan, Palisade -- on Palisade, it's
11 almost centered, but further -- again, further
12 away from the intersection, 17.

13 But on 17th Street, it is on the property
14 line.

15 MR. PRICE: Is -- well, wait a minute.
16 Isn't this the property line here?

17 MR. STAIGAR: No. Property line is -- the
18 front property line, along the front of the
19 property.

20 Let me -- let me hold that up for the
21 Board. If you help me, Larry. You don't mind
22 holding this side.

23 The property line -- I'm referring to the
24 Costa Engineering plan. Property line is shown
25 in the dark line, of which the curb line is 15

1 feet in front of that property line, on Palisade
2 Avenue. And about ten feet from -- in front of
3 the property line on 17th Street.

4 I thought you meant the side property
5 lines.

6 MR. PRICE: No. No, no. No.

7 MR. STAIGAR: Okay.

8 MR. PRICE: Here -- here, this is on the
9 property. This is the property line, and this is
10 the entrance to the garage.

11 MR. STAIGAR: Yes. That's the front
12 property --

13 MR. PRICE: So it's --

14 MR. STAIGAR: -- line entrance.

15 MR. PRICE: -- also on the property line.

16 MR. STAIGAR: Well, to get -- to get into
17 the garage, you got to cross the property line
18 someplace. So, yes.

19 MR. PRICE: Oh, okay. But -- but the
20 garage door is --

21 MR. STAIGAR: Oh, yes.

22 MR. PRICE: -- on the property line.

23 MR. STAIGAR: The garage door's on the
24 property line. Yes.

25 MR. PRICE: Is the point I'm making. Okay.

1 MR. STAIGAR: Okay.

2 MR. PRICE: And you -- you go both into the
3 garage and out of the garage, through one door on
4 both levels.

5 MR. STAIGAR: Correct.

6 MR. PRICE: Okay.

7 My question is, on the exit, when a -- when
8 a driver is exiting the garage, either on the
9 basement level or on the first floor level, his
10 -- as he's exiting, he's crossing a sidewalk that
11 has pedestrians on it, either case.

12 MR. STAIGAR: Yes.

13 MR. PRICE: His car bumper, depending on
14 what kind of car he's got, is going to be eight
15 or nine feet out of the garage, before his eyes
16 are out of the garage, before he has complete
17 sight lines.

18 MR. STAIGAR: Yes.

19 MR. PRICE: Correct?

20 MR. STAIGAR: About -- yeah. Anywhere from
21 six to eight feet. Yes.

22 MR. PRICE: Well, it's depending on --

23 MR. STAIGAR: Yeah.

24 MR. PRICE: -- whether -- you know --

25 MR. STAIGAR: The size of the vehicle.

1 MR. PRICE: -- engineers drive big cars, so

2 --

3 Okay.

4 So, how wide is the garage door?

5 MR. STAIGAR: It is 16 feet.

6 MR. PRICE: Sixteen feet wide.

7 Okay. Is there a safety concern here that
8 -- that -- I mean, a driver is going to be
9 exiting and crossing the pedestrian right-of-way
10 before he can really have a clear view of the
11 pedestrian --

12 MR. STAIGAR: Yes.

13 MR. PRICE: -- right-of-way.

14 MR. STAIGAR: Yes. You make a very good
15 point. Yes.

16 And -- and what -- what we can do, and
17 again, it will be up to the City whether we can
18 do it, we can put -- put planters so that
19 someone, as they're walking the sidewalk, veers
20 away from the building.

21 We have certainly enough room in the -- in
22 the 15 feet on -- on Palisades, less ability for
23 that on 17th Street.

24 And again, normally, what we can do there,
25 convex mirrors is one option, as well as putting

1 a -- a strobe light above the door, so that when
2 the door does activate, that the strobe light,
3 and maybe a beeper, a soft beat beeper that a
4 pedestrian could hear, could be implemented.

5 You see them in many situations, similar
6 situations in city environments. Hoboken, Jersey
7 City --

8 MR. PRICE: Yeah.

9 MR. STAIGAR: -- and such.

10 But you do make a good point. As one comes
11 out, it's -- it's almost a tunnel effect.

12 Now, obviously, a -- a six foot wide or a
13 five and a half foot wide car in a 16 foot space,
14 you'll be able to see the sidewalk far before
15 you're -- you're physically eyeball is out of the
16 garage itself.

17 But I -- I agree with you that the front
18 end of the car will be out on the sidewalk before
19 you potentially might see a pedestrian.

20 That can be ameliorated, as I said, on --
21 on Palisade Avenue, with putting a planter on --
22 on either side.

23 But the planter effect probably wouldn't be
24 effective on -- on 17th, as much as -- as
25 Palisades.

1 But again, those measures of a strobe
2 light, convex mirrors, and a beeper kind of thing
3 would be implemented.

4 MR. PRICE: Okay. Okay.

5 By the way, just -- just for the record,
6 right, we've got -- we've got 19 spaces on the
7 Palisade Avenue -- in the basement.

8 MR. STAIGAR: Um hum. Lower level.

9 MR. PRICE: Including six which are tandem.

10 MR. STAIGAR: Yes.

11 MR. PRICE: Okay.

12 And we've got 22 on the first floor level,
13 none of which are tandem.

14 MR. STAIGAR: Correct.

15 MR. PRICE: Okay.

16 Thank you.

17 MR. STAIGAR: You're welcome.

18 CHAIRMAN GARCIA: And also taking Mr. Price
19 comment, that's why I ask you when the entry
20 through 17th Street, because something in -- but
21 that's going to be if the -- if the application
22 is granted.

23 But however, you're going to need to
24 implement some kind of a system that --

25 MR. STAIGAR: Yes.

1 CHAIRMAN GARCIA: Because --

2 MR. STAIGAR: Safety system.

3 CHAIRMAN GARCIA: -- is -- is too narrow
4 for the car when coming in, going from 16, 17
5 feet wide to 21 and a half.

6 I think it's something that you have to
7 think about.

8 MR. STAIGAR: Yup. Understood.

9 CHAIRMAN GARCIA: Any other member of the
10 public want to step forward?

11 Okay. Just for the record, we're closing
12 the -- to the public, and we're closing the
13 statement for the traffic expert, so the traffic
14 expert doesn't have to come back at next meeting.
15 We're going to need the architect.

16 And if you don't have any further question,
17 any further statement, I'm going to make my
18 motion to adjourn to -- adjourn this application
19 for next meeting.

20 MR. ALONSO: That's fine.

21 CHAIRMAN GARCIA: Fine? Okay.

22 MR. GRULLON: I second it.

23 THE SECRETARY: Motion to adjourn the
24 application by Chairman Andres Garcia.

25 MR. GRULLON: I second.

1 THE SECRETARY: Second by Victor Grullon.

2 MR. ALONSO: What -- what date is that?

3 MR. GRULLON: May --

4 THE SECRETARY: May 14, the next meeting.

5 MR. ALONSO: May 14?

6 THE SECRETARY: Yes, sir. Same time.

7 Postpone to -- adjourn the application.

8 Chairman Garcia?

9 CHAIRMAN GARCIA: Yes.

10 THE SECRETARY: Victor Grullon?

11 MR. GRULLON: Yes.

12 THE SECRETARY: Miguel Ortiz?

13 MR. ORTIZ: Yes.

14 THE SECRETARY: David Pressey?

15 MR. PRESSEY: Yes.

16 THE SECRETARY: Khaled Dardir?

17 MR. DARDIR: Yes.

18 THE SECRETARY: John Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Joseph Bonacci?

21 MR. BONACCI: Yes.

22 THE SECRETARY: Motion carries.

23 MR. ALONSO: Thank you.

24 THE SECRETARY: No further notice required.

25 The next meeting will be on May 14.

1 Thank you, Mr. Alonso.

2 MR. ALONSO: Thank you. Have a good
3 evening.

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

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1 **Alberto & Ignazio Laguna - 201 New York Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Alberto and Ignazio Laguna, 201
5 New York Avenue.

