

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, October 8, 2015
Commencing at 6:28 p.m.

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

KHALED DARDIR
MARGARITA GUTIERREZ
MIGUEL ORTIZ
HARLENNY E. JAVIER
JOSEPH D. BONACCI, Alternate No. 2
PETER C. DOUMAS, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman

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

DAVID W. PRESSEY
JOHN MEDINA, Alternate No. 1
ELISA FLORES, Alternate No. 3
ANDRES GARCIA, Chairman

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

TOMAS R. PANEQUE, ESQ., Board Attorney
CARLOS VALLEJO, Board Secretary

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

MARK E. RUFFOLO, ESQ.,
Attorney for Applicant, Third Street Development, LLC

CARLOS RENDO, ESQ.,
Attorney for Applicant, New J., LLC

CARLOS RENDO, ESQ.,
Attorney for Applicant, Larry D'Arrigo

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 2000 West Street, LLC
A/K/A 526 Monastery Place 2000 West Street

I N D E X

	<u>PAGE</u>
CALL TO ORDER	6
SALUTE TO FLAG	6
ROLL CALL	6
ELECTION OF VICE CHAIRMAN	8
RESOLUTIONS	10/14
HEARINGS	
Ronmar Realty, LLC	19
Third Street Development, LLC	21
New J., LLC	28
Larry D'Arrigo	32
2000 West Street, LLC, A K A 526 Monastery Place	
2000 West Street	91
ADJOURNMENT	209

I N D E XLarry D'Arrigo - 207 New York Avenue

<u>WITNESS</u>	<u>PAGE</u>
Eduardo Blanco	33
Jose Izquierdo	38
Cristina Torres (Interpreter)	54
Larry D'Arrigo	55
 <u>SWORN PUBLIC</u>	
Larry Price	68

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Site Plans (3 Sheets) and Three Photo Sheets	36
A-2	Schedule of Variances	40
A-3	200 Foot Radius Area Map	41
A-4	Sketch	44

I N D E X

2000 West Street, LLC
A K A 526 Monastery Place 2000 West Street

<u>WITNESS</u>	<u>PAGE</u>
Rob Grenoble	95
Albert Arencibia	115
Justin P. Taylor	127
David Karlebach	133
 <u>SWORN PUBLIC</u>	
Amy Blizzard	175
Randy Crafton	177
Josefina Garcia	183
Larry Price	186

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Photograph	136
A-2	Photograph	136
A-3	Photograph	136
A-4	Photograph	136
A-5	Photograph	136
A-6	Photograph	137
A-7	Aerial View	137

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

3 Please take notice that on Thursday,
4 October 8, 2015, at six p.m., a Regular Meeting
5 is scheduled for the Union City Board of
6 Adjustment, to be held in the Municipal Chamber,
7 located on the second floor, 3715 Palisade
8 Avenue, Union City, New Jersey.

9 Can everybody kindly rise to salute the
10 flag, Pledge of Allegiance?

11

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

14

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

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

24

25 **ROLL CALL:**

1

2

3

THE SECRETARY: Roll call for tonight's
meeting.

4

Andres Garcia? Absent.

5

Victor Grullon?

6

MR. GRULLON: Here.

7

THE SECRETARY: Margarita Gutierrez?

8

MS. GUTIERREZ: Here.

9

THE SECRETARY: Miguel Ortiz?

10

MR. ORTIZ: Here.

11

THE SECRETARY: David Pressey? Absent.

12

Harlenny Javier?

13

MS. JAVIER: Here.

14

THE SECRETARY: Khaled Dardir?

15

MR. DARDIR: Here.

16

THE SECRETARY: John Medina? Absent.

17

Joseph Bonacci?

18

MR. BONACCI: Here.

19

THE SECRETARY: Elisa Flores? Absent.

20

Peter Doumas?

21

MR. DOUMAS: Here.

22

THE SECRETARY: Let the record indicate

23

that we have eight members --

24

MS. DILLON: Seven.

