

City Hall
3715 Palisade Avenue
Union City, New Jersey

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

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

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

DAVID SPATZ, CONSULTANT, (Left at 7:00 p.m.)
Community Housing and Planning Associates

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 716 Capital, LLC

MICHAEL HEITMANN, ESQ.,
Attorney for Applicant, RDK Royal Associates, LLC

LUIS E. DIAZ, ESQ., (FOR ALAIN MULKAY, ESQ.)
Attorney for Applicant, Alberto & Ignazio Laguna

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

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, Towers Realty, LLC

MICHAEL T. HALKIAS, ESQ.,
Attorney for Applicant, Shriji 218, LLC

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

3 We are going to call to order a Regular
4 Public Meeting of the Zoning Board of Adjustment
5 of the City of Union City.

6 This meeting has been called and scheduled
7 for Thursday, June 11, 2015 at six p.m.

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

11 Notice of this meeting has been provided
12 setting forth the time, date, and location of
13 this meeting.

14 Notice of the agenda, to the extent known,
15 was sent to The Jersey Journal, The Record, and
16 The Hudson Reporter, and was posted on our
17 bulletin board, and keep on file in the Office of
18 the Municipal Clerk.

19 Before we call roll, please, everybody
20 kindly rise to salute the flag.

21

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

24

25 **ROLL CALL:**

1

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THE SECRETARY: Roll call for tonight's
meeting.

4

Chairman Andres Garcia?

5

CHAIRMAN GARCIA: Yes.

6

THE SECRETARY: Victor Grullon?

7

MR. GRULLON: Present.

8

THE SECRETARY: Margarita Gutierrez?

9

MS. GUTIERREZ: Here.

10

THE SECRETARY: Miguel Ortiz? Absent.

11

David Pressey? Absent.

12

Harlenny Javier? Absent.

13

Khaled Dardir?

14

MR. DARDIR: Here.

15

THE SECRETARY: John Medina?

16

MR. MEDINA: Here.

17

THE SECRETARY: Joseph Bonacci?

18

MR. BONACCI: Here.

19

THE SECRETARY: Elisa Flores?

20

MS. FLORES: Here.

21

THE SECRETARY: Let the record indicate
there are seven present.

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1 **Corrective Resolution:**

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3 (1) Zohara, 544, LLC, 544 40th Street

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5 THE SECRETARY: On tonight's agenda we have
6 no resolutions, but we have one correction.

7 Zohara, 544, LLC, 554 40th Street. This
8 Resolution was memorialized on March 19, 2015.

9 MR. ISA: Yes. There's a -- there's a few
10 typographical errors on a -- on a Resolution
11 memorialized back in March 19th, and I -- I made
12 some corrections to it, so just -- you know,
13 wanted to -- we added that to the -- to the
14 agenda to correct this Resolution. It's for
15 Zohara, 54 (sic) LLC.

16 CHAIRMAN GARCIA: So the Resolution is for
17 544 40th Street?

18 MR. ISA: Yes.

19 CHAIRMAN GARCIA: Zohara 44 (sic), LLC?

20 MR. ISA: Yeah.

21 CHAIRMAN GARCIA: I make a motion to adopt
22 this Resolution.

23 THE SECRETARY: Motion to --

24 MS. GUTIERREZ: And I second it.

25 THE SECRETARY: -- to approve the

1 correction by Chairman Andres Garcia.

2 Seconded by Margarita Gutierrez.

3 Chairman Garcia to approve the -- the
4 corrections?

5 CHAIRMAN GARCIA: Yes. Yes.

6 THE SECRETARY: Victor Grullon?

7 MR. GRULLON: Yes.

8 THE SECRETARY: Margarita Gutierrez?

9 MS. GUTIERREZ: Yes.

10 THE SECRETARY: Khaled Dardir?

11 MR. DARDIR: Yes.

12 THE SECRETARY: John Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Joseph Bonacci?

15 MR. BONACCI: Yes.

16 THE SECRETARY: Elisa Flores?

17 MS. FLORES: Yes.

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

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

2

3 MR. ISA: Now, Mr. Secretary, I believe
4 that there's a matter that's requesting an
5 adjournment. That's number 3 on the agenda. You
6 might want to call that first, just in case
7 anyone's here -- here for it, they don't have to
8 stick around.

9 THE SECRETARY: Very good. Mr. -- all
10 right.

11 We are going to change a little bit the
12 order of tonight's agenda. We are going to call
13 first Alberto Ignazio Laguna, 201 New York
14 Avenue.

15 Mr. Mulkay?

16 MR. DIAZ: Good evening, Board members.

17 Luis Diaz standing in for Alain Mulkay.

18 I believe Mr. Mulkay handed over documents
19 for jurisdiction, trying to obtain jurisdiction,
20 and then request an adjournment.

21 MR. ISA: I have -- I've reviewed them.
22 Mr. Mulkay did hand these over to me just a few
23 moments before leaving.

24 I reviewed them, and everything appears to
25 be in order. So, we would have jurisdiction to

1 proceed.

2 But I understand he is requesting an
3 adjournment.

4 MR. DIAZ: An adjournment. Correct.

5 MR. ISA: So, we obtain jurisdiction and --
6 and they're requesting to adjourn the
7 application.

8 CHAIRMAN GARCIA: Okay.

9 To the next -- for the next meeting?

10 MR. DIAZ: To the next meeting. Yes.
11 July.

12 CHAIRMAN GARCIA: Okay. I make my motion
13 to adjourn this application to the next meeting.

14 MS. GUTIERREZ: And I second.

15 MR. ISA: And Mr. Chairman, and what's the
16 date of the next meeting?

17 MR. SPATZ: July 9th.

18 MR. ISA: July 9th?

19 CHAIRMAN GARCIA: July 9th.

20 MR. ISA: July 9th.

21 MS. GUTIERREZ: Ninth. The 9th.

22 THE SECRETARY: Motion to adjourn this
23 application by Chairman Andres Garcia.

24 Second by Margarita Gutierrez.

25 Andres Garcia --

1 CHAIRMAN GARCIA: Yes.

2 THE SECRETARY: -- to adjourn the
3 application.

4 CHAIRMAN GARCIA: Yes.

5 THE SECRETARY: Victor Grullon?

6 MR. GRULLON: Yes.

7 THE SECRETARY: Margarita Gutierrez?

8 MS. GUTIERREZ: Yes.

9 THE SECRETARY: Khaled Dardir?

10 MR. DARDIR: Yes.

11 THE SECRETARY: John Medina?

12 MR. MEDINA: Yes.

13 THE SECRETARY: Joseph Bonacci?

14 MR. BONACCI: Yes.

15 THE SECRETARY: Elisa Flores?

16 MS. FLORES: Yes.

17 THE SECRETARY: Motion carries. No further
18 notice required.

19 MR. DIAZ: This will be --

20 THE SECRETARY: Next meeting --

21 MR. DIAZ: -- for July 9?

22 THE SECRETARY: -- will be July 9 --

23 MR. DIAZ: Ninth.

24 THE SECRETARY: -- same --

25 MR. DIAZ: Will be no -- no notices.

1 MR. ISA: No new notices.

2 MR. DIAZ: And publication.

3 MR. ISA: No notice will be --

4 MR. DIAZ: Thank you very much.

5 MR. ISA: No new notice will be necessary.

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

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1 **716 Capital, LLC - 716 29th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 716 Capital, LLC, 716 29th
5 Street.

6 Mrs. Pereiras?

7 MR. ISA: Mr. Chairman, members of the
8 Board, I reviewed the documents of notification
9 and service. Everything appears to be in order
10 and the Board has jurisdiction to proceed.

11 MS. PEREIRAS: Good evening, Mr. Chairman,
12 counsel, members of the Board.

13 May it please the Board, Bianca Pereiras on
14 behalf of the applicant, 716 29th Street -- 716
15 Capital, LLC, for property 716 29th Street, also
16 known as Block 162, Lot 9.

17 This application is for the legalization of
18 a four family.

19 This project has a little bit of a history.

20 This was a four family. We've been able to
21 document this as far back at least as 1973, that
22 showed the property was used and occupied as a
23 four family.

24 At some point, the previous owner changed
25 it to a one family, as far as the tax records are

1 concerned, and we're looking to bring that back
2 to the four family that it originally was.

3 We have one expert to testify before the
4 Board this evening. That is our architect, Mr.
5 Manuel Pereiras.

6 MR. DILLON: Swear the testimony you're
7 about to give is the truth, the whole truth,
8 nothing but the truth?

9 MR. PEREIRAS: I do.

10 MR. DILLON: And your name?

11 MR. PEREIRAS: Manny Pereiras,
12 P-E-R-E-I-R-A-S, with Pereiras Architects
13 Ubiquitous, 1116 Summit Avenue, right here in
14 Union City.

15 MR. DILLON: Thank you.

16 MS. PEREIRAS: And just for purposes of the
17 record, Mr. Pereiras has testified before this
18 Board before and I ask that he be accepted as an
19 expert.

20 CHAIRMAN GARCIA: Many, many times. Do you
21 still have -- you still have a license?

22 MR. PEREIRAS: Still have a license.

23 MR. ISA: Just -- the Building Department
24 memo has this property as being a four unit
25 structure.

1 MR. PEREIRAS: Correct.

2 MR. ISA: Just thought -- because I may
3 just -- was it legally changed to a one --

4 MR. PEREIRAS: That's the irony, and kind
5 of the funny thing about this application.

6 Normally, we're here with the reverse
7 situation, reverse problem. Today, this was, in
8 the 1973 assessment, and as far back as we go in
9 the records, as a four family house.

10 In the Building Department today, it's a
11 four family house.

12 The only problem is, at some point in the
13 last few years, they changed it -- because of
14 financial reasons, they changed it into a one
15 family house, at the Tax Assessor's Department.
16 At the Tax Assessor. Not even at the Building
17 Department.

18 So, this is registered as a legal four
19 family, even in our own Building Department.

20 But just to make things clear, and have no
21 confusions, our Building Department asked for
22 clarity, and we're here before this Board just to
23 legalize a preexisting condition.

24 And the good thing about that is that we're
25 going to take it as an opportunity to make this

1 building better. So, we're moving forward and
2 making it comply to all of the current codes and
3 standards of today. And we're rearranging things
4 slightly to make it better.

5 So, yes, it's a little bit of an odd
6 situation, legal, in the Building Department.
7 Legal, back in 1973. And today, we're legalizing
8 it yet again.

9 MR. ISA: Okay.

10 MR. PEREIRAS: So that said, I'm going to
11 continue the presentation.

12 We have a two story, wood frame building.
13 The exterior of the building, and everything
14 within it, stays the same. We're not really
15 making any real modifications to it, other than
16 beautifying it.

17 We are going to give it a nice tender
18 loving care, give it a good paint job, replace
19 some of the siding on it, and make it into a
20 better condition.

21 We have a series of existing
22 nonconformities. We have a 25 by 90 lot. That
23 triggers our first two variance, and they're
24 existing nonconformities.

25 We're required a hundred foot depth for the

1 district. And we're required 2500 square feet
2 for lot area.

3 We're -- we're shy of both of those, being
4 90 feet and 22.50 feet in length.

5 We also have an existing nonconformity for
6 front yard. There's a front porch on this house.
7 That front porch is at 7.5 feet from the property
8 line, whereas ten feet is required. The building
9 itself is at ten feet.

10 So, the only thing that eats into that
11 front yard setback is the building.

12 The building sits on both sides of the
13 property line, left and right, so there is no
14 side yard setback. This is again an existing
15 nonconformity to the building.

16 And of course, typical of these older
17 buildings and older character, there's no space
18 and room for parking. So, we have a parking
19 variance, as well. Eight units would be -- eight
20 parking spaces would be required for this four
21 family house, we have none. This is a
22 preexisting nonconforming condition.

23 And the other variance that we would have,
24 based on the new Ordinance, is the area of the
25 apartments. Whereas a -- I believe it's 550

1 square feet is required for a one bedroom, these
2 are smaller units. The -- the ground floor is at
3 436 square feet and the -- the upper floors, the
4 two units on the upper floor, is at 456 square
5 feet.

6 That said, I'm going to go through the
7 drawings very quickly.

8 The drawings I have presented to you on
9 this easel are same drawings you have before you
10 and have been submitted, and are available in the
11 Clerk's Office.

12 I'm turning to page Z02. In page Z02, you
13 have the existing conditions along the top of the
14 page, and the proposed conditions on the bottom.
15 We have a basement. There's no changes proposed
16 to the basement.

17 And then, we have the first floor and
18 second floor.

19 The -- the first thing that we're doing is
20 putting adequate and -- and good sized bathrooms
21 into this. So, we're taking the rear area of
22 this and we're providing bathrooms for each of
23 the -- the spaces.

24 And then, we're simply flipping the
25 bedrooms and living room areas. So, we're going

1 to demolish the closets that are located in the
2 center portion, and putting them out towards the
3 exterior. And that's done for a very specific
4 reason. We're creating emergency egress windows
5 for the bedroom, so if there's ever a fire,
6 problem at night, people could get out of the
7 bedrooms easier.

8 So, we're flipping the living space into
9 the middle of the building, and the bedrooms to
10 the exterior of the building.

11 We did the same thing, mimicked on all
12 floors.

13 So, just to go over a little bit of the
14 sizes, so you feel comfortable with the sizes of
15 the units.

16 The bedrooms are nine foot six by 12 feet
17 on the ground floor. And then, on the second
18 floor, they're 11.7 by 12. So, they're decent
19 size bedrooms.

20 The living spaces are 8.8 by 13.3. And
21 then, you have a dining/kitchen area that's like
22 a galley kitchen along the back.

23 Beyond that, there's no real changes, other
24 than a lot of Code compliance that we're going to
25 do. Fire alarms, sprinkler systems, fire

1 | separations and everything that's required from
2 | our Building Department, in order to make this a
3 | safe, legal unit.

4 | That concludes my testimony. I'm open for
5 | questions.

6 | CHAIRMAN GARCIA: Basically, I don't know.

7 | MR. PEREIRAS: There's not much to say.

8 | CHAIRMAN GARCIA: I mean, it's like -- I
9 | mean it's like --

10 | MR. PEREIRAS: Yeah.

11 | CHAIRMAN GARCIA: -- this turn what for?
12 | You know what I mean, it's like --

13 | MR. PEREIRAS: Um hum.

14 | CHAIRMAN GARCIA: It is what it is. I
15 | mean, it's -- I mean, is in Building Department
16 | is legal four units.

17 | MR. ISA: Is this --

18 | CHAIRMAN GARCIA: And they are trying to
19 | legalize four units. So I mean --

20 | It's just for tax -- I mean for Tax
21 | Assessor issue. So --

22 | MR. PEREIRAS: Yeah.

23 | CHAIRMAN GARCIA: I don't know. Anyone has
24 | any question?

25 | Well, it is more than interpretation.

1 MR. ISA: Yeah. That's --

2 MR. PEREIRAS: They want an actual new
3 Resolution. They want a new presentation. So,
4 we're -- we're complying with what was requested.

5 CHAIRMAN GARCIA: Okay.

6 MR. GRULLON: Mr. Pereiras, question?
7 Is the building being used right now?

8 MR. PEREIRAS: Right now it's not. It has
9 been used. Right now it has not.

10 MR. GRULLON: Because I see on the picture
11 that it has like a --

12 MR. PEREIRAS: The X. Yes. On the
13 picture. Yeah.

14 MR. GRULLON: -- the X.

15 MR. PEREIRAS: So right now, it's not.
16 It's abandoned right now.

17 MR. GRULLON: And you're going to be doing
18 demolition inside of all the walls?

19 MR. PEREIRAS: Not all the walls. Very
20 limited demolition.

21 If you actually see my existing plan, the
22 dashed walls are what we're going to demolish.
23 So, all the bearing walls in the building are
24 actually maintaining.

25 And the only areas we're demolishing are

1 the rear portion and the closets. It's very
2 minimal demolition.

3 MR. GRULLON: And they're all going to be
4 one bedroom units?

5 MR. PEREIRAS: They're each -- they're
6 going to be four one bedroom units.

7 CHAIRMAN GARCIA: And the existing -- the
8 existing walls for --

9 MR. PEREIRAS: Is four one bedroom units.

10 CHAIRMAN GARCIA: Right. So, it's like --

11 MR. PEREIRAS: We're just making it better.

12 MR. GRULLON: You are making it better.

13 MR. PEREIRAS: Yeah.

14 MR. GRULLON: You are going to change the
15 façade though.

16 MR. PEREIRAS: We're going -- just paint,
17 repair the siding, minimal aesthetic improvement.

18 MR. BONACCI: It's an improvement.

19 CHAIRMAN GARCIA: And you don't require any
20 -- any variance, any other thing.

21 MR. ISA: I mean, I guess if -- if it were
22 a one unit, it would require a variance to go to
23 four.

24 But we're not sure if it's a one -- all
25 right.

1 MR. PEREIRAS: We're calling this a D-1,
2 because it's --

3 MR. ISA: Right.

4 MR. PEREIRAS: -- it's a four unit within --
5 and where a three family is permitted.

6 MR. ISA: All right.

7 MR. PEREIRAS: And we're asking for relief
8 on the D-1.

9 MR. ISA: And yeah.

10 CHAIRMAN GARCIA: Any other question?

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

13 Closed to the public.

14 I mean, I'm going to make motion to grant
15 this. I don't know if it's application,
16 interpretation, or what, but I mean is -- if it's
17 in the Building Department as four units, and you
18 are presenting four units, so I -- I mean, no
19 reason why to deny the application, or the
20 interpretation, or whatever you want to say.

21 Make my motion to grant it.

22 MS. GUTIERREZ: I'm seconding.

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

25 Second by Margarita Gutierrez.

1 MR. PEREIRAS: Thank you very much.

2 MS. PEREIRAS: Thank you very much.

3 MR. ISA: Thank you.

4 MS. PEREIRAS: Have a good night.

5 THE SECRETARY: Roll call to approve the
6 application.

7 Chairman Garcia?

8 MR. PEREIRAS: Oh, I'm sorry. They didn't
9 call --

10 CHAIRMAN GARCIA: Yes.

11 MR. PEREIRAS: -- roll call.

12 THE SECRETARY: Victor Grullon?

13 MR. GRULLON: Yes.

14 THE SECRETARY: Margarita Gutierrez?

15 MS. GUTIERREZ: 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: Elisa Flores?

23 MS. FLORES: Yes.

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

1 MS. PEREIRAS: Thank you very much.

2 MS. GUTIERREZ: You're welcome.

3 MR. ISA: Thank you.

4 MR. PEREIRAS: Good night, everyone. See
5 you next month.

6 MR. ISA: See you next month.

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

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1 **RDK Royal Associates, LLC - 4510 Brown Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, RDK Royal Associated (sic),
5 LLC, 4510 Brown Street. This is a continuation.

6 MR. ISA: Mr. Chairman, you remember that
7 this application was before us last -- at the
8 last meeting, and the Board requested that they
9 come back with more testimony.

10 CHAIRMAN GARCIA: Right.

11 MR. HEITMANN: That's correct.

12 Good evening, members of the Board.

13 If you remember, my name is Michael
14 Heitmann. That's H-E-I-T-M-A-N-N. I'm the
15 attorney for RDK Royal Associates, LLC.

16 Tonight we're continuing our application
17 for a variance to -- to change the use from a
18 three family to a four family.

19 It turns out, after -- after our last
20 meeting, that we -- we've gotten some more
21 information about preexisting condition. And --
22 and it seems that it was always used as a four
23 family.

24 If you'll remember, my client recently
25 bought the property. It didn't really have much

1 information as to what it was.

2 I believe he testified that he bought it as
3 a four family and that it -- you know, and that
4 they've since gutted the basement and did some
5 renovations on the first and second floor. And
6 that the other, it's a three -- three existing
7 families.

8 And right now, they want to legalize the --
9 the basement.

10 There was some indications that the
11 basement was -- had a kitchen in it and some
12 plumbing. And we've now gone back and found
13 somebody -- turns out that my client is friendly
14 with the previous owner, and tracked down some of
15 the family members.

16 So, what I would like to do is submit a
17 certification that we just received recently. As
18 a matter of fact, it's dated -- dated June 10,
19 from a Russ Russo (phonetic).

20 Mr. Russo certifies that it was requested
21 by Ralph Passante, who's one of the members of
22 the applicant, that he resides in Paramus, is an
23 82 -- 82 year old gentleman. So, it appears
24 that his memory is pretty good.

25 He says he lived at 4510 Brown Street, the

1 subject premises, from 1952 to 1956. And his
2 father lived there from 1952 to 1991.

3 So, Mr. Russo testifies that he remembers
4 that this basement area was always used prior to,
5 and after 1970 as a residential space. He says
6 he remembers people staying down there, and
7 remembers people cooking down there.

8 His -- his memory of the basement prior to
9 and after 1970 includes people using it as living
10 quarters, meaning that people cooked and slept in
11 the basement during that time.

12 MR. ISA: If I may?

13 Are -- are they here to -- to testify to
14 that?

15 MR. HEITMANN: Unfortunately, Mr. Russo is
16 82 years old and we were unable to -- you know,
17 have him present.

18 But I have copies, and I have an original
19 certification from him, with the notary, that I
20 would like to submit at this time. I have
21 several copies for everybody, if I could just
22 pass that around.

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

25 CHAIRMAN GARCIA: Is your architect here?

1 MR. HEITMANN: My architect is here, yes.
2 I know you had some questions for the architect,
3 as well.

4 Pass those out. I have several copies.

5 The architect is here. I know you -- you,
6 Chairman, had some specific question.

7 CHAIRMAN GARCIA: Yeah. I had a really a
8 few -- a few concern about it. It's like if the
9 person -- I recall the application now, is how
10 come -- and one of the question of one of the
11 member of the Board was the height of the
12 ceiling.

13 How come an architect doesn't going to know
14 -- doesn't going to come here ready with the
15 specific information about how high is the
16 ceiling?

17 MR. HEITMANN: I remember --

18 CHAIRMAN GARCIA: This is some kind of
19 disrespect for the Board, and also disrespect for
20 the people who live in Union City.

21 MR. HEITMANN: I believe -- I believe -- I
22 reviewed the transcript, and I looked at the
23 testimony, and my -- you know, although he -- he
24 wasn't certain, he -- he was certain that it was
25 over seven feet. He didn't know the exact

1 height, but he is here to testify as to the exact
2 height of -- of the ceiling, as well as you had
3 some concerns about the windows, and the ingress
4 and egress for fire safety.

5 So, if you'd like, at this time, I can
6 bring up Mr. Gilchrist.

7 I also have some testimony from my client,
8 as well, who went --

9 MR. ISA: Okay.

10 MR. HEITMANN: -- and got some tax records,
11 and it appears that we are -- we are being taxed
12 as a four family right now.

13 MR. ISA: If I may?

14 Just as a -- the Board is aware that -- you
15 know, we -- you know, people who want to testify
16 to the Board, supposed to come and testify in
17 person.

18 Hearsay is permitted to some degree in the
19 -- in the Board of Adjustment and these types of
20 proceedings.

21 So, I mean -- you know, you can look at
22 this, but -- you know, anyone wishing to voice an
23 opinion on -- on a project is supposed to come
24 here in person.

25 I understand the gentleman is 85 (sic)

1 years old and --

2 CHAIRMAN GARCIA: I -- I think that in our
3 practice, in this Board, I think I want to be
4 fair for both sides.

5 We don't accept it for the people who is
6 against an application. So, I don't think I'm
7 going to accept it for the -- for the applicant.

8 Okay? So, when -- when we have people --
9 when we -- when we have resident opposed or in
10 favor of any application, they send letter,
11 whatever, representing --

12 MR. ISA: We don't accept it.

13 CHAIRMAN GARCIA: -- so we don't accept it.

14 So, I think it's fair for -- also for the
15 resident of Union City, don't accept it from the
16 applicant either.

17 MR. HEITMANN: I understand. Would you --
18 if I could take a second to discuss with my
19 client, and see if he thinks that maybe Mr. Russo
20 can come if we adjourn it one more time?

21 CHAIRMAN GARCIA: Okay.

22 MR. HEITMANN: I would just ask -- let me
23 ask him.

24 CHAIRMAN GARCIA: Okay. Two minute break.
25 Yes.

1

2 (Whereupon, the Board recessed from 6:53
3 p.m. to 7:07 p.m.)

4

5 (Whereupon, David Spatz left the meeting at
6 7:00 p.m.)

7

8 THE SECRETARY: Please. We are going in
9 business.

10 MR. ISA: We're going back on the record.

11 THE SECRETARY: Back in record.

12 Mr. Heitmann?

13 CHAIRMAN GARCIA: Okay. Resume the
14 meeting.

15 So, the -- the only testimony that you have
16 for the preexisting condition is the one that you
17 were trying to present, the old man -- you know,
18 testimony that he -- that he sent.

19 Right?

20 MR. HEITMANN: Yes.

21 CHAIRMAN GARCIA: Mr. Russo?

22 MR. HEITMANN: The certification that he's
23 -- he lived there, his father lived there. It
24 was always used as a four family, as a residence
25 downstairs.

1 And, unfortunately, he's 82 years old.
2 We're not -- we're not thinking that he's going
3 to be able to get himself here. You know, he's -
4 - he has some problems moving around and we don't
5 believe we'll be able to get him here.

6 I did speak to -- you know, one of the
7 objectors. He's -- he's satisfied with the --
8 with the certification and feels like it
9 dispenses with -- you know, the necessity of --
10 of his appearance.

11 CHAIRMAN GARCIA: But okay.

12 I mean, I -- I really want to apologize
13 with that gentleman. But thing is, I don't want
14 to create a precedence that we are accepting
15 that, because we never accept it to the -- to the
16 opening of any application.

17 You know what I mean? That's the -- that's
18 the reason.

19 It's nothing -- no prejudice, no nothing
20 against that person, nothing against -- but it is
21 -- I don't -- I mean, this Board never accept it
22 to the other side, so I think -- I think it's
23 fair to don't accept it on other side.

24 Why we going to accept to the applicant and
25 don't accept it to the other part.

1 Our concern in the previous meeting is that
2 we don't have enough evidence, and one of the
3 answer of the -- of your planner, in the last
4 meeting, was that she didn't have to go back to
5 find out if that was a preexisting from before
6 the 1973.

7 So, when we don't have the element as
8 member of the Board to take a decision, we
9 usually are a little bit more conservative than
10 anything.

11 So, but we don't like -- I mean, at least
12 in my last 12 years that I been in the Board, to
13 just take a decision, or vote just assuming
14 something, without enough evidence.

15 That's why we probably just, in this
16 application, just legalizing one unit, we are
17 probably so concerned, because we don't have
18 those elements.

19 My -- I'm going to ask to your -- to your
20 client is to -- I really need to go back to the -
21 - I want to go back to the apartment myself to
22 find out. I want to see if any violation records
23 showing that is a legal unit.

24 I want to see -- I mean, we don't have
25 enough proof that if you have those four -- legal

1 four units in area -- you know what I mean? It's
2 like we need to have more evidence for us to say
3 yes, say no.

4 So that's the only thing. I mean, if you
5 -- and what we could do is if we vote today, the
6 Resolution going to be for next meeting.

7 If -- if it's okay with your client to
8 adjourn this application, and you could -- I
9 probably going to need to ask you, not for the
10 architect, but yes for the planner to come and
11 probably your planner dig in a little bit more
12 about the preexisting or not preexisting
13 condition.

14 And we could promise -- Ulysses, we could
15 have vote two Resolution, and we could adopt it
16 the same day.

17 MR. ISA: We can do that.

18 CHAIRMAN GARCIA: So, it's the same thing.
19 We -- we not going to -- we not going to go to --
20 or your client doesn't going to waste one month.
21 So --

22 MR. HEITMANN: Okay.

23 CHAIRMAN GARCIA: -- you not going to have
24 the Resolution until month.

25 So, if it's okay with your client to

1 adjourn this application, and bring your planner,
2 and then, what we could do is to adopt the
3 Resolution also next month. It's the same 30
4 days.

5 MR. HEITMANN: Okay. I -- I can speak for
6 my client and, in fact, we conjoin in that
7 application.

8 CHAIRMAN GARCIA: Yeah. So, it's exactly
9 the same -- I mean, in time, going to have the
10 same effect.

11 MR. ISA: I'll draft Resolutions in both --
12 you know --

13 CHAIRMAN GARCIA: In both way. Right.
14 Okay?

15 MR. HEITMANN: So, we'll be back here at
16 the next meeting?

17 CHAIRMAN GARCIA: Next meeting. Yes. And
18 you going to go out with your -- with the
19 Resolution, then.

20 MR. HEITMANN: And in the meantime, we'll
21 try to bring Mr. Russell (phonetic) --

22 CHAIRMAN GARCIA: Right.

23 MR. HEITMANN: -- here if we can possibly
24 get him here.

25 CHAIRMAN GARCIA: I mean --

1 MR. HEITMANN: Okay.

2 CHAIRMAN GARCIA: -- I understand the
3 situation is like he's too old, like --

4 Mr. Vallejo -- Vallejo, please, can you put
5 this application, just in case that this guy --
6 this gentleman come, can you put it number one in
7 the line -- in the list?