6 Is -- Mr. Blanco?

7 CHAIRMAN GARCIA: I really want to
8 apologize that I -- I promise you something I
9 didn't deliver.

10 MR. BLANCO: To be first?

11 CHAIRMAN GARCIA: To be first. I realize
12 when you were here --

13 MR. BLANCO: Can you do first next month?

14 CHAIRMAN GARCIA: Are we going to go for
15 next month? I didn't know that.

16 MR. BLANCO: That's --

17 CHAIRMAN GARCIA: You want to adjourn it?

18 MR. BLANCO: My client seeks for legal
19 counsel to represent himself.

20 CHAIRMAN GARCIA: Oh, okay.

21 MR. BLANCO: Next month. And a planner.

22 MR. ISA: You guys should have told us.

23 CHAIRMAN GARCIA: Why don't you tell up
24 front? This way --

25 MR. BLANCO: He just made the decision a

1 little while ago.

2 CHAIRMAN GARCIA: But Carlos, do me a favor
3 -- I mean, for next meeting, can you put this
4 application first?

5 MR. ISA: Absolutely first.

6 THE SECRETARY: Yes.

7 CHAIRMAN GARCIA: Because we promise last
8 time and yes.

9 MR. BLANCO: I appreciate it.

10 Thank you.

11 CHAIRMAN GARCIA: I make my -- my motion to
12 adjourn this application to carry for next month,
13 that is --

14 MR. ISA: What's the meeting? It's April
15 --

16 CHAIRMAN GARCIA: -- is May --

17 MR. BLANCO: May 14.

18 MR. ISA: May 14th. Yes.

19 CHAIRMAN GARCIA: Yes. Six, 6:30?

20 The thing is I'm -- I'm always traveling.

21 MR. BLANCO: We'll wait for you.

22 CHAIRMAN GARCIA: That's why. That's why.

23 Thank you very much.

24 So, yes, I make my motion to adjourn this
25 application for next meeting.

1 THE SECRETARY: Motion to adjourn the
2 application --

3 MR. GRULLON: I second.

4 THE SECRETARY: -- by -- next meeting on
5 May 14, 2015, by Chairman Andres Garcia.

6 MR. GRULLON: Second.

7 THE SECRETARY: Second by?

8 MR. ORTIZ: Victor Grullon.

9 THE SECRETARY: Victor Grullon.

10 Roll call to adjourn the application for
11 the next meeting.

12 Andres Garcia?

13 CHAIRMAN GARCIA: Yes.

14 THE SECRETARY: Victor Grullon?

15 MR. GRULLON: Yes.

16 THE SECRETARY: Miguel Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Joseph Bonacci?

19 MR. BONACCI: Yes.

20 THE SECRETARY: David Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Khaled Dardir?

23 MR. DARDIR: Yes.

24 THE SECRETARY: John Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Motion carries. It's noted
2 that no further notice required.

3 CHAIRMAN GARCIA: Okay. Do me a favor. If
4 you don't see on first, come here, and say.

5 MR. BLANCO: Say something?

6 CHAIRMAN GARCIA: Yeah. No. Come.
7 Approach us --

8 MR. BLANCO: Okay.

9 CHAIRMAN GARCIA: -- please, because we're
10 sorry about that.

11 MR. BLANCO: That's all right.

12 Thank you.

13 CHAIRMAN GARCIA: Thank you.

14 MR. BLANCO: Thank you.

15 MR. ISA: Have a good night.

16 (Whereupon, there was a pause in the
17 proceedings.)

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1 **408 37th Street, LLC - 408 37th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 508 (sic) 37th Street, LLC, 408
5 37th Street.

6 Mr. Mulkay?

7 MR. MULKAY: I'm here.

8 MR. ISA: Calling Mr. Mulkay.

9 Thank you.

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

12 MR. ISA: Mr. Chairman, members of the
13 Board, I received the jurisdictional documents.
14 Everything appears to be in order. The Board has
15 jurisdiction to proceed. Okay.

16 MR. MULKAY: Good evening, Mr. Chairman,
17 members of the Board.

18 Alain Mulkay, M-U-L-K-A-Y, from Mulkay and
19 Rendo, on behalf of the applicant, 408 37th
20 Street, Inc.

21 By way of background, this is a medical
22 office, which probably consists of a medical
23 office on the first floor.

24 This property actually -- we have a witness
25 today, he's an architect who drew up the plans,

1 Frank Fernandez.

2 This property actually had approval to
3 build an addition in the property, significant
4 large -- significantly larger than what it is
5 now. It was approved back in late 2005.

6 They actually obtained construction -- the
7 construction drawings; they got the permits, but
8 decided not to do the addition.

9 We're now coming back before the Board.
10 Those -- those approvals, by the way, are still
11 valid, but we're coming now before the Board to
12 significantly reduce the -- the size of the
13 project.

14 Frank Fernandez is our architect. He has
15 appeared before this Board numerous times, and I
16 would ask that the Board recognize him as an
17 expert. Or if you like, he could go through his
18 professional background.

19 CHAIRMAN GARCIA: I think that we need to
20 listen -- to go through.

21 MR. MULKAY: Your call. Your call.

22 CHAIRMAN GARCIA: It is our pleasure.

23 MR. DILLON: Want me to swear him in first?

24 MR. MULKAY: Yes, please.

25 MR. DILLON: Please raise your right hand.

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

3 MR. FERNANDEZ: I do.

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

6 MR. FERNANDEZ: Fernando Fernandez,
7 F-E-R-N-A-N-D-O, Fernandez, F-E-R-N-A-N-D-E-Z.

8 MR. DILLON: Okay.

9 Thank you.

10 MR. MULKAY: Mr. Fernandez, your office
11 prepared the plans that were submitted with this
12 application.

13 Correct?

14 MR. FERNANDEZ: Yes, we did.

15 MR. MULKAY: And just before we get into
16 these plans, your office was involved with this
17 property back in 2005 and, in fact, prepared a
18 set of plans?

19 MR. FERNANDEZ: Yes, we --

20 MR. MULKAY: Is that correct?

21 MR. FERNANDEZ: We were.

22 MR. MULKAY: All right. Let's go through
23 this set first, and then you could explain to the
24 Board what the differences are.

25 MR. FERNANDEZ: Okay.

1 If I may, I'd like to just to show -- just
2 to get a -- give the Board an idea. I'm sure
3 that -- that you all know where this is at, the
4 property.

5 The property is located in the north side
6 of 37th Street.

7 CHAIRMAN GARCIA: Before continue, anyone
8 here is patient of Dr. Gastell?

9 Just for the record.

10 Okay. Continue.

11 MR. FERNANDEZ: I am.

12 CHAIRMAN GARCIA: No, no. I used to be.

13 MR. FERNANDEZ: Okay. So, the property is
14 located in the north side of 37th Street. It's
15 two properties to the west of New York Avenue and
16 about six or seven properties to the east of
17 Bergenline Avenue.

18 The -- I -- you have the -- this sheet in
19 front of you. It basically shows the property in
20 question, looking towards New York Avenue, a
21 close up of the front of the property, along 37th
22 Street. And then, a blow up, basically, the
23 entrance to the -- to the access to the proposed
24 rear addition, which is the door on the right
25 hand side of -- of the doctor's property, if you

1 | were to look at it from 37th Street. And then,
2 | right next to his property, there's a drugstore.

3 | This is another view of the property,
4 | looking towards New York Avenue, with the two
5 | buildings closest to the corner of New York
6 | Avenue and 37th Street.

7 | And then, this is the blowup of the actual
8 | entrance to the proposed rear addition, which is
9 | -- is an existing door, an existing corridor, and
10 | -- which we're going to be reusing for access to
11 | the -- to the proposed rear addition.

12 | The -- the pictures on the bottom,
13 | basically, are pictures of the rear of the
14 | property, from the parking lot, which is from 38th
15 | Street, the corner of New York and 38th Street.

16 | And basically, it's a non-distinct
17 | property, building. It's basically the rear end
18 | of this building. It's a two story building,
19 | with a little one story addition in the rear,
20 | which is used by the doctor for, I think, it's a
21 | toilet room, no -- I don't think. I know it's a
22 | toilet room and two storage rooms.