25

MR. GRULLON: Seven.

1 THE SECRETARY: Seven.

2 MR. GRULLON: Seven members.

3 THE SECRETARY: We have seven members
4 present.

5 Mr. Paneque, we have a new Board Member.
6 That's Alternate number 4, Mr. Peter Doumas.

7 MR. PANEQUE: Yes.

8 MS. GUTIERREZ: Welcome.

9 MR. DOUMAS: Thank you.

10 MR. PANEQUE: We like to welcome Mr. Peter
11 Doumas to the Board.

12 Welcome, sir.

13 MR. DOUMAS: Thank you very much.

14

15 **ELECTION OF VICE CHAIRMAN:**

16

17 THE SECRETARY: Okay. We are going to
18 elect a Vice Chairperson.

19 Can I have a motion to elect a Vice
20 Chairperson?

21 MS. GUTIERREZ: I make my motion.

22 THE SECRETARY: Motion by Margarita
23 Gutierrez.

24 Who the person your motion?

25 MS. GUTIERREZ: Victor Grullon.

1 THE SECRETARY: Victor Grullon.

2 MR. BONACCI: I'll second that.

3 THE SECRETARY: Victor Grullon.

4 Second by Joseph Bonacci.

5 Any more nominations?

6 No other nominations.

7 We are going to roll call on the -- on the

8 nomination of Mrs. Margarita Gutierrez.

9 Second by Joseph Bonacci.

10 Victor Grullon?

11 MR. GRULLON: I accept the nomination.

12 THE SECRETARY: Margarita Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Miguel Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Harlenny Javier?

17 MS. JAVIER: Yes.

18 THE SECRETARY: Khaled Dardir?

19 MR. DARDIR: Yes.

20 THE SECRETARY: Joseph Bonacci?

21 MR. BONACCI: Yes.

22 THE SECRETARY: Peter Doumas?

23 MR. DOUMAS: Yes.

24 THE SECRETARY: Motion carries.

25 * * *

1 **Resolution:**

2

3 (1) 1312 Bergenline Avenue, LLC, 1312
4 Bergenline Avenue - Block 64, Lot 18 - Legalize
5 two rear residential units from three family
6 units to five family units

7

8 THE SECRETARY: We have Resolutions
9 tonight. We have three Resolutions.

10 First Resolution on tonight's agenda, 1312
11 Bergenline Avenue, LLC, 1312 Bergenline Avenue,
12 Block 64, Lot 18.

13 Second Resolution. Thomar Chartier/Bellamy
14 Congress, LLC, 913 New York Avenue, Block 39.02,
15 Lot 7.

16 Third Resolution. Alpine Investment Group,
17 LLC, 517 7th Street, Block 28, Lot 15.

18 Can I have a motion?

19 VICE CHAIRMAN GRULLON: I motion to accept
20 the Resolutions.

21 MS. GUTIERREZ: I'm seconding.

22 THE SECRETARY: Motion to approve the
23 Resolution by Vice Chairman Victor Grullon.

24 MR. PANEQUE: Mr. Vallejo?

25 THE SECRETARY: Second by Margarita

1 Gutierrez.

2 Roll call.

3 MR. PANEQUE: Mr. Vallejo?

4 THE SECRETARY: Yes, sir?

5 MR. PANEQUE: Hold on, please.

6 With respect to the Resolutions, Resolution
7 number 1, 1312 Bergenline, LLC, that's the one
8 that has the issue with the outstanding invoice.

9 THE SECRETARY: Yes, sir.

10 MR. PANEQUE: Okay. Ladies and gentlemen
11 of the Board, this Resolution was brought to my
12 attention today that there is an outstanding
13 invoice that has not been paid in full.

14 Is anybody here on this Resolution
15 representing the applicant?

16 Okay. I did have a conversation earlier
17 this afternoon with the applicant's attorney, and
18 they were -- they indicated that someone may be
19 here to make an application to the Board,
20 respecting the invoice that was submitted after
21 the application was heard at the last meeting.
22 However, no one's here.