8 THE SECRETARY: And Mr. Chairman --

9 CHAIRMAN GARCIA: So I'm going to make my
10 motion to adjourn this application to next
11 meeting.

12 MS. GUTIERREZ: And I'm seconding.

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

15 Second by Margarita Gutierrez, to adjourn
16 this application.

17 Andres Garcia?

18 CHAIRMAN GARCIA: Yes.

19 THE SECRETARY: Victor Grullon?

20 MR. GRULLON: Yes.

21 THE SECRETARY: Margarita Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Khaled Dardir?

24 MR. DARDIR: Yes.

25 THE SECRETARY: John Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Joseph Bonacci?

3 MR. BONACCI: Yes.

4 THE SECRETARY: Elisa Flores?

5 MS. FLORES: Yes.

6 THE SECRETARY: Motion carries. Seven in
7 favor. No further notice required. Next meeting
8 July 9.

9 MR. HEITMANN: Thank you. Good night,
10 everybody.

11 MR. ISA: Thank you.

12 CHAIRMAN GARCIA: July 9.

13 MS. GUTIERREZ: Thank you.

14 MR. ISA: Thank you.

15 MS. GUTIERREZ: Thank you.

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

18 * * *

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

3

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

7 Mr. Alonso?

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

10 MR. ISA: You have several witnesses.
11 Right?

12 MR. ALONSO: I have Mr. Carballo, with
13 revised plans, and Mr. Kauker, our planner.

14 CHAIRMAN GARCIA: And how is the --

15 MR. ISA: I mean, do you -- do you want to
16 have the smaller -- I mean, we're -- we're seeing
17 that there's two very -- two considerably smaller
18 applications.

19 MR. ALONSO: I will defer to the Board, as
20 I always do. However you want to deal with it.

21 MR. ISA: Yeah. I think it would be --

22 CHAIRMAN GARCIA: Better like that?

23 MR. ISA: I mean, because -- I mean, we
24 have -- these -- these are both -- they're both
25 considerably smaller.

1 CHAIRMAN GARCIA: Right. You don't mind?

2 MR. ISA: Sure.

3 CHAIRMAN GARCIA: Okay. So --

4 MR. ISA: Want to do the Towers and then
5 Shriji?

6 MR. ALONSO: That's all right.

7 CHAIRMAN GARCIA: Thank you. Thank you,
8 Mr. Alonso.

9 MR. ALONSO: Not a problem.

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

12 CHAIRMAN GARCIA: No, don't open -- don't
13 open this.

14 MR. DARDIR: Which one is that one?
15 There's two of them.

16 CHAIRMAN GARCIA: No, just --

17 MR. ISA: No, no, no. We're -- we're just
18 changing the order. We're changing the order.

19 MR. ALONSO: Oh.

20 * * *

21

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23

24

25

1 **Towers Realty, LLC - 1419 Summit Avenue:**

2

3 MR. ISA: All right. So, we're going to do
4 number 5 now. And then --

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

7 CHAIRMAN GARCIA: What we're going to do,
8 we're going to change the order since number 4 is
9 the biggest application.

10 MR. DARDIR: This is number 5?

11 CHAIRMAN GARCIA: So going to go to number
12 5.

13 THE SECRETARY: We are going to change the
14 order on tonight's agenda.

15 Next on tonight will be Towers Realty, LLC,
16 1415 (sic) Summit Avenue.

17 MR. ISA: 1419 Summit Avenue.

18 THE SECRETARY: Mr. Diaz?

19 MS. GUTIERREZ: 1419.

20 MR. ISA: 1419 Summit.

21 THE SECRETARY: 1419. Yes.

22 MR. DIAZ: Good evening, Board members.

23 Luis Diaz for the applicant, Tower Realty,
24 LLC.

25 I'm going to provide counsel with the

1 documents for jurisdiction.

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

4 MR. ISA: Mr. Chairman, members of the
5 Board, I reviewed jurisdictional documents.
6 Everything appears to be in order and the Board
7 has jurisdiction to proceed.

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

10 MR. DIAZ: Again, Board members, the
11 application before you is 1419 Summit Avenue,
12 Towers Realty, LLC, Block 69, Lot 10.

13 Just to give you a small description on
14 what's being proposed is this is a three story
15 corner building on the corner of Summit and 15th
16 Street.

17 Presently, on the ground floor, a light
18 industrial use. It's an embroidery. They
19 manufacture religious vestments.

20 MR. ISA: Sorry.

21 CHAIRMAN GARCIA: Sorry. I just need a
22 memo from Mr. Spatz.

23 MR. ISA: You may -- you can continue.

24 Continue, Mr. Diaz.

25 MR. DIAZ: Again, it's a three story

1 building. The ground floor is presently light
2 industrial use. It's an embroidery type of a
3 use, where they did really just vestments.

4 And then, on the second and third floor,
5 residential apartments, eight of them.

6 What's being proposed is to have the ground
7 floor, that nonconforming preexisting use
8 extinguished, and on the Summit Avenue side, to
9 have a commercial establishment.

10 On the rear of that ground floor have two
11 apartments facing 14th Street.

12 I have one expert. Mr. Izquierdo is going
13 to wear two hats today. He will testify first as
14 architect, and then he will testify as -- as a
15 planner.

16 He has testified before this Board on
17 numerous occasion. If you may have him
18 qualified, I will proceed with him.

19 MR. ISA: I think Mr. Izquierdo's been here
20 on numerous occasions, Mr. Chairman.

21 Do you accept his qualifications?

22 CHAIRMAN GARCIA: I'm thinking.

23 Of course, Mr. Izquierdo, you're more than
24 welcome.

25 MR. IZQUIERDO: Thank you, Mr. Chairman.

1 MR. DIAZ: I'd like to have him sworn.

2 MR. DILLON: Please raise your right hand
3 please.

4 Do you swear the testimony you're about to
5 give is the truth, the whole truth and nothing
6 but the truth?

7 MR. IZQUIERDO: Yes, I do.

8 MR. DILLON: Can we have your name for the
9 record?

10 MR. IZQUIERDO: My name is Jose Izquierdo,
11 architect of New Jersey, 09143, planner, 03385,
12 207 60th Street, West New York, New Jersey.

13 MR. DIAZ: Mr. Izquierdo, are you familiar
14 with the location?

15 MR. IZQUIERDO: Yes.

16 MR. DIAZ: And the plans that have been
17 submitted --

18 MR. IZQUIERDO: Yes, I am.

19 MR. DIAZ: -- to the Board?

20 Could you explain to the Board, as an
21 architect, what it is that's being proposed?

22 MR. IZQUIERDO: Yes.

23 Good evening, members of the Board.

24 There have been two architectural exhibits
25 filed in conjunction with the application, namely

1 SP1 and A1, which are the exhibits that I have
2 here.

3 Maybe you will mark them A-1.

4

5 (Whereupon, Change of Use-Mixed Use
6 Building Document was received and marked as
7 Exhibit A-1.)

8

9 MR. IZQUIERDO: These are reduced 11 by 17,
10 which are actually legible copies of the drawings
11 that I will be showing.

12 MR. DILLON: A-1?

13 MR. DIAZ: A-1.

14 MR. IZQUIERDO: This Board gains
15 jurisdiction of this application because this is
16 a D-1, N.J.S.A. 40:55D17, D1, building use
17 variance, as applicant seeks to have two
18 apartments of the ground floor of a mixed use
19 property, located in the CN commercial
20 neighborhood zone.

21 Apartments are not an allowed use on the
22 ground floor of a commercial neighborhood
23 structure.

24 However, through the drawings I will show
25 -- try to show that there are special reasons,

1 and in this particular case, it is a better
2 zoning alternative to have those apartments on
3 the ground floor.

4 The drawings that are submitted are SP1,
5 and they show the zoning schedule here, which I
6 will go later under the zoning analysis. And
7 this is the ground floor architectural plan.

8 This is actually the southwestern corner of
9 the intersection of Summit Avenue and 15th Street.
10 Summit Avenue being the avenue that is the CN
11 commercial neighborhood zone, and 15th Street
12 being actually one of the pristine residential
13 neighborhoods of Union City.

14 There is also shown the cellar level floor
15 plan, some project data, some code analysis and
16 actually a survey of the property, which the
17 survey is actually incorrect.

18 And for the record, I would like to state
19 that the rear of this property is actually an
20 easement, a common scheme that connects all of
21 the residential properties from 14th Street to
22 15th Street.

23 We have an easement and we have actually an
24 easement recorded in the -- in Hudson County.

25 Drawing A1 shows actually the existing

1 architectural exterior elevations of the
2 building, and actually shows that along Summit
3 Avenue, because there was an industrial use on
4 the ground floor and the cellar level, it was
5 just finished with glass block.

6 The intent of the new Ordinance of March,
7 2012, of the commercial neighborhood zone, is
8 actually to revitalize the commercial nature of
9 Summit Avenue. And this is exactly what this
10 application is doing, as we're going to be
11 eliminating all of that glass block, exactly on
12 this and the corner, and we're going to be
13 replacing it with a transparent storefront, also
14 exactly in that size, with new signage, and a
15 canopy, that is going to have Italian glazed tile
16 or Spanish glazed tile, whatever -- whatever you
17 want to call it, we're going to preserve the --
18 the very nice brick work of the building.

19 In creating this corner signage, and
20 lighting scheme, what the application is actually
21 doing is brightening up the corner of Summit
22 Avenue and 15th Street, thereby reinforcing the
23 commercial nature of Summit Avenue.

24 However, when you come along the side, on
25 15th Street, there is an existing residential

1 entrance to the apartments upstairs.

2 The floor plans of the existing second and
3 third floors are shown here, albeit in a reduced
4 fashion.

5 We have four apartments on the second
6 floor, four apartments on the third floor. Those
7 are existing to remain, and they conform to the
8 zone.

9 However, in entering through this
10 residential entrance, on 15th Street, the
11 residents upstairs have to go through all of this
12 corridor, which is existing, because the stairs
13 that connect the three floors are actually in the
14 center of the building.

15 So, actually, it is a better zoning
16 alternative to have these as being residential
17 units, because then as the residents are walking
18 through, they're not walking through a store.
19 They're not walking through a grocery store,
20 they're actually walking through other
21 apartments. So --

22 MR. DIAZ: Mr. Izquierdo, when you point
23 out to this area, you're referring to the rear of
24 the ground floor.

25 MR. IZQUIERDO: I am --

1 MR. DIAZ: The west side of that ground
2 floor -- of the building.

3 Is that correct?

4 MR. IZQUIERDO: I am showing -- I am
5 pointing out to the proposed architectural ground
6 level, which is also a site plan, the western
7 most portion of the property, adjacent to the
8 easement that services all of these very nice
9 residential properties here, and maintaining
10 these two as apartments.

11 Originally, and what there exists now, is
12 an industrial -- they call it embroidery,
13 whatever. It's a light industrial, that actually
14 occupied all of the ground floor, and all of the
15 cellar level.

16 What is being proposed is to have a retail
17 store, maybe a pharmacy or some sort of
18 neighborhood commercial establishment here, that
19 is going to have a door going down through the
20 existing door down to the cellar, and then this
21 retail store is going to have some storage for
22 their own use. Maybe merchandise or -- or
23 whatever.

24 And then, the owner is going to have this
25 rear area as a common area for the units.

1 The units are not being separated, in terms
2 of the heat, or in terms of that. Basically, the
3 -- the building is going to remain under single
4 ownership, and it's going to be apartments that,
5 when they're rented, they're going to be afforded
6 with the -- with the heat, and the hot water, and
7 all those amenities included in the rent.

8 MR. DIAZ: Mr. Izquierdo, the -- the two
9 apartments that we are bringing before the Board,
10 on the ground floor, they're one bedroom
11 apartments.

12 Are they not?

13 MR. IZQUIERDO: They're two one bedroom
14 type B, ADA conforming units, in the sense that I
15 cannot provide physical accessibility, because
16 actually this lies about 42 inches above the
17 grade. But I can provide other things for other
18 people that have disabilities, albeit not
19 physical disabilities, but deaf, or whatever,
20 type B dwelling units.

21 MR. DIAZ: And the size of those -- those
22 one bedroom apartments is 550 square feet.

23 MR. IZQUIERDO: Yes. I will --

24 MR. DIAZ: Is that correct?

25 MR. IZQUIERDO: Yes. I will go, actually,

1 that's --

2 MR. DIAZ: And that is -- that complies
3 with the requirement for a one bedroom apartment.

4 MR. IZQUIERDO: Yes. We're not seeking a
5 dwelling unit density variance.

6 Actually, that's a good segue to go into
7 the planning testimony.

8 Can you distribute these, please?

9 Thank you.

10 MR. DILLON: A-2.

11

12 (Whereupon, Zoning Schedule and Building
13 Use, 200-Foot Radius, Prepared by Jose Izquierdo,
14 Two Pages, was received and marked as
15 Exhibit A-2.)

16

17 MR. IZQUIERDO: The exhibits that I guess
18 are being -- will be called A-2 are actually the
19 zoning schedule, and actually, a planning
20 analysis of the neighborhood; not only the 200
21 foot radius zone, but actually all of Summit
22 Avenue, extending from -- extending from 12th
23 Street to 17th Street.

24

25 (Whereupon, Miguel Ortiz arrived at 7:25

1 p.m.)

2

3 MR. ISA: Let the record reflect --

4 THE SECRETARY: Mr. Izquierdo, allow me one
5 second, please.

6 Let the record indicate that Mr. Ortiz
7 arrived to the meeting.

8 Thank you, Mr. Izquierdo.

9 MR. IZQUIERDO: Thank you, Mr. -- Mr. --

10 As I --

11 MR. PRICE: Now you got eight members. The
12 authorized members -- can't vote.

13 MR. ISA: Well, we can have the -- we can
14 have the members here, just that the alternate
15 cannot vote.

16 THE SECRETARY: He cannot vote. Yeah.

17 MR. ISA: But they can ask questions. They
18 can participate in the meeting. And --

19 THE SECRETARY: Yeah. Only one --

20 MR. ISA: -- just that the alternate --

21 THE SECRETARY: -- seven can vote.

22 MR. ISA: -- cannot vote. But I would
23 appreciate if the alternate stayed in case, for
24 some reason, another member becomes conflicted or
25 has to leave for some reason.

1 MR. DIAZ: Also, he would not be able to
2 vote --

3 MR. ISA: Does that --

4 MR. DIAZ: -- on this application, because
5 obviously, he has not heard --

6 MR. ISA: And in this --

7 MR. DIAZ: -- the entire application.

8 MR. ISA: -- particular case, Mr. Diaz
9 brings up a very good point that Miguel Ortiz,
10 having not heard the beginning of the -- of the
11 presentation wouldn't be qualified to vote on
12 this application anyway.

13 So, I would appreciate if the Board stays
14 as it is.

15 Thank you very much for your input, Mr.
16 Price.

17 MR. DIAZ: Mr. Izquierdo, could you
18 continue with the architecture explanation?

19 MR. IZQUIERDO: Yes.

20 Actually, it's a good segue to go into the
21 -- into the planning testimony.

22 As I originally indicated, applicant is
23 seeking a D-1 building use variance because the
24 two apartments, the two one bedroom type B, ADA
25 units, being proposed for the ground floor,

1 behind a retail store, are not an allowed use in
2 the CN zone.

3 So, as such, applicant is seeking not only
4 site plan approval, since this application is not
5 exempt, but also N.J.S.A. 40:55D-7D -- 1.

6 Going over the zoning schedule that I have
7 provided on the -- on the first sheet, the lot
8 area, on page 99, required is 2500 square feet.
9 Applicant has existing, and is proposing 2900.34
10 square feet, which conforms and exceeds.

11 The lot width required is 25 feet.
12 Applicant has 29 feet in the front, 29 feet in
13 the rear, existing and proposed, which conforms
14 and exceeds.

15 The lot depth required is a hundred feet,
16 and applicant has 99.37 feet on the south
17 property line, 99.55 feet on the north property
18 line, existing and proposed.

19 And that is a de minimis variance that is
20 existing. In any event, it would be a C-1
21 variance because of the nature of -- of the
22 subdivision of the lot.

23 The front yard required is zero feet.
24 Applicant has zero feet existing and proposed.
25 No relief requested.

1 The side yard is -- required is being zero
2 feet, or five feet is provided. Applicant has
3 zero feet, which no relief is required.

4 The rear yard required is 20 feet.
5 Apartment has 12 feet, four inches, existing and
6 proposed, an easement that is described as being
7 ten feet, nine inches, because it leaves the
8 clearance for the fire escape. And that is
9 actually a C-2 variance, where the purposes of
10 zoning are advanced by a deviation therefrom.

11 The building height allowed is four stories
12 or 50 feet. Applicant has three stories, 35
13 feet, five inches, existing and proposed. No
14 relief required. And actually, there is no
15 change to the footprint of the building. All of
16 the work that is being proposed is actually on
17 the ground floor, and the cellar level, and it
18 actually pertains to creating a very nice, very
19 well lit canopy, with signage and everything,
20 retail store at the corner of 15th and Summit, and
21 the two type B dwelling units in the rear.

22 The building coverage allowed is 80
23 percent, and actually, the existing building
24 covers 87.7 percent, existing and proposed. That
25 is a C-2 variance, subsumed under D-1.

1 And lot coverage allowed is a hundred
2 percent. No relief is required, as the property
3 is actually fully developed.

4 MR. DIAZ: Mr. Izquierdo, as you stated,
5 the shell of the building, the footprint of the
6 building is not being expanded.

7 MR. IZQUIERDO: No.

8 MR. DIAZ: It's staying the same.

9 MR. IZQUIERDO: It -- it remains exactly
10 the same.

11 MR. DIAZ: So, then, all the C variances
12 are all preexisting variances.

13 MR. IZQUIERDO: They're all existing
14 variances. And actually, the only variance would
15 be either rear yard or building coverage. And
16 that is totally conforming to the -- to the
17 nature of the zone.

18 MR. DIAZ: Now, looking at the neighbors of
19 the building, is there any possibility of being
20 able to expand, to buy additional property, in
21 order to expand and conform with any of the C
22 variances?

23 MR. IZQUIERDO: No. Actually, the only
24 thing that the owner would need to buy is
25 actually six inches from the property in the

1 back. But all of these areas, all of these
2 properties are fully developed. There's no
3 available land for sale at the present time.

4 MR. DIAZ: And there's nothing that the
5 owner can do with the rear -- the rear section,
6 because it's an easement, and it has to --

7 MR. IZQUIERDO: No, that's --

8 MR. DIAZ: -- has to stay the way it is.

9 MR. IZQUIERDO: Yeah. That is an easement
10 filed in Hudson County. And it's actually a
11 common scheme along all of these properties. And
12 actually, I would like to point out something
13 very unique to this block.

14 This is 14th Street and this is 15th Street.
15 This being Summit Avenue. All of these store --
16 all of these buildings actually conform to the
17 Zoning Code.

18 They have retail on the ground floor. The
19 only one that doesn't have retail on the ground
20 floor is us. And if this application is
21 approved, we will also have retail on the ground
22 floor, facing on Summit.

23 However, all of these properties have
24 apartments on the upper levels, but the entrance
25 to these apartments is not from Summit Avenue.

1 The entrance is from the rear, from that alley,
2 and they have carports, and they have the -- the
3 building entrances, and the stairs as access to
4 those apartments comes from the rear.

5 So, it's very unique because it maintains
6 the residential nature -- nature of the
7 apartments in and along 14th Street and 15th
8 Street.

9 And actually, along 15th Street, all of the
10 uses are residential. All of the uses. Even
11 this corner of Summit and 15th Street, the
12 northwest corner, is actually two, two families
13 that face 15th Street, having the driveways and
14 the carports, all of these being front yard
15 parking, all of these triangles being front yard
16 parking.

17 MR. DIAZ: Mr. Izquierdo, before you go
18 into the D variances, and going back to the C
19 variances that you mentioned before, and the
20 inability of being able to acquire any land in
21 order to conform or cure the C variances, would
22 you consider, in your professional opinion, as a
23 planner, that that constitutes a hardship?

24 MR. IZQUIERDO: Yes, because actually the
25 -- if the owner needed to acquire additional

1 property to alleviate the -- the variance for
2 building coverage, or the rear yard, which are
3 subsumed under D-1, but for the -- for the
4 argument, there is no available land for use.
5 So, it is a hardship to the owner, yes.

6 MR. DIAZ: Good. Could you continue with
7 the D variances, --

8 MR. IZQUIERDO: Yes.

9 MR. DIAZ: -- Mr. Izquierdo?

10 MR. IZQUIERDO: And then, to the parking.

11 There is no parking, actually, for this
12 property, and there is actually no parking for
13 any of these properties, and there is no parking
14 for any of the properties across the street,
15 because actually, it would be against the Master
16 Plan to have any sort of parking accessible from
17 Summit Avenue, because the intent of the drafters
18 of the Master Plan of March 2012, is to
19 revitalize all of Summit Avenue, as actually the
20 secondary avenue -- commercial avenue of Union
21 City.

22 Number one being Bergenline Avenue, and as
23 a backup, Summit Avenue.

24 So, all of the -- all of these storefronts
25 are being maintained. However, in considering

1 | what the impact of this application is on the
2 | residential -- on the parking requirements for
3 | the proposed uses, when you look at the table,
4 | the residential apartments have been -- the
5 | parking requirements have been calculated, based
6 | on Residential Site Improvement Standards, which
7 | are actually the ones adopted in parking schedule
8 | number 2 for the garden apartments, in the city's
9 | ordinance.

10 | The retail component is taken from the
11 | Zoning Code, the storage component, and the
12 | industrial component.

13 | So, the industrial use of this building,
14 | presently, requires a total of 11 parking spaces.

15 | The retail would require a total of six
16 | spaces. When we take the industrial -- the
17 | existing industrial, with the existing
18 | residential, we have that -- this building as it
19 | presently exists requires a total of 15 spaces.

20 | Those 15 spaces take account of credit,
21 | because we have the first six units of
22 | residential apartments, along Summit Avenue are
23 | allowed to have no parking.

24 | So, taking credit for that, and taking
25 | credit for everything that the Ordinance

1 requires, the existing requirement is 15 units.
2 However, when we take the proposed use, adding
3 the two residential units, which I have added two
4 two bedrooms, not the two one bedrooms, two two
5 bedrooms, and the retail component, I'm only
6 required to have 14 spaces.

7 So, in following what the Ordinance
8 requires, we are requesting a C-2 variance, for a
9 total of 14 parking spaces. However, the
10 existing requirement is for 15 spaces.

11 So, the impact of this development is going
12 to minimize -- number one, minimize the
13 requirement for parking spaces.

14 Number two, comply with the intent of the
15 Master Plan, in -- in revitalizing Summit Avenue
16 with the retail use.

17 All of the parking spaces along both sides
18 of Summit Avenue, and actually, with a hundred
19 feet on either side, west and east, are all
20 metered parking, so --

21 MR. DIAZ: And that would also be, Mr.
22 Izquierdo, lessening the nonconformity --

23 MR. IZQUIERDO: Lessening the --

24 MR. DIAZ: -- that the building has.

25 MR. IZQUIERDO: -- nonconformity. So,

1 | lessening the nonconformity of this application
2 | is twofold.

3 | We are removing a nonconforming use, the
4 | industrial use, and we're replacing it with a
5 | conforming use, the retail zone, and in providing
6 | the residential parking in the back, we're
7 | actually reinforcing the residential nature of
8 | the service alley, the residential nature of 15th
9 | Street, and the residential nature of this
10 | specific environment.

11 | MR. DIAZ: And Mr. Izquierdo, with regard
12 | to the lessening of the nonconformity, and the
13 | requirement to have a special reason for these
14 | variances, what is your opinion with regard to --
15 | to that?

16 | MR. IZQUIERDO: In this specific case, the
17 | ground floor of this building will be providing
18 | retail on the ground floor, reinforcing Summit
19 | Avenue, will be creating a very nice, lit retail
20 | corner here on 15th and Summit, and in the back,
21 | maintain the residential, it's going to feel more
22 | like a building because the -- the existing
23 | residents of the eight units upstairs, as they go
24 | up, they're going to be walking through a
25 | residential corridor --

1 MR. DIAZ: With --

2 MR. IZQUIERDO: -- not a commercial
3 corridor.

4 MR. DIAZ: With regard to the lessening of
5 the nonconformity, would that apply to a special
6 reason that is necessary for D variances?

7 MR. IZQUIERDO: That is a special reason,
8 because as I indicated on the -- on the ground
9 floor plan, the stairs that service the
10 residential apartments being here in the center,
11 as the residents walk in, they will be walking
12 into a completely residential neighborhood, with
13 no conflict between the retail and the
14 residential components, which is actually the
15 reason and the intent for that separation by the
16 Master Plan.

17 And to finish, in terms of the density,
18 both of these apartments, being the two new one
19 bedroom apartments, conform to the minimum unit
20 size for low rise buildings, 1.26.9(M), on page
21 42, of 550 square feet.

22 So, in granting this variance, it is a
23 better zoning alternative, and it furthers the
24 intent of the Master Plan, in preserving the
25 residential nature and the exclusivity of 15th

1 Street, as well as reinforcing the commercial
2 character and the retail of Summit Avenue.

3 MR. DIAZ: In that regard, it is your
4 opinion that it complies, the application does,
5 with the affirmative, the positive, and the
6 negative criteria?

7 MR. IZQUIERDO: Yeah. Well, it meets the
8 positive criteria in that it -- it provides two
9 type of B units, and it also reinforces the whole
10 -- the whole character of the residential nature
11 of this building.

12 It also meets the positive criteria, that
13 it respects the -- the private rights of all of
14 the residents that are served by that residential
15 service alley, which is preserved.

16 And the negative criteria, I don't see any
17 actually, because in -- in maintaining this as
18 residential, instead of having commercial in
19 front of these nice residential properties right
20 across the street, all of these are two and three
21 families, all of these are one, two, and three
22 families, and all of 15th Street is actually one,
23 two, and three family.

24 MR. DIAZ: So that use will conform with
25 the use that is present there on 15th Street.

1 MR. IZQUIERDO: With the existing fabric of
2 the neighborhood? Yes.

3 MR. DIAZ: Correct.

4 MR. IZQUIERDO: I have nothing further.

5 MR. DIAZ: I have no more questions of this
6 witness at this time.

7 CHAIRMAN GARCIA: Mr. Izquierdo, the
8 application, in reality, is to convert one
9 industrial to a retail, and to add two units.

10 MR. IZQUIERDO: Yes. That is exactly what
11 it is.

12 CHAIRMAN GARCIA: And to add the two units,
13 are you adding one in the back?

14 MR. IZQUIERDO: We're adding --

15 CHAIRMAN GARCIA: Can you be more specific?

16 MR. IZQUIERDO: The ground floor --

17 CHAIRMAN GARCIA: Okay. The ground floor
18 is completely industrial?

19 MR. IZQUIERDO: The ground floor,
20 completely, right now, is industrial. And
21 actually, the ground floor industrial is 2,046.5
22 square feet.

23 What we're doing is, out of that 2,046.5,
24 we're converting a retail store of 850 square
25 feet here, and a cellar storage here of 1342

1 square feet, as retail.

2 And then, we're taking this corridor, that
3 services the apartments upstairs, and making two
4 units here, both being 550 square feet. They're
5 both one bedroom.

6 They're very nice in size. They have
7 windows that face on 15.

8 CHAIRMAN GARCIA: And that's one of the --
9 of the variance that you were --

10 MR. IZQUIERDO: That's the only variance.
11 Yes.

12 CHAIRMAN GARCIA: That's the only variance,
13 because CN is -- allow to have residential on the
14 ground floor.

15 MR. IZQUIERDO: What the -- what the CN
16 zone would want, for this building, is to have
17 all of this being retail.

18 But the problem with this building,
19 specifically, is that the stairs, going up to the
20 apartments upstairs, is here.

21 If all of this is retail, be it a grocery
22 store, or whatever it is, you're going to have
23 these residents walk in through, basically, a
24 retail store.

25 So, in creating these apartments here, it

1 maintains all of this character, all of this
2 corridor as being residential, and also,
3 preserves this rear portion of 15th Street as
4 being residential, in character and in unison
5 with the alley, with the easement, and with all
6 of the one, two and three family houses that are
7 on this side.

8 MR. DIAZ: This side being the west side of
9 15th Street.

10 MR. IZQUIERDO: Being the west side of 15th
11 Street, between Summit and Kerrigan, and thereon
12 to John F. Kennedy.

13 CHAIRMAN GARCIA: And you not going to
14 touch anything on the upper level.

15 Right? Everything going to be the same.

16 MR. IZQUIERDO: Everything's going to be --

17 MR. DIAZ: There's eight apartments.

18 MR. IZQUIERDO: Yes. Yes.

19 MR. DIAZ: Eight apartments and eight
20 apartments --

21 MR. IZQUIERDO: Yeah. They're going to be
22 --

23 MR. DIAZ: -- are staying.

24 MR. IZQUIERDO: -- they're being -- they're
25 being painted --

1 CHAIRMAN GARCIA: All the -- all the
2 application, basically, is the ground floor.

3 MR. IZQUIERDO: Yes.

4 MR. DIAZ: Yes.

5 CHAIRMAN GARCIA: And if we -- if you
6 convert the whole ground floor into retail, how
7 many parking spaces are you going to need?