23 | This is just close up of the property.

24 | The -- the rear property now is just gravel
25 | empty lot. It's fenced in with chain link fence

1 around the three sides.

2 MR. MULKAY: These pictures all have a date
3 on the bottom right hand corner, and it's dated
4 March 26, 2015.

5 Is that correct?

6 MR. FERNANDEZ: Yes.

7 MR. MULKAY: And your office took those
8 pictures?

9 MR. FERNANDEZ: I personally took the
10 pictures.

11 MR. MULKAY: Okay. And then, there's a
12 marking on the sheet, A-3.

13 Correct?

14 MR. FERNANDEZ: Yes.

15 Okay. Now, if we go into the proposed
16 addition.

17 We're seeking three variances for the
18 proposed rear addition. One of the rear -- one
19 of the variances is the rear yard setback.

20 We are required to have 20 feet, and we're
21 asking for a nine foot three rear yard.

22 We're also asking for a building coverage.
23 Eighty percent is permitted. We're asking for 82
24 percent. Actually, it's like a 50 square foot
25 over the limit of lot coverage.

1 The other -- the other variance that we're
2 -- we're asking for, it's a minimum side yard.
3 Zero is permitted. And if you're going to
4 provide one, it has to be five feet.

5 Well, we're asking for a five foot side
6 yard, and a two foot side yard on the east side.

7 So, we're asking for a variance on one of
8 the side yards.

9 The proposed addition, it's about -- it's
10 604 square feet. The existing floor area in the
11 first floor is 14 -- 1,444 square feet. And the
12 first floor is used for the doctor, for his
13 doctor's office.

14 And on the east side of the -- of the
15 building, there's a corridor that basically goes
16 from the front of 37th Street to the rear yard.
17 And it provides access to the rear yard, and it
18 provides access to the side offices along -- for
19 the -- for the doctor, and also, access to the
20 second floor, through a stair.

21 Sheet A-1 indicates -- it's basically a
22 site plan and a proposed floor plan.

23 The existing site plan, the -- the --
24 basically shows the two story building, one story
25 frame extension in the back, and an entrance to

1 the -- to the basement.

2 And then, the rest of the lot is basically
3 empty, and is surrounded by chain link fence.

4 The proposed addition, the -- it's -- it's
5 18 feet wide, by 30 foot deep. And it would be
6 about nine inches off the northernmost wall of
7 the one story addition, the existing addition.

8 And then, we're also adding a little
9 addition, which is a transitional space,
10 basically, to bring the -- the people from the
11 corridor into a new addition.

12 Total combined floor area that we're asking
13 for is 604 square feet.

14 The addition is basically a modular
15 construction. Basically, it's going to be
16 brought into in two -- in two packages. Each
17 package is 18 feet wide by 30 feet deep.
18 Combined, it will be -- I'm sorry. Nine feet
19 wide by 30 feet deep. Combined will be 18 feet
20 wide by 30 foot deep.

21 The -- the interior of the space will be
22 used for, basically, a laboratory use. So, the
23 laboratory that will be -- that is presently used
24 in the second floor will come down to the first
25 floor, and will give better access to the

1 patients, because they don't have to go up the
2 second -- through the stairs to go up to the
3 second floor.

4 So, in -- in addition, we have basically 60
5 percent of the -- of the area is going to be used
6 for the laboratory. And we're proposing to use
7 -- to build two small exam rooms in the back of
8 the addition.

9 Combined, there's going to be one, two,
10 three, four, five rooms. One of the rooms will
11 be a handicap toilet room.

12 The east side of the -- of the addition
13 will be two feet away from the property line.
14 And we're providing bollards in there to protect
15 it from traffic from the parking lot, which is
16 all adjacent to us.

17 Basically, the -- the addition is modular
18 construction. It's going to come in two --
19 basically, two elements.

20 It will be brought to the site. We will
21 have the foundations built, and it will be
22 basically set on the foundations, and anchor into
23 the foundations.

24 The -- the reason why the modular is used
25 is because we really needed to get this thing

1 done. We needed to get this done since last
2 year. And the doctor really needs the space,
3 desperately.

4 And this is a quick way to build the space.
5 The base -- the space will be built out,
6 finished, before it's erected.

7 MR. MULKAY: None of the addition will be
8 visible from the street.

9 Is that correct?

10 MR. FERNANDEZ: No. There's no impact
11 along 37th Street whatsoever. None whatsoever.

12 The only visual element that you'll see is
13 from the rear parking lot, from the adjacent
14 properties.

15 And that -- that's it. The addition is 11
16 foot six high. It's a one story addition. It's
17 not a -- it's not a big building at all. And
18 it's meant to be used by the doctor for his
19 laboratory use.

20 CHAIRMAN GARCIA: Right now, what is in
21 that lot?

22 MR. FERNANDEZ: In the rear yard? There's
23 nothing. It's empty lot.

24 CHAIRMAN GARCIA: Nothing. It's empty.

25 And -- and all the access going to be

1 through --

2 MR. FERNANDEZ: Through the corridor.

3 CHAIRMAN GARCIA: -- the corridor?

4 MR. FERNANDEZ: Yes. Which is an existing
5 corridor.

6 MR. MULKAY: And that's inside. That's not
7 a corridor --

8 MR. FERNANDEZ: Yes. Inside.

9 MR. MULKAY: -- exterior. It's interior --

10 MR. FERNANDEZ: It's inside the structure.

11 MR. MULKAY: It's only an interior hallway.

12 Is that correct?

13 MR. FERNANDEZ: Yes.

14 MR. MULKAY: It's an interior hallway,
15 inside the building, that goes through the
16 building.

17 MR. FERNANDEZ: Yes. It's an existing
18 hallway that we're going to rate, fire rate. The
19 building will be sprinklered.

20 MR. MULKAY: And this essentially will make
21 the blood drawing -- by the way, my -- the doctor
22 is here, if you need -- if the Board has any
23 questions of the doctor. But we've had this
24 conversation.

25 Mr. Fernandez, if you know, the idea is now

1 patients will be able to draw blood on the first
2 floor, and they'll make the ability --

3 MR. FERNANDEZ: The trip down.

4 MR. MULKAY: -- to draw the blood handicap
5 accessible, because they won't have to walk
6 upstairs.

7 Is that correct?

8 MR. FERNANDEZ: Exactly.

9 MR. MULKAY: And the bathroom that's being
10 added, it's ADA compliant --

11 MR. FERNANDEZ: Yes.

12 MR. MULKAY: -- bathroom.

13 CHAIRMAN GARCIA: Mr. Fernandez, in the --
14 connecting the old structure to the new
15 structure, it is all -- it is a continuation.
16 You don't have any access through there.

17 MR. FERNANDEZ: The -- the connection is --
18 is this section here, which is basically from the
19 rear wall of the existing building, where there's
20 a door that provides access to the -- to the rear
21 yard. We're enclosing that space --

22 CHAIRMAN GARCIA: Right.

23 MR. FERNANDEZ: -- so people could come in,
24 in an enclosed space to the addition. So,
25 they're in --

1 CHAIRMAN GARCIA: So my -- yeah.

2 MR. FERNANDEZ: -- indoors.

3 CHAIRMAN GARCIA: Yeah. So, nothing going
4 to be -- nobody could come through the backyard.
5 Let's say for the -- you're not going to have any
6 access for the parking lot of this --

7 MR. FERNANDEZ: No.

8 CHAIRMAN GARCIA: -- addition --

9 MR. FERNANDEZ: No. No.

10 CHAIRMAN GARCIA: -- that want to go to
11 that connection.

12 MR. FERNANDEZ: No. That's not our
13 property.

14 CHAIRMAN GARCIA: Right. And the -- this
15 entry into the west side of the -- of the --

16 MR. FERNANDEZ: Yes.

17 CHAIRMAN GARCIA: -- new --

18 Right?

19 Which access is that one? It's for public
20 --

21 MR. FERNANDEZ: That's just for --

22 CHAIRMAN GARCIA: -- access or --

23 MR. FERNANDEZ: No. That's a service door,
24 because there's air conditioning units in the --
25 down on the floor now in the rear yard.