23 I'm going to propose that this Resolution
24 be tabled and be placed on the next agenda, until
25 this issue with the invoice is resolved.

1 So, if someone can make that motion?

2 VICE CHAIRMAN GRULLON: In that case, if
3 that -- if that's the case, I make a motion to
4 table that application.

5 THE SECRETARY: Motion --

6 VICE CHAIRMAN GRULLON: That application
7 number 1, 1312 Bergenline Avenue.

8 THE SECRETARY: Motion to table this, 1312
9 Bergenline Avenue.

10 Resolution by Vice Chairman Victor Grullon.

11 MS. GUTIERREZ: And I'm seconding.

12 THE SECRETARY: Second by Margarita
13 Gutierrez.

14 Roll call on this motion.

15 Victor Grullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Margarita Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Miguel Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Harlenny -- Harlenny
22 Javier?

23 MS. JAVIER: Yes.

24 THE SECRETARY: Khaled Dardir?

25 MR. DARDIR: Yes.

1 THE SECRETARY: Joseph Bonacci?

2 MR. BONACCI: Yes.

3 THE SECRETARY: Peter Doumas?

4 MR. DOUMAS: Yes.

5 THE SECRETARY: Motion carries. Let the
6 record indicate seven to table this application.

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1 **Resolutions:**

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3 (2) Thomar Chartier/Bellamy Congress, LLC, 913
4 New York Avenue - Block 39.02, Lot 7. Proposed
5 new four story, three units, residential building
6 with one retail unit

7 (3) Alpine Investment Group, LLC - 517 7th
8 Street - Block 28, Lot 15. Proposed to construct
9 a new eight unit building

10

11 THE SECRETARY: We are going to vote then
12 Resolution number 2 and Resolution number 3.

13 Thomar Chartier/Bellamy Congress, LLC, 913
14 New York Avenue.

15 And Alpine Investment Group, LLC, 517 7th
16 Street, Block 28, Lot 15.

17 Can I have a motion to approve the
18 Resolution number 2 and number 3?

19 VICE CHAIRMAN GRULLON: I make a motion to
20 approve --

21 THE SECRETARY: Motion by --

22 VICE CHAIRMAN GRULLON: -- those
23 Resolutions.

24 MS. GUTIERREZ: And I'm seconding.

25 THE SECRETARY: -- Vice Chairman Victor

1 Grullon.

2 Second by Margarita Gutierrez.

3 Roll call to all the Resolution 2 and 3.

4 Victor Grullon?

5 VICE CHAIRMAN GRULLON: Yes.

6 THE SECRETARY: Margarita Gutierrez?

7 MS. GUTIERREZ: Yes.

8 THE SECRETARY: Miguel Ortiz?

9 MR. ORTIZ: Yes.

10 THE SECRETARY: Harlenny Javier?

11 MS. JAVIER: Yes.

12 THE SECRETARY: Khaled Dardir?

13 MR. DARDIR: Yes.

14 THE SECRETARY: Joseph Bonacci?

15 MR. BONACCI: Yes.

16 MR. PANEQUE: Wait.

17 Mr. Vallejo, I understand that there were
18 Board members who were not present for the two
19 Resolutions that are being voted on.

20 Board members Harlenny Javier and Elisa
21 Flores and Andres Garcia were not present.

22 THE SECRETARY: All right. Let me just --

23 MR. PANEQUE: So, those Board members
24 should not be voting on this Resolution, unless
25 they've read the transcripts.