8 That question, let me reword it.

9 MR. IZQUIERDO: No, no, no. I understand
10 the question.

11 It would be actually five.

12 CHAIRMAN GARCIA: You're going to need
13 five?

14 MR. IZQUIERDO: I would -- if this whole
15 thing becomes retail, I would need five parking
16 spaces.

17 Right now, I am needing, for those two one
18 bedrooms, I am needing 1.8 and 1.8.

19 CHAIRMAN GARCIA: Three point six. And for
20 the --

21 MR. IZQUIERDO: Three point six and two
22 here, it's -- it's the same.

23 CHAIRMAN GARCIA: Exactly the same.

24 MR. IZQUIERDO: It's the same.

25 CHAIRMAN GARCIA: Five point six, exactly.

1 MR. IZQUIERDO: Five point six. Yeah.

2 CHAIRMAN GARCIA: Okay. Is that corner --
3 it is one of the New Jersey Transit station?

4 MR. IZQUIERDO: No.

5 CHAIRMAN GARCIA: Bus station?

6 MR. MEDINA: Bus. Bus --

7 MR. IZQUIERDO: For the bus stop --

8 CHAIRMAN GARCIA: Bus stop.

9 MR. MEDINA: -- bus stop.

10 MR. IZQUIERDO: -- you mean?

11 CHAIRMAN GARCIA: Yeah. That corner.

12 MS. GUTIERREZ: The next one.

13 MR. IZQUIERDO: Yeah.

14 CHAIRMAN GARCIA: Okay. And which one is
15 the size of the -- of the apartment? One bedroom
16 and --

17 MR. IZQUIERDO: They're 550 square feet.

18 CHAIRMAN GARCIA: Five hundred fifty square
19 feet.

20 MR. IZQUIERDO: Yeah. And they're actually
21 very nicely lit, because they have these very
22 large windows that are being turned into
23 residential. But we're putting new windows here,
24 as well.

25 And actually, the City just renovated 15th

1 Street, and they have planted so many trees along
2 15th Street. I mean, they're real close together.
3 So, all of those trees along 15th Street tell me
4 that it's a residential zone, because of the
5 enormity of trees.

6 So, now that we're going to have all those
7 trees grow, and this ground floor, this rear part
8 being residential, I think it's going to be
9 gorgeous, and this actually -- just this corner
10 being retail, very nicely lit, with the canopy,
11 which we have a detail of the canopy, and the
12 lighting, and the signage --

13 CHAIRMAN GARCIA: But basically, this is a
14 UEZ.

15 Right?

16 MR. IZQUIERDO: What?

17 CHAIRMAN GARCIA: That's UEZ zone.

18 MR. DIAZ: It is UEZ.

19 CHAIRMAN GARCIA: According to the canopy,
20 and everything, has to be according to those
21 regulation.

22 MR. IZQUIERDO: Yeah. To the standards.
23 Yes. Yes.

24 CHAIRMAN GARCIA: Okay. I have no further
25 question.

1 You have any question?

2 MR. GRULLON: Mr. Izquierdo, could you just
3 go over the existing condition of the ground
4 floor, and what is -- what is it that you have
5 legal in that building, because according to the
6 memo from Building Department, it's five units,
7 plus one commercial.

8 MR. IZQUIERDO: In the Building --

9 MR. GRULLON: Yeah. I'm just confused. I
10 don't know, is that really five units, and one --
11 one commercial?

12 MR. DIAZ: We have one of the principals --
13 explain the discrepancy.

14 MR. DILLON: Could we have your name, sir?

15 MR. DIAZ: We have Adolfo Lopez.

16 MR. DILLON: Yeah. I'll swear him in.

17 MR. LOPEZ: Adolfo, A-D-O-L-F-O, L-O-P-E-Z.
18 I'm one of the principals of Towers Realty.

19 MR. DILLON: I'm going to swear you in.

20 Raise your right hand.

21 Swear the testimony you're about to give is
22 the truth, whole truth, nothing but the truth?

23 MR. LOPEZ: I do.

24 MR. DILLON: Thank you.

25 MR. DIAZ: Mr. Lopez, you just the comment

1 of one of the Board members.

2 MR. LOPEZ: Yes. There was, in fact --
3 there is a discrepancy relating to what the Tax
4 Office shows and what the Building Department
5 shows.

6 Before we prepared this presentation, and
7 before discussing it with Mr. Izquierdo, we had
8 the Building Department do an actual site visit.

9 This building was built some time in the
10 1940s, and it was built as eight units above, and
11 retail, I guess, intended back at the time, which
12 was then converted to light industrial.

13 The problem is that it was not being used
14 as residential above, whatsoever. And it
15 appeared to -- the Tax Office had not examined
16 the building in over 30 years.

17 So, the Building Department examined the
18 site and confirmed that we do, in fact, have
19 eight units above, in their existing condition.
20 It looks like a time warp. Bathrooms from the
21 1940s.

22 MR. IZQUIERDO: They're lovely.

23 MR. LOPEZ: Intact. They had not been used
24 and they are all existing. It was confirmed by a
25 visit by Mr. Mesa.

1 And then, a memo was generated to the Tax
2 Office to correct this mistake.

3 The Tax Office suggested that since it was
4 all being proposed to be redeveloped, that after
5 it was properly finalized, they would go in and
6 they would reassess it. And that's the
7 explanation.

8 But the eight units that Mr. Izquierdo
9 reside -- described on the upper floors are all
10 existing and the original units, not -- not
11 renovated, except for one that had been opened up
12 completely.

13 MR. GRULLON: And the situation is being
14 clear with Building Department?

15 MR. LOPEZ: It -- it has been cleared with
16 the Building Department. And the Building
17 Department is actually clearing it with the Tax
18 Assessor.

19 But they're now waiting, based upon this
20 determination.

21 CHAIRMAN GARCIA: Yeah. But I think -- I
22 think that, Mr. -- sorry, Mr. Grullon, but I
23 think is the memo -- the memo say -- I mean, the
24 application is to convert one industrial, plus
25 eight unit -- residential unit into one retail

1 and ten unit.

2 In reality, we have the memo from the
3 Building Department --

4 MR. ISA: Say --

5 CHAIRMAN GARCIA: -- saying that they have
6 five legal units.

7 MR. ISA: And one commercial.

8 CHAIRMAN GARCIA: And one commercial.

9 So, the bottom line here is you are adding
10 two, and you need to legalize three.

11 MR. ISA: If you go -- and according to the
12 Building Department memo, they don't -- they
13 don't need to convert the industrial to
14 commercial, because the commercial already
15 exists.

16 MR. IZQUIERDO: Correct.

17 MR. ISA: And they're legalizing five
18 units, because they're going from five to ten --

19 MR. LOPEZ: Well, I would --

20 MR. ISA: -- by the Building Department
21 memo.

22 MR. LOPEZ: I would say the following in
23 that regard.

24 We have already requested and received
25 construction permits for the upper floors, for

1 | eight units. And that is presently being carried
2 | out as we speak.

3 | So, the Building Department gave us
4 | building permits to renovate eight units above.

5 | As I indicated to you, there is a
6 | confusion, but the confusion is really with the
7 | Tax Office. The Building Department records show
8 | it's eight units.

9 | And as a matter of fact, we -- I know,
10 | because that's what the Tax Assessor shows,
11 | currently, as five units.

12 | I don't disagree.

13 | CHAIRMAN GARCIA: Yeah. But Mr. -- Mr.
14 | Lopez, thing is that the memo from Building
15 | Department --

16 | MR. ISA: Memo is --

17 | CHAIRMAN GARCIA: -- mention legal five, is
18 | dated today.

19 | MR. LOPEZ: Yup. Yup.

20 | CHAIRMAN GARCIA: So, if the Building
21 | Department is recognizing the eight units as
22 | eight legal units, they have to send us a memo.
23 | I mean --

24 | MR. LOPEZ: Don't disagree.

25 | MR. ISA: We -- on a regular basis, we have

1 --

2 MR. LOPEZ: And we agree.

3 MR. ISA: -- a discrepancy with the --

4 MR. LOPEZ: Yes.

5 MR. ISA: -- Building Department and the
6 Tax Assessor.

7 Tax Assessor says one thing, Building
8 Department says another.

9 We guide ourselves -- we have to -- as a
10 starting proposition, we -- we start from what
11 the Building Department says.

12 MR. LOPEZ: I fully agree.

13 MR. ISA: Building Department says there's
14 five.

15 MR. LOPEZ: Yes.

16 MR. DIAZ: What we are -- we are
17 suggesting, and I just spoke with Mr. Lopez, is
18 to continue the presentation, not have a vote,
19 postpone the vote until the next meeting. And
20 then, come back with the correction that the
21 Building Department has to do.

22 And then, we do have eight going to ten.

23 MR. LOPEZ: Because like I said, if -- if
24 there was such a discrepancy with the Building
25 Department, they would have never issued us

1 building permits to renovate eight apartments.
2 They would tell us no, legalize them first, and
3 then come in.

4 They have, in fact, given us permits for
5 the eight units, for full -- for partial
6 renovations, which is really what they need. And
7 they'll --

8 But I agree that it's a huge mess, between
9 --

10 CHAIRMAN GARCIA: Okay. We --

11 MR. LOPEZ: -- Tax Assessor and Building
12 Department.

13 MR. DIAZ: The reason I'm saying to
14 continue is because I understand there's some
15 neighbors here that maybe want to ask some
16 questions.

17 And to stop the presentation at this point
18 would make them come back.

19 CHAIRMAN GARCIA: Let me -- let me be fair,
20 again, Mr. -- Mr. Diaz.

21 Let me ask the member of the public that
22 are here, for this application, if they prefer to
23 continue like that --

24 MR. DIAZ: Good idea.

25 CHAIRMAN GARCIA: -- if they prefer that we

1 resolve the situation with the Building
2 Department first, or -- because basically,
3 doesn't going to create an impact. We are only
4 --

5 MR. DIAZ: Good idea.

6 CHAIRMAN GARCIA: We are only listening
7 about the -- the application for the ground
8 floor.

9 So, if any member of the public that is
10 here for this application wants to step forward
11 --

12 MR. ISA: We're going to open up to the
13 public now then?

14 CHAIRMAN GARCIA: Yeah.

15 MR. ISA: If I may? Just --

16 CHAIRMAN GARCIA: Yes.

17 MR. ISA: One concern -- and I think before
18 we make any decision, we need to get
19 clarification because the -- the question is,
20 what are we voting on?

21 Are we voting on --

22 CHAIRMAN GARCIA: No, no, no. We're not
23 going to vote.

24 MR. ISA: No, no, no. I'm saying if we --
25 we need clarification.

1 CHAIRMAN GARCIA: The only thing that we're
2 going to do here is --

3 MS. GUTIERREZ: That's the reason.

4 CHAIRMAN GARCIA: -- basically, we are
5 talking about what it is, the ground floor.

6 MR. ISA: Okay.

7 CHAIRMAN GARCIA: We are in the perception
8 that the eight unit, above ground, are legal.
9 Let's say like that. Okay?

10 So, the only application -- the only -- the
11 application here is the whole ground floor.

12 Right, Mr. Izquierdo?

13 MR. IZQUIERDO: Correct.

14 CHAIRMAN GARCIA: So, if -- if it's not any
15 problem with the member of the public that are
16 here about this application, to continue with
17 that, or they prefer that they come back with the
18 paper from the Building Department saying the
19 other eight unit upstairs are legal, then I think
20 that we could adjourn it.

21 It's up to the member of the public.

22 Any member of the public that are here for
23 this application want to step forward?

24 A VOICE: You're going to get a line, so I
25 don't know --

1 CHAIRMAN GARCIA: No, no. One second. No,
2 no, no, no. Don't get me wrong.

3 MR. DILLON: One at a time.

4 A VOICE: (Indiscernible).

5 CHAIRMAN GARCIA: We're not going to
6 discuss the application here. You're going to
7 have the chance to talk later on.

8 The point here is we could continue with
9 the application, with the presentation. And
10 then, we're not going to vote. We're going to
11 need the proof from the applicant, for the next
12 meeting, that the eight units, in the -- above
13 ground, are legal.

14 Or you prefer to stop here, continue with
15 the application in the next meeting?

16 That's what we're going to discuss here.

17 MR. ISA: Either -- either way, we have to
18 come back for another meeting because --

19 CHAIRMAN GARCIA: Right.

20 MR. ISA: -- right now, as it stands, we're
21 -- it's either five or eight units that are
22 currently there. We -- and there's a
23 discrepancy.

24 We need to clarify that before we can make
25 a determination. But you know, since there's so

1 many members -- members of the Board (sic) here
2 -- I mean, members of the public here --

3 CHAIRMAN GARCIA: Public.

4 MR. ISA: -- you know, we -- you know, do
5 we just -- we want to we're -- the question is,
6 do we continue, let them present, and then have
7 them come back with clarification?

8 Or do we just stop and then have them come
9 and present next time?

10 CHAIRMAN GARCIA: You prefer to come back
11 --

12 A VOICE: No.

13 CHAIRMAN GARCIA: -- next meeting?

14 A VOICE: I got to a (indiscernible) people
15 talk because I want to say --

16 MR. DILLON: Hold on. Hold on. Sir? Sir,
17 one at a time.

18 You got to come to the microphone.

19 Can I have your name, sir?

20 Sir?

21 MR. ATHES: Chris Athes.

22 MR. DILLON: Can you spell your -- your
23 name, sir?

24 MR. ATHES: A-T-H-E-S.

25 MR. DILLON: Thank you.

1 MR. ATHES: Now, the people that I'm here
2 with, I need to ask them what they want to do. I
3 can't make the decision --

4 CHAIRMAN GARCIA: No.

5 MR. ATHES: -- by myself.

6 CHAIRMAN GARCIA: Okay. Okay.

7 MR. ISA: What do you want to do?

8 CHAIRMAN GARCIA: Do you want --

9 MR. ATHES: Okay. I -- I would want to
10 finish this now.

11 CHAIRMAN GARCIA: We have -- we cannot
12 finish now.

13 MR. ATHES: All right. It was a bad use of
14 words. Okay.

15 Well, I need to get our complaints out.
16 Will we be able to do that today?

17 MR. ISA: If we adjourn --

18 A VOICE: Our concerns.

19 MR. ISA: We're going to --

20 CHAIRMAN GARCIA: Your concerns.

21 MR. ATHES: Concerns. And I --

22 CHAIRMAN GARCIA: And then --

23 MR. ATHES: I'm sorry.

24 MR. DILLON: You can't yell from the
25 audience.

1 CHAIRMAN GARCIA: Then, the other thing is,
2 that the application probably could turn
3 different way, if -- if it's going from five to
4 ten, not from eight to ten.

5 MR. ISA: It's a different application.

6 CHAIRMAN GARCIA: It's a different
7 application.

8 MR. ATHES: Yeah. Well, either way --

9 CHAIRMAN GARCIA: So --

10 MR. ATHES: -- you're saying the same thing
11 is going to happen, but anyway --

12 MR. ISA: I understand. I understand your
13 point.

14 MR. ATHES: Okay? Well, because there's
15 things that have been said here that definitely
16 --

17 CHAIRMAN GARCIA: Okay.

18 MR. ATHES: -- clears as --

19 CHAIRMAN GARCIA: Let me -- can I give --
20 can I give a suggestion?

21 Can you go two minute break? Can you
22 discuss there, and can one people -- one person,
23 in the name of the -- of the opposition come to
24 talk?

25 A VOICE: I object, because I have my own

1 opposition.

2 MR. ISA: All right. So --

3 A VOICE: I'd like to be heard.

4 MR. DILLON: Hold on, sir.

5 CHAIRMAN GARCIA: We are not going --
6 again, can you come here first?

7 MR. DILLON: Come to the mic. You have to
8 come to the mic, sir.

9 CHAIRMAN GARCIA: Please? Yes.

10 MR. DILLON: Okay. Could I have your name,
11 sir?

12 MR. SANCHEZ: My name is Luis Sanchez, I'm
13 a homeowner --

14 MR. DILLON: Your first name. I'm sorry.

15 MR. SANCHEZ: Luis -- Luis Sanchez,
16 S-A-N-C-H-E-Z.

17 MR. DILLON: Thank you, sir.

18 Could you raise your right hand?

19 Testimony you're about to give is the whole
20 truth, nothing but the truth?

21 MR. SANCHEZ: I do.

22 MR. DILLON: Thank you.

23 Go ahead.

24 MR. SANCHEZ: All of the complaints I have
25 is --

1 CHAIRMAN GARCIA: No, no, no. But we are
2 not going into the application. We are deciding
3 now --

4 Usually, what we do here is we listen to
5 application. When we are done with the
6 application, we open to the public with the --
7 with the concern, with idea and everything.

8 And then, there, you have your moment to
9 talk as much as you want to.

10 Now, we just need to decide -- to decide if
11 we're going to proceed with -- with that
12 application and then come back, or we going to
13 stop here, and then come back.

14 And I think I'm going to have my -- I'm
15 going to make my -- I try to be the, as much open
16 possible, but I think if that's going to be an
17 issue, I think that I'm going to go to make my
18 own decision.

19 MR. SANCHEZ: Yes. But I'd like to make a
20 statement on the record.

21 My statement on the record is that I would
22 like to continue, but a statement was made that
23 is hearsay with respect to Mesa.

24 One of the principals of the --

25 CHAIRMAN GARCIA: Okay. You know what I'm

1 going to do? Okay. You know what? You know,
2 I'm going to -- let me reopen again. Okay. Let
3 me -- sorry.

4 Mr. Diaz, I'm going to ask the applicant,
5 and I'm going to ask the member of the public,
6 with all due respect, if that going to be an
7 issue, I think that we -- my motion going to be
8 to adjourn this application, come with the proof
9 that is eight units, and then we come back next
10 meeting.

11 I think it's better like that, because
12 there going to be an issue today, going to be an
13 issue next meeting, then why we could avoid one
14 issue, if we move that -- if we move the
15 application for the next meeting.

16 MR. SANCHEZ: If that's your decision --
17 you know, what I am requesting is that Inspector
18 Mesa be brought to testify, because a statement
19 was made that -- that Inspector Mesa visit the
20 building, the building --

21 CHAIRMAN GARCIA: Sir?

22 MR. SANCHEZ: -- visit the site.

23 CHAIRMAN GARCIA: Sir, if we have the memo
24 from Building Department, saying that eight --
25 eight legal unit, I don't need Mr. Mesa here.

1 If they said it's only five unit, I don't
2 need Mr. Mesa here, because we follow this.

3 And that's why we have this issue. We have
4 an issue here, because the memo said it's five
5 unit and one commercial structure. That's why.

6 I don't mind if whatever they said doesn't
7 matter.

8 What's -- what count for us is the memo
9 from Building Department.

10 MR. SANCHEZ: When would I be able to have
11 access or a copy of the memo from the Building
12 Department?

13 MR. ISA: From the Building -- Building
14 Department?

15 CHAIRMAN GARCIA: Is --

16 MR. SANCHEZ: Not this one, the new one,
17 because they -- they're going to try to revise
18 it. The statement was made that they -- that
19 they're getting a new memo.

20 MR. ISA: I don't --

21 CHAIRMAN GARCIA: Actually, that memo is
22 not for the applicant. That memo is for us.

23 MR. SANCHEZ: Okay.

24 CHAIRMAN GARCIA: Is not for the them. Is
25 for us.

1 MR. ISA: The way the -- the Building
2 Department advises us what their records show.
3 Okay.

4 Now, the records -- the Building
5 Department, right now, shows five legal units and
6 one commercial. That's what it -- that's what it
7 shows.

8 MR. SANCHEZ: That's what I looked up, too.

9 MR. ISA: They're saying that that's a
10 mistake.

11 Right now, we're -- this is what we're --
12 this is what we see it is.

13 Their application is for legal -- is for
14 going from eight to ten, where if we were to go
15 by the memo, it will be going from five to ten.
16 Two very -- two different applications.

17 So, if they are correct, the Building
18 Department, and the Building Department made a
19 mistake, I don't know. I'm not -- none of us
20 here work at the Building Department.

21 So rather than have two hearings and two --
22 and two -- you know, problems here, we're -- the
23 Chairman is suggesting is let's get our ducks in
24 a row. Let's get the right information, and
25 let's have -- and then, let's have a real

1 hearing.

2 MR. SANCHEZ: Okay. If the Building
3 Department is going to come with eight units,
4 then I'd like to subpoena Inspector Mesa, where
5 it was stated by the applicants that Mesa -- that
6 Mesa test -- will testify, or some -- something
7 along those lines --

8 CHAIRMAN GARCIA: Can you understand
9 clearly --

10 MR. SANCHEZ: Yes. I can understand.

11 CHAIRMAN GARCIA: -- that we don't -- we
12 don't take that in consideration. What we take
13 in consideration is the memo from Building
14 Department.

15 I really don't know, I really -- whatever
16 Mr. Mesa mentioned to the applicant, whatever Mr.
17 Mesa mentioned to you, that doesn't count for us.

18 Okay? Whatever said here, signed by Mr.
19 Martin Martinetti, that's what count for us.

20 MR. SANCHEZ: Okay.

21 MR. ISA: Now --

22 CHAIRMAN GARCIA: Okay?

23 MR. ISA: -- if anyone wants to come and
24 testify, that's up to them.

25 MS. DOODY: Yeah. That's -- that's what I

1 was going to say.

2 My name is Jeanette (phonetic) Doody, D-O-
3 O-D-Y.

4 And --

5 MR. DILLON: Could you raise your right
6 hand, Jeannette?

7 Swear the testimony you're about to give is
8 the truth, the whole truth, nothing but the
9 truth?

10 MS. DOODY: The whole truth.

11 MR. DILLON: Go right ahead.

12 MS. DOODY: My only concern is we -- as we
13 were listening earlier, you mentioned about how
14 you want testimony present, from the people.

15 We have several residents here that are
16 quite elderly, and have been sitting here since
17 before six o'clock, that would like to be heard,
18 because we don't know what the future is going to
19 hold. We don't know how they're going to be
20 feeling next month, and this and that.

21 They are the ones that would really like to
22 be heard tonight, because we don't know, like I
23 said, and if you want them present to give their
24 testimony, they are the ones that have lived on
25 the block the longest.

1 MR. SANCHEZ: And they are handicap.

2 CHAIRMAN GARCIA: But do you -- I
3 understand that. And one of the reason here is,
4 okay, because the perception I'm receiving from
5 you guys is that, like -- I mean, I'm feeling
6 like a little pressure.

7 MR. SANCHEZ: Yes. Tremendous.

8 CHAIRMAN GARCIA: And you know what? I'm
9 here. This is my 11th year as the Chairman of
10 this Board. Okay? I'm trying to be fair.

11 You know why I'm Chairman of this -- I'm
12 part of this Board? Because I'm trying to defend
13 the people who live in Union City, because I live
14 in Union City.

15 And she knows me pretty well from more than
16 ten years ago. Okay?

17 And I'm trying to be fair. And that's why
18 I say, let's take two second break, but I saw
19 that it's an issue. And it's like no, you were
20 the first one that came, no, I know myself. No,
21 no, no.

22 I mean, here we are for Union City. That's
23 it. You know, that we are here for the whole
24 neighborhood.

25 So, okay. Let's go two minute. Decide

1 | what you're going to do and then we go forward.

2 | Okay?

3 | Two minute break and then you decide what
4 | you -- where you want to go for.

5 | MR. SANCHEZ: Luis Sanchez.

6 | With all due respect, sir, I disagree with
7 | you, because I seen how the Board votes. But
8 | that's your opinion, and my opinion.

9 | CHAIRMAN GARCIA: You know what, sir?

10 | MR. SANCHEZ: Yes?

11 | CHAIRMAN GARCIA: With all due respect --

12 | MR. SANCHEZ: Yes?

13 | CHAIRMAN GARCIA: -- I've been already like
14 | four times through the FBI cases.

15 | MR. SANCHEZ: Okay.

16 | CHAIRMAN GARCIA: Okay? And they never,
17 | ever -- they never, ever put a finger on me.
18 | Okay. So, for you to come to say the way that we
19 | vote -- you know what I do for a living? I
20 | don't live for anything for the City. Nothing
21 | from the State.

22 | Do you know what is an AML investigator?
23 | You know what is forensic accountant?

24 | MR. SANCHEZ: Yes.

25 | CHAIRMAN GARCIA: That's what I do for a

1 living.

2 MR. SANCHEZ: Oh --

3 CHAIRMAN GARCIA: And I want to for clear

4 --

5 MR. SANCHEZ: -- I'm an accountant, too,

6 sir.

7 CHAIRMAN GARCIA: Okay. Okay. Thank you

8 very much.

9 MR. SANCHEZ: Okay.

10 CHAIRMAN GARCIA: So two minute break.

11 Decide, Mr. Luis, what you're going to do and

12 then we'll come.

13 Please. Let's take two minute break.

14 Thank you very much.

15 THE SECRETARY: Two minute break.

16

17 (Whereupon, the Board recessed from 8:01

18 p.m. to 8:08 p.m.)

19

20 THE SECRETARY: Please, back in business?

21 (Whereupon, there was a pause in the

22 proceedings.)

23 CHAIRMAN GARCIA: Okay. Let's resume the

24 meeting.

25 MR. DILLON: I didn't swear you in last

1 time.

2 Just raise your right hand, quickly.

3 MR. ATHES: I know you didn't. I didn't
4 want to say anything.

5 MR. DILLON: Yeah.

6 Swear the testimony you're about to give is
7 the truth, the whole truth and nothing but the
8 truth?

9 MR. ATHES: Yes.

10 MR. DILLON: And you're still Chris Athes?

11 MR. ATHES: I'm still Chris Athes.

12 MR. DILLON: Okay.

13 CHAIRMAN GARCIA: You still living there?

14 MR. ATHES: Still living there.

15 MR. DILLON: Still? Okay.

16 Thank you.

17 MR. ATHES: I still live in Union City.

18 MR. DILLON: Okay.

19 MR. ATHES: Our main concern is the fact
20 that we are aware of the Ordinance that if you
21 build new apartments, you need to provide parking
22 for those apartments.

23 So, if they're going to put two new
24 apartments on the first floor, where are they
25 going to put the parking?

1 They're going to create parking spaces,
2 they're going to take away from the easement.

3 Now, they made two comments to parking in
4 the rear. I have -- there is no rear except the
5 easement.

6 CHAIRMAN GARCIA: Oh, okay. One second.
7 One second. Sorry for the interruption.

8 So, you decide to go, continue with the
9 application.

10 So, the way that we do is let them to
11 finish with the presentation, and then we're
12 going to open to the public.

13 MR. ATHES: Okay.

14 CHAIRMAN GARCIA: Okay? So then, we're
15 going to go -- so, that's what we're going to do.
16 So, we're going to go forward.

17 You have -- you have no opposition for them
18 to continue? And then, they -- next meeting,
19 they're going to prove that, in reality, they're
20 going from eight to ten. That's the application.
21 Right?

22 You agree with that? Everybody is agree
23 with that?

24 MR. ATHES: But we -- no. We don't care
25 whether it's eight or five.

1 CHAIRMAN GARCIA: Okay. Perfect.

2 MR. ATHES: It's the two that we don't --

3 CHAIRMAN GARCIA: Okay. So what we're
4 going to do is --

5 MR. ATHES: -- want.

6 CHAIRMAN GARCIA: -- let them to finish
7 with the -- with the presentation.

8 MS. DOODY: Okay.

9 CHAIRMAN GARCIA: Then we're going to start
10 to hear all the concern --

11 MR. ATHES: Okay.

12 CHAIRMAN GARCIA: -- of the public.

13 MR. ATHES: Thank you very much.

14 CHAIRMAN GARCIA: Okay. No, no. Thank
15 you.

16 MS. GUTIERREZ: Thank you.

17 CHAIRMAN GARCIA: So, you are -- Mr. Diaz,
18 you are done with Mr. Izquierdo.

19 Right?

20 You are done with Mr. Izquierdo.

21 Right?

22 MR. DIAZ: Yes. But I want to ask him one
23 question, but I want to bring Mr. Lopez, also,
24 for one quick question.

25 CHAIRMAN GARCIA: Actually, Mr. Diaz, I

1 don't think that -- just in case, I don't know
2 what the question going to be, but I think that
3 we're not going to discuss -- the same thing that
4 I told to the public, we are -- if it's related
5 to the eight and five units, no. Just let me put
6 on record, so if it's just for the five and ten -
7 - and eight, let's wait for the memo.

8 So if it's something else, then you could
9 bring Mr. Lopez.

10 MR. DIAZ: We have the --

11 CHAIRMAN GARCIA: Okay.

12 MR. DIAZ: -- what I'm -- I would like to
13 ask Mr. Lopez has to do with the ground floor.

14 CHAIRMAN GARCIA: Okay. Perfect.

15 MR. DIAZ: Mr. Lopez, you're under oath
16 again. You understand that?

17 MR. LOPEZ: Yes. Yes, I do.

18 MR. DIAZ: Mr. Lopez, you are familiar with
19 the -- the plans that have been submitted and the
20 ground floor, which is the main part of this
21 application.

22 What was the reason -- why is the
23 application the way it is, where you have the
24 front as commercial, and the rear as residential?

25 MR. LOPEZ: When we were deciding on how to

1 lay out the ground floor of this property, we
2 consulted with Mr. Izquierdo, as a planner. And
3 besides the things that he explained as to
4 division of the property, having the retail on
5 the front to conform with the Ordinance on Summit
6 Avenue, and the reasons for the residential on
7 the back, as Mr. Izquierdo indicated properly, we
8 looked at other things in the area. And the
9 primary concern was the following.

10 This building is not on Bergenline Avenue.
11 Ideally, for us, the entire ground floor could be
12 marketed as one large space.

13 But if you examine the properties all the
14 way from -- from 8th Street, from 10th Street up,
15 there is nothing that large occupying an entire
16 first floor.

17 And the reason for it is that there's no
18 real market for that. The type of stores that
19 exist on Summit Avenue, in that CN zone, are
20 really smaller stores, to service residents.
21 They are very, very small in size, because
22 there's no market for a large space.