1 So, there's -- there's a -- that's the only
2 way to basically clean and maintain that rear
3 inside yards. That's the only access point from
4 within the property.

5 CHAIRMAN GARCIA: Right.

6 MR. MULKAY: The property's landlocked
7 along --

8 MR. FERNANDEZ: Yes.

9 MR. MULKAY: -- along the three -- at the
10 three corners.

11 Correct?

12 MR. FERNANDEZ: Yes. The property is --

13 MR. MULKAY: So --

14 MR. FERNANDEZ: -- landlocked.

15 MR. MULKAY: So, the -- the exit that the
16 Chairman is referring to on the west side, that
17 door -- that's just a typical door to access the
18 backyard.

19 MR. FERNANDEZ: Yes.

20 MR. MULKAY: It's not meant as a way of
21 egress or ingress for patients --

22 MR. FERNANDEZ: No.

23 MR. MULKAY: -- customers, doctor, or
24 anybody.

25 MR. FERNANDEZ: No.

1 MR. MULKAY: Correct?

2 MR. FERNANDEZ: No. It's just a service --

3 MR. MULKAY: In fact -- in fact, if you
4 look at the original pictures, there's no way to
5 get back there unless you go through the inside
6 of the building.

7 Is that --

8 MR. FERNANDEZ: Exactly.

9 MR. MULKAY: -- accurate?

10 MR. FERNANDEZ: Yes.

11 CHAIRMAN GARCIA: And also, I'm seeing the
12 plans, it doesn't have any access to the kind of
13 waiting area and doesn't have any access to the
14 reception. Okay.

15 MR. FERNANDEZ: It is meant to be a
16 standalone, basically, space.

17 CHAIRMAN GARCIA: Okay.

18 MR. FERNANDEZ: As an auxiliary space to
19 the doctor's services.

20 CHAIRMAN GARCIA: Okay.

21 MR. MULKAY: Would the Board like to hear
22 what was approved -- what's currently approved
23 there, and what's permitted there now?

24 MR. GRULLON: I was going to ask you,
25 first, what's on the second floor right now? The

1 second floor?

2 MR. FERNANDEZ: The second floor, right
3 now, is -- it's used for the -- the west side --
4 half of the west side of the building is used by
5 -- by the doctor for file storage.

6 So, he keeps all his medical storage there.
7 All his files upstairs.

8 And then, the other side is where the
9 laboratory is now.

10 CHAIRMAN GARCIA: Okay.

11 MR. MULKAY: My understanding, again, the
12 doctor can testify to it, but my understanding is
13 that they're going to bring the drawing of the
14 blood downstairs. The actual paperwork and the
15 lab for that kind of work is going to remain as
16 it is upstairs.

17 CHAIRMAN GARCIA: Can -- can I bring the
18 doctor here?

19 MR. MULKAY: Sure. Of course.

20 MR. DILLON: Please raise your right hand.

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

23 DR. GASTELL: Only truth.

24 MR. DILLON: State your name and spell it
25 for the record.

1 DR. GASTELL: Gilberto F. Gastell.

2 MR. DILLON: Gilberto what?

3 DR. GASTELL: F. Gastell.

4 MR. DILLON: Can you spell your last name?

5 DR. GASTELL: G-A-S-T-E-L-L.

6 MR. DILLON: Thank you.

7 CHAIRMAN GARCIA: Doctor, I have a question
8 for you, is one of the main reason that you are
9 trying to expand it is -- is why? You expand it
10 for -- to give more services to your -- or --

11 DR. GASTELL: Well, actually, it's because
12 of the services that needs to be provided to the
13 patient. It's cumbersome for the patient to go
14 upstairs, especially for the -- as we're growing
15 elderly population right now.

16 Most of my patients, right now, are more
17 elderly. They come in wheelchairs, on crutches,
18 et cetera. And they have a difficulty going up
19 the stairs.

20 So, now we're providing these services for
21 the patients downstairs, so they don't have to go
22 up the stairs, which they can't.

23 CHAIRMAN GARCIA: Right.

24 DR. GASTELL: Okay? And they'd rather be
25 in the office and continue the care for many

1 years that have been provided.

2 CHAIRMAN GARCIA: And just for the record,
3 how long you been with that office in Union City?

4 DR. GASTELL: Since 1988.

5 CHAIRMAN GARCIA: 1988. Okay. Okay.

6 I just want to -- I was concerned -- I was
7 -- the question was because I just want to see in
8 the record that why you don't use the whole
9 second floor for that. But now is a big hardship
10 to use the same level, since most of your patient
11 are like senior citizen.

12 That's what you stated.

13 Right?

14 DR. GASTELL: Yeah.

15 CHAIRMAN GARCIA: Okay.

16 Thank you, Doctor.

17 DR. GASTELL: You're welcome.

18 CHAIRMAN GARCIA: No more question.

19 I don't know. Any other member want --
20 have any question?

21 Okay.

22 MR. GRULLON: Could you go over the
23 previous application?

24 MR. MULKAY: Yes. I don't have the actual
25 application. Mr. Fernandez, who was involved in

1 the previous application, has a set of the plans,
2 if you like, we can --

3 Do you have an extra set or you just have
4 one set?

5 We can provide the Board with one set of
6 the plans, and he can go over it so that you
7 could understand.

8 Before we do that, I just want the record
9 to reflect that the plans that were submitted,
10 Mr. Fernandez if I'm correct, is A-1 through A-3,
11 and they're marked, dated release for Zoning
12 Board, February -- February 10th, 2015.

13 Is that correct?

14 MR. FERNANDEZ: Yes.

15 Yeah. This -- this is just a blowup of the
16 sheets that you have. The same exact sheets.

17 MR. MULKAY: Okay. So now, the sheet that
18 we just provided to the Board --

19 MR. FERNANDEZ: Yeah. That --

20 Well, that is a project that we did for the
21 doctor in 2005. And basically, the addition was
22 about two times as big as this one.

23 And it went from side to side, east to
24 west. And it had a four foot rear yard. It was
25 about nine hundred some square feet. And it was

1 for additional office spaces.

2 That was approved by the Zoning Board at
3 that time. And we -- eventually, we went in to
4 construction drawings, and we had permits. And
5 then, the project just -- just stand -- stood
6 still. Nothing was ever done.

7 CHAIRMAN GARCIA: Um hum.

8 MR. FERNANDEZ: About a year or so ago, the
9 doctor came back and said, we need -- we really
10 need to make -- to revive that addition, but
11 somehow differently, because his -- his clientele
12 just kept -- keeps getting older and older, and
13 it's hard for them to go up stairs.

14 CHAIRMAN GARCIA: And basically, what I'm
15 seeing here is that the -- the current
16 application is probably two-third --

17 MR. FERNANDEZ: Yes.

18 CHAIRMAN GARCIA: -- of the previous
19 application.

20 MR. FERNANDEZ: Yeah. It's a lot --

21 CHAIRMAN GARCIA: Right?

22 MR. FERNANDEZ: -- smaller.

23 CHAIRMAN GARCIA: Yeah. Because before was
24 like a continuation of the same building, all the
25 way to the end.

1 MR. FERNANDEZ: Yes.

2 CHAIRMAN GARCIA: Okay.

3 MR. MULKAY: And prior to that, it was a
4 full construction. This will be a lot less
5 intrusive, and you'll be able to see this will be
6 done a lot quicker.

7 Correct?

8 MR. FERNANDEZ: Yes.

9 CHAIRMAN GARCIA: Any other question?

10 No further question.

11 You have another witness?

12 MR. MULKAY: No. That's it.

13 CHAIRMAN GARCIA: No?

14 Any member of the public wants to step
15 forward?

16 Closed to the public.

17 I think that -- I mean, basically, it is --
18 it is kind of necessity to have that -- that
19 expansion.

20 One of the reason that I -- that I want to
21 bring the client here was because we need to find
22 out the reason why no -- since he has space on
23 the second floor, why he doesn't take that
24 facility and just decide to build and leave that
25 space empty.