1 MS. GUTIERREZ: And the new member.

2 VICE CHAIRMAN GRULLON: And Mr. Doumas.

3 MR. PANEQUE: And Mr. Doumas is also not
4 eligible to vote.

5 MS. GUTIERREZ: Um hum.

6 VICE CHAIRMAN GRULLON: So you have -- we
7 still have four members.

8 THE SECRETARY: All right. Going to call
9 each Resolution -- we can call roll call again.

10 Right?

11 MR. PANEQUE: Yes.

12 MS. GUTIERREZ: Yes.

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

15 THE SECRETARY: All right. We are going
16 back into Resolutions.

17 MR. PANEQUE: Do we have enough Board
18 members for the voting of the Resolution, because
19 the absent members --

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

22 MR. PANEQUE: All right. Let's put that on
23 the record.

24 For the Thursday, September 10th meeting,
25 we had the following members present:

1 Khaled Dardir, Margarita Gutierrez, Miguel
2 Ortiz, Joseph Bonacci and Victor Grullon.

3 So, we had five members present. Those
4 five members can vote on those two Resolutions.

5 THE SECRETARY: Can I have a motion to
6 approve the Resolutions?

7 VICE CHAIRMAN GRULLON: I make a motion.

8 THE SECRETARY: Motion by --

9 MS. GUTIERREZ: And I'm seconding.

10 THE SECRETARY: -- Vice Chairman Victor
11 Grullon.

12 Second by Margarita Gutierrez.

13 Roll call.

14 Khaled Dardir?

15 MR. DARDIR: Yes.

16 THE SECRETARY: Margarita Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Miguel Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Joseph Bonacci?

21 MR. BONACCI: Yes.

22 THE SECRETARY: Victor Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Mr. Doumas? I think you
25 have to abstain.

1 MR. DOUMAS: Abstain.

2 THE SECRETARY: And also, Harlenny Javier,
3 abstain, too?

4 MS. JAVIER: Yes.

5 THE SECRETARY: Motion carries. Five in
6 favor.

7 Thank you, Mr. Paneque.

8 MR. PANEQUE: Thank you.

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1 **Ronmar Realty, LLC - 116-120 Peter Street and 121**
2 **34th Street:**

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4 THE SECRETARY: Okay.

5 We're going to application number 1, Ronmar
6 Realty, LLC, 116-120 Peter Street.

7 MR. PANEQUE: Mr. Vallejo, Chairman, ladies
8 and gentlemen of the Board, we have a request for
9 an adjournment from Mr. Carmine Alampi, who is
10 the attorney representing the applicant.

11 This request was made on October 6th, and
12 Mr. Alampi is requesting that the matter be
13 carried until the November 12th meeting, with no
14 further notices to be published or sent out.

15 Is there a motion to adjourn the
16 application?

17 VICE CHAIRMAN GRULLON: I make a motion to
18 adjourn this to the next meeting.

19 THE SECRETARY: Motion to adjourn this
20 application --

21 VICE CHAIRMAN GRULLON: November 12.

22 THE SECRETARY: -- by Vice Chairman Victor
23 Grullon.

24 MS. GUTIERREZ: And I'm seconding.

25 THE SECRETARY: Second by Margarita

1 Gutierrez.

2 Roll call to adjourn the application.

3 Victor Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Margarita Gutierrez?

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: Miguel Ortiz?

8 MR. ORTIZ: Yes.

9 THE SECRETARY: Harlenny Javier?

10 You can vote.

11 MS. JAVIER: I can vote on those?

12 Yes. Yes.

13 THE SECRETARY: Khaled Dardir?

14 MR. DARDIR: Yes.

15 THE SECRETARY: Joseph Bonacci?

16 MR. BONACCI: Yes.

17 THE SECRETARY: Peter Doumas?

18 MR. DOUMAS: Abstain.

19 THE SECRETARY: Abstain.

20 Motion carries. Six in favor, one

21 abstention.

22 No new notice required. And the next
23 meeting will be November 12, 2015.

24 * * *

25

1 **Third Street Development, LLC - 511-517 3rd**

2 **Street:**

3

4 THE SECRETARY: Now we are going to number
5 2.

6 Third Street Development, LLC, 511-517
7 Third Street.

8 MR. PANEQUE: Good evening, counsel.

9 MR. RUFFOLO: Mark Ruffolo on behalf of
10 Third Street Development, LLC.

11 I got Mr. Nodar, who is the principal of
12 the company.

13 This is our application, this evening, to
14 request an extension of site plan approval, along
15 with variance approval.