23 This entire space is about 2800 square
24 feet. It is huge. We would not be able to rent
25 it out.

1 We discussed this with other property
2 owners in the area. And there was a recent
3 application before this Board -- by the way,
4 Chris Yagen (phonetic) has a property about a
5 block away, he -- Mr. Izquierdo did the
6 presentation. Mr. Izquierdo had done the study
7 at that point.

8 The space was extremely large. The same
9 thing and he could not rent it out.

10 So, what good does it do to have a space,
11 that is extremely large, exactly what the
12 Ordinance calls for, but of no real use?

13 So, Mr. Izquierdo suggested to us, let's do
14 it in this fashion. Create a size store that in
15 the front complies with the Ordinance, is similar
16 to everything else that's on Summit Avenue, but
17 yet, in the back, you have one bedroom
18 apartments, that don't have a lot of occupants.

19 The way the neighborhood has changed, the
20 way we view it, it's more a commuter
21 neighborhood. People are not -- don't require
22 cars as much.

23 There are bus lines on Kennedy Boulevard, a
24 block and a half away; there's a bus stop
25 immediately in front; and there's one two blocks

1 away on Bergenline Avenue.

2 So the way we viewed it, there were three
3 transit options for people renting in the space.
4 And these two units, no matter what you put on
5 there, as Mr. Izquierdo testified earlier, the
6 parking usage is exactly the same.

7 If we put retail, the requirement would be
8 five spaces, or 5.8 spaces. And if we have
9 residential, the requirement is 5.8 spaces.

10 There's -- parking is really not a great
11 issue, for that reason. And this is -- this is
12 much more practical. This is what the zone calls
13 for.

14 We could do a hundred percent compliance,
15 and we have a store sitting there vacant, for
16 years and years, because it can't be rented.

17 So, we felt that this was the better
18 alternative for that reason.

19 MR. GRULLON: Thank you, Mr. Lopez.

20 MS. GUTIERREZ: Thank you.

21 MR. IZQUIERDO: With -- with reference to
22 the second and the third floor plans, I actually
23 visited personally, and measured personally, each
24 and every one of these apartments.

25 And unit 3 rear left, the kitchen is

1 existing and the bathroom is existing. The
2 kitchen is being done new, but it's an existing
3 kitchen.

4 And the same occurs for 3 right front, 3
5 left front, and three rear right.

6 All of these bathrooms are actually
7 existing and they are from the '60s. Actually,
8 the stove in the kitchen, I want for my house,
9 because it's a stove from the 1940s, or '50s, or
10 '60s. It's a gas stove. It's really like a
11 replica.

12 The owner wants to do the kitchens all new,
13 but all the bathrooms are existing, and there are
14 four bathrooms and four kitchens on the second --
15 on the third floor.

16 On the first -- on the second floor, unit 2
17 rear left has an existing bathroom and an
18 existing kitchen. The kitchen is being done new.
19 The bathroom is being done --

20 CHAIRMAN GARCIA: Mr. Izquierdo?

21 MR. IZQUIERDO: Yes?

22 CHAIRMAN GARCIA: You don't -- I mean, Mr.
23 Diaz --

24 MR. IZQUIERDO: Okay.

25 CHAIRMAN GARCIA: I mean, okay. I think

1 | that since those unit are currently all legal
2 | there, I think like we have to be -- I mean,
3 | since we have all the people here, I think if we
4 | concentrate our application in the ground floor,
5 | because upstairs -- I mean, is nothing related. I
6 | mean, it's not relevant --

7 | MR. IZQUIERDO: I agree, Mr. Chairman.

8 | CHAIRMAN GARCIA: -- right now.

9 | MR. IZQUIERDO: I agree.

10 | MR. DIAZ: I agree.

11 | CHAIRMAN GARCIA: What is relevant going to
12 | be from five to ten.

13 | MR. LOPEZ: Right.

14 | CHAIRMAN GARCIA: But right now, I don't
15 | feel it's --

16 | MR. IZQUIERDO: I agree. The issue is the
17 | memo and the neighbors. Yes.

18 | CHAIRMAN GARCIA: Right.

19 | MR. DIAZ: And I believe --

20 | MR. IZQUIERDO: I agree.

21 | MS. GUTIERREZ: That's that.

22 | MR. DIAZ: My concern before was that we do
23 | have neighbors and that --

24 | CHAIRMAN GARCIA: Right.

25 | MR. DIAZ: -- they're here. And if they

1 have concerns, this is the time for them to
2 express them.

3 CHAIRMAN GARCIA: Right.

4 MR. DIAZ: Not to bring them back --

5 CHAIRMAN GARCIA: Right.

6 MR. DIAZ: -- at another time.

7 CHAIRMAN GARCIA: Right. Yeah. I think
8 that if -- if you don't have anything more for
9 the ground floor, Mr. Izquierdo, I think it's
10 time to bring the -- your planner. Or that's it?

11 MR. DIAZ: That's it. No. Mr. Izquierdo
12 testified --

13 CHAIRMAN GARCIA: Oh, he testified both,
14 planner --

15 MR. DIAZ: -- as both.

16 CHAIRMAN GARCIA: Okay.

17 MR. DIAZ: Right.

18 CHAIRMAN GARCIA: So, we're ready to open
19 to the public.

20 MR. DIAZ: Correct.

21 CHAIRMAN GARCIA: Okay. Let's open to the
22 public.

23 Any member of the -- I think what we're
24 going to do is for everybody is like, we're going
25 to try to bring the -- the senior citizen first.

1 Just is a little bit late --

2 MS. GUTIERREZ: The older one first.

3 CHAIRMAN GARCIA: --so we don't want to
4 hold them for longer.

5 MS. MUSSI: We're here --

6 MR. DILLON: Excuse me?

7 CHAIRMAN GARCIA: And -- and do --

8 MS. MUSSI: First of all --

9 CHAIRMAN GARCIA: And do me a favor,
10 please, I mean, feel free, don't get pressure. I
11 mean, it's like don't rush yourself. Take your
12 time. Relax. Okay?

13 MR. DILLON: Swear the testimony you're
14 about to give is the truth, the whole truth, and
15 nothing but the truth?

16 MS. MUSSI: So help me God.

17 MR. DILLON: Okay. And can I have your
18 name?

19 MS. MUSSI: My name is Mary Mussi.

20 MR. DILLON: Can you spell your last name,
21 Mary?

22 MS. MUSSI: I'm 90 years old. Mussi.

23 A VOICE: Let me -- hold on.

24 Her last name is M-U-S-S-I.

25 She has a hard time hearing.

1 MR. DILLON: Okay, like my mom.

2 MS. MUSSI: I'm sorry.

3 MR. DILLON: That's okay.

4 MS. MUSSI: I've been living for 63 years
5 in the houses, 1415 Summit Avenue. And we have
6 an easement that goes, many years before that,
7 from when the houses were built, that anybody --
8 there was supposed to be 11 feet, which is a
9 driveway, from 15th Street to 14th Street. And
10 this is the entrance to our house.

11 I come home the other day and I get a
12 letter that they're go -- somebody bought the
13 house on the corner, and they're going to close
14 off this easement. And there will be no way to
15 get in the house. No way for 18 families to get
16 in their houses.

17 No -- no fire engines would come in. No --
18 no police cars. It's not -- if you could only
19 come in 13th Street, it's very narrow and it's a
20 very short thing.

21 MR. DIAZ: Chairman, can I --

22 MS. MUSSI: So --

23 MR. DIAZ: -- address the issue?

24 MS. MUSSI: The houses --

25 MR. DIAZ: I think there is --

1 MS. MUSSI: -- would be worth nothing, and
2 we won't -- I'm 90 years old. I wouldn't -- and
3 I'm living there 63 years --

4 CHAIRMAN GARCIA: So your concern is that
5 they're going to close the easement?

6 MS. MUSSI: -- there's not going to be any
7 way for me come in the house.

8 CHAIRMAN GARCIA: That they're going to
9 close the easement. That's the -- that's the --

10 MS. MUSSI: But we have an easement --

11 MR. DIAZ: Um hum.

12 CHAIRMAN GARCIA: Yes.

13 MS. MUSSI: -- but it seems to be -- being
14 ignored.

15 MR. LOPEZ: No.

16 MS. MUSSI: And --

17 MR. DIAZ: And -- and just say, there is
18 someone sending out bad rumors, for some reason.
19 And that is the -- the rumor that is reaching
20 these ears.

21 There is no way that we can take away the
22 easement. The easement is there. I have a copy
23 of it. It's been there for like 40 years, and
24 it's going to be there for 140 years.

25 MS. MUSSI: But if he closes off --

1 MR. DIAZ: No, he cannot. He cannot close
2 it.

3 MS. MUSSI: Well, that's what it said in
4 the paper.

5 MR. DIAZ: Because somebody is sending out
6 bad rumors, in order to create this --

7 MR. ISA: They --

8 MR. DIAZ: -- hoopla.

9 MR. ISA: They can't -- they can't take
10 away --

11 MS. MUSSI: Okay.

12 MR. ISA: -- the easement.

13 MR. DIAZ: Yeah.

14 MS. DOODY: Can I add a question to that?

15 MR. DIAZ: I'm going to --

16 MS. DOODY: One of the statements --

17 CHAIRMAN GARCIA: Can you --

18 MS. DOODY: -- they made --

19 CHAIRMAN GARCIA: Can you swear them?

20 MR. ISA: You're going to have it.

21 MS. DOODY: I got sworn in already.

22 CHAIRMAN GARCIA: Oh, you already sworn in?

23 MR. DILLON: She's already sworn.

24 MS. DOODY: Yes. I was sworn in already.

25 MR. DIAZ: I have the easement.

1 MR. DILLON: Still under oath.

2 MS. DOODY: I'm still, okay.

3 One of the statements that they made was
4 that they would be providing residential parking
5 in the back.

6 That house doesn't have any residential
7 parking in the back.

8 MR. IZQUIERDO: I would like to clarify
9 that.

10 What I mentioned was not that we were going
11 to provide residential parking in the back, what
12 I mentioned was that all of the stores and all of
13 these properties, from 14 to 15th Street, have
14 apartments on the second and third floor.

15 And the only access to these apartments,
16 which are the ones over Better Life, over
17 flowers, over the computers, over the nails, over
18 the liquor stores, over a commercial not known,
19 over 14, 15, and over the Laundromat, is through
20 carport that they own, that they have, within
21 their properties, and the access, the residential
22 entrance to those apartments upstairs occur
23 through doors in the back.

24 So, when you walk on Summit Avenue, between
25 14th and 14th -- 15th Street, there is not one

1 single door leading up to those apartments.

2 Those doors are from the back. And those doors
3 from the back are serviced by this easement,
4 which is basically a residential service alley,
5 that stretches and is recorded in Hudson County,
6 from here to here.

7 And my presentation was we do not have the
8 ability to provide parking and neither do any of
9 these houses, with the exception of the carports
10 in the back.

11 MS. DOODY: Okay. But your statement was,
12 because several of us wrote it down, that you
13 said providing residential parking would be in
14 the back, which is why we needed clarification.

15 MR. ISA: Yeah.

16 MS. DOODY: Because there is no residential
17 area to park in the back.

18 MR. IZQUIERDO: No, there's not.

19 MR. ISA: If I may, this Board doesn't have
20 the authority to get rid of an easement -- this
21 easement, anyway.

22 MS. DOODY: Um hum.

23 MR. IZQUIERDO: The easement is recorded.
24 The easement is not --

25 MR. ISA: No, we can't --

1 MR. IZQUIERDO: -- being rented.

2 MR. ISA: We can't do anything.

3 MR. IZQUIERDO: It is -- it is existing.

4 MR. DILLON: One at a time.

5 MR. ISA: We -- the easement exists. We
6 have no -- we don't have power to remove it. So
7 they can't --

8 MR. IZQUIERDO: And it cannot --

9 MR. ISA: They can't --

10 MR. DIAZ: Nobody can.

11 MR. IZQUIERDO: Cannot be extinguished.

12 MR. ISA: They can't do anything with it.

13 MS. DOODY: Okay.

14 MR. IZQUIERDO: Cannot be extinguished.

15 MS. DOODY: Okay. Because the whole thing
16 was that I know the letter that was sent said
17 that this was about a bulk variance, and the bulk
18 variance is about changing the exterior part of
19 the building.

20 So, our concern is that entrance on 15th
21 Street, because it is an egress and an ingress --

22 MR. IZQUIERDO: Correct.

23 MS. DOODY: -- for us.

24 MR. IZQUIERDO: Correct.

25 MS. DOODY: And with construction, as well,

1 | if they're going to be bringing things for a long
2 | period of time, again, we're going to be blocked
3 | in.

4 | That's the only way in and out of our
5 | homes.

6 | MR. IZQUIERDO: There is no access to this
7 | building from the alley. Actually, this building
8 | does not use the alley at all.

9 | MS. DOODY: No, but I'm concerned about the
10 | construction.

11 | MR. IZQUIERDO: No. The construction --

12 | MS. DOODY: Because you know, they bring
13 | dumpsters in, if you're going to grade it.

14 | MR. IZQUIERDO: Oh, no.

15 | MS. DOODY: Those -- those kinds of things.
16 | Those are the things that everyone is very
17 | concerned with, because whatever happens on one
18 | end, on 15th Street, then the person who buys the
19 | property on 14th Street is going to follow suit.

20 | So, whatever happens here is going to set a
21 | precedent for the future. And that's why we're
22 | concerned, because that is our home so --

23 | MR. IZQUIERDO: But it is a legal
24 | impossibility.

25 | MR. LOPEZ: That's -- Mr. Izquierdo, if I

1 may?

2 That's a very fair statement that you'd be
3 concerned with the construction. I can tell you
4 the following.

5 Whatever -- whatever construction issues
6 there may have been, they have already taken
7 place, because all of the demolition on the
8 upstairs has already been done, and the ground
9 floor is a completely vacant space.

10 The -- my partners and I did all of the
11 demolition, all the debris removal at night, so
12 there would be no dumpsters parked anywhere, or
13 no -- none of the residents would be affected in
14 any way.

15 So, all debris was removed at a much
16 additional -- at a much higher cost. It was all
17 removed at night.

18 All of the construction going forward would
19 be accessed solely through Summit Avenue.

20 MS. DOODY: Um hum.

21 MR. LOPEZ: And there would be no need for
22 any type of dumpster because all that is already
23 done. And no one ever saw a dumpster there --

24 MS. DOODY: Okay.

25 MR. LOPEZ: -- because we went out of our

1 way -- well, in the front.

2 MS. DOODY: Yeah.

3 MR. LOPEZ: In the front.

4 MS. DOODY: The front.

5 MR. LOPEZ: In the front. Yes. On Summit
6 Avenue, there was --

7 MS. DOODY: By the bus stop.

8 MR. LOPEZ: -- a dumpster -- exactly.

9 (Several people spoke at once from the
10 audience.)

11 A VOICE: Unbelievable.

12 MR. LOPEZ: It was there --

13 MS. DOODY: By the bus stop.

14 MR. LOPEZ: -- for 24 --

15 MS. DOODY: Right.

16 MR. LOPEZ: -- hours. Correct.

17 A VOICE: It was there for quite a while.

18 MS. DOODY: But you see the -- the letter
19 that was received does say that along with the
20 use and bulk variance for rear yard setback,
21 building coverage, parking, and any other
22 necessary variances or waivers, as may be
23 required for the project. So --

24 MR. LOPEZ: What's that mean? I mean, it's
25 like -- you know, it's wide open. Give me a

1 break.

2 MR. DIAZ: No, no, no. That's the
3 technical --

4 MS. MUSSI: The driveway is going to be
5 left open?

6 MR. DIAZ: Let -- I'll let counsel.
7 Technicality that you have to put in.

8 MS. MUSSI: I understand that they're going
9 to use that for parking.

10 MR. ISA: They're looking for a waiver -- a
11 parking waiver means that they're -- not that
12 they're looking for -- to be able to park in the
13 --

14 MS. DOODY: Um hum.

15 MR. ISA: -- that's -- they're -- what it's
16 saying is, we don't have enough parking, we're
17 looking to waive the -- the requirement for
18 parking.

19 So, they're essentially saying, we're not
20 going to be able to provide enough parking, and
21 we want permission to not provide enough parking.
22 Not permission to use the easement to park.
23 That's not part of it.

24 MS. MUSSI: So in the future --

25 MR. DIAZ: And if I can make --

1 MS. MUSSI: -- that 11 feet of -- of
2 driveway is always going to be open.

3 MR. DIAZ: Always.

4 MR. LOPEZ: Ma'am, the -- the first --

5 MS. MUSSI: Nobody is going to --

6 MR. LOPEZ: There's nothing that will be
7 done on the outside of the building.

8 CHAIRMAN GARCIA: Mr. Lopez?

9 MR. LOPEZ: The footprint --

10 CHAIRMAN GARCIA: Just --

11 MR. LOPEZ: Yes.

12 CHAIRMAN GARCIA: -- let our attorney to
13 explain --

14 MR. LOPEZ: Sorry.

15 CHAIRMAN GARCIA: -- to her -- no, no, no.
16 It's about -- because it's --

17 MR. LOPEZ: Yes.

18 CHAIRMAN GARCIA: Sorry for interruption.
19 Because she's really, really concerned about the
20 easement.

21 MR. LOPEZ: Of course.

22 CHAIRMAN GARCIA: And I need that -- he's
23 our attorney. So, he doesn't have to be anything
24 about any applicants or nothing.

25 So, he going to explain to you about the

1 | legal situation of the easement.

2 | MR. ISA: Yes.

3 | CHAIRMAN GARCIA: Can you please, Mr. Isa,
4 | explain to her --

5 | MR. ISA: This -- this easement was
6 | recorded at the County.

7 | MS. MUSSI: This easement has been there --

8 | MR. ISA: There's no --

9 | MS. MUSSI: -- since the 1920s.

10 | MS. DOODY: Mary, sit.

11 | MR. ISA: It's -- it's been there for --
12 | for a very long time.

13 | This Board has no ability to remove it, or
14 | to alter it in any way.

15 | So nothing that we -- we --

16 | MS. MUSSI: Nothing's going to be parked in
17 | there?

18 | MR. ISA: We cannot -- we can't -- we can't
19 | alter this easement. Even if we wanted to, we
20 | couldn't. We're not -- we're not permitted to.
21 | Right? That's number one.

22 | Number two. The concern about a parking
23 | waiver, right, or parking variances, that request
24 | -- the reason why that has to be put in the
25 | notices because what is being asked for is

1 | essentially the following.

2 | There is a requirement, under our
3 | Ordinance, under Municipal Land Use Law, under
4 | the -- all sorts of different standards, that
5 | certain amount of parking be allotted for every
6 | unit, for every commercial space, et cetera, et
7 | cetera.

8 | When you cannot provide the parking that's
9 | required, you -- and you're -- and you're making
10 | an application to do something, you're also --
11 | you're applying to legalize a unit, or legalize a
12 | commercial use, but if you can't provide the
13 | parking, then you -- you're asking for a waiver
14 | of that requirement.

15 | They're asking us to say it's okay for you
16 | not to provide the -- the amount of parking that
17 | you're required to. Right.

18 | That doesn't -- that has nothing to do with
19 | the easement. That just means that they're not
20 | going to be providing -- that they can't provide
21 | parking because there's nowhere to provide it.

22 | MS. MUSSI: Um hum.

23 | MR. ISA: But the easement itself, they're
24 | not allowed to do anything with. And we, as a
25 | Board, aren't allowed to make any changes to it.

1 So, nothing that happens here can affect
2 the easement at all.

3 But as it relates to parking, they're
4 asking for -- they're asking us, can we build --
5 can we do this, and can you let us not provide
6 the parking? That's it.

7 MR. DIAZ: That's correct.

8 MR. LOPEZ: And further, as to this
9 particular easement, this easement -- normally,
10 it involves one or two properties. This is a
11 very special easement, that it involves all of
12 the properties.

13 So, without the agreement of every single
14 property owner, from 14th to 15th Street, that
15 easement can never be extinguished.

16 In other words, every single property owner
17 would have to say it's in our interest to
18 eliminate it. And unless everyone agrees, it
19 could never be eliminated.

20 MR. ISA: And even if they did, it couldn't
21 be eliminated here.

22 MR. LOPEZ: Correct.

23 MS. MUSSI: We're just worried that if --

24 MR. LOPEZ: No.

25 MS. MUSSI: -- you put two more apartments,

1 | then --

2 | MR. DIAZ: No. No.

3 | MS. MUSSI: -- then you're going to have to
4 | have legally, you have to have two more parking.

5 | MR. ISA: They -- there is a require --
6 | they are required --

7 | MS. MUSSI: And we felt that that's where
8 | they were planning to put the parking.

9 | MR. LOPEZ: No.

10 | MR. ISA: They are required, under the
11 | Ordinance, to provide parking. Since they
12 | cannot, they are asking for a waiver of that
13 | requirement.

14 | MR. DIAZ: And just to make things a little
15 | bit clear, this applicant cannot put a car in
16 | that alleyway and leave it there. You cannot do
17 | that.

18 | Neither, any of those other owners. So, if
19 | somebody parks a car there for a period of time,
20 | they're not supposed to.

21 | MR. ISA: Call the police.

22 | MR. DIAZ: That has to be free so people
23 | can go in and out.

24 | MS. DOODY: Even during construction?

25 | MR. DIAZ: Even during construction. At

1 any time.

2 MS. DOODY: Okay.

3 MS. MUSSI: Because this is our worry. I
4 have a -- we have a tenant that's handicapped,
5 and he could be in a wheelchair anytime now, and
6 we worry that somebody could come in to pickup
7 the wheelchair --

8 MR. DIAZ: Um hum.

9 MS. MUSSI: -- come to take him to the
10 doctor, so just to get in. I mean, we're there
11 -- we're there 63 years. Believe it or not. We
12 live in the house 63 years. And we're coming and
13 going.

14 And then, to the idea that somebody was
15 going to close it off --

16 MR. ISA: No.

17 MS. MUSSI: -- to make parking.

18 MR. ISA: No. They're -- that -- they
19 can't -- we --

20 MS. MUSSI: We got upset.

21 MR. ISA: We are definitely -- we -- we
22 don't have the authority to do that. They're not
23 asking for that to be done.

24 And if anyone violates the easement, then
25 you call the police.

1 MR. DIAZ: Police.

2 MR. ISA: And -- and do what you would do
3 right now if someone were violating your
4 easement.

5 So, I mean, if your concern is the easement
6 --

7 MS. MUSSI: Well, this is our concern.

8 MR. ISA: -- then -- I mean, your concern
9 -- I don't -- I mean, there's a lot of people
10 here.

11 There is -- we have no -- we have no
12 ability to -- to extinguish it.

13 And -- and if anyone violates your rights
14 to the easement, you have to do -- you -- you do
15 what you would do today if someone violated your
16 rights to the easement, which is call the police,
17 and say -- you know, to just --

18 MS. MUSSI: That's all we want.

19 MR. ISA: -- tow this car out of here.

20 MR. DIAZ: By the way --

21 MS. MUSSI: Because the easement comes back
22 from the time -- we looked it up.

23 MR. ISA: It's always been.

24 CHAIRMAN GARCIA: But it's not --

25 MR. ISA: It's not going anywhere.

1 CHAIRMAN GARCIA: It's not our jurisdiction
2 to touch that easement. So it's no -- no --

3 MR. ISA: And -- and as it was explained,
4 if everyone ever wanted to get rid of it, they'd
5 have to get everyone to agree and they'd have to
6 put something to the County, it'd be very
7 different process.

8 MS. MUSSI: What about that they're asking
9 five -- they have five cars.

10 MR. DILLON: You have to come to the
11 microphone, ma'am.

12 MS. MUSSI: Thank you for hearing us.

13 MR. ISA: Oh, that's what we do.

14 CHAIRMAN GARCIA: That's what we're here
15 for.

16 MS. GUTIERREZ: That's what we're here for.

17 MS. MUSSI: Sitting here for two hours, and
18 then to be told we have to come back next
19 meeting.

20 MR. ISA: No. I'm glad -- I'm glad we --
21 we --

22 MS. MUSSI: You're good.

23 MS. GUTIERREZ: Well, they can go home in
24 peace.

25 MS. MUSSI: Thank you.

1 MS. GUTIERREZ: Thank you, ma'am. Have a
2 great night.

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

5 MR. DIAZ: The other young lady on the
6 second --

7 MR. ISA: Mrs. Doody?

8 No. I think she wanted to --

9 A VOICE: Young lady?

10 MR. DIAZ: I tried to get some brownie
11 points.

12 MR. ISA: Now, any other member of the
13 public?

14 CHAIRMAN GARCIA: Ms. Doody?

15 MR. ISA: Okay.

16 CHAIRMAN GARCIA: I don't know -- I don't
17 know who's the next --

18 MR. DILLON: Raise your right hand, sir.

19 Swear the testimony you're about to give is
20 the truth, the whole truth and nothing but the
21 truth?

22 MR. WHITFORD: I do.

23 MR. DILLON: And your name?

24 MR. WHITFORD: Kevin Whitford.

25 MR. DILLON: Could you spell your last

1 name, sir?

2 MR. WHITFORD: W-H-I-T-F-O-R-D.

3 MR. DILLON: Thank you.

4 Go ahead.

5 MR. WHITFORD: Something that was just
6 brought up about cars blocking the entrance and
7 exit, we were to get a cop.

8 I was told by a friend of mine, he had
9 someone block his driveway, he got a patrol
10 sergeant. Sergeant told him he doesn't carry a
11 ticket book.

12 How is that -- how are we supposed to trust
13 the police to move the cars, and provide
14 emergency exits?

15 MR. ISA: I -- I mean, as my -- I -- I wish
16 I could answer that.

17 The police -- I mean, you -- you have to
18 bring that concern to the Board of Commissioners,
19 I guess, or to the Chief -- Chief of Police
20 because I mean, we have no jurisdiction over the
21 Police Department.

22 But I have a driveway in Union City. And I
23 -- and I know when people block, and I -- and I
24 need to get out, I -- I called them, and they
25 towed the car away. I don't -- I mean, that's --

1 MR. WHITFORD: It was just recently, when
2 PSE&G was putting in the new lighting and trees.
3 So --

4 MR. ISA: I mean, and does that concern
5 relate to the --

6 MR. WHITFORD: Yes, it does.

7 MR. ISA: -- to the easement --

8 MR. WHITFORD: Because I --

9 MR. ISA: -- specifically?

10 MR. WHITFORD: -- I observed that --

11 MR. ISA: No. But is it as it relates to
12 the --

13 MR. WHITFORD: Yes.

14 MR. ISA: -- easement?

15 MR. WHITFORD: Because the -- it's the
16 plumber's truck that was blocking the driveway.

17 MR. ISA: I mean, then that's -- so there's
18 -- that's -- and that problem predates this
19 application.

20 MR. WHITFORD: Yes, sir.

21 MR. ISA: All right. So, I mean -- you
22 know, it's -- you're -- I mean, these are the
23 situations that occur with everyone that has a
24 driveway, or an easement.

25 So I mean, the police -- that's your

1 recourse. I -- I can't tell you what the police
2 do or do not do, but I would suggest that you
3 contact the -- you know, the Police Department,
4 and Board of Commissioners --

5 MR. WHITFORD: Okay.

6 MR. ISA: -- and bring that concern about
7 the Police Department --

8 MR. WHITFORD: Also, --

9 MR. ISA: -- with them.

10 MR. WHITFORD: -- this pertains to the
11 application.

12 The construction material was pushed over
13 the property line, and into the driveway, on many
14 occasions, when I was coming home from my job.

15 If there was ever an emergency, police,
16 fire, EMS could not get through unless they went
17 through the 14th Street side, and 14th Street is
18 way too narrow, sir.

19 MR. ISA: Okay.

20 CHAIRMAN GARCIA: One of the frustration
21 that we -- that we been going through since -- as
22 a part of this Board, is that we don't have the
23 power to enforce. That's one of the frustration,
24 let me tell you.

25 And I tell you, because sometime it's like

1 one -- one application that we had, back in the
2 time, was that one of the condition was, that we
3 -- that we put in the Resolution, they -- they
4 signed a contract. And then, we have -- we have
5 no power to enforce that condition.

6 But we try to be as much fair as possible.
7 And I think that also, the applicant has to
8 listen that concern, that this resident has.

9 And we try -- we -- the same way that we
10 try to be fair with the applicant, have to try to
11 be fair with the neighborhood, too.

12 So, especially that we have a lot of senior
13 citizen here, I think that you have to be more --
14 I mean, if that's the case, I don't know which
15 one is the situation, but I think you have to be
16 more --

17 MR. ISA: I would -- I would --

18 CHAIRMAN GARCIA: -- a lot more
19 consideration with the resident.

20 MR. LOPEZ: I would say the following. The
21 -- the bulk of the dirty work on that property
22 has already been taken care of. And the
23 demolition does create a lot of problems,
24 especially in a tight, urban area, such as this.

25 It's a corner property, but it has no

1 property around it. So, it is very, very
2 difficult. All of that is done.

3 The construction that you'll -- that will
4 take place from now on is actually bringing
5 materials inside. And the only way is through
6 Summit Avenue, because the other side is only for
7 the residential portion.

8 MR. WHITFORD: Right.

9 MR. LOPEZ: And it's too tight to bring
10 anything in. The space is wide open on the
11 ground floor to exit from Summit Avenue. So
12 everything will really -- all construction
13 materials will be exclusively on Summit Avenue.