1 And I think it is -- it is enough reason,
2 it's really it's a hardship to find out -- I
3 mean, that -- that we find out when you have the
4 high percent of the -- of the patient are older,
5 senior citizen, with all those handicap.

6 And I think is enough reason to -- to grant
7 the application.

8 And also, comparing with the prior -- prior
9 application, this is basically just two-third of
10 what was previous approved.

11 So, I think it's -- it is this -- granting
12 this application going to be a plus, especially
13 that we know the -- the history of Dr. Gastell in
14 Union City, that is servicing the Union City
15 probably -- I mean, over 30 years.

16 So, I'm -- it's a pleasure for me to make
17 my motion to grant this application.

18 THE SECRETARY: Motion to approve the
19 application by Chairman Andres Garcia.

20 Second by?

21 MR. GRULLON: Second the motion.

22 THE SECRETARY: Victor Grullon.

23 Roll call to approve this application.

24 Andres Garcia?

25 CHAIRMAN GARCIA: Yes.

1 THE SECRETARY: Victor Grullon?

2 MR. GRULLON: Yes.

3 THE SECRETARY: Miguel Ortiz?

4 MR. ORTIZ: Yes.

5 THE SECRETARY: David Pressey?

6 MR. PRESSEY: Yes.

7 THE SECRETARY: Khaled Dardir?

8 MR. DARDIR: Yes.

9 THE SECRETARY: John Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Joseph Bonacci?

12 MR. BONACCI: Yes.

13 THE SECRETARY: Motion carries. Seven in
14 favor.

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1 **RESOLUTIONS:**

2

3 (5) HIMEJI, LLC - 1410-1418 Palisade Avenue,
4 Block 181, Lots 12, 13, 14 & 15, Amendment to
5 Resolution memorialized on September 10, 2009.

6

7 THE SECRETARY: There being no other
8 application tonight's agenda --

9 CHAIRMAN GARCIA: No, no, no, no. We have
10 to go to the Resolution number 5.

11 MR. ISA: Yeah. We have to go through --

12 MR. FERNANDEZ: Thank you, Board. Thank
13 you very much.

14 CHAIRMAN GARCIA: Thank you.

15 Thank you, Mr. Fernandez.

16 MR. ISA: Himeji, LLC.

17 MR. MULKAY: The Resolution for Himeji was
18 postponed to the end.

19 MR. ISA: Whatever. Did you want to talk
20 about it, present something about it?

21 CHAIRMAN GARCIA: Actually, that
22 application, we have -- the Resolution is the --
23 the amended -- to amend the prior Resolution to
24 clarify the -- how many story that was.

25 I had the opportunity to go through the

1 transcript, through the Resolution, through the
2 court paper, and basically I think that just for
3 Board -- all the Board members' clarification,
4 can you just --

5 MR. MULKAY: Expand.

6 CHAIRMAN GARCIA: -- expand and just
7 clarify, and just is -- is not fair for me to say
8 yes or no. I mean, make my motion to -- to adopt
9 it or not, when they are not clear, I'm not
10 clear, the public is not clear.

11 MR. MULKAY: Okay. All right.

12 Mr. Chairman, members of the Board, Alain
13 Mulkay, M-U-L-K-A-Y, from Mulkay and Rendo, on
14 behalf of the applicant, Himeji, LLC.

15 We are back. This Board approved -- heard
16 testimony on this case on three different
17 occasions, back in 2009.

18 There was a Resolution that was -- the
19 project was approved in July of 2009. And in
20 November of 2009, this Board entered a Resolution
21 approving the project -- memorized (sic) the
22 Resolution and approved it -- approved the
23 project.

24 The project consisted of 63 apartments.
25 I'm sorry.

1 MR. CABALLO: Sixty.

2 MR. MULKAY: Sixty apartments.

3 The architect's here. We have a set of
4 plans that the Board has and it's in the file.

5 The project consisted of 60 apartments.
6 The matter was subject of intensive litigation,
7 with Mr. Price, here.

8 We went up to the trial level, where Mr.
9 Price was successful in reversing the
10 application. Then, we went up to the Appellate
11 Division, where we prevailed. And then, we went
12 up -- all the way up to the Supreme Court, where
13 we again prevailed.

14 The Reso -- the project that was presented,
15 the architect will explain, and Mr. Price has the
16 distinction of having made law.

17 MR. PRICE: The Himeji decision.

18 MR. MULKAY: You made law. It gets quoted
19 often enough. And they quote you, not me. They
20 quote you and not me.

21 So, the -- the architect's here. I'd like
22 for him to go through the plans.

23 There were two sets of plans that were
24 provided to the Board at -- during the process.

25 There was a set of plans that were provided

1 in November, or dated November. On June 4th, we
2 were before this Board.

3 The Chairman of the Board, Mr. Garcia,
4 recommended a number of changes. We submitted
5 revised plans on June -- that are dated June 18th.
6 And we appeared on July 9th, with the revised
7 plans.

8 Essentially, the revision consisted of
9 taking off the top floor of the building, and
10 reducing the height of the building from -- on
11 Palisade Avenue from 74 feet down to 63 feet.

12 And on -- on Manhattan Avenue, we reduced
13 it the same amount, obviously. But on Manhattan
14 Avenue, it's just the total building.

15 The architect will go through it with you.

16 The original Resolution indicated that it
17 was five stories on Palisade Avenue, instead of
18 five residential stories, over one of parking.

19 The transcript I provided, and the Board
20 has copies of the transcripts there, has where
21 Mr. Larry Price questioned Mr. Carballo at length
22 regarding the height, and has the page exactly --
23 I could bring the Board's attention to the page,
24 but the architect will testify to it, and I'll do
25 it in a few minutes, regarding that.

1 You also, in your packet, have a letter
2 from the Board's Attorney at the time, Thomas
3 Sarlo, who reviewed the plans, who reviewed the
4 -- who reviewed the plans, reviewed the
5 Resolution, and reviewed the transcripts, and
6 confirmed that it was, in fact, a typo. That it
7 should have been six stories; five over one of
8 parking.

9 And lastly, the Resolution -- the
10 corrective Resolution that the Board Attorney has
11 prepared, and we have basically confirms which of
12 the two sets of plans were actually approved at
13 the hearing. Whether it was the November set
14 that was the original part of the application, or
15 it was the June 18th that -- that were submitted
16 as a result of the Chairman's comments.

17 And I think the part -- the part of
18 Chairman's comments were directed, part of the
19 public, was taking public comments into account.

20 So, if I may, at this point, Jose Carballo
21 is our expert, if we could swear him in.

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. CARBALLO: Yes, I do.

1 MR. DILLON: State your name and spell it
2 for the record.

3 MR. CARBALLO: Jose Carballo,
4 C-A-R-B-A-L-L-O.

5 MR. DILLON: Thank you.

6 MR. CARBALLO: You're welcome.

7 MR. MULKAY: Mr. Carballo, you were the
8 architect that testified through this whole --
9 the application process.

10 MR. CARBALLO: That --

11 MR. MULKAY: Correct?

12 MR. CARBALLO: That is correct.

13 MR. MULKAY: And it was your office, and it
14 was you who prepared the sets of plans.

15 Correct?

16 MR. CARBALLO: That is correct.

17 MR. MULKAY: Now, there was a set of plans
18 that you presented to the Board today.

19 Were those the plans that were presented at
20 that -- at the June -- at the July hearing?

21 MR. CARBALLO: These are the plans that
22 were presented at the July hearing. And these
23 are the plans that have a revised date of
24 6/18/09, with a new building height modification.

25 This was when we moved that one story, so

1 | that we could come up with the building that was
2 | finally approved.

3 | The building that was finally approved, and
4 | this is a rendering of that building, has five
5 | residential levels, over one parking level.

6 | This was all from Palisade Avenue alone.
7 | There are two more levels in the back, on
8 | Manhattan Avenue, because as you know, Manhattan
9 | Avenue is a lot lower than Palisade Avenue.