16 The initial approval date was September 11,
17 2014. There was a little error in the Resolution
18 at that time, and it took until November to get a
19 corrected Resolution from the Board.

20 From that timeframe, through December,
21 through January, my client was looking into
22 financing, just seeing what was available for him
23 out there.

24 After that point, in February, a phase I
25 environmental firm was hired, in which we

1 received the report in April, which showed a
2 clean report.

3 After the clean report came in on the
4 environmental, a geo-technical engineering firm
5 was hired, that was in May. And we received a
6 clean report in June from the geo-technical firm.

7 After receiving that report, we
8 commissioned a survey. Survey was received in
9 September.

10 And after that, we've now retained an
11 architectural firm.

12 Although some time has elapsed, we did have
13 a very long winter, this past winter. Mr. Nodar
14 is doing his best. This is the biggest job that
15 he's taken on, and he just has a little bit of a
16 learning curve.

17 So, we're -- we're asking for an extension
18 of the approvals for another year, which will
19 take us through September of 2016.

20 VICE CHAIRMAN GRULLON: Counselor, could
21 you advise the Board, since the one year would
22 expire for this application. I see documentation
23 here that state that under the law, they're
24 entitled to --

25 Is this correct?

1 MR. PANEQUE: The legislature has passed
2 what's known as the Equitable Permit Extension
3 Act of 2014, which basically allows these
4 approvals to be extended beyond the one year
5 period, due to the -- one of the factors was the
6 economic times that -- that the nation was going
7 through.

8 Nonetheless, this applicant is here. Even
9 though they have an extension as a matter of
10 right, just to have an approval from this Board,
11 and to grant the extension.

12 Based on the reasonings that Mr. Ruffolo
13 has placed on the record, I would advise this
14 Board to grant the extension.

15 VICE CHAIRMAN GRULLON: Thank you, Mr.
16 Counselor.

17 MR. PANEQUE: Well, the extension is
18 granted with the same conditions that the
19 previous application --

20 MR. RUFFOLO: Yes.

21 MR. PANEQUE: -- was approved for.

22 MR. RUFFOLO: We understand that.

23 VICE CHAIRMAN GRULLON: Yes.

24 Yeah. With that said, we make a motion to
25 grant the extension --

1 MR. PRICE: Could I ask a question about
2 this?

3 MR. PANEQUE: Yes.

4 MS. DILLON: Come forward.

5 VICE CHAIRMAN GRULLON: Mr. Price?

6 MR. PRICE: Larry Price, 1006 Palisade.

7 I don't -- you're asking for an extension
8 of your site plan approval.

9 Correct?

10 MR. RUFFOLO: Correct.

11 MR. PRICE: Site plan approval standard is
12 two years, not one year. This thing was approved
13 in September '14. It's good until September of
14 '16, regardless. And it's good until the end of
15 '16, because of the Extension Act.

16 So, I don't understand why they're here.

17 MR. PANEQUE: The understanding was that it
18 was good for one year from the date of approval,
19 Mr. Price.

20 MR. PRICE: A site plan approval?

21 MR. PANEQUE: A site plan approval.

22 MR. PRICE: MLUL says two years.

23 MR. PANEQUE: Okay. Then --

24 MR. PRICE: We only made it one year. We
25 don't have the right to do that, if we did that.

1 MR. PANEQUE: I have -- would have to look
2 into that, but the application is before the
3 Board for a one year approval, which would carry
4 them through September of 2016, anyway.

5 And the Resolution is also for one year.

6 VICE CHAIRMAN GRULLON: Yes. And we are
7 approving on the Resolution.

8 MR. PRICE: You had what?

9 VICE CHAIRMAN GRULLON: We are approving on
10 the Resolution