14 The people's concern here is more on the
15 rear, and that will not be affected.

16 MR. WHITFORD: Well, I live in the rear of
17 the building. That's the way I go in and out.

18 MR. LOPEZ: I understand.

19 MR. WHITFORD: On several occasions, also,
20 sir, you had a garbage truck in front of the
21 building, parked in the bus stop, collecting
22 construction material.

23 MR. LOPEZ: Yes.

24 MR. WHITFORD: And the dust and debris were
25 enough that it bothered my father, who has

1 breathing problems. He also has Parkinson's
2 disease.

3 MR. LOPEZ: No. I -- I don't doubt you.
4 Unfortunately, part of the demolition process,
5 there's a lot of dust involved.

6 That, like I said, is all finished. There
7 was a dumpster parked in the front. And that was
8 discussed with the Police Department. If you
9 notice, there's a red sticker on the window,
10 which is the permit to put a dumpster. And
11 everyone considered that the best place to put it
12 was on that bus stop to unload it.

13 It was also there only for 24 hours. It
14 was removed. Filled in, and removed within 24
15 hours.

16 MR. WHITFORD: So that -- that truck was
17 compacting all that construction debris. The
18 debris went up into my windows. The dust went
19 into my apartment, causing my father to have
20 severe breathing problems.

21 Thank God, we turned the air conditioner
22 on, he could breath properly. We had to close
23 the windows because of the construction debris
24 dust.

25 MR. LOPEZ: Well that -- that's --

1 MR. WHITFORD: That was --

2 MR. LOPEZ: -- that's done.

3 MR. WHITFORD: Okay.

4 MR. LOPEZ: Unfortunately --

5 MR. WHITFORD: Still, that wasn't fair,
6 though, sir. You do have senior citizens here --

7 MR. LOPEZ: Yes.

8 MR. WHITFORD: -- who do suffer breathing
9 problems, and to do that during the day and then,
10 at night, having more of the debris being left to
11 the street, where people can walk through it, and
12 bring it into their apartments, it's not right.

13 MR. LOPEZ: No. What -- what was --

14 MR. ISA: Guys, excuse me. We have to
15 change the tape.

16 MR. DILLON: Yeah. Give me one second.

17 MR. ISA: So, just hold that thought.

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

20 MR. ISA: Go ahead.

21 MR. LOPEZ: As I indicated --

22 MR. DILLON: Thank you.

23 MR. LOPEZ: -- the demolition is completely
24 done. So you will not have that type of problem
25 anymore.

1 Unfortunately, it was a very old building.
2 And it's the type of dust which is related to old
3 type construction materials. Plaster, and it
4 does create a lot of dust. That is all over now.

5 MR. WHITFORD: I understand.

6 But you're going to be bringing in more
7 materials.

8 Correct?

9 That means you're going to be blocking off
10 some of the parking area.

11 MR. LOPEZ: No.

12 MR. WHITFORD: My father goes out that way,
13 if he has to go to the doctor.

14 MR. LOPEZ: No. There is -- there is no --
15 there's no real access for purposes of
16 construction from the 15th Street side.

17 So, any materials that will be brought in
18 will be brought in through the wide doorway in
19 the front, on Summit Avenue.

20 There will be deliveries, but they will all
21 be on Summit Avenue.

22 MR. WHITFORD: All right.

23 MR. LOPEZ: Okay?

24 MR. ISA: I am -- I would recommend to you
25 that if the -- if you do see irregularities --

1 MR. LOPEZ: Point it out.

2 MR. ISA: -- during the construction, or
3 demolition, or whatever, that -- you know, that
4 you call the -- the enforcement agency. You
5 know, the Building Department could come and make
6 sure that things are being done in a correct way.
7 The --

8 MR. WHITFORD: County Code Enforcement.

9 MR. LOPEZ: Yes.

10 MR. ISA: The health -- you know, call the
11 Health Department if there's an issue, the
12 police. Those are the enforcement arms.

13 And, you know, I don't know -- you know,
14 what -- whatever happens with this application,
15 that -- that should -- that -- that's a recourse
16 that you should always feel free to use in -- in
17 any construction, or violation environment. And
18 you -- you should call them, and -- and make sure
19 that -- that you don't have those problems.

20 Because it's -- as you said, it's
21 unfortunate that you were put through that.

22 MR. LOPEZ: One thing that I would also
23 like to point out, every morning, during that
24 entire demolition process, the sidewalk was hosed
25 down and all dust removed.

1 It's a brand new sidewalk. And every
2 morning, the first thing they did is they would
3 hose down the entire sidewalk on 15th Street to
4 remove any dust that may have remained.

5 MR. WHITFORD: That includes at one o'clock
6 in the morning, sir?

7 MR. ISA: Now, what I would -- what I would
8 suggest, though, is we have to -- we're looking
9 at an application moving forward. And we want to
10 -- and if you see a violation moving forward, or
11 something being done inappropriately, I -- I urge
12 you to call the -- the enforcement offices, and
13 -- and have them come out and -- and put a stop
14 to it, or -- or do whatever they -- they need to
15 do.

16 We can't do anything about dust in -- in
17 the past, unfortunately. I wish -- you know, I
18 -- I --

19 MR. WHITFORD: I thank the committee for
20 its time.

21 MR. LOPEZ: Thank you.

22 MS. GUTIERREZ: Thank you.

23 CHAIRMAN GARCIA: Any other member of the
24 public?

25 MR. SANCHEZ: Luis Sanchez. I've already

1 | been sworn in.

2 | MR. DILLON: Sir, you're still under oath.

3 | Can you just stand a little bit closer to
4 | that mic, sir, so we get it?

5 | MR. SANCHEZ: That's where the mic is.

6 | Okay. Yeah. Yeah.

7 | MR. DILLON: That's right there.

8 | Thank you.

9 | MR. SANCHEZ: I got a -- I have a couple of
10 | issues, but before I start, I want to make sure
11 | that the Board understand.

12 | I'm a very blunt person. So, whatever I
13 | say, do not take it personal. All right?

14 | CHAIRMAN GARCIA: No, no, no.

15 | MR. SANCHEZ: So, it's just my style, so --

16 | CHAIRMAN GARCIA: If I take personal, I
17 | kill myself.

18 | MR. SANCHEZ: Okay. Okay.

19 | CHAIRMAN GARCIA: Be surprised. Come on.

20 | MR. SANCHEZ: That's fine. That's --
21 | that's fine.

22 | CHAIRMAN GARCIA: I don't take that --

23 | MR. SANCHEZ: We -- I'm glad that we can
24 | both --

25 | CHAIRMAN GARCIA: No, no.

1 MR. SANCHEZ: -- you know, smile about it.

2 CHAIRMAN GARCIA: And -- and I also want
3 that you -- I mean, don't take personal anything,
4 on any of my reaction either, because it's like
5 it is as it is. I mean, it's like we're all
6 human here, we're human, and it's like --

7 MR. SANCHEZ: I don't take --

8 CHAIRMAN GARCIA: Okay.

9 MR. SANCHEZ: -- any -- anything personal.
10 I just state my point.

11 Couple of points.

12 The issue about parking space. It's been
13 overdone. There's no parking space period at
14 night. You cannot find parking space in that
15 neighborhood, after a certain hour at night.

16 I'm a homeowner. I have a driveway. I am
17 constantly being blocked.

18 Something was said -- the lawyer for the
19 Board said call the cops. I call the cops all
20 the time. I have it on video. I have cameras in
21 front of my house. All my neighbors can testify
22 to that.

23 Every time I call the cops, it's -- I tell
24 them, it's on video with audio. Cops do not want
25 to issue summons; I get statements.

1 There's no parking space. Are you leaving
2 now? When you're leaving, call me.

3 I have to argue with cops. The last time I
4 argued with the cop was a police officer and a
5 sergeant.

6 The son of one of the principals of the LLC
7 blocked my driveway all day, a pickup truck.
8 When I called the police, officer did not want to
9 issue the summons. I asked for a supervisor.
10 The supervisor did not want to issue -- issue a
11 summons.

12 I actually had to argue with the police
13 officer for the summons to be issued.

14 So, when they are requesting a waiver, they
15 will be burdening the community.

16 I'm one of them. I got two handicap
17 parents. At any point in time, I am -- I could
18 be told, take me to the hospital. That has
19 happened twice last month, by my mother with her
20 heart condition.

21 If I have a vehicle blocking my driveway,
22 my driveway, my mother could die.

23 And that's the problem where I am
24 requesting that this Board doesn't waive the
25 parking.

1 I know enough about construction to know
2 that that first level, or part of that first
3 level, because it is a commercial building, can
4 be turned into parking space.

5 There are other units in Summit Avenue
6 where they have parking entrance from Summit, in
7 terms of parking space. So they could have
8 parking space in the first floor.

9 It's going to be a little more money, but
10 the money that they spend at that building is
11 still profitable where they can invest, and make
12 sure that the parking space be complied. Whether
13 they have four units, or they have eight units,
14 or ten units, the ground floor is big enough to
15 be able to have enough parking space.

16 CHAIRMAN GARCIA: You mean through Summit
17 Avenue?

18 MR. SANCHEZ: Well, that's for architects
19 to decide. Where is the best place to create a
20 parking space, because it's -- it's a brick
21 building.

22 CHAIRMAN GARCIA: Yeah, but with all due
23 respect, you are --

24 MR. SANCHEZ: Yeah.

25 CHAIRMAN GARCIA: -- giving a

1 recommendation, create parking --

2 MR. SANCHEZ: Yes.

3 CHAIRMAN GARCIA: -- on the ground floor --

4 MR. SANCHEZ: I'm -- I'm suggesting. I'm
5 sorry I interrupted you. I am not recommending.

6 CHAIRMAN GARCIA: Okay.

7 MR. SANCHEZ: I am make a suggestion as the
8 possibility where the members of the LLC could
9 get the architect to look at the possibility and
10 bring it to the Board, and say, could we actually
11 turn this building, and still be profitable?

12 This -- this group -- the members of this
13 LLC are there for a business.

14 I live there. Those people live there.
15 That's home.

16 This -- that is a business for them.

17 So, it could be -- they could consider it,
18 if they wanted to work with the community.
19 They're not working with the -- their new
20 neighbors, to see what are the possibilities, to
21 see what is the cost. And if it's feasible for
22 that first floor, or part of the first floor to
23 accommodate parking space.

24 That has not been open. That has not been
25 discussed.

1 That's my issue on the parking space.

2 Then, there is the issue of excessive
3 noise. Anyone who lives in Union City knows the
4 -- the problem we have, excessive noise.

5 That block has become out of control.
6 Again, the statement was made by counsel to call
7 the cops.

8 That's a joke. I have a Notice of Claim.
9 I'm sorry. Let me rephrase that. I'm not
10 insulting you.

11 Calling the cops, the Union City Police
12 Department, to address certain quality of crime
13 issue, is just a waste of time.

14 I do it and they just don't comply with the
15 Ordinance. So, just the Board knows, I have
16 Notice of Claims against the Union City Police
17 Department and the Mayor because they are not in
18 compliance with certain -- with certain Notice of
19 Claim -- with certain Ordinance.

20 So, when I heard call the authority, part
21 of the problem we're having in Union City is the
22 noncompliance by the leadership, making sure that
23 the -- that law enforcement does not enforce
24 certain laws.

25 So, when we come -- when it comes to

1 excessive noise, we can have, by adding five,
2 eight, ten more units, there's no way you can get
3 five -- five -- five new units, or ten units when
4 you're not going to have one person who is going
5 to be play -- be playing loud music.

6 The fact that the police -- the Union City
7 Police Department does not enforce the law -- I'm
8 being kept until three, four, five o'clock in the
9 morning.

10 So, I got two major issues. The parking.
11 The fact that they are -- the members of the LLC
12 are not -- I'm repeating myself, and I'm
13 summarizing -- are not trying to see if there's
14 another alternative to comply with the -- with
15 the parking.

16 And the excessive noise that will be caused
17 by five units. Five, eight, or ten units,
18 irrelevant to me.

19 This will be five, eight, or ten new units.
20 That building was always vacant, going back at
21 least 40 to 50 years.

22 So, any units being brought, even though it
23 was being told that they're existing, that
24 they're -- they're existing units, they might be
25 existing units, but they're vacant. So, if

1 they're vacant, and they're going to be put to
2 the market, it's like a brand new -- it's like a
3 brand new building, which is what they're doing.

4 They're -- they're totally remodeling the
5 building. They have gut -- I won't say gutted,
6 but there's tremendous amount of -- already new
7 wood framing, that you can see it from the
8 street. They have the windows open, both floors.
9 Even the first floor is already framed for the
10 divisions.

11 And yet, this Board has not approved the --
12 the two stores -- the two apartment addition, and
13 they already are doing the framing?

14 So, I'm just conveying that message to this
15 Board, so you can just simply make your vote.

16 I thank you.

17 MR. ISA: Thank you very much.

18 MR. LOPEZ: I'd just like to address the
19 parking issue.

20 I don't want it -- I don't want the
21 residents of the area to think that this is just
22 a money making scheme, and we did not consider
23 parking, as -- as is being suggested.

24 Parking is an impossibility because of the
25 way it's set up right now.

1 Number one, on Summit Avenue, the Ordinance
2 prohibits parking on the ground floor. It is
3 strictly for retail.

4 So, we would require more variances to try
5 to -- to bring in parking through Summit Avenue.
6 That's not what the Ordinance calls for. The
7 Ordinance calls for retail.

8 On 15th Street, it is impossible to set up
9 any type of parking, because 15th Street slopes
10 downward toward Kennedy Boulevard.

11 And as Mr. Izquierdo testified, the -- the
12 level of the first floor is approximately 50
13 inches from the sidewalk.

14 So, the sidewalk is down here. The first
15 floor is about 50 inches high. It's impossible
16 to create side parking on the building.

17 So, it's not that we don't -- didn't
18 consider it, we're not altering the structure in
19 any way. And when it was built, parking was just
20 not a consideration.

21 And parking cannot be made on the side.
22 It's not that we want to, or don't want to, or
23 want to make more money by not putting parking,
24 we can't put parking.

25 MR. SANCHEZ: In respond to counselor,

1 | that's why they're here, for a variance. So,
2 | instead of the -- the Board can create the
3 | variance, to be able to allow parking from Summit
4 | Avenue. That's the reason for a variance.

5 | So, if they will be working with the
6 | community, they could just simply say, let's now
7 | ask for a variance, what's a variance -- your
8 | terminology -- the variance or the waiver of the
9 | -- whatever ordinance we have, so the parking
10 | could be used in the front, by the front of the
11 | building.

12 | So, they're not actually using the -- the
13 | Board of Adjustment to ask for a variance or a
14 | waiver, in the benefit of the community.

15 | It's simply to make a financial benefit.
16 | You -- they could request -- repeating myself --
17 | that there could be a variance so they could use
18 | Summit Avenue as an entrance to a parking space.

19 | And with that, I'll close.

20 | Thank you.

21 | MR. ISA: Thank you very much.

22 | MS. GUTIERREZ: Thank you.

23 | CHAIRMAN GARCIA: Any other member of the
24 | public want to step forward?

25 | MR. ISA: Anyone else?

1 CHAIRMAN GARCIA: Anybody else?

2 Okay.

3 MR. IZQUIERDO: Mr. Chairman, just as a
4 note on the construction of this whole block, and
5 the easement, it appears, and I am going to
6 venture to say that all of these houses, and all
7 of these buildings were all built at the same
8 time. And that constitutes, in terms of the
9 planning, a common scheme.

10 So, that easement is actually integral to
11 the development. It's integral to the
12 subdivision, and it's integral to actually -- all
13 of these residents actually park in the back,
14 with access from the back.

15 So the development of this block did not
16 occur one building, and then another building.
17 It was all conceived by one developer, who built
18 it consistently.

19 So, this property is actually symmetrical
20 to Lasquina Banera (phonetic), which is on the
21 other side. And all of the properties in the
22 middle were all built at the same time, with a
23 common scheme.

24 And the way it was built, like -- like Mr.
25 Lopez indicated, is that the -- a finished floor

1 of the ground floor here is actually higher,
2 because 15th Street slopes back.

3 So, parking would only be possible through
4 Summit Avenue, and that would actually be, in
5 terms of the Master Plan, a travesty to the
6 commercial nature of Summit Avenue.

7 That's all I wanted to say.

8 Thank you.

9 CHAIRMAN GARCIA: Like -- like we said
10 before, I'm going to make an adjournment -- my
11 motion to adjourn this application.

12 But before, I want to ask for a favor to
13 the applicant.

14 And I'm going to need is that before we
15 come to the meeting, next month, I need a meeting
16 with you guys, with the -- with the residents,
17 please.

18 MR. LOPEZ: Sure.

19 CHAIRMAN GARCIA: I just -- I know that
20 only one lady, or do you have everybody -- or not
21 only have, is the main concern was the easement.
22 Looks like they've been mis --

23 MR. DIAZ: Mislead.

24 CHAIRMAN GARCIA: Right. So, I think is,
25 I'm going to recommend you, because I don't know

1 another concern that they have, that probably
2 going to -- could have for next meeting, I -- I
3 really appreciate if they could -- I mean, pass
4 the business card, whatever. Have a meeting with
5 them. And I -- I mean --

6 MR. DIAZ: Do you want to be present in the
7 meeting?

8 CHAIRMAN GARCIA: No.

9 MR. DIAZ: Okay. I just thought -- you
10 know, you mentioned something.

11 CHAIRMAN GARCIA: I'm going to be --

12 MR. DIAZ: But that's fine.

13 CHAIRMAN GARCIA: I'm going to be away.

14 MR. DIAZ: No, no. That's fine.

15 CHAIRMAN GARCIA: For the whole month. So,
16 I prefer that.

17 I mean, it going to be good for the whole,
18 because one of my -- one of our concern is that
19 everybody be pleased, and I don't want to -- if
20 everybody is on the same page, going to be way,
21 way better.

22 MR. DIAZ: Yes.

23 CHAIRMAN GARCIA: Okay? So, I'm going to
24 make my motion to --

25 MR. DIAZ: Cards, I can --

1 CHAIRMAN GARCIA: I'm going to make my
2 motion to adjourn this application for next
3 meeting.

4 MS. GUTIERREZ: Second it.

5 CHAIRMAN GARCIA: Going to be July the 9th.

6 THE SECRETARY: Motion to adjourn the
7 application by Chairman Andres Garcia.

8 Second by Margarita Gutierrez.

9 Roll call to adjourn this application.
10 Chairman Garcia?

11 CHAIRMAN GARCIA: Yes.

12 THE SECRETARY: Victor Grullon?

13 MR. GRULLON: Yes.

14 THE SECRETARY: Margarita Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Khaled Dardir?

17 MR. DARDIR: Yes.

18 THE SECRETARY: Joseph Bonacci?

19 MR. BONACCI: Yes.

20 THE SECRETARY: Elisa Flores?

21 MS. FLORES: Yes.

22 THE SECRETARY: John Medina?

23 MR. MEDINA: Yes.

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

1 No further notice required. Next meeting
2 July 9.

3 MR. ISA: Let's take a one minute break,
4 whatever.

5 MR. DIAZ: Thank you very much.

6 MS. GUTIERREZ: No, let's continue. Let's
7 continue.

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

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1 **Shriji 218, LLC - 2107 Bergenline Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda is Shriji 218, LLC, 2107
5 Bergenline Avenue.

6 Mr. Halkias, please?

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

9 MR. ISA: Okay. Do you have the proof of
10 publication?

11 MR. DILLON: Sir, could we have your name
12 for the record? Just put it on the record.

13 MR. ISA: Okay.

14 Mr. Chairman, members of the Board, I've
15 reviewed the -- the documentation of service.
16 Everything appears to be in order. This Board has
17 jurisdiction to proceed.

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

20 MR. ISA: Yeah. So, as I stated before,
21 the -- I reviewed all of the documents of
22 jurisdiction, and the Board has jurisdiction to
23 proceed.

24 You may proceed.

25 MR. HALKIAS: Mr. Chairman and

1 Commissioners, my name is Michael Halkias. My
2 office is at 1300 Van Houten Avenue in Clifton,
3 New Jersey.

4 I'm representing the applicant, Shriji 218,
5 LLC. They are contract purchasers to purchase
6 the property at 2107 Bergenline Avenue, which is
7 Block 114, Lot 4.

8 It is a vacant piece of land, currently.
9 And as I said, we are in contract to purchase
10 that from the current owner.

11 There was, at one time, I'm sure those of
12 you that will remember, about two and a half
13 years ago, there was a two story structure that
14 the seller owned.

15 There was a fire. That building was razed
16 completely after the fire, because of the damage.
17 And we are here today with an application to
18 build a three story building, which will be more
19 in -- inline with the properties that are there,
20 including the building right next door that is I
21 believe, now, just about or completed. That was
22 also damaged by the fire, the building to the
23 right of it.

24 The first floor will consist of, from your
25 -- from the drawings that you have a one unit

1 commercial with, in the rear, a two bedroom
2 apartment.

3 And on each of the next two floors, two two
4 bedroom apartments, so that we're seeking the
5 approval for five residential apartments and one
6 storefront and three stories.

7 Our application requires only one variance.
8 That is for the rear yard setback, which requires
9 20 feet, when in fact, we would have 12 feet,
10 being only eight feet deficient.

11 I also want to bring to the attention of
12 the Board, I'm not sure how many of the Board
13 members were also members in 2009, the current
14 owner was here, and received, in July of 2009,
15 approval to take down her two story building and
16 build a three story building exactly like this.
17 A storefront with one apartment on the first
18 floor, and two additional floors, with two two
19 bedroom apartments each.

20 She did not begin that construction before
21 the fire, and that approval, obviously, has now
22 expired.

23 So, we're here to -- to really seek the
24 same approval that the current owner received in
25 July of 2009. And if successful, we will proceed

1 with the purchase and then, submit our drawings
2 for building permits.

3 CHAIRMAN GARCIA: I have a question.

4 MR. HALKIAS: Yes, sir?

5 CHAIRMAN GARCIA: You said that the only
6 variance that you are requiring is?

7 MR. HALKIAS: It is for the rear yard --
8 I'm sorry. Hold on.

9 Yes. Minimum rear yard setback. It's --

10 CHAIRMAN GARCIA: Okay.

11 MR. HALKIAS: -- it's in the zoning chart,
12 that's on the drawing. It requires 20 feet, when
13 in fact, we have -- will have only 12 feet.

14 CHAIRMAN GARCIA: And you have -- and the
15 application is first floor retail space, and five
16 residential apartment above.

17 Right?

18 MR. HALKIAS: Yes, sir.

19 CHAIRMAN GARCIA: And the memo we have from
20 the Building Department is one and one.

21 MR. ISA: Yeah. I just have -- you're
22 saying this -- so you're saying the exact
23 application was already approved in 2009?

24 MR. HALKIAS: It was signed in July of
25 2009.

1 MR. ISA: I think the Permit Extension Act
2 would extend into 2015. It was signed in to --
3 yeah.

4 MR. HALKIAS: Well, my -- my understanding
5 is that that approval for the current owner, the
6 woman that is the owner right now, that it
7 expired because she did not act on it. And then,
8 the building -- and then, the existing building
9 had a fire.

10 I am told, also, by her attorney, she --

11 MR. ISA: Yeah.

12 MR. HALKIAS: -- she couldn't rebuild
13 because she didn't have --

14 MR. ISA: Oh.

15 MR. HALKIAS: -- insurance.

16 MR. ISA: Oh, there was -- I -- all right.

17 MR. HALKIAS: Yes.

18 MR. ISA: Well, I mean, I guess, proceed.

19 MR. HALKIAS: Okay.

20 MR. ISA: Sorry.

21 CHAIRMAN GARCIA: But he get here -- this
22 apartment, and you only have one and one.

23 MR. ISA: Yeah. No, but I'm saying, there
24 was -- there was an approval, it was never acted
25 on.

1 Go ahead.

2 MR. HALKIAS: It was never -- construction
3 was never commenced.

4 Okay. I'd like to call up Mr. Jay Sankpal
5 as our first witness.

6 MR. DILLON: Okay.

7 Swear the testimony you're about to give is
8 the truth, the whole truth, nothing but the
9 truth?

10 MR. SANKPAL: I do.

11 MR. DILLON: And can I have your name for
12 the record, sir?

13 MR. SANKPAL: J-A-Y, Jay, S-A-N-K-P-A-L,
14 Sankpal.

15 MR. DILLON: I'm sorry. Say -- S-A what?

16 MR. SANKPAL: S-A-N-K-P-A-L, P-A-L --

17 MR. DILLON: Thank you.

18 MR. SANKPAL: Sankpal.

19 MR. DILLON: Thank you, sir.

20 MR. SANKPAL: Registered architect.

21 MR. DILLON: Okay.

22 Go right ahead.

23 MR. HALKIAS: Mr. Sankpal, I had asked you
24 before, and it was your recollection, you've
25 actually testified before this Board, but it

1 might have been close to 20 years ago.

2 Is that correct?

3 MR. SANKPAL: About 20 years ago. Yeah.

4 MR. HALKIAS: Okay.

5 MR. SANKPAL: Twenty years ago.

6 MR. HALKIAS: So, we're -- I will voir dire
7 the architect.

8 Is that all right?

9 CHAIRMAN GARCIA: Yes.

10 MR. ISA: Please.

11 MR. HALKIAS: Okay. Okay.

12 Mr. Sankpal, will you please give us a
13 synopsis of your education and your professional
14 background?

15 MR. SANKPAL: Okay.

16 I got my registration in state of New York
17 in 1977. And I got architect's registration in
18 New Jersey in 1978.

19 I have been registered architect for over
20 36 years. I've designed over a hundred
21 buildings, and I have testified before zoning
22 boards in Jersey City, and Teaneck, South
23 Brunswick, --

24 CHAIRMAN GARCIA: This the first time
25 you're here in Union City.

1 Right?

2 MR. HALKIAS: In about 20 years.

3 MR. SANKPAL: About 20 years ago.

4 MR. HALKIAS: Yes. In about 20 years.

5 MR. SANKPAL: I really don't remember.

6 CHAIRMAN GARCIA: We accept your
7 qualification. Yes.

8 MR. HALKIAS: Okay.

9 I would like to ask a few more questions on
10 his qualifications.

11 CHAIRMAN GARCIA: Okay. No problem.

12 MR. HALKIAS: Okay.

13 Mr. Sankpal, are you currently a registered
14 professional planner in the state of New Jersey?

15 MR. SANKPAL: Not -- not just yet.

16 MR. HALKIAS: Okay. But however, have you
17 been a professional planner in the state of New
18 Jersey in the past?

19 MR. SANKPAL: Yes. For 30 years, I was --
20 you know, but I gave it up last year, because I
21 didn't need it. I wanted to retire, that's what
22 it was.

23 MR. HALKIAS: Okay. So, you are not really
24 a registered --

25 MR. SANKPAL: No.

1 MR. HALKIAS: -- planner --

2 MR. SANKPAL: Right now.

3 MR. HALKIAS: -- but you have had 30 years
4 of being a registered planner in the state of New
5 Jersey --

6 MR. SANKPAL: Yeah. Sure.

7 MR. HALKIAS: -- up until last year, when
8 you turned it in.

9 MR. SANKPAL: 2013, I did that.

10 MR. HALKIAS: Okay. I -- I know the Board
11 cannot approve -- approve him as a registered
12 planner, because he's not, but I just wanted to
13 bring that to the Board's attention, his
14 experience of 30 years in the state of New
15 Jersey.

16 MR. ISA: I understand.

17 MR. HALKIAS: In that capacity, had you
18 also testified before boards?

19 MR. SANKPAL: Yes.

20 MR. HALKIAS: Okay. All right.

21 Mr. Sankpal, did you prepare, in
22 contemplation of this application, drawings that
23 were submitted as part of the applicant's
24 application, which are submitted and which are
25 before the members?

1 MR. SANKPAL: Yes. I'll go through the
2 plans first.

3 MR. HALKIAS: Please, if you would.

4 MR. SANKPAL: Okay.

5 This is drawing number one, show the
6 properties within 200 feet here, and the
7 addresses and the properties over here, with --
8 with the owners within 200 feet radius of this
9 building, which is on 2107.

10 This is zoning plan, and this is location
11 of the proposed building in NC (sic) commercial
12 zone here.

13 This is a site plan over here. There are
14 two buildings on -- on the left -- right hand
15 side, that are brand new building. They are
16 three story high.

17 And we would like to also build a three
18 story high. It's the same height as the next
19 door buildings.

20 These are two vacant lots at -- at the
21 moment. So, I don't know who they belong to.

22 This is zoning chart and the -- we conform
23 to all the aspects of the zoning chart, except
24 one thing, rear yard. We would like to increase
25 it by -- by 12 feet.

1 That doesn't mean that we are going to
2 increase -- maximum floor area of the building.
3 It is going to be 80 percent. That's it. We are
4 just getting one variance. That's it on this.

5 And this -- this is done because we wanted
6 to put windows on -- on the side yard, for the
7 rear apartments.

8 Okay. This is a basement. This is drawing
9 number two. This is basement plan. We are going
10 to have half -- half a basement.

11 Actually, what has happened, there was a
12 building over here, and they had a basement also.
13 So, we're just going to keep the same basement.
14 All the utilities will be there, like the hot
15 water heater, sprinkler room, and electric and
16 gas meters will be here.

17 This is the first floor plan, which is on
18 the first floor, there's going to be a store,
19 which is 740 square feet. And there's going to
20 be a two bedroom apartment, which is 680 square
21 feet.