10 | But on Palisade Avenue, this is the -- the
11 | building that got approved. And -- and this is
12 | the number of stories. Five residential, over
13 | one parking and lobby area.

14 | MR. MULKAY: Now the original Resolution
15 | that was submitted to the Board, that was
16 | approved by this Board on September -- on
17 | September 10th of 2009, talks about the height in
18 | terms of feet on Palisade Avenue.

19 | MR. CARBALLO: The height --

20 | MR. MULKAY: Does that correspond to this?

21 | MR. CARBALLO: Yes. And the height on
22 | Palisade Avenue is 63 feet. This height has not
23 | changed.

24 | This is the building as was approved. This
25 | is, again, A-102 of 4, dated 6/18/09.

1 MR. MULKAY: And that shows the height on
2 Palisade Avenue at what height?

3 MR. CARBALLO: The height on Palisade
4 Avenue is 63 feet.

5 MR. MULKAY: Okay.

6 And on Manhattan Avenue, what is the height
7 that that reflects?

8 MR. CARBALLO: It's 80 feet.

9 MR. MULKAY: And does that correspond with
10 what the Resolution -- with the Resolution?

11 MR. CARBALLO: The dimensional height does
12 correspond with the Resolution. Correct.

13 MR. MULKAY: Okay.

14 And these were the plans that were
15 presented to the Board on that date.

16 Is that correct?

17 MR. CARBALLO: That is correct.

18 MR. MULKAY: All right.

19 In all other respects, the Resolution that
20 was drafted by Mr. Sarlo's office, and approved
21 by this Board, in all other respects, does this -
22 - the plans match the Resolution.

23 Correct?

24 MR. CARBALLO: Down to the -- the breakdown
25 of the -- the units one and two bedrooms.

1 Everything else corresponds to this set of
2 drawings.

3 MR. MULKAY: All right.

4 The -- this set of drawings -- the
5 Resolution with respect to the number of floors,
6 could you explain to the Board what was the
7 confusion and what happened?

8 MR. CARBALLO: I think the confusion was,
9 at some point, I said that this building is four
10 over one. Thinking five stories. I -- you know,
11 probably got confused after so much testimony.

12 And -- and that's actually what ended up on
13 the Resolution.

14 Even though, after that, I was cross
15 examined by one of the members of the -- the
16 public, as to the number of stories, not just
17 from Palisade Avenue, but also going to the back,
18 to Manhattan Avenue, where it's eight stories on
19 Manhattan Avenue, six stories on Palisade Avenue.

20 So -- so that -- that was already clear in
21 the testimony. And -- and that was established
22 at that point, not -- not only from the
23 testimony, but also from the drawings that --
24 that were submitted and approved that night, that
25 actually show that exact number of units --

1 levels, stories.

2 MR. MULKAY: So, in -- in that whole
3 process of the application, you prepared two sets
4 of plans.

5 Correct?

6 MR. CARBALLO: That is correct.

7 MR. MULKAY: Could you just show the Board,
8 just so that the Board could understand the
9 difference, do you have the set of plans that
10 were originally submitted, and they could see
11 where the distinctions were before -- between the
12 two --

13 MR. CARBALLO: I --

14 MR. MULKAY: -- between the two plans.

15 MR. CARBALLO: Yeah. I certainly do.

16 This is the plan that ultimately got
17 approved.

18 MR. MULKAY: Can you turn, --

19 MR. CARBALLO: Sure. Sure.

20 MR. MULKAY: -- so the Board could see it?
21 Can you see it over there?

22 MR. DARDIR: Yeah.

23 MR. CARBALLO: This is the set of drawings
24 that -- the elevations that finally got approved.

25 This is the original one. This is the

1 first time we presented. As you can see, there's
2 two areas where you can actually see the
3 differences.

4 First one is on the roof. There was an
5 extra story.

6 MR. MULKAY: If you -- if we could just
7 stop for a second.

8 The set of plans that you're referring to,
9 they're -- they have a date on the bottom right
10 hand corner.

11 What's the date on that?

12 MR. CARBALLO: That's 9/8/08.

13 MR. MULKAY: 9/8/08. Okay.

14 And okay. You can continue.

15 MR. CARBALLO: All right?

16 So -- so, this is the building. So, you
17 can see that the main body of the building is --
18 is the same, but it did have a seventh story,
19 obviously on the roof, on the top portion of it.
20 And the entrance was a little different.

21 We then modified it to look like this.

22 That being the elevation.

23 And just as a point of comparison, if you
24 take that elevation, for example, which is the --
25 actually, let's go to this one here, which is

1 Palisade Avenue --

2 MR. MULKAY: All right. Hold -- hold on.

3 If we could just -- so that it's clear.

4 Now you're referring to the June 18th plans
5 that say Building Height Modification, dated June
6 18th on the right hand corner.

7 MR. CARBALLO: That --

8 MR. MULKAY: Correct?

9 MR. CARBALLO: That is correct. And that's
10 the one that ultimately got approved.

11 MR. MULKAY: Okay. Hold on. Hold on.
12 Just don't go so fast.

13 All right. So, on -- on this, this one, on
14 the -- you're referring to the bottom left hand
15 corner where it says the West Side Elevation.

16 MR. CARBALLO: Right.

17 MR. MULKAY: Correct?

18 MR. CARBALLO: Right. Which is --

19 MR. MULKAY: All right.

20 MR. CARBALLO: -- the Palisade Avenue
21 elevation.

22 MR. MULKAY: Okay.

23 MR. CARBALLO: And -- and if you just
24 compare it to -- sorry -- the elevation that we
25 had originally submitted, which is this one down

1 here --

2 MR. MULKAY: And -- and the one that you're
3 referring to down there, now you're referring to
4 the August -- the September 8th, 2008 elevation.

5 MR. CARBALLO: That -- that is correct.
6 And this -- this elevation, as you can see, had
7 that extra story up on top, at one, two, three,
8 four, five, six stories up on top. This -- this
9 is six stories. We eliminated that, and then,
10 that top story, we still maintained the same
11 number of units. All right? We lowered the
12 building a little bit, because as you can see, it
13 -- it was a little taller on the bottom, compared
14 to that.

15 So, we lowered the building. We cut off
16 the story up on top, and we ended up with this
17 building, which is the one that ultimately got
18 approved.

19 MR. MULKAY: Okay.

20 CHAIRMAN GARCIA: Can I --

21 MR. MULKAY: Go. I don't want to
22 interrupt.

23 CHAIRMAN GARCIA: Can I see that?

24 MR. CARBALLO: See what?

25 MR. MULKAY: You want me to bring them to

1 | you?

2 | CHAIRMAN GARCIA: Okay.

3 | MR. MULKAY: I believe you have them in the
4 | -- no, I didn't provide it in this packet, but I
5 | -- I didn't want to confuse the Board.

6 | In your original file, of this approval, I
7 | know that there are both sets.

8 | CHAIRMAN GARCIA: And -- this is six.

9 | MR. MULKAY: Correct.

10 | CHAIRMAN GARCIA: This is another one.

11 | MR. MULKAY: Correct.

12 | CHAIRMAN GARCIA: And this is parking.

13 | MR. MULKAY: Correct.

14 | CHAIRMAN GARCIA: I got you.

15 | MR. CARBALLO: Just -- just as a point of
16 | clarification, that --

17 | MR. MULKAY: Just, if we could before you
18 | get there, for a second, we'll go back to this.

19 | Just go back to the height of the building
20 | on the September -- on the September 8, 2008
21 | building, on Palisade Avenue, what was the height
22 | of the building?

23 | MR. CARBALLO: Yeah. The Palisade Avenue
24 | was 71 feet.

25 | MR. MULKAY: And on the Manhattan Avenue,

1 on the east.

2 MR. CARBALLO: On Manhattan Avenue --

3 MR. MULKAY: East side.

4 MR. CARBALLO: -- we have from 85 to 173,
5 that was 88 feet.

6 MR. MULKAY: Eighty-eight feet.

7 And now, on the -- on the revised plans
8 that were submitted, on June 18th, the height
9 changed.

10 Correct?

11 MR. CARBALLO: The height definitely
12 changed.

13 MR. MULKAY: Okay.

14 And on the height on the Resolution that's
15 before the Board, the original Resolution that
16 you all have a copy of, on that Resolution it
17 shows the height, which corresponds to the June
18 18th plan.

19 Is that correct?

20 MR. CARBALLO: Dimensional height. That is
21 correct.

22 MR. MULKAY: Okay. All right.

23 Now, I'd like to bring the Board's
24 attention on the package that you have, I believe
25 you have the transcripts of the June -- July 9th,

1 2009 hearing. You should have a copy of it.

2 MR. DARDIR: Um hum.

3 MR. MULKAY: I'm not seeing it.

4 No. That's the actual Resolution.

5 CHAIRMAN GARCIA: This is Resolution.

6 MR. ISA: There's a Resolution, and then
7 there's the --

8 CHAIRMAN GARCIA: Here's the Resolution.

9 MR. ISA: Amended Resolution.

10 MR. MULKAY: I'll submit to the Board, I
11 have a copy here of the July 9th.

12 THE SECRETARY: They have it.

13 CHAIRMAN GARCIA: This is transcript.

14 MR. MULKAY: Do you have it?

15 MR. ISA: Yeah. This is --

16 CHAIRMAN GARCIA: That's the Resolution.

17 MR. MULKAY: That's the actual Resolution.

18 I thought I submitted a copy of the transcript,
19 but we may not have.

20 MR. ISA: No, I don't think --

21 THE SECRETARY: Yes, I think you do.

22 MR. MULKAY: I did? I thought I did.

23 No, it's thick.

24 CHAIRMAN GARCIA: You submit it, because
25 you -- you scan it me. You send it by email.

1 Remember that?

2 MR. MULKAY: I did.

3 CHAIRMAN GARCIA: You email it to me.

4 MR. MULKAY: I did.

5 CHAIRMAN GARCIA: Yeah. So --

6 MR. MULKAY: Okay.

7 CHAIRMAN GARCIA: -- to bring it to --

8 MR. MULKAY: So, on page 75, I have a
9 printed copy here. I thought I had -- on page
10 75, I could read to the Board.

11 In response to questioning from Mr. Price,
12 Mr. Price asked, Mr. Carb -- Mr. Carballo -- Mr.
13 Carballo, he asked, Mr. Price -- I'm reading:

14 "Okay. A difference -- the old plans
15 called for basically six residential floors,
16 above three --"

17 MR. DARDIR: It's on the first page.

18 MR. PRESSEY: Right here.

19 MR. DARDIR: It's on the first page.

20 MR. BONACCI: We don't have that one.

21 MR. PRESSEY: Oh.

22 MR. MULKAY: Well, actually, what -- let me
23 see what you have. If I may have --

24 MR. BONACCI: I have it here.

25 MR. DARDIR: This is what you're reading,

1 right here.

2 MR. MULKAY: Correct. That's exactly what
3 I'm reading, which is quoted on my letter. So I
4 quote it in the Resolution --

5 CHAIRMAN GARCIA: Oh, okay.

6 MR. MULKAY: -- the -- I quote it. I knew
7 I submitted it somehow.

8 MR. BONACCI: What page is that?

9 CHAIRMAN GARCIA: Here.

10 MR. MULKAY: So that's the quote. Right.
11 So that --

12 MR. BONACCI: I just found it.

13 MR. MULKAY: Right. So, I quoted -- I
14 quoted it. I actually have the original
15 certified transcript that was submitted --
16 prepared and he indicates:

17 "Okay. The difference -- the difference
18 called for -- for basically six residential
19 floors, above three parking levels.

20 "They're now -- although on the sixth
21 floor, there are only two units.

22 "Right.

23 "Now there are five residential floors over
24 parking, over three of parking.

25 "Right.

1 "So, there are eight. It's an eight level
2 building."

3 MR. DARDIR: "In the rear. Yes."

4 MR. MULKAY: That's on Manhattan Avenue.

5 MR. DARDIR: Right.

6 MR. MULKAY: Which turns into six on
7 Palisade Avenue.

8 I'm sorry?

9 CHAIRMAN GARCIA: Okay. Go ahead.

10 MR. MULKAY: All right. Which turns into
11 six.

12 So, he -- he says, there are eight. It's
13 an eight level building. In the rear, yes.
14 Okay. And basically you took two from the top
15 and squeezed them somewhere else. Correct.
16 Well, what happened is, part of our design --
17 this is Mr. Carballo now:

18 "Well, what happened is, part of our design
19 is we took the center column of the units, which
20 is two units, and we had shifted it up."

21 I believe Mr. Carballo's explaining it now,
22 but just to that the Board understands, the --
23 the difference in the height and what the
24 confusion was.

25 CHAIRMAN GARCIA: So, now you're clear that

1 the reason that they're -- they're here, just
2 they already went to court and everything. And
3 -- and one of the reason that I wanted that
4 explanation is because I went through the
5 transcript, I went through the Resolution, and I
6 went through the court papers.

7 So, they were so -- I saw a lot of like
8 back and forth. And so I prefer my
9 recommendation was that some explanation and we
10 be clear that what we are amending.

11 MR. MULKAY: Correct.

12 CHAIRMAN GARCIA: In reality. What we are
13 amending, so in reality, we're amending the
14 Resolution from six over one --

15 MR. MULKAY: Five over one.

16 CHAIRMAN GARCIA: Five over --

17 MR. MULKAY: Mr. --

18 CHAIRMAN GARCIA: Is five over one going to
19 be now, but --

20 MR. CARBALLO: Yes.

21 CHAIRMAN GARCIA: -- the reso -- the
22 Building Department understood like was only five
23 residential, and everything going to be parking
24 through Manhattan Avenue.

25 That was a misconfuse (sic) --

1 MR. MULKAY: Correct.

2 CHAIRMAN GARCIA: -- misunderstanding.

3 MR. MULKAY: Correct. But that is --

4 CHAIRMAN GARCIA: But in reality, at the
5 end, the clarification is five over one.

6 MR. MULKAY: Correct.

7 CHAIRMAN GARCIA: And it's --

8 MR. MULKAY: On Palisade Avenue.

9 CHAIRMAN GARCIA: On Palisade Avenue, and
10 five over three over Manhattan Avenue.

11 MR. MULKAY: Correct.

12 CHAIRMAN GARCIA: And at the level -- and
13 in the Palisade Avenue level, height is sixty-
14 something, is almost the same height that there
15 is building across the street.

16 MR. MULKAY: Correct.

17 And -- and the height remains the same as
18 in the original Resolution. We're not changing
19 anything on the height. We're not changing
20 anything.

21 Everything else remains the same in the
22 Resolution.

23 CHAIRMAN GARCIA: And actually, yes. The
24 only thing that we're here amending is -- I mean,
25 everything stay -- stay the same. The only thing

1 we're amending is five over one, through Palisade
2 Avenue, five over three over Manhattan Avenue.

3 MR. MULKAY: Correct.

4 CHAIRMAN GARCIA: The rest, we're not
5 touching nothing. It's the same.

6 MR. PRICE: Can I --

7 CHAIRMAN GARCIA: Yeah. Mr. Price? You're
8 part of the confusion.

9 I know. I know.

10 MR. MULKAY: This is one of the few -- this
11 is -- this is God's way of --

12 MR. PRICE: Punishing you.

13 MR. MULKAY: No. Yes. Me, yes. Yes.

14 MR. PRICE: By the way, I would just point
15 out, we had a little discussion here. I didn't
16 know this was coming, by the way.

17 CHAIRMAN GARCIA: Actually, Mr. Price, the
18 reason that we are having this conversation is
19 because I think it was unfair just to come here
20 to vote for -- to take -- you know, to adopt a
21 Resolution without clarification.

22 MR. PRICE: Right.

23 Anyway, the only proviso that I would put
24 in here. This was what was approved originally.
25 This -- I don't -- some numbers stick in your

1 mind.