22 On the second floor, there's two bedroom
23 apartment again, which is 880 square feet. And
24 this one is a second floor apartment is --

25 MR. HALKIAS: Mr. Sankpal? Mr. Sankpal?

1 MR. ISA: You know, looking at this, this
2 -- you're proposing an apartment on the ground
3 floor.

4 MR. SANKPAL: Yes.

5 MR. HALKIAS: On the first floor. Correct.

6 MR. ISA: This is in the --

7 CHAIRMAN GARCIA: CN.

8 MR. ISA: -- in the CN zone, where mixed
9 uses are permitted, but apartments aren't
10 permitted on the first floor. So, you need a
11 variance for that, as well.

12 MR. SANKPAL: On the first floor?

13 MR. ISA: For the apartment --

14 MR. SANKPAL: I'm not sure.

15 CHAIRMAN GARCIA: Yeah.

16 MR. ISA: -- on the first floor, because
17 it's in the CN --

18 MR. SANKPAL: Oh.

19 CHAIRMAN GARCIA: The CN zone is not
20 allowed to have residential unit in the ground
21 floor.

22 MR. ISA: And I don't -- I'm sorry to
23 interrupt. I mean, I just --

24 MR. SANKPAL: Okay. I'm sorry. I didn't
25 --

1 MR. ISA: You know, I didn't -- before you
2 know, I don't know if you want to --

3 MR. SANKPAL: Okay.

4 MR. ISA: You know, if you want to talk and
5 you know, if you want to continue, or if you want
6 to -- you know --

7 MR. HALKIAS: Would the -- would the Board
8 allow us now to amend our -- our application, and
9 to include that variance, as well?

10 MR. SANKPAL: Yes. I can -- I'm sorry.

11 I can prepare -- you know, the whole first
12 floor as a store. No problem. And --

13 MR. HALKIAS: If -- well --

14 MR. SANKPAL: -- redesign the whole thing,
15 if you want.

16 MR. ISA: I mean --

17 MR. HALKIAS: What I'm asking is if we can
18 proceed with the requested variance for that --
19 for that first floor apartment use, as well.

20 CHAIRMAN GARCIA: They're going to need a
21 planner.

22 MR. ISA: I mean, are you going -- I mean,
23 I think -- you know, you -- at that point, you
24 would want to bring a planner to test -- to give
25 planning testimony as to the -- as to that

1 variance.

2 I mean, I don't want to make your job any
3 -- I know -- I know you have planning experience.

4 MR. SANKPAL: Okay.

5 MR. ISA: You know, I mean, I think we're
6 going to -- and you'd have to provide -- you
7 know, if you're going to revise something, you'd
8 have to provide it -- you know, so that people
9 could -- could view it.

10 I mean, if you want to continue with your
11 presentation --

12 CHAIRMAN GARCIA: Okay, he have -- I think
13 --

14 MR. ISA: -- and then --

15 CHAIRMAN GARCIA: I think --

16 MR. ISA: -- and come back.

17 CHAIRMAN GARCIA: I mean -- or you have the
18 whole commercial unit in the ground floor, and no
19 residential unit in the ground floor, and you're
20 continuing with your application. And then, you
21 -- you present the amended plan.

22 Or if you want --

23 MR. ISA: One or --

24 CHAIRMAN GARCIA: If you want to come back
25 with -- with planner, and you maintain the -- the

1 residential unit on the ground floor, and then
2 you do the complete presentation.

3 It's up to you and it's up to your client.
4 I don't know if you want two minute to talk to
5 your client?

6 MR. HALKIAS: That may be best.

7 CHAIRMAN GARCIA: Two minute, talk to your
8 client.

9 MR. HALKIAS: Just -- just two minutes.

10 CHAIRMAN GARCIA: Yeah.

11 MR. ISA: Yeah.

12 CHAIRMAN GARCIA: Just two minute recess
13 and talk to your client.

14

15 (Whereupon, the Board recessed from 9:08
16 p.m. to 9:09 p.m.)

17

18 MR. DILLON: Go ahead.

19 THE SECRETARY: Okay. Go back on the
20 record.

21 MR. HALKIAS: After conferring with the
22 applicant, we will -- we will, if the Board
23 proceeds and -- and finds our application
24 satisfactory, we're going to now make the entire
25 first floor commercial use.

1 It will be four apartments, only on the
2 second floor and third floor. Two, two bedroom
3 apartments each.

4 And the first floor will be completely
5 commercial.

6 And of course that, I'm sure, would be a
7 condition to submit a --

8 CHAIRMAN GARCIA: Revised plan.

9 MR. HALKIAS: -- revised plan.

10 MR. ISA: Of course.

11 CHAIRMAN GARCIA: Okay.

12 MR. SANKPAL: Revised plan.

13 MR. HALKIAS: Okay?

14 MR. SANKPAL: Yes.

15 MR. HALKIAS: May -- may Mr. Sankpal
16 continue?

17 MR. SANKPAL: Yes.

18 MR. ISA: Yes.

19 CHAIRMAN GARCIA: Yes. Now we're talking
20 about --

21 MR. HALKIAS: Second and third floor.

22 CHAIRMAN GARCIA: -- only about the one --

23 MR. ISA: We're just doing the --

24 CHAIRMAN GARCIA: -- one variance, at least
25 for the --

1 MR. HALKIAS: We're back to just the one
2 variance.

3 CHAIRMAN GARCIA: Correct.

4 MR. SANKPAL: Okay.

5 MR. HALKIAS: Okay? All right.

6 Mr. Sankpal --

7 MR. SANKPAL: Okay.

8 MR. HALKIAS: -- if you'll continue then
9 and describe the --

10 MR. SANKPAL: Yeah. On the --

11 MR. HALKIAS: -- drawings regarding the
12 second --

13 MR. SANKPAL: Yeah. On the third floor,
14 yeah.

15 MR. HALKIAS: -- and the third floor.
16 First floor drawing we'll amend to the --

17 MR. SANKPAL: Yeah.

18 MR. HALKIAS: -- revised.

19 MR. SANKPAL: Under drawing number three,
20 the elevations of the building here. And this is
21 a section through the building.

22 All the exterior walls, we are constructed
23 as a concrete block masonry wall, because there
24 was a fire there, and the fire traveled from one
25 -- one building to other building.

1 If you -- if you have this concrete block
2 masonry wall, all -- you know, the whole block
3 will be protected. Fire will not go from one
4 house to another house. That's why it's a two
5 hour fire rated, concrete block construction we
6 have over here.

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

9 MR. SANKPAL: Okay. This is the third
10 floor again. The front apartment is about 880
11 square feet, two bedroom apartment. And the rear
12 apartment is about 729 square feet, in the rear.

13 And this is a roof plan. All the utilities
14 are on the roof plan here, HVAC units, and there
15 is a stair tower at the top.

16 There will be three foot six inches
17 concrete block parapet wall, will be constructed
18 around this -- this building.

19 And this is the elevation -- front
20 elevation of the building. Will have brick on
21 the front. And this is going to be glass for the
22 store.

23 So, there's a store entrance.

24 MR. HALKIAS: If I may, this is the front
25 elevation, I could pass it to the Board members,

1 | that Mr. Sankpal is describing now. Entrance to
2 | the apartments, as well as the entrance to the
3 | storefront.

4 | MR. SANKPAL: Yeah. There are some more.

5 | MR. HALKIAS: Okay.

6 | MR. SANKPAL: And here.

7 | MR. HALKIAS: And the -- the type of façade
8 | that the applicant is contemplating.

9 | Okay. Mr. Sankpal, I'm sorry.

10 | MR. SANKPAL: Okay.

11 | MR. HALKIAS: You can continue.

12 | The front -- the front façade will be
13 | brick?

14 | MR. SANKPAL: Brick. Yes. Brick will be
15 | --

16 | MR. HALKIAS: Okay.

17 | MR. SANKPAL: And, yeah.

18 | MR. HALKIAS: And -- and there are two
19 | doors at the front side.

20 | Which -- which one will be access for the
21 | store?

22 | MR. SANKPAL: This is the store. These are
23 | the store. Left hand side is the store entrance.
24 | And right hand side is apartment entrance.

25 | MR. HALKIAS: Okay. So, the left hand door

1 will be for the storefront --

2 MR. SANKPAL: Storefront.

3 MR. HALKIAS: -- which we're -- now, we're
4 talking about being the entire first floor.

5 MR. SANKPAL: Entire first floor store.

6 MR. HALKIAS: And -- and the right hand
7 door would go to stairwell, to the upstairs --

8 MR. SANKPAL: Upstairs.

9 MR. HALKIAS: -- two floors for --

10 MR. SANKPAL: Yes.

11 MR. HALKIAS: -- the apartments.

12 MR. SANKPAL: Yes.

13 MR. HALKIAS: And each of the drawings does
14 show the hallway, the stairwell on each of the
15 second and third floors.

16 And that's the extent of your drawings, Mr.
17 Sankpal?

18 MR. SANKPAL: Yes.

19 MR. HALKIAS: Okay. Is -- you've been to
20 the -- you've been to the site?

21 MR. SANKPAL: Yes. I went to the site.

22 MR. HALKIAS: Obviously. You've taken
23 measurements in order to prepare these drawings.

24 MR. SANKPAL: Yes.

25 MR. HALKIAS: Correct?

1 MR. SANKPAL: Yes. And you know, we are
2 going to have the similar construction.

3 This is a site which is there. We are
4 going to build -- you know, a structure next to
5 this -- this site, which is only -- yes.

6 MR. HALKIAS: The -- that picture that
7 you're -- that you've handed now --

8 MR. SANKPAL: Yes.

9 MR. HALKIAS: -- that is the vacant lot --

10 MR. SANKPAL: Vacant lot.

11 MR. HALKIAS: -- and the new structure --

12 MR. SANKPAL: New structure already
13 constructed --

14 MR. HALKIAS: -- also which was damaged by
15 the fire --

16 MR. SANKPAL: -- of these two years. Yes.

17 MR. HALKIAS: -- that we talked about from
18 two and a half years ago.

19 MR. SANKPAL: Yes.

20 MR. HALKIAS: Correct?

21 MR. SANKPAL: Yes.

22 Thank you.

23 MR. ISA: Quick question.

24 Are you asking for a waiver for parking?

25 It doesn't specify on the application.

1 MR. HALKIAS: Yes. Yeah. Yeah, the
2 previous -- the previous property, of course,
3 again, was two stories, and was a similar
4 footprint. It covered the entire property.

5 There is really no feasible way to put
6 parking on the -- on the subject property itself.
7 So, we are asking for a waiver, yes.

8 MR. ISA: Okay. And looking at -- this is
9 the memo from our planner -- from Mr. Spatz.

10 MR. HALKIAS: I did not ever get that, be
11 honest with you.

12 MR. ISA: So we can --

13 MR. HALKIAS: I don't know what the
14 comments are of the expert, but --

15 MR. ISA: You can -- you can --

16 MR. HALKIAS: Okay.

17 MR. ISA: -- have a copy of it.

18 MR. HALKIAS: We'll try to address --

19 MR. ISA: Right.

20 MR. HALKIAS: -- them, of course.

21 MR. ISA: And then, there's an issue of the
22 minimum floor area of 750 square feet, for two
23 bedroom apartments.

24 You know, just he's looking -- you're
25 asking for applicant to provide the actual size

1 of the apartments to verify the permitting.

2 MR. HALKIAS: Yeah.

3 MR. ISA: Maybe we could do that?

4 MR. SANKPAL: Yes. Actually --

5 MR. HALKIAS: Mr. Sankpal, if you would
6 repeat the size of the two --

7 MR. SANKPAL: Yes. Size of the -- we are
8 allowed 80 percent of the construction, which is
9 about 2,000 square feet.

10 And this also is a 2,000 square feet. We
11 are not increasing the size of the building. We
12 are just putting a side yard to -- for the back
13 apartment, so that they can get natural
14 ventilation and light. That's what it is.

15 MR. HALKIAS: Could you -- could you then
16 describe the size of each of the two, two bedroom
17 apartments, on each of the floors? The square
18 footage size --

19 MR. SANKPAL: Oh, square --

20 MR. HALKIAS: -- of those apartments.

21 MR. SANKPAL: -- footage. Yes.

22 On the -- on the second floor.

23 On the second floor, this apartment is a
24 two bedroom apartment, which is 880 square feet.
25 And the back apartment is 729 square feet.

1 MR. DARDIR: They're both two bedrooms?

2 MR. HALKIAS: Okay. So, they're both two
3 bedrooms. The --

4 MR. SANKPAL: Yes. They are all two
5 bedroom apartments.

6 MR. HALKIAS: -- 800 square foot -- eight
7 hundred some odd, is in the front of the
8 building, and the 729 in the back.

9 Is the third floor apartments the same
10 size?

11 MR. SANKPAL: Same size. They are
12 repeated. They are repeated.

13 CHAIRMAN GARCIA: Did you -- did you review
14 the -- the Ordinance regarding how many square
15 feet you need for two bedroom units?

16 I think that is under the -- I think that
17 you need at least 750 square feet for two
18 bedroom.

19 MR. HALKIAS: Mr. Sankpal --

20 MR. SANKPAL: Yeah?

21 MR. HALKIAS: -- is it possible that on
22 each floor --

23 MR. SANKPAL: Yes.

24 MR. HALKIAS: -- the apartments can be
25 reconfigured, so that each apartment has a

1 minimum of 750 square feet?

2 It appears that the rear apartments --

3 MR. SANKPAL: Yes.

4 MR. HALKIAS: -- are about 21 square feet
5 short.

6 MR. SANKPAL: Short. You know, because of
7 -- because of that, because of there was already
8 construction -- you know, basement was
9 constructed already.

10 MR. HALKIAS: Yes.

11 MR. SANKPAL: You know, the build --
12 building which was damaged in the fire --

13 MR. HALKIAS: Yes.

14 MR. SANKPAL: -- they had a basement.

15 MR. HALKIAS: Yes.

16 MR. SANKPAL: That's why we got it,
17 otherwise we have to break back the basement or
18 something like that.

19 MR. HALKIAS: Okay.

20 MR. SANKPAL: But we can do that. We can
21 revise that. Definitely.

22 MR. HALKIAS: So -- so some --

23 MR. SANKPAL: We can do.

24 MR. HALKIAS: The front -- the front
25 apartments --

1 MR. SANKPAL: Yes.

2 MR. HALKIAS: -- can be made a little bit
3 smaller --

4 MR. SANKPAL: Smaller. Yes.

5 MR. HALKIAS: -- to provide at least
6 another 21 square feet.

7 MR. SANKPAL: Sure. I can do that. Yes.

8 MR. HALKIAS: And the plans could be
9 revised for that.

10 MR. SANKPAL: Yes. Definitely. I'll do
11 that.

12 MR. HALKIAS: I have no more questions of
13 Mr. Sankpal, if there was any other questions of
14 the Board members?

15 CHAIRMAN GARCIA: Do you have another
16 witness?

17 MR. HALKIAS: The only other witness, I --
18 which I -- I did not necessarily need to bring
19 was one of the two applicants, who owns a
20 building and his store for about 14 years. He's
21 a business owner --

22 CHAIRMAN GARCIA: Okay.

23 MR. HALKIAS: -- three stores away.

24 I don't know that I need to bring him up
25 here to testify --

1 CHAIRMAN GARCIA: No.

2 MR. HALKIAS: -- to that, but just so that
3 you know, these -- these are people from the
4 community.

5 Both of the two -- of the owners, of the
6 new LLC, that would be the new owner.

7 One is only three stores away. Owns his
8 building and has his store there, his business, a
9 retail business for 14 years, right in town.

10 CHAIRMAN GARCIA: So, you are -- the only
11 variance that you are requiring is the rear yard.

12 MR. HALKIAS: Yeah.

13 CHAIRMAN GARCIA: But you are not requiring
14 -- requiring the parking variance.

15 MR. HALKIAS: The parking -- parking
16 variance -- parking waiver. Yes.

17 I see that it's not in this --
18 specifically, in the zoning chart there. But
19 yes, we are.

20 And we are willing, of course, to revise
21 our drawings to show the first floor being for
22 the commercial, and with the second floor and
23 third floor apartments being reconfigured so that
24 they are at least -- each apartment 750 square
25 feet.

1 CHAIRMAN GARCIA: I mean, if you -- what
2 I'm going to do is I'm going to make the motion
3 to -- to adjourn it, and bring the plans like
4 that. And also, present the chart with -- with
5 variance for the parking.

6 And what we could do, also, is we could
7 promise you the --

8 MR. ISA: Open to the public first, or no?

9 CHAIRMAN GARCIA: -- the Resolution for the
10 same day, because this way, you have the
11 Resolution the same -- you know --

12 But before that, we're going to -- I want
13 to open to the public.

14 Any member of the public wants to step
15 forward?

16 Yes?

17 MR. DILLON: You have to come up, sir.

18 MR. CASTRO: Javier Castro.

19 MR. DILLON: Come up to the microphone over
20 here, please.

21 Please raise your right hand.

22 Do you swear the testimony you're about to
23 give is the truth, the whole truth, and nothing
24 but the truth?

25 MR. CASTRO: I swear.

1 MR. DILLON: Can I have your name, sir?

2 MR. CASTRO: Javier Castro.

3 MR. DILLON: Could you spell your last
4 name, sir?

5 MR. CASTRO: C-A-S-T-R-O.

6 MR. DILLON: C-A-S-T-R-O.

7 Thank you, sir.

8 Go ahead.

9 MR. CASTRO: Hi, members of the Board.

10 We wait a long time you know, being you
11 guys busy, very busy. There's something that I
12 wanted to show you. This is a camera, so you can
13 pass it on. It's pretty dark.

14 I came to the City Hall in the morning.

15 You can pass it on.

16 As you can see in that picture, it's all
17 blacked out. That building, if they build it
18 next to me, with the setback of 12 feet, it's
19 going to block the whole view from that one.

20 CHAIRMAN GARCIA: Okay. For the --

21 MR. CASTRO: From the -- from the deck.

22 CHAIRMAN GARCIA: For the -- for the
23 record, I mean, we can not accept that.

24 MR. CASTRO: Okay.

25 CHAIRMAN GARCIA: But, yeah. We can accept

1 -- I mean, your concern, of course.

2 MR. CASTRO: Right.

3 CHAIRMAN GARCIA: But --

4 MR. CASTRO: I'm the owner of the building
5 next door.

6 CHAIRMAN GARCIA: And your concern is that
7 that --

8 MR. CASTRO: My concern is my tenant.
9 Actually, I got two others in here, they won't
10 have any quality of living, because it's going to
11 block the whole sun, if it's three -- three
12 stories at this site.

13 And it's going to be the setback of 12 feet
14 only, which I believe that's an assessment in the
15 back.

16 CHAIRMAN GARCIA: What do you mean? The --
17 are you next to or behind?

18 MR. CASTRO: Next to it.

19 CHAIRMAN GARCIA: Next to.

20 Actually, they -- they don't need the
21 height variance. So, they allowed to build it.

22 MR. CASTRO: They're allowed to build it?

23 CHAIRMAN GARCIA: Yeah.

24 MR. CASTRO: The setback? It used to be 20
25 feet, I believe. And now they want a setback 12

1 feet.

2 CHAIRMAN GARCIA: The setback that -- that
3 they are --

4 MR. CASTRO: The one that --

5 CHAIRMAN GARCIA: -- requiring --

6 MR. CASTRO: Um hum.

7 CHAIRMAN GARCIA: -- is at the rear yard,
8 it's not the --

9 MR. CASTRO: That's right. The rear yard
10 is going to cut down the sun to my deck.

11 MR. HALKIAS: Can I ask you a question?

12 CHAIRMAN GARCIA: Yeah.

13 MR. HALKIAS: Would any structure there --
14 would any structure -- is this your property on
15 this side?

16 MR. CASTRO: This is the deck.

17 MR. HALKIAS: Okay. How many feet --

18 MR. CASTRO: It's only 60 feet, the
19 dwelling.

20 MR. HALKIAS: Sixty feet. And how many
21 feet -- that's including the deck?

22 MR. CASTRO: No.

23 MR. HALKIAS: No.

24 MR. CASTRO: Sixty the dwelling.

25 MR. HALKIAS: Sixty the dwelling.

1 MR. CASTRO: And the --

2 MR. HALKIAS: And then you have the deck.

3 MR. CASTRO: -- deck is ten. So, you guys
4 going to do 80.

5 MR. HALKIAS: Okay. And 80 feet is
6 permitted.

7 MR. CASTRO: And I believe there's an
8 easement in here.

9 MR. HALKIAS: Yeah. I don't know if
10 there's an --

11 MR. CASTRO: Yeah. That's a -- that's a
12 driveway.

13 MR. HALKIAS: There --

14 MR. CASTRO: In the back of the building.
15 The one in the corner.

16 MR. HALKIAS: Permitted is 80 feet, and
17 permitted is also 2,000 square foot of -- of
18 coverage, 80 percent coverage.

19 So, we're not looking for any variance
20 there. It's just by putting what is permitted,
21 80 foot -- 80 percent, I should say -- I'm sorry
22 -- 80 percent in coverage, it would only -- it
23 would only remain 12 feet. And that's where we
24 have the variance, in order to comply with
25 putting the side --

1 CHAIRMAN GARCIA: No, but the 80 percent of
2 the lot coverage doesn't have to -- is not
3 related to the 20 feet setback --

4 MR. CASTRO: Twenty by 80 is not related to
5 that.

6 CHAIRMAN GARCIA: -- that is required.

7 MR. HALKIAS: No. But I'm just saying, we
8 -- we're allowed to cover 80 percent of the -- of
9 the square footage. And there's just -- the
10 property doesn't have the depth to provide
11 anything more than the 12 feet, if we go to -- to
12 the -- to roughly our maximum allowed.

13 And also, to comply with the size of
14 apartments that we -- that we need to -- for the
15 two bedrooms.

16 I understand it's -- it may affect the deck
17 or patio, but we're -- we're talking about -- you
18 already go back 70 feet, sir?

19 MR. CASTRO: I --

20 MR. HALKIAS: Sixty plus ten? Your deck is
21 only ten?

22 MR. CASTRO: I got 60 plus ten.

23 MR. HALKIAS: Okay.

24 MR. CASTRO: Um hum.

25 MR. HALKIAS: And what is the dimension of

1 | our building from front to back, Mr. Sankpal?

2 | MR. SANKPAL: Front to back, is 88 -- 88
3 | feet.

4 | MR. HALIKAS: Eighty-eight feet. Okay.

5 | MR. CASTRO: Eighty-eight. Right?

6 | MR. SANKPAL: Eighty-eight feet. Yeah.

7 | But we have got -- you know, five feet
8 | alleyway on your side.

9 | MR. CASTRO: Um hum.

10 | MR. SANKPAL: Five feet alleyway.

11 | MR. HALKIAS: I understand -- I understand.

12 | MR. SANKPAL: So, it's not going to be
13 | against your wall there.

14 | MR. CASTRO: It's -- it's --

15 | MR. SANKPAL: Our building is not going to
16 | be against --

17 | MR. CASTRO: -- going to go against my wall
18 | 40 feet, then you guys make like a cut and --

19 | MR. SANKPAL: Yeah. That is -- that is
20 | only 40 feet.

21 | MR. CASTRO: -- then it goes 40 back --

22 | MR. SANKPAL: Yeah.

23 | MR. CASTRO: -- for three high, which the
24 | deck is on the first floor only.

25 | MR. HALKIAS: So there is a setback here --

1 MR. CASTRO: Um hum.

2 MR. HALKIAS: -- Mr. Sankpal --

3 MR. CASTRO: Setback will be --

4 MR. HALKIAS: -- there is a setback here

5 away from the deck.

6 Correct?

7 MR. CASTRO: Um hum.

8 MR. SANKPAL: Correct. Correct.

9 MR. HALKIAS: Where --

10 MR. SANKPAL: Yes.

11 MR. HALKIAS: -- there will be a walkway

12 and provide some --

13 MR. SANKPAL: A walkway. Yeah. Yeah.

14 MR. HALKIAS: -- some air --

15 MR. SANKPAL: Five feet. Yes.

16 MR. HALKIAS: -- air and light in there.

17 MR. SANKPAL: Air and light. Yes.

18 MR. HALKIAS: Okay. So, if you could see

19 from the drawing, our building does not go back

20 from front to back --

21 MR. SANKPAL: Front to back. Yeah.

22 MR. HALKIAS: -- completely --

23 MR. SANKPAL: Completely. Yeah.

24 MR. HALKIAS: -- next to the building.

25 There is a setback here --

1 MR. SANKPAL: Setback. Yeah.

2 MR. HALKIAS: -- with a walkway.

3 MR. SANKPAL: Walkway.

4 MR. HALKIAS: Okay. And that is the part
5 closet to the deck.

6 MR. CASTRO: So what's the wide of the
7 backyard? Couple feet.

8 MR. HALKIAS: What is the width of that
9 walkway?

10 MR. SANKPAL: Walkway is five feet.

11 MR. HALKIAS: Five -- five feet.

12 MR. CASTRO: Five feet.

13 MR. HALKIAS: Five feet.

14 MR. SANKPAL: Yes.

15 MR. HALKIAS: There's five feet --

16 MR. CASTRO: But --

17 MR. HALKIAS: -- there.

18 MR. SANKPAL: Five feet.

19 MR. CASTRO: -- it's still going to be
20 three -- three stories high.

21 MR. SANKPAL: Everything, clear.

22 CHAIRMAN GARCIA: And how -- which one is
23 the setback? The setback of your deck from your
24 property line?

25 MR. ISA: From the property line.

1 CHAIRMAN GARCIA: Your setback from the
2 property line.

3 I mean, are you in the --

4 MR. CASTRO: My deck is right on the
5 property line.

6 CHAIRMAN GARCIA: Okay.

7 MR. CASTRO: So -- so it's going to be
8 affected --

9 MR. HALKIAS: So, we're providing -- we're
10 providing a five foot wide area.

11 CHAIRMAN GARCIA: That is --

12 MR. SANKPAL: Yeah.

13 CHAIRMAN GARCIA: -- one that is provide
14 -- that required by -- so there are not -- they
15 are not asking -- they required to -- the side
16 yard is two -- two feet and 3.1.

17 MR. SANKPAL: No, no.

18 CHAIRMAN GARCIA: And they are provide --

19 MR. SANKPAL: It should be five feet. Zero
20 feet or five feet.

21 CHAIRMAN GARCIA: Required zero.

22 MR. SANKPAL: Zero.

23 CHAIRMAN GARCIA: But you are providing two
24 --

25 MR. SANKPAL: Five. Five feet.

1 CHAIRMAN GARCIA: Five feet. And two on
2 other side.

3 MR. SANKPAL: Yes.

4 CHAIRMAN GARCIA: Right.

5 MR. SANKPAL: No, no. No. Not two. Zero
6 on the other side. Other side is blank.

7 MS. GUTIERREZ: Zero on the other side.

8 MR. HALKIAS: Zero on the left side.

9 MR. SANKPAL: Yeah. There is no --

10 MR. HALKIAS: Five feet in the right.

11 MR. SANKPAL: There's no building on this
12 side.

13 MR. HALKIAS: On the right side, which is
14 adjacent to the gentleman's deck.

15 MR. CASTRO: The other side is no problem.
16 My side you are not providing any distance. It
17 is just wall to wall and then the five feet
18 setback.

19 MR. HALKIAS: And then the five feet -- but
20 you're --

21 MR. CASTRO: For the 40 --

22 MR. SANKPAL: Correct. Correct.

23 MR. HALKIAS: But sir, your -- your --

24 MR. CASTRO: But it's still three high.

25 MR. HALKIAS: Yeah.

1 MR. SANKPAL: Yeah.

2 MR. CASTRO: That's the point.

3 MR. HALKIAS: Where your deck is, it's all
4 five feet. Where the deck is, here in the
5 gentleman's property, there would be a five foot
6 space, all taken away from our building. Okay.

7 Where your building is on the property
8 line, so will ours. You don't even have any
9 windows there. Okay. There's -- this is the
10 area --

11 CHAIRMAN GARCIA: So they are not allowed
12 to have window, because they're on the property
13 line.

14 MR. CASTRO: Um hum.

15 MR. HALKIAS: Yes. So, our -- our building
16 being to the property line, up to his deck,
17 doesn't affect him at all and we're -- and we're
18 providing a five foot space where the deck is.

19 MR. CASTRO: But once you build the three
20 stories --

21 MR. HALKIAS: Which we're permitted.

22 MR. CASTRO: -- it will affect me because
23 it's -- it's -- you know, there's no -- there's
24 no sun that is going to get in there.

25 MR. HALKIAS: Well I understand.

1 MR. CASTRO: Nothing. It's going to be
2 like a box.

3 MR. HALKIAS: I understand that.
4 How many floors is your building?

5 MR. CASTRO: Mine is three.

6 MR. HALKIAS: Three. How about to the
7 other side of you? How many -- how many stories?

8 MR. CASTRO: It's the same, but the
9 dwelling --

10 MR. HALKIAS: Is it --

11 MR. CASTRO: -- but the dwelling is 60.

12 MR. HALKIAS: -- also three?

13 Okay.

14 MR. CASTRO: So, if you want to build, you
15 should build 60, three stories, and if you want
16 all the way back.

17 MR. HALKIAS: What's behind the --

18 MR. CASTRO: That's --

19 MR. HALKIAS: What's behind your property,
20 sir? Where your deck is?

21 MR. CASTRO: Where my deck is?

22 MR. HALKIAS: What's behind it? Yes. The
23 property to the rear. What type of property is
24 it? I'm not familiar. I'm asking.

25 MR. CASTRO: I'm not familiar either.

1 MR. HALKIAS: You don't know?

2 How long have you owned your building?

3 MR. CASTRO: Two and a half years.

4 MR. HALKIAS: You don't know what's behind
5 you?

6 MR. CASTRO: It's -- I know there's a --
7 there's a backyard.

8 MR. HALKIAS: Okay.

9 So, you're getting sunlight from that area,
10 as well, then?

11 MR. CASTRO: I'm -- I'm getting sunlight
12 from here. From --

13 MR. HALKIAS: Okay.

14 MR. CASTRO: It's coming from the south --
15 southeast -- southwest.

16 MR. HALKIAS: And again, now, we would have
17 five feet along where your deck is --

18 MR. CASTRO: Hmm.

19 MR. HALKIAS: -- because your building
20 stops here and all this is five feet, where your
21 deck is.

22 MR. CASTRO: The height is what's going to
23 kill me. The three -- you know, the three
24 stories.

25 MR. HALKIAS: At some point, the sun will

1 obviously continue to move. It's never
2 stationary but --

3 MR. CASTRO: Right. It -- it move from the
4 south.

5 MR. HALKIAS: Yeah.

6 CHAIRMAN GARCIA: So, you are how many --
7 you are like 60 feet and then, you are ten more
8 feet for your deck.

9 Right?

10 MR. CASTRO: Hmm.

11 CHAIR GARCIA: Seventy.

12 MR. CASTRO: Um hum.

13 CHAIRMAN GARCIA: And they are --

14 MR. CASTRO: Eighty-eight.

15 CHAIRMAN GARCIA: Okay. Eighty-eight. So,
16 but no matter what, they go -- they allow to go
17 all the way to 80.

18 Right?

19 So, no matter what, they don't have -- they
20 don't -- they are not requiring height variance.
21 Let's say that they are going to 80, they still
22 going to cover your side.

23 MR. CASTRO: I presume.

24 CHAIRMAN GARCIA: Your deck.

25 MR. CASTRO: I don't know.

1 CHAIRMAN GARCIA: You know what I mean?

2 Yeah. So, in reality --

3 MR. ISA: They're permitted. Permitted.

4 CHAIRMAN GARCIA: -- they are permitted to
5 do it.

6 I mean, they only asking for eight feet
7 variance. That's -- that's the only thing.

8 So, let's say that say okay, we're going to
9 shrink the building to -- just to please you,
10 right, no, no. Let's -- let's do the math.

11 I mean, if they go all the way to 80, and
12 they keep the 20 -- 20 foot rear yard, they are
13 still going to cover your deck.

14 MR. CASTRO: They might.

15 CHAIRMAN GARCIA: Right.

16 MR. CASTRO: It'd be --

17 CHAIRMAN GARCIA: They might not.

18 MR. CASTRO: It's authorized already --

19 CHAIRMAN GARCIA: I mean, two -- two plus
20 two is four.

21 MR. CASTRO: It's already approved the
22 three floor?

23 CHAIRMAN GARCIA: No. They could go,
24 because they allowed.

25 MR. CASTRO: They can go three floor.

1 CHAIRMAN GARCIA: And they are permitted to
2 cover.

3 MR. CASTRO: So, definitely it's going to
4 cover.

5 CHAIRMAN GARCIA: Right.

6 MR. CASTRO: The three floor is what's
7 going to go.

8 CHAIRMAN GARCIA: They are permitted. The
9 only thing they are here is because they want --
10 you know, their design is standing --

11 MR. CASTRO: The setback.

12 CHAIRMAN GARCIA: -- eight more feet.
13 Yeah. Just eight feet. That's the only reason
14 they are here.

15 MR. ISA: Yeah. The --

16 CHAIRMAN GARCIA: You know what I mean?

17 MR. ISA: They're -- they're permitted --
18 the height that --

19 MR. CASTRO: The height is permitted.

20 MR. ISA: -- they're asking for is
21 permitted.

22 MR. CASTRO: I -- I do understand that.
23 What affects me is the setback.

24 CHAIRMAN GARCIA: Right.

25 MR. CASTRO: That be -- if it was approved

1 before, you said that even though it was approved
2 like 80, so they allowed to do it by 80. There's
3 nothing I can do, because there already approval
4 for that.

5 MR. ISA: -- approval --

6 MR. CASTRO: Also, with that concern.

7 MR. ISA: -- it's just permitted.

8 MR. CASTRO: I don't know if it was -- so
9 far, that's my concern and it's important. And
10 all the dwellings are 60 so that's why -- you
11 know --

12 CHAIRMAN GARCIA: But do you understand my
13 point? I mean, my math is --

14 MR. CASTRO: Yeah. Of course. Of course.

15 CHAIRMAN GARCIA: I mean, you got 60 here.
16 Right?

17 MR. CASTRO: Um hum.

18 CHAIRMAN GARCIA: With extra ten of your
19 deck.

20 MR. CASTRO: Um hum.

21 CHAIRMAN GARCIA: And they are allowed to
22 go all the way to 80.

23 MR. CASTRO: Um hum.

24 CHAIRMAN GARCIA: They cover, anyway.

25 MR. CASTRO: They cover.

1 CHAIRMAN GARCIA: So, the only thing
2 they're going to cover is eight -- extra eight
3 feet from your backyard. Not really from your
4 deck.

5 MR. ISA: Your deck's --

6 MR. CASTRO: Backyard.

7 MR. ISA: -- already covered.

8 MR. CASTRO: Assuming that the sun is
9 coming southwest -- you know? So, that's what's
10 going to cover the deck. Yeah. Definitely, they
11 going to cover.

12 MR. ISA: Well, they're going to cover
13 either --

14 MR. CASTRO: And also, the windows, of
15 course.

16 MR. ISA: They're covering it either way.

17 MR. CASTRO: They're covering it either way.

18 CHAIRMAN GARCIA: Actually, no windows
19 because you don't have windows that side, because
20 you're at the property line.

21 MR. CASTRO: Not in the back. Just in the
22 back. On the back, yes. I got windows in the
23 back. You know, in the door that goes to the
24 deck.

25 CHAIRMAN GARCIA: Okay.

1 MR. ISA: All right. Okay.

2 CHAIRMAN GARCIA: Anyway, I going to -- I
3 going to adjourn it because they're probably
4 going to need that -- probably, no. I'm going to
5 recommend you to -- to address the parking.

6 I need that also, the new plans, with --
7 with the whole ground floor, with change that
8 you're going to make.

9 I also going to recommend the same thing I
10 recommend to the prior application is to please
11 meet with your neighbor, and try to go -- to get
12 into the middle point.

13 You know what I mean? Like be fair for
14 both sides, because you still have a chance to do
15 it.

16 I make my motion to adjourn this
17 application for next meeting, July the 9th.

18 THE SECRETARY: Motion to adjourn the
19 application by Chairman Garcia.

20 Second by Miguel Ortiz.

21 Roll call to adjourn this application.

22 Andres Garcia?

23 CHAIRMAN GARCIA: Yes.

24 THE SECRETARY: Victor Grullon?

25 MR. GRULLON: Yes.

1 THE SECRETARY: Margarita Gutierrez?
2 MS. GUTIERREZ: Yes.
3 THE SECRETARY: Miguel Ortiz?
4 MR. ORTIZ: Yes.
5 MR. CASTRO: Thank you.
6 CHAIRMAN GARCIA: Yeah, but do me a favor.
7 THE SECRETARY: Khaled Dardir?
8 CHAIRMAN GARCIA: Get -- get his business
9 card and --
10 THE SECRETARY: Mr. Dardir?
11 MR. HALKIAS: I just -- I just provided the
12 --
13 CHAIRMAN GARCIA: Okay. Perfect.
14 MR. HALKIAS: -- the neighbor with my
15 information.
16 MS. GUTIERREZ: Hold on. Hold on.
17 MR. HALKIAS: To contact me.
18 CHAIRMAN GARCIA: Okay.
19 MR. DARDIR: Yes.
20 MR. HALKIAS: All right.
21 MR. CASTRO: You got my information.
22 Right?
23 THE SECRETARY: Mr. Dardir?
24 Yes.
25 John Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Bonacci?

3 MR. BONACCI: Yes.

4 THE SECRETARY: Motion carries. Seven in
5 favor.

6 CHAIRMAN GARCIA: Thank you.

7 THE SECRETARY: No further notice required
8 and next meeting, July 9.

9 MR. ISA: Thank you very much.

10 Thank you. Good evening.

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

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

3

4 THE SECRETARY: Next application on
5 tonight's agenda, Bhado Bhado.

6 Mr. Alonso, please.

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

9 For the record, Alvaro Alonso, Alonso
10 Navarette, here with Bhado and Bhado Developers,
11 LLC.

12 The Board may recall that this application
13 was commenced at a prior hearing. At that time,
14 Mr. Carballo testified with respect to the plans.

15 The Board had some concerns and some
16 comments, and Mr. Carballo has filed revised
17 plans, incorporating those changes.

18 In addition, we have Mr. Staigar who
19 testified, and he concluded his testimony with
20 respect to traffic and parking.

21 So, Mr. Carballo is back to testify with
22 respect to those changes.

23 I also have Mr. Kauker, who will be
24 testifying as our planner.

25 CHAIRMAN GARCIA: Give me just a second.

1 MR. ALONSO: Sure.

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

4

5 (Whereupon, Elisa Flores left the meeting
6 at 9:40 p.m.)

7

8 MR. DILLON: Mr. Carballo, raise your right
9 hand.

10 MR. CARBALLO: Sure.

11 MR. DILLON: Swear the testimony you're
12 about to give is the truth, the whole truth and
13 nothing but the truth?

14 MR. CARBALLO: I certainly do.

15 MR. DILLON: And your name for the record,
16 sir?

17 MR. CARBALLO: Jose Carballo,
18 C-A-R-B-A-L-L-O.

19 MR. ISA: I'm sorry.

20 You haven't -- you haven't given me the --
21 we already -- we obtained jurisdiction on this.

22 MR. ALONSO: Yeah. We already started the
23 application.

24 MR. ISA: Yeah.

25 MR. ALONSO: We have revised plans.

1 Now, Mr. Carballo, at the last hearing, the
2 Board had requested to make -- make certain
3 changes. You have filed revised plans
4 incorporating those changes.

5 Can you please review the modifications?

6 MR. CARBALLO: That is -- that is correct.

7 The main change is that we -- the main
8 areas where we revised the building, based on the
9 comments last time, was the parking area.

10 At the last time, the parking spaces were
11 not well defined. They weren't dimensioned
12 correctly. And some of them were deficient, some
13 of the drive -- drive aisles were deficient.

14 So, we did a complete new plan, with all
15 dimensions, and all the spaces the way they
16 should be.

17 The lower parking level, which is accessed
18 from Palisade Avenue, now has a 24 foot wide
19 aisle. It has 17 foot parking spaces on either
20 side, and all the parking spaces are eight foot
21 seven.

22 And this is coming throughout the building.
23 What we actually did is we -- we pulled the --
24 this wall that separates the -- the parking area
25 from the lobby, we pulled it closer to 17th

1 Street, making the lobby a little narrower, but
2 actually allowing the aisles to be 24 feet.

3 We still have (indiscernible) parking
4 spaces on the first floor.

5 One of the concerns the Board had was both
6 we're on the property line. How do we protect
7 pedestrians on the street?

8 You -- you see on the plans that we have
9 two large windows, two large glazed areas, and
10 you're going to see on the elevations what these
11 glazed areas look like.

12 So, as we're driving out, we can actually
13 look out to the -- to the sidewalk and see if
14 anybody's coming, and -- you know, make decisions
15 at that point.

16 We're also going to have green and yellow
17 lights above the garage, to further enhance the
18 type of safety.

19 The upper parking level, which is accessed
20 from 17, again, we follow the same pattern of
21 parking that we have down below, except that now
22 on top of the vestibule and in the lobby areas,
23 we have tandem parking.

24 On the second floor, the drive aisle is 22
25 feet, 17 foot parking spaces, and the tandem

1 parking spaces are 16 feet nine inch.

2 Parking -- excuse me -- parking width on
3 all the parking spaces, it's eight foot seven.
4 We have accessible spaces on -- on both levels.

5 And the other thing that we did is we
6 actually widened the entrance to that -- that
7 upper level.

8 At the last meeting, we had a 12 foot wide
9 driveway. Now, we have a 16 foot wide driveway.

10 And because of the -- you know, low traffic
11 that's generated on the floor, we feel that 16
12 feet is wide enough.

13 The only revisions to the -- to the floor
14 plans is where we moved the stairs and the
15 elevator. But you still have units that are
16 rather comfortable inside.

17 We have 1132 square feet for one bedroom;
18 1,066 for the one bedroom in the front; the two
19 bedroom in the -- two bedroom unit, which I can't
20 find right now -- sorry, it's too late in the day
21 -- but the smallest one bedroom is 710 square
22 feet.

23 Looking at the front elevation, you could
24 see that we actually installed those two large
25 glazed areas, so that not only we can see out as

1 we're driving out, but people who are walking can
2 see the activity inside and could see that
3 there's a car moving out.

4 Also, you know, there's a grill garage
5 door, which allows visibility into and out of the
6 parking space. Again, just to try to enhance the
7 safety factor of this building.

8 We still have 28 units. We still have 42
9 parking spaces. That hasn't changed.

10 And the highest point of the building,
11 which is at the corner of Palisade and 17th, is 57
12 foot four from the curb out to the structure on
13 the roof.

14 And no other changes were effected from --
15 to the plans that we submitted last time.

16 MR. ALONSO: Mr. Chairman, I have no
17 further questions with respect to the revised
18 plans.

19 CHAIRMAN GARCIA: But the -- can we go back
20 to the same question that I asked you in the
21 previous meeting?

22 MR. CARBALLO: Which was that question?

23 CHAIRMAN GARCIA: Is about the -- those --

24 MR. CARBALLO: I'm sorry. Which plan are
25 you looking at? Which sheet?

1 CHAIRMAN GARCIA: Okay. We can go to the
2 same one that you are there. This is the --

3 MR. CARBALLO: This one here?

4 CHAIRMAN GARCIA: That -- you have those
5 module coming out from the property line?

6 MR. CARBALLO: Yes. We've actually -- what
7 we wanted to do is we wanted to give this façade
8 a little bit of interest. So they're sticking
9 out one foot.

10 CHAIRMAN GARCIA: One foot over the --

11 MR. CARBALLO: We understand that we have
12 franchise agreement or a --

13 What is it called?

14 MR. ALONSO: Encroachment agreement.

15 MR. CARBALLO: Encroachment agreement.
16 Exactly. Which we will obtain on other buildings
17 in town.

18 CHAIRMAN GARCIA: Okay.

19 MR. CARBALLO: Again, you see that the --
20 those protrusions happen about -- fully about 20
21 feet up the -- the level of the sidewalk, so
22 there's no danger of anybody -- you know, hitting
23 their heads on them.

24 CHAIRMAN GARCIA: Okay. No questions for
25 the architect?

1 MR. BONACCI: Can I reserve one of these
2 things?

3 MR. CARBALLO: Sure.

4 MR. ALONSO: Thank you.

5 MR. CARBALLO: They have great views of
6 Manhattan.

7 CHAIRMAN GARCIA: That's one of -- of the
8 -- my frustration. I saw a lot of nice build --
9 nice building and nice apartment. Took me three
10 year to buy apartment in Union City.

11 So no -- no further question?

12 Can you bring Mr. Kauker?

13 MR. ALONSO: Sure.

14 Mr. Kauker?

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

17 MR. DILLON: Could you raise your right
18 hand, Mr. Kauker, please?

19 MR. KAUKER: It's after my bedtime, but
20 that's okay.

21 MR. DILLON: Swear the testimony you're --
22 you're going to give -- about to give is the
23 truth, the whole truth, and nothing but the
24 truth?

25 MR. KAUKER: I do.

1 MR. DILLON: And could I have your name for
2 the record, sir?

3 MR. KAUKER: Michael F. Kauker, that's
4 K-A-U-K-E-R.

5 Business address is 356 Franklin Ave in
6 Wyckoff, New Jersey.

7 MR. DILLON: Thank you.

8 MR. ALONSO: Mr. Chairman, Mr. Kauker's
9 appeared before this Board on numerous occasions.
10 I would ask that his qualifications --

11 CHAIRMAN GARCIA: Many, many times.
12 Before than me.

13 MR. ALONSO: Thank you.

14 Mr. Kauker, were you hired to prepare a
15 planning analysis in connection with this
16 application?

17 MR. KAUKER: Yes, I was.

18 MR. ALONSO: Can you please review your
19 analysis with the Board?

20 MR. KAUKER: I'd be pleased to.

21 Firstly, as a quick introduction, and I'm
22 going to hopefully be as efficient as I can
23 tonight. I know it's late. You've had a long
24 evening.

25 There are three major variances that we're

1 asking for your in order to be able to develop
2 this lot as a multi-family residence, which is
3 not permitted in this R, low density zone.

4 But we need a use variance, D-1. We're
5 also asking for a height variance. Forty feet is
6 permitted. We're proposing 62 feet and change.

7 Three story buildings are permitted. We're
8 asking for consideration for a six story
9 building.

10 We need a D-5 density variance, that
11 relates to the fact that the density permitted in
12 the zone is approximately 26 units an acre. Our
13 density as proposed is 187 units an acre.

14 MR. ALONSO: And just to keep the record
15 clear, --

16 MR. KAUKER: Yes, sir.

17 MR. ALONSO: -- you're asking for the D-6
18 variety of the height variance, as opposed to the
19 C --

20 MR. KAUKER: Yes, we are.

21 MR. ALONSO: -- variance.

22 Thank you.

23 MR. KAUKER: Yes, we are.

24 I have two photographs. I'd like to give a
25 set each to the Board members that will enable me

1 to frame the substance of my testimony.

2 I've got nine copies. I'm probably going
3 to run out.

4 MS. GUTIERREZ: You got enough.

5 MR. KAUKER: I'm good. We had the young
6 lady -- let her go home so --

7

8 (Whereupon, Photo Exhibit, Two Pages, was
9 received and marked as Exhibit A-1.)

10

11 MS. GUTIERREZ: Thank you.

12 Beautiful view.

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

15 MR. KAUKER: The source of the photo is
16 from Google. And it shows the subject site,
17 which obviously, is vacant. The Board is well
18 aware of that.

19 To the rear of the site is a two and a half
20 story, one and two family structure.

21 To the left side of photograph number one
22 is an existing, longstanding six story apartment
23 structure, which essentially mirrors the size and
24 mass of the structure that we're proposing for
25 your consideration.

1 To the right of subject property is a -- a
2 two and a half, three story multi-family
3 residence.

4 One thing that this photo is taken looking
5 westerly up 17th Street from Palisades Ave, going
6 from north, on the right, to south on the left.

7 Palisades Avenue is a major collector
8 street within Union City. As compared to the
9 other side streets in the zone, it's a main
10 thoroughfare.

11 Right at the point of the intersection of
12 17th Street and Palisades Ave, begins a location
13 of prior existing, longstanding four to six story
14 structures.

15 If you go all the way south, two and a
16 half, three blocks to 15th Street, on that
17 particular block, there are -- there is a six
18 story structure, a five story structure, and a
19 four story structure.

20 Across the street are three four story
21 structures. And immediately adjacent to the
22 building, that's shown on the photo, are a four
23 story -- or two full -- a five story and a four
24 story structure.

25 So, within a three block area of this

1 particular section, if you go northerly, you --
2 you are at a high -- high end, pristine three
3 story, very nice residential neighborhood,
4 without any presence of the kinds of residential
5 intense uses that are clustered in this section
6 of Palisade Ave, and further south.

7 That's a very unique aspect of this
8 application, and it gives rise to providing a
9 certain degree of legitimacy related to our use
10 variance application.

11 The site, from that point of view, is
12 certainly, number one, particularly suited to
13 accommodate the proposed multi-story structure,
14 because it's consistent with the context and the
15 character of the immediately surrounding
16 neighborhood.

17 I'll freely admit that there are mixed in
18 with those four to six story structures, of which
19 there are nine, existing three story, multi-
20 family structures, scattered throughout that
21 portion of the neighborhood.

22 Property is particularly suited by virtue
23 of the fact it's on a corner lot. The mass that
24 we propose, which is consistent and compatible
25 with the six story, multi-family structure across

1 the street, is -- has its impact mitigated by
2 virtue of the fact that light, air, and open
3 space provided by 17th Street right-of-way, and
4 the Palisades Ave right-of-way.

5 There are certainly, in this particular
6 neighborhood, a need for a new revitalization in
7 the form of the proposed structure.

8 If we were to ask or be asked or required
9 to conform to the current standard in the zone,
10 essentially, we would be allowed a three unit
11 residential structure on the site.

12 And I don't believe that the property is --
13 is appropriate for that kind of low intensity
14 development in this particular location
15 immediately adjacent to Palisades Ave, which has
16 a somewhat different context and different
17 character.

18 The second photo that you see is
19 essentially a photo which represents the kinds of
20 views that would be afforded to a higher story
21 building.

22 Essentially, I don't believe this was photo
23 was taken right from the site, but it -- it shows
24 the general views that are afforded from the
25 elevation, the general elevation of Palisades

1 Avenue, in relationship to the riverscape and --
2 and Manhattan.

3 One reason I mention that relates to the
4 nature of the units that are proposed before the
5 Board. We're essentially proposing one bedroom
6 rental, high end rental units that essentially
7 can take advantage of the views that would be
8 afforded from this multi-family residence.

9 With regard to the height variance, there
10 is a case that the Board has heard many, many
11 times, that's used as a foundation for the height
12 variances, called the Grasso case.

13 And that case essentially states that if
14 the height that you propose is within --
15 consistent with examples of similar heights in
16 the surrounding neighborhood, then you fit within
17 the context of that neighborhood, and your
18 proposed height, essentially, will not stick out
19 like a sore thumb in relationship to the heights
20 that are required in the Ordinance, which is a 40
21 foot height, and we're asking for a height of 62
22 feet.

23 As relates to the density --

24 MR. DARDIR: Sixty-three.

25 MR. KAUKER: -- I'd just like to point out

1 | that --

2 | MR. ALONSO: Mr. Kauker?

3 | MR. DARDIR: Is 63 --

4 | MR. KAUKER: I'm sorry.

5 | MR. DARDIR: -- 63 feet, right, 63.23 or
6 | 62?

7 | MR. KAUKER: Say again?

8 | MR. DARDIR: 63.23 feet?

9 | MR. KAUKER: Yes, it is.

10 | MR. DARDIR: Okay.

11 | MR. KAUKER: It's 62.3 to be exact.

12 | With regard to the density, I'd like to
13 | point out that that number seems awfully high. I
14 | mean, -- I take a pause when I look at the number
15 | of that particular calculation.

16 | But I make note of that 187 number. But
17 | I'd simply make note that the density, for all
18 | intents and purposes, of the six story structure
19 | across the street, essentially is very similar.
20 | I don't have the number here, but it's very
21 | similar to the -- the kind of density that we're
22 | asking for.

23 | And that density always seems inordinately
24 | high by virtue of the size of the units that
25 | we're proposing. The one bedroom averaging

1 between 762 feet and a thousand square feet.

2 If these units were 1500 or 2,000 square
3 feet in area, on average, that density would be
4 cut in half, obviously, as well, the number of
5 units would -- would more than likely go down.

6 But I --

7 MR. ALONSO: But the bedroom count would go
8 up.

9 MR. KAUKER: That's correct. The bedroom
10 count would go up.

11 Density is supported under a case called
12 Coventry case, whereby but for the grant of the
13 variance, we need to show that the site remains
14 appropriate to accommodate the proposed use. That
15 the site can be accommodated on this particular
16 site, affording light, air, and open space
17 similar to that which is required within the
18 framework of your existing Ordinance.

19 I believe that because of the location of
20 the site, on a corner lot, that that kind of
21 light, air, and open space, notwithstanding the
22 fact that we're proposing a building which
23 essentially covers almost the entirety of the
24 site.

25 That particular coverage variance, which is

1 a C-1 variance, essentially is mitigated by the
2 wide sidewalks that exist along both 17th Street,
3 which are ten feet wide. And along Palisades
4 Ave, the sidewalks are 17 feet wide, so that
5 there's adequate pedestrian room, as well. And
6 in -- in a sense, even though it's not within the
7 bounds of our property, it affords added width
8 and open space to the site itself.

9 This site has remained vacant for quite
10 some time. There had been, in the distant past,
11 an ill conceived structure put on the site, which
12 has its own history and ultimately, it was torn
13 down.

14 Notwithstanding the fact that we're asking
15 for a significant variance, in terms of deviating
16 from the three family standard in the Ordinance,
17 we respectfully observe that this site is,
18 indeed, unique because of its location, and
19 uniquely suited to accommodate the proposed use,
20 because of the surrounding high density land use.

21 I believe because of the special reasons
22 that distinguish this site from interior sites
23 within a neighborhood, I believe you could
24 consider this variance, the number of variances
25 that we're asking for without a negative impact

1 on the general welfare, and also without a
2 negative impact on the intent and purpose of your
3 zone plan, namely because of the fact that this
4 particular use, I believe, is consistent and
5 compatible with other longstanding examples of
6 densities of similar character and surrounding
7 neighborhood.

8 Thank you for your time and I hope I've
9 covered most of the variance proof aspects of
10 this use.

11 MR. ALONSO: Mr. Kauker, actually, there's
12 one more variance, which is the parking variance.
13 Which is the --

14 MR. KAUKER: That's correct.

15 MR. ALONSO: -- C variance.

16 MR. KAUKER: We are -- if you apply the
17 RSIS requirement, 1.8, we would require --

18 MR. DARDIR: Fifty.

19 MR. KAUKER: -- 50 spaces. We're providing
20 42. And that is a ratio of 1.5.

21 So, it's only slightly less than the
22 standard, 1.81 as provided by RSIS.

23 At 1.5, that ratio compares very favorably
24 to what I do recall, a number of years ago, a
25 standard of measure that the Board had by policy,

1 uniformly applied. And I believe that is a 1.20
2 ratio, as being considered within this urban
3 area, as being reasonable in the provision of
4 parking. And we're at 1.5.

5 MR. ALONSO: The architect and the -- and
6 the traffic engineer both testified that the
7 proposed parking spaces is adequate.

8 And do you concur with that opinion?

9 MR. KAUKER: I do. Namely, because of the
10 fact that we have one bedroom units.

11 MR. ALONSO: Mr. Chairman, I have no
12 further questions for Mr. Kauker.

13 CHAIRMAN GARCIA: Okay. Mr. Kauker --

14 MR. KAUKER: Yes, sir?

15 CHAIRMAN GARCIA: -- we are in, what, R
16 zone.

17 Right?

18 MR. KAUKER: Yes, sir. R, low density res.

19 CHAIRMAN GARCIA: And they are permitted,
20 what, we have basically three 25 by 100 lot.

21 Right?

22 We have 7500 square feet.

23 MR. KAUKER: I have about 74 and change on
24 this lot.

25 CHAIRMAN GARCIA: And it's allowed to -- if

1 | you going to do whatever is allowed there, is
2 | what is allowed to, what, three family house?

3 | MR. KAUKER: Well, the Ordinance requires
4 | 5,000 square foot lot, and we would be allowed,
5 | essentially, three units on that 5,000 square
6 | foot lot, and another unit and a half for the
7 | additional 2400 square feet.

8 | So, essentially, we'd be allowed, under the
9 | Ordinance, put five units on the size.

10 | CHAIRMAN GARCIA: Five unit -- five unit,
11 | three -- three -- three bedroom units.

12 | MR. KAUKER: Yes, I could.

13 | CHAIRMAN GARCIA: We're talking about you
14 | have 15 --

15 | MR. KAUKER: Yeah. Absolutely.

16 | CHAIRMAN GARCIA: -- 15 bedroom.

17 | MR. KAUKER: Yeah.

18 | CHAIRMAN GARCIA: And you are proposing 28
19 | bedroom because it's one bedroom.

20 | Right?

21 | MR. ALONSO: They're all one bedrooms.

22 | Right, Mr. Carballo?

23 | MR. CARBALLO: Yes.

24 | CHAIRMAN GARCIA: Yes. And the height that
25 | you're proposing is 62.3. And you're talking

1 | about exceeding 22 feet.

2 | But my question is, the building across the
3 | street --

4 | MR. KAUKER: Yes, sir?

5 | CHAIRMAN GARCIA: -- that is the southwest
6 | corner of 17 and Pal --

7 | MR. KAUKER: Yes, sir.

8 | CHAIRMAN GARCIA: -- it is, what? How high
9 | it is?

10 | MR. KAUKER: I would -- I would estimate,
11 | by virtue of the fact that there are five full
12 | residential stories. And then, an -- which are
13 | elevated because of the slope on -- so there's
14 | one half floor, in terms of height, on the base
15 | level. And you have five, let's say, ten foot,
16 | five levels of residential.

17 | And then, above that, you have a very --
18 | about an eight foot parapet, that you could see,
19 | which is part of the architectural detail of the
20 | building.

21 | And that would equate to roughly 60 feet.
22 | So --

23 | CHAIRMAN GARCIA: Okay.

24 | MR. KAUKER: -- we're very comparable to
25 | that height.

1 CHAIRMAN GARCIA: Okay. And go through the
2 -- versus the negative impact.

3 MR. KAUKER: I took a look at the school
4 children projection. And that comes out to three
5 school aged children.

6 CHAIRMAN GARCIA: Okay.

7 MR. KAUKER: That certainly is a cost, but
8 I think it's absolutely minimal.

9 Negative impact is mitigated as it might
10 relate to the side yard relationship. We're at
11 the property line, but there's a driveway and an
12 open yard immediately adjacent to our property,
13 to -- to the property to the north.

14 And -- and for all intents and purposes,
15 that would be the area of greatest impact on the
16 adjacent residential neighborhood. But I think
17 that because of that driveway and that free board
18 on that adjacent property, because it's always
19 there and I don't think it's going to get any
20 wider, I think that that impact -- impact could
21 be accommodated.

22 There's no impact on the street itself,
23 because we absolutely have more than enough
24 parking. And in that context -- and that
25 certainly is very, very important.

1 The only way we're able to design the two
2 levels of parking, and get enough lateral
3 dimensions to fit the 42 spaces is to create a
4 building footprint of the depth that we're asking
5 for. And that's certainly one reason why we need
6 two side yard variances.

7 MR. DARDIR: Is it 42, or 39 parking
8 spaces?

9 MR. KAUKER: The -- some of the plans -- I
10 counted 42.

11 MR. DARDIR: Forty-two, not 39.

12 MR. KAUKER: Forty-two, it's not 39.

13 CHAIRMAN GARCIA: Another question that I
14 have is, it is -- what kind of a hardship you got
15 in that lot, with that structure? I mean, it is
16 --

17 MR. KAUKER: I -- if I were -- I would not
18 want to construct a brand new building, in this
19 day and age, on Palisades Ave, immediately
20 adjacent to a six -- six story structure. I
21 think that that's a factor, respectfully. And I
22 think the presence of the other eight -- it just
23 -- if it was not the interior of the block, going
24 east to west, absolutely, those kind of sites
25 would not support or a site within the middle of

1 | that kind of a three story neighborhood, would
2 | not support a building of this magnitude.

3 | But within -- within the framework of the
4 | immediate surrounding land use character, I
5 | believe it would be complimentary to the
6 | streetscape on Palisades Ave.

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

9 | MR. ISA: Okay?

10 | MR. MEDINA: How many units, by floor?

11 | MR. KAUKER: Say again?

12 | MR. MEDINA: How many units --

13 | MR. KAUKER: Seven on each floor.

14 | MR. MEDINA: Seven? Right?

15 | MR. KAUKER: And I -- I certainly don't
16 | believe that you would be able to achieve the
17 | kind of think -- or the architecture that that
18 | represents, this design in a -- in a five unit
19 | structure.

20 | I think this will compliment the
21 | streetscape.

22 | MR. DARDIR: I have a question for our
23 | lawyer over here.

24 | When was the R zone adopted in the area?

25 | MR. ISA: Pardon me?

1 MR. DARDIR: The R zone, low density, when
2 was it adopted?

3 MR. KAUKER: Was it recently revised?

4 MR. ALONSO: The R zone --

5 MR. ISA: Well, that was --

6 MR. ALONSO: -- in the old Ordinance --

7 MR. ISA: -- recent --

8 MR. ALONSO: -- that we had, it was an R
9 zone. I just don't -- I don't believe it was
10 ever changed when the new Ordinance --

11 MR. ISA: No.

12 MR. ALONSO: -- came out.

13 MR. ISA: I think that's still the -- I
14 mean --

15 MR. ALONSO: It's still --

16 MR. ISA: -- it's still an R zone.

17 MR. DARDIR: So, they revise it and they
18 approve it. They don't change it.

19 MR. KAUKER: But the Master Plan describes
20 specifically -- in the Master Plan, they describe
21 the R zone as permitting one to four families.

22 MR. ISA: Yeah. I mean, there --

23 MR. KAUKER: And the current Ordinance is
24 one to three.

25 MR. ISA: The Ordinance specifies one to

1 three. And there's a -- but the -- see, the
2 Master Plan and the Zoning Ordinance are two
3 separate documents, but they kind of -- you know,
4 work together.

5 The Master Plan is a vision, for the -- for
6 the City. It's -- Master Plan is, typically --
7 you know, where you see the city going over the
8 next --

9 MR. DARDIR: So, what does the Master Plan
10 --

11 MR. ISA: -- you know --

12 MR. DARDIR: -- relate -- how does it
13 relate to the zone?

14 MR. ISA: Well, if -- I mean -- a question
15 for the -- for the applicant, but -- but
16 typically, when you -- when you're -- you're --
17 you know, the applicant is saying, well -- you
18 know, the Master Plan is viewing the City as
19 moving in this direction, and we're kind of going
20 along with that direction.

21 That's -- and not to make their argument
22 for them, but that's --

23 MR. DARDIR: Yeah.

24 MR. ISA: -- the general argument you would
25 be making.

1 Now, the Ordinance is kind of the
2 mechanical document. It says what can go where,
3 and how, and how much, and how high, and how far,
4 and how -- and how many.

5 And all that stuff is in the Ordinance.
6 It's -- it's -- the Ordinance is -- is the
7 mechanical one -- is mechanical work. The Master
8 Plan is the vision of the City.

9 MR. DARDIR: Because I mean, we're almost
10 doubling the number of bedrooms required. And
11 the major concern is the density. You're going
12 from 28 to 187.

13 Union City has a density problem already.
14 One of the most overly densely populated cities
15 in the country.

16 MR. KAUKER: Yes. I understand, but it
17 certainly can be accommodated on a major
18 collector road.

19 MR. DARDIR: But you're comparing it to a
20 building that's across the street which is --

21 MR. KAUKER: Yes, sir.

22 MR. DARDIR: -- which is --

23 MR. KAUKER: Which has certainly been there
24 for a number of years.

25 MR. DARDIR: Yes, it has. And -- and it's

1 part of the problem that we have.

2 MR. KAUKER: Well, it doesn't -- the
3 problem is -- is density as it --

4 MR. DARDIR: Yes.

5 MR. KAUKER: -- as it relates to a dearth
6 of parking.

7 MR. DARDIR: So they're --

8 MR. KAUKER: I think those two are hand in
9 hand, and I can understand that.

10 But we've -- we -- how could I say -- above
11 that.

12 MR. ALONSO: The building across the street
13 doesn't have parking.

14 MR. KAUKER: No, it doesn't.

15 MR. DARDIR: No, it doesn't.

16 MR. KAUKER: Correct.

17 MR. ALONSO: So one thing we do is we don't
18 --

19 MR. KAUKER: That's the key.

20 MR. ALONSO: We don't have the same issues
21 as that building, because we are providing
22 parking.

23 That building, I believe, probably also has
24 two and three bedroom apartments, which creates
25 additional problems with higher densities,

1 | because you have school aged children and you
2 | have a lot more people living in those
3 | apartments.

4 | Whereas, one family -- one bedrooms,
5 | typically, you don't have school aged children.
6 | You have newborns and new children, --

7 | MR. DARDIR: True.

8 | MR. ALONSO: -- but typically, you're not
9 | going to have the school aged children, so you're
10 | not going to have those problems. And this one
11 | does provide more than ample parking.

12 | So, the problems associated with the
13 | density, which is the standard of proof that we
14 | need to meet, I believe that Mr. Kauker testified
15 | to that, and I think we can accommodate.

16 | But there is a history with this property.
17 | Even though the -- the zone has not changed, when
18 | they redid the Master Plan, and they did the new
19 | Zoning Ordinance, over ten years ago, this Board
20 | approved an application on that same lot, for
21 | about a six story building, because it fits in
22 | that area.

23 | What happened was, and it wasn't my client,
24 | another developer started to build it. But they
25 | didn't build it to Code, for some reason. And

1 | there was a lot of problems with it.

2 | They wound up abandoning it because it was
3 | -- it cost too much money to try to fix it. The
4 | Building Department put a stop to it.

5 | My client purchased the property to try to
6 | remediate those problems, worked with the
7 | Building Department to see what had to be done,
8 | in order to bring it up to Code.

9 | And it was just financially not feasible,
10 | and the Building Department ultimately determined
11 | it to be a hazardous condition, and my client
12 | tore down the six story building that was built
13 | by the other guy.

14 | My client purchased the property in 2006.
15 | And he's been sitting on the property since then.
16 | And he believed that what he's looking to do is
17 | finally bring that vision to that corner, which
18 | this Board approved over ten years ago.

19 | So, that's how we got to this point. And I
20 | think, based on what the architect testified to,
21 | what Mr. Staigar, the traffic engineer, testified
22 | to, and Mr. Kauker, that we can accommodate all
23 | those issues on this site.

24 | MR. DARDIR: The building is a beautiful
25 | building, but I mean, it seems like they're

1 asking for a lot, from the height, to the
2 density, to the space it's taking, almost every
3 single inch is being used, the parking is not
4 enough. There's already -- there -- there is an
5 issue, a major issue with parking.

6 You're short eight, which would be an extra
7 eight cars, plus the spots that you're taking
8 from -- from the driveway. So, that's like maybe
9 ten to 12.

10 MR. ALONSO: Don't forget, those numbers,
11 when they say you need so many parking spaces,
12 that's a standard, and you've probably heard this
13 a million times, that's applied throughout the
14 state.

15 MR. DARDIR: Yeah.

16 MR. ALONSO: You're comparing Hunterdon
17 County, and the farmlands of Sussex County,
18 that's how many parking spaces you need because
19 you need a car just to go buy a loaf of bread.

20 In the urban settings, such as Union City,
21 those standards really don't apply, because not
22 everybody has a car, because there is so much
23 mass transit.

24 MR. DARDIR: It seems like -- seems like
25 they --

1 MR. ALONSO: It seems like it.

2 MR. DARDIR: Yeah.

3 MR. ALONSO: But probably a lot of the
4 traffic is just pass-through traffic. People
5 going through to the tunnel.

6 MR. DARDIR: No, not traffic. The parking,
7 the parking and so on.

8 It's not pass-through traffic. It's people
9 that reside there, and --

10 MR. ALONSO: Well, there's traffic and
11 there's parking. That's two different things.

12 MR. DARDIR: Yeah. Well, I'm talking about
13 the parking issue --

14 MR. ALONSO: Right.

15 MR. DARDIR: -- that we have.

16 MR. ALONSO: And I believe that the parking
17 --

18 MR. DARDIR: The traffic seems to be fine,
19 from what I could tell from the testimony last
20 time.

21 MR. ALONSO: Being eight -- eight spaces
22 deficient, based on what our traffic engineer
23 testified to, Mr. Kauker, it should be
24 sufficient.

25 MR. DARDIR: There's eight -- eight spaces

1 deficient, plus you're taking away from the
2 streets, as well, with a driveway and so on.

3 MR. ALONSO: Well, even if you put a three
4 family house, you're going to take away from the
5 street.

6 MR. DARDIR: Then you're accommodating
7 would be -- exactly. So, it's like you have a
8 three family house, or what -- is that five?
9 Five -- five units?

10 MR. ALONSO: Right.

11 MR. DARDIR: Pretty sure there's enough
12 space there to put five units.

13 MR. ALONSO: Right. But either way --

14 MR. DARDIR: Residential.

15 MR. ALONSO: But either way, you have a
16 curb cut.

17 So, in terms of taking away the parking
18 from the street, it's a wash. It's the same
19 thing whether it's a one family house, okay,
20 compared to this building. You're still taking
21 away.

22 In terms of the parking that's being
23 provided, being that it's a multi-family
24 building, typically, in a three family house, or
25 four family house, you're going to have a lot

1 | more bedrooms. You're going to have a lot more
2 | -- a lot more cars, because you're going --
3 | you're going to have a husband and wife, you're
4 | going to have kids who are driving age. You may
5 | have an uncle or aunt who's living with you, --

6 | MR. DARDIR: Okay.

7 | MR. ALONSO: -- and they may all have cars.

8 | So, typically, we have found -- and I've
9 | been doing it for 20 years, that those types of
10 | developments generate more parking than this type
11 | of development, which is more of a singles or a
12 | young couple type of household, and they don't
13 | have the need for a car, and a lot of them don't
14 | because typically, nowadays a lot of the younger
15 | people, I can say that because I'm older now, a
16 | lot of the younger people are not buying cars,
17 | because it's just too expensive. Insurance is
18 | expensive.

19 | MR. DARDIR: Yeah.

20 | MR. ALONSO: Go out and buy a car, is
21 | expensive. The maintenance is expensive. And
22 | they really don't need it, and it's just a luxury
23 | that they could -- they could -- they could do
24 | without.

25 | And that's just part of the realities that

1 we've learned over the years of doing this type
2 of stuff.

3 MR. KAUKER: So, what the 1.5 does --

4 MR. DARDIR: So -- counsel.

5 MR. KAUKER: -- is it essentially says in a
6 one bedroom environment, which requires,
7 obviously, absolute minimal number of parking
8 spaces. In this instance, every other unit would
9 have two cars. And that's -- that's a really --
10 a maximum prediction.

11 So, one unit has one car. Every unit -- so
12 that -- say you have the one and a half.

13 We're only .3 below the state -- state's
14 ideal standard. And of course, in this urban
15 area, and I know my traffic expert probably made
16 that point, that when you have public
17 transportation, and -- and certainly, where you
18 have a one bedroom limit, as opposed to two or
19 three, your parking demand is absolutely minimal.

20 MR. BONACCI: So, the vision here is it's
21 going to be rented out to mostly -- like, single
22 guys, single girls --

23 MR. KAUKER: Yes.

24 MR. BONACCI: -- at a younger age that are
25 commuting back and forth to the City --

1 MR. KAUKER: That's correct.

2 MR. BONACCI: -- or something like that.

3 MR. KAUKER: That's correct.

4 MR. ALONSO: That seems to be the trend.

5 MR. BONACCI: So, it kind of becomes like a
6 Hoboken-esque --

7 MR. KAUKER: Yeah.

8 MR. BONACCI: -- type of place to live.

9 MR. KAUKER: That's -- that's a typical --

10 MR. BONACCI: They're tired of being in the
11 flood zone, so they come up north.

12 MR. KAUKER: Yeah. Yup.

13 MR. BONACCI: That makes sense.

14 MR. ALONSO: It also -- it also provides --

15 MR. BONACCI: Brings in a different type of
16 people into the City.

17 MR. ALONSO: Yeah. But even Union City
18 people move into these, because you got a lot of
19 young couples --

20 MR. BONACCI: I'm not saying it as a
21 negative thing.

22 MR. ALONSO: No, no, no. But who move out
23 of their homes, because they don't want to live
24 with their parents anymore.

25 MR. BONACCI: Sure.

1 MR. ALONSO: But they want to stay close
2 because you know, they're family oriented
3 communities around here.

4 MR. KAUKER: I should note that the Master
5 Plan, and I'm looking at page 95, which is the
6 most recent one, and its section on one to two --
7 one to four family residential district, it has a
8 suggestion for general bulk regulations. And one
9 of them is to restrict the maximum building
10 height to a maximum four to five stories.

11 And obviously, we're only one over that
12 standard, or that range that they -- that they
13 suggested in -- in the Master Plan.

14 MR. DARDIR: So on that block, between 17
15 and 18, on Palisade, how many six story buildings
16 are there?

17 MR. KAUKER: Nine.

18 MR. DARDIR: On that --

19 MR. KAUKER: Within a three block radius.

20 MR. DARDIR: On just between 17 and 18.
21 That block itself.

22 MR. KAUKER: Seventeen and 18?

23 MR. DARDIR: Yeah. Not across the street.
24 Just on -- on the same sidewalk, without crossing
25 the street.

1 MR. KAUKER: Well --

2 MR. DARDIR: How many six stories would I
3 find?

4 MR. KAUKER: Well, immediately adjacent,
5 we've got the six story. And then, adjacent to
6 that, on the same block, is a five story, and
7 then a four story.

8 MR. DARDIR: So, the house --

9 MR. KAUKER: The house on --

10 MR. DARDIR: -- adjacent to it, with the
11 driveway in the picture.

12 MR. KAUKER: As you go south.

13 MR. DARDIR: This block. So, here, that's
14 not -- that's a two story or three story.

15 MR. KAUKER: No. As you go -- yeah.
16 That's -- that's two story.

17 MR. DARDIR: It's a two story. These --

18 MR. KAUKER: These are all -- these are all
19 three stories.

20 MR. DARDIR: Yeah. I'm just talking about
21 this block over here.

22 And this is a two story.

23 MR. KAUKER: That's a two story.

24 MR. DARDIR: Three.

25 MR. KAUKER: That's correct.

1 MR. DARDIR: So, it seems like the largest
2 or tallest --

3 MR. KAUKER: But -- but going south on
4 Palisades Ave, and we're -- we are in a Palisades
5 Ave environment. We're at the edge of the core
6 R-1 environment, which is significantly
7 different.

8 That's the point I'm trying to make.

9 Once you get on Palisades Ave, that
10 corridor, in this particular vicinity, has as
11 many nine -- six -- four, five, and six story
12 buildings as it does three story buildings.

13 MR. DARDIR: So, you're saying your
14 building is six, with a view. Right? With the
15 whole --

16 MR. KAUKER: That's correct. You're --

17 MR. DARDIR: But then you're --

18 MR. KAUKER: -- you're looking eastward.

19 MR. DARDIR: For these people. And then,
20 it just makes Palisades dark. It makes this
21 whole neighborhood --

22 MR. BONACCI: Blocked out. Yeah, sure.

23 MR. DARDIR: The whole neighborhood, the
24 whole 17th Street and --

25 MR. BONACCI: This building -- this

1 building is sort of a --

2 MR. DARDIR: -- walking up and down. It
3 just -- you know, it -- too much is being -- the
4 whole -- every inch is used. You're going from
5 --

6 CHAIRMAN GARCIA: One of the things that I
7 think that we have for consideration, in the
8 application is that if you see the -- the type of
9 lot, the location -- I mean, this kind -- when
10 Palisade, when no matter what, you going south,
11 you're going up.

12 And no matter what, you're going to go
13 west, you're also going up.

14 So, it's a kind of visual impact that
15 probably you don't -- I mean, it's my opinion
16 that you're not going to see the --

17 If you put that 62 feet tall building in,
18 let's say, in Palisade Avenue and 22nd Street, the
19 visual impact going to be more than in that
20 location, just because you're going up the hill.

21 MR. DARDIR: Up.

22 MR. KAUKER: Well, you stick out like a
23 sore thumb.

24 CHAIRMAN GARCIA: Right.

25 So, and also, you have the -- my opinion, I

1 mean, you have -- you're going to have like the
2 two building, one south and north corner of 17
3 Street.

4 MR. KAUKER: To balance.

5 CHAIRMAN GARCIA: To balance that corner.
6 That's -- that's what I'm seeing from my side.

7 Also, what I'm seeing is that apartment of
8 one bedroom brings just a car. No more -- no
9 more than a car.

10 Apartment -- three apartment -- a three
11 bedroom -- talking for myself -- three cars.

12 And when my cousin come to my house, fourth
13 car.

14 So, in the three unit house, basically, at
15 one point, it ridiculous it would -- they have
16 more than 12 cars.

17 MR. KAUKER: Um hum.

18 MR. DARDIR: I was looking at it as 15
19 bedrooms versus 28 bedrooms scenario for the area
20 and the site.

21 CHAIRMAN GARCIA: With 15 bedroom, I could
22 tell you, so you're that you're going to have
23 probably the same 28 cars that you're going to
24 have with --

25 MR. DARDIR: With the 28.

1 CHAIRMAN GARCIA: -- with 28.

2 Just -- I mean, I'm talking about at
3 college age.

4 MR. DARDIR: Yeah.

5 CHAIRMAN GARCIA: You know what I mean?

6 MR. DARDIR: But college people won't be
7 able to afford these apartments, because
8 apartments in Union City start up at a thousand
9 bucks.

10 CHAIRMAN GARCIA: No, no, no, no, no, no,
11 no, no, no, no, because no college student,
12 because it's only one bedroom. That's what I'm
13 saying.

14 MR. DARDIR: Yeah.

15 CHAIRMAN GARCIA: If you have -- if you
16 have six units, three bedrooms, six units, going
17 to create more cars, basically, or the same
18 number of cars that 20 units of one bedroom going
19 to create.

20 You could see that just say in New York
21 Avenue, almost 13 Street. Parking lot empty. You
22 go --

23 MR. DARDIR: Yeah.

24 CHAIRMAN GARCIA: You could see that in --
25 and those one has two bedroom. You could see

1 | that at 605 I think or 609 -- 605, I think, New
2 | York Avenue.

3 | You go there, most of the -- most of the
4 | parking lot is empty. And all those -- all those
5 | units are condo, and the parking spaces are deed
6 | -- are attached to the deed. So, it's not --
7 | they are not rented, so attached to the deed.

8 | Just -- just is my opinion, and that's --
9 | that's what I'm seeing through the years here.
10 | You know what I mean?

11 | And also, having residential unit, you have
12 | -- basically you have -- you need a wider
13 | driveway than the building.

14 | MR. DARDIR: Yeah.

15 | CHAIRMAN GARCIA: I'm talking for myself,
16 | my house, the driveway is like twice whatever is
17 | the building because it's -- like they have the
18 | -- he has a parking space in the outside, plus
19 | the two cars that have to fit into the garage,
20 | that's what I'm seeing in the three units
21 | construction now. That's what I'm seeing. You
22 | know what I mean?

23 | I don't know if that -- that is my opinion.

24 | MR. DARDIR: Okay.

25 | And is this updated? The Tax Collector

1 indicated the fourth quarter --

2 CHAIRMAN GARCIA: Mr. Isa?

3 MR. ISA: Yes. Actually, the -- Mr. Alonso
4 forwarded me the information, which I can show
5 you, if you'd like. He --

6 MR. DARDIR: Your -- your word's enough.

7 MR. ISA: He sent it to me via telephone,
8 and he said he can -- he can bring a copy. But
9 he -- but he was coming from court and he didn't
10 -- he didn't pick it up, but I -- I saw it.

11 MR. DARDIR: Okay.

12 Thank you.

13 MR. ALONSO: Thank you.

14 CHAIRMAN GARCIA: No further question?

15 MR. MEDINA: No.

16 CHAIRMAN GARCIA: Mr. Price?

17 MR. MEDINA: No more question.

18 MR. PRICE: Larry Price.

19 MR. DILLON: Please raise your right hand,
20 sir.

21 MR. PRICE: You swore me in once.

22 MR. DILLON: Swear you in again.

23 MR. PRICE: Sure. I'll go.

24 MR. DILLON: Swear the testimony you're
25 about to give is the truth, the whole truth, and

1 nothing but the truth?

2 MR. PRICE: I do.

3 MR. DILLON: And your name, sir?

4 MR. PRICE: Larry Price. It's still Larry
5 Price.

6 MR. DILLON: As always.

7 MS. GUTIERREZ: 1006 Palisade Avenue.

8 MR. DARDIR: Can you spell your last name?

9 MR. PRICE: It is getting late, isn't it?

10 MR. KAUKER: It's 10:20.

11 MR. PRICE: Just -- just two quick
12 questions for you.

13 MR. KAUKER: Yes. Yes.

14 MR. PRICE: The standard in the R zone is
15 three stories and 40 feet.

16 MR. KAUKER: That's correct.

17 MR. PRICE: How many buildings exist in the
18 200 foot zone that -- that exceed three stories
19 and 40 feet?

20 MR. KAUKER: Nine.

21 MR. PRICE: Nine?

22 MR. KAUKER: I did a count.

23 MR. PRICE: Within the 200 foot?

24 MR. KAUKER: Within a three block.

25 MR. PRICE: Well, within the 200 foot zone.

1 That's --

2 MR. KAUKER: Two hundred foot, probably
3 five.

4 MR. PRICE: Probably five. Do you -- could
5 you enumerate what the buildings are?

6 MR. KAUKER: I'll give you the locations.

7 MR. PRICE: Well, yeah. That --

8 MR. KAUKER: Yeah.

9 MR. PRICE: Yeah.

10 MR. KAUKER: Directly across the street is
11 a -- are two four story buildings.

12 Adjacent to --

13 MR. PRICE: Now, would it exceed --

14 MR. KAUKER: Which --

15 MR. PRICE: -- 40 feet?

16 MR. KAUKER: Which is --

17 MR. PRICE: You --

18 MR. KAUKER: Those four story buildings
19 would exceed 40 feet.

20 MR. PRICE: Okay. Two.

21 MR. KAUKER: And then, there's a -- to the
22 south of -- between 17th Street and 16th Street,
23 which would be within the 200 foot radius, there
24 are -- is a five story, and a four story.

25 So, that'd be one, two -- that would be

1 four.

2 MR. PRICE: And then you have the building
3 on the southwest --

4 MR. KAUKER: Right. And then, a block and
5 a half away, on the south side of the
6 intersection of 19th Street and Palisades Ave, is
7 a four story building.

8 So, that would be --

9 MR. PRICE: With the --

10 MR. KAUKER: -- five.

11 MR. PRICE: -- 19th, it would be a block
12 and a half away.

13 MR. KAUKER: That's correct.

14 MR. PRICE: That would be 400 feet away,
15 though, wouldn't it?

16 MR. KAUKER: No. That'd be 300 feet. So,
17 it's outside --

18 MR. PRICE: Well, outside the 200.

19 MR. KAUKER: Yeah, but that's fine. Two
20 hundred feet, that's a tough standard.

21 MR. PRICE: Well, it's one I can check.

22 The other question is, we have a -- this
23 build -- this site is on the northwest corner of
24 17th and Palisade. There is a five and a half
25 story building on the southwest corner.

1 MR. KAUKER: That's correct. Six story.
2 It's actually six story.

3 MR. PRICE: Well, okay. Whatever.

4 As you -- you characterize it as having
5 been there for awhile.

6 MR. KAUKER: Yes, sir.

7 MR. PRICE: How long would you estimate --

8 MR. KAUKER: Well, I'd say -- I would
9 guesstimate that building was built in the '40s,
10 late '30s.

11 MR. PRICE: Thirties. Okay.

12 You're aware that we -- we only adopted
13 zoning in -- in Union City in 1974.

14 MR. KAUKER: Right. But -- but part of the
15 character of Union City happens to be its older
16 buildings. And this one looks like it's stood
17 the test of time.

18 MR. PRICE: Okay. I would not disagree
19 with you. I would not -- of course you would. I
20 would not disagree with that.

21 MR. KAUKER: Okay.

22 MR. PRICE: On the other hand, you would
23 admit that this is a preexisting, nonconforming
24 use.

25 Correct?

1 MR. KAUKER: That's correct.

2 MR. PRICE: Okay.

3 Thank you.

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

6 Any more question?

7 Closed to the public.

8 You're going to warp around your
9 application, or you want to close it?

10 MR. ALONSO: That's it. I would submit at
11 this time to the Board.

12 CHAIRMAN GARCIA: Okay.

13 Basically, and as I mentioned before, I
14 understand that the impact of whatever is allowed
15 in the R zone, probably going to generate --
16 going to create the same type -- your property.
17 I mean, according to the parking, according to
18 the number of cars are going to bring in to the
19 area.

20 And I think like the location, the kind of
21 -- the type of lot that is -- the location where
22 the lot is, I think accommodate it pretty well,
23 that kind of building.

24 And also, I understand that this isn't
25 going to have that kind of visual -- doesn't have

1 any negative visual impact, since you have like
2 the -- in the southwest corner of 17th Street, you
3 have another structure, similar height.

4 And I think that also, take in
5 consideration that going back in the time, I
6 think that one of the reason that I didn't like
7 Union City before, back in the time, was one --
8 that was one of the reason, that a structure used
9 to be there.

10 And I think it's time to -- to develop that
11 area -- that lot, probably to try to erase part
12 of the bad memory that we have.

13 And I think that probably we going to have
14 more -- more positives than negative, that we
15 going to receive from that application.

16 I'm going to make my motion to grant this
17 application.

18 MS. GUTIERREZ: And I'm seconding.

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

21 Second by Margarita Gutierrez.

22 Roll call to approve this application.

23 Chairman Garcia?

24 CHAIRMAN GARCIA: Yes.

25 THE SECRETARY: Victor Grullon?

1 MR. GRULLON: Yes.

2 THE SECRETARY: Mrs. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Ortiz?

5 MR. ORTIZ: Yes.

6 THE SECRETARY: Mr. Dardir?

7 MR. DARDIR: No.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Bonacci?

11 MR. BONACCI: Yes.

12 MR. ALONSO: Thank you very much. Have a
13 good evening.

14 THE SECRETARY: Motion carries. Six in
15 favor, one nay, two abstain, one recuse.

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

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1 **ADJOURNMENT:**

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3 MR. DILLON: Hold on. Still on the record.

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

6 There being no other application on
7 tonight's agenda, can I have a motion to adjourn
8 the meeting?

9 CHAIRMAN GARCIA: Aye.

10 MS. GUTIERREZ: Second.

11 THE SECRETARY: Motion by --

12 MS. GUTIERREZ: Second. Second.

13 THE SECRETARY: -- Chairman Garcia.

14 Seconded by Margarita Gutierrez.

15 MR. ISA: All in favor?

16 THE SECRETARY: Chairman Garcia? Chairman
17 Garcia?

18 CHAIRMAN GARCIA: Yes.

19 THE SECRETARY: Victor Grullon?

20 MR. GRULLON: Yes.

21 THE SECRETARY: Margarita Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Miguel Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Khaled Dardir?

1 MR. DARDIR: Yes.

2 THE SECRETARY: John Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Joseph Bonacci?

5 MR. BONACCI: Yes.

6 THE SECRETARY: Motion carries.

7 MR. ISA: We can -- we can do an all in
8 favor.

9

10 (Whereupon, the proceedings concluded at
11 10:25 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, June 11, 2015, and
10 recorded on tape.

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24 Monitored by: Kevin Dillon, Sr.

25 Proofread by: Deborah Dillon