2 Sixty-three foot height on Palisade Avenue
3 was approved by the Board.

4 MR. CARBALLO: Um hum.

5 MR. PRICE: Eighty feet in the back.

6 And this is a parking level, but this
7 parking level is not accessed from Palisade
8 Avenue.

9 CHAIRMAN GARCIA: Right. Right.

10 MR. PRICE: It's accessed from Manhattan
11 Avenue.

12 CHAIRMAN GARCIA: I recall that pretty
13 well.

14 MR. MULKAY: That's correct.

15 MR. PRICE: Whatever.

16 MR. CARBALLO: Um hum.

17 MR. PRICE: Actually, if you had -- you
18 know, the mind does strange things. I would have
19 told you the parking level was not visible from
20 Palisade.

21 Then, I thought about it. Sixty-three feet
22 -- five residential levels, 63 feet, there'd be
23 13 feet between floors.

24 I mean, it would be like Buckingham Palace.
25 So --

1 CHAIRMAN GARCIA: Right.

2 MR. PRICE: -- you know, that makes sense
3 that --

4 CHAIRMAN GARCIA: Right.

5 MR. PRICE: -- there's one level of
6 parking. It's visible from Palisade Avenue. But
7 it's not accessed from --

8 CHAIRMAN GARCIA: From Palisade Avenue.

9 MR. CARBALLO: That is correct.

10 CHAIRMAN GARCIA: Yeah. All the parking is
11 accessed through Manhattan Avenue. That was one
12 of the big challenge, thinking also that -- that
13 the school wasn't planned already at that point.
14 And also, like that intersection to have an entry
15 for that -- that side going to be big, big impact
16 for traffic.

17 Remember that?

18 MR. PRICE: Yeah.

19 By the way, I make one comment about -- you
20 know, this miscarriage of justice by our Supreme
21 Court.

22 One of the things that the Supreme Court
23 really loved was this -- was the fact that this
24 was a sloped property. It not only slopes from
25 Palisade Avenue to Manhattan Avenue, but

1 | Manhattan Avenue also slopes as it goes down to
2 | Hoboken.

3 | And one of the things that they liked was
4 | that this design adapted -- or the design was
5 | adapted to the site, making it particularly
6 | suited.

7 | CHAIRMAN GARCIA: Right.

8 | MR. PRICE: And so, on Manhattan Avenue,
9 | you've got three parking entrances.

10 | MR. CARBALLO: No, two.

11 | MR. PRICE: Two.

12 | MR. CARBALLO: Two.

13 | MR. PRICE: Two. One -- one which goes up
14 | to --

15 | MR. CARBALLO: It ends up on Palisade
16 | Avenue level.

17 | MR. PRICE: To the Palisade Avenue level.
18 | And then --

19 | MR. CARBALLO: And then, there's one that
20 | actually goes underneath the Manhattan Avenue
21 | level.

22 | MR. PRICE: And then, the -- the middle
23 | level of parking, I'm not sure whether --

24 | MR. CARBALLO: Well, it actually just winds
25 | it's --

1 MR. PRICE: Yeah.

2 MR. CARBALLO: -- itself out.

3 MR. PRICE: So -- and the Supreme Court
4 liked that. They were -- because you know, with
5 a D-1 use variance, that particular suitability
6 proof is a toughie. And Mr. Mulkey was able to
7 persuade them that it was, in fact, the case
8 here. And they --

9 MR. MULKAY: Still your name, not mine.

10 MR. CARBALLO: The -- the Price building.
11 Is that what we'll call?

12 CHAIRMAN GARCIA: But basically, traffic
13 aspect, that that building is no impact on the --

14 MR. MULKAY: Very low impact.

15 CHAIRMAN GARCIA: Very low impact on
16 Palisade Avenue.

17 MR. MULKAY: Correct, because all the
18 traffic is going --

19 MR. PRICE: It's --

20 MR. MULKAY: -- in the opposite direction.

21 MR. PRICE: -- only people --

22 CHAIRMAN GARCIA: Right. Right.

23 MR. PRICE: -- on Palisade Avenue and the
24 cars are all on Manhattan Avenue.

25 MR. CARBALLO: Yeah.

1 MR. BONACCI: Great team work, guys.

2 MR. CARBALLO: Thank you.

3 CHAIRMAN GARCIA: So, I think after all the
4 explanation, I think that everybody's clear now
5 to -- to vote for the -- to amend this --

6 I make my motion to adopt the amendment for
7 that Resolution.

8 MR. BONACCI: Second.

9 THE SECRETARY: Motion to amend Himeji,
10 LLC, 1410-1418 Palisade Avenue --

11 CHAIRMAN GARCIA: Just let me --

12 THE SECRETARY: -- Block 181, Lots --

13 CHAIRMAN GARCIA: -- just let me be clear.

14 Sorry --

15 MR. ISA: Carlos, one second.

16 CHAIRMAN GARCIA: Sorry -- sorry, Carlos.
17 I never did that, but just be clear.

18 This amendment is only for -- to the
19 clarification of the five story over one parking
20 level on Palisade Avenue, and five residential
21 story over three parking level on Manhattan
22 Avenue.

23 The remainder Resolution staying the same.
24 Stay the same.

25 MR. ISA: That's right.

1 MR. MULKAY: And I -- and I think the
2 corrective Resolution your counsel drafted, also
3 confirms that it was the June 18 plans that were
4 approved.

5 The plans that are in your file. I don't
6 even want to submit these, so there's no
7 confusion.

8 There's a set of plans in the file that
9 have -- dated June 18th, and your -- your Clerk
10 has in the file. That those are the plans,
11 because the Building Department had confusion as
12 to whether it was the September 8th or the June
13 18th plan.

14 I think the corrective Resolution drafted
15 by counsel, that I had an opportunity to look at,
16 confirms that.

17 CHAIRMAN GARCIA: Thank you.

18 Let me make the motion again.

19 I make my motion to adopt this Resolution.

20 THE SECRETARY: Motion to adopt the
21 Resolution by Chairman Andres Garcia.

22 Second by Mr. --

23 MR. BONACCI: Bonacci.

24 THE SECRETARY: -- Bonacci.

25 Roll call.

1 Chairman Garcia?

2 CHAIRMAN GARCIA: Yes.

3 THE SECRETARY: Victor Gullon?

4 MR. GRULLON: Yes.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: David Pressey?

8 MR. PRESSEY: Yes.

9 THE SECRETARY: Mr. Dardir?

10 MR. DARDIR: Yes.

11 THE SECRETARY: Mr. Medina?

12 Mr. Medina?

13 MR. MEDINA: Abstain.

14 CHAIRMAN GARCIA: Medina?

15 MR. MEDINA: Abstain.

16 MR. ISA: He abstained.

17 THE SECRETARY: Medina abstain.

18 Mr. Bonacci?

19 MR. BONACCI: Yes.

20 THE SECRETARY: Motion carries. -- let the
21 record indicate six in favor, one abstain.

22 Motion carries.

23 * * *

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1 **ADJOURNMENT:**

2

3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 CHAIRMAN GARCIA: Aye.

7 THE SECRETARY: Motion by Mr. David
8 Pressey.

9 Second by?

10 CHAIRMAN GARCIA: Aye.

11 THE SECRETARY: Second by Miguel -- Miguel
12 Ortiz.

13 Andres Garcia to adjourn the meeting?

14 CHAIRMAN GARCIA: Yes.

15 THE SECRETARY: Victor Grullon?

16 MR. GRULLON: Yes.

17 THE SECRETARY: Miguel Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: David Pressey?

20 MR. PRESSEY: Yes.

21 THE SECRETARY: John Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Joseph Bonacci?

24 MR. BONACCI: Yes.

25 THE SECRETARY: Khaled Dardir?

1 MR. DARDIR: Yes.

2 THE SECRETARY: Motion carries. Seven in
3 favor.

4 Good night, everybody.

5 CHAIRMAN GARCIA: Good night, everybody.

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7 (Whereupon, the proceedings were concluded
8 at 9:14 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT held on Thursday, April 9, 2015 and
10 digitally recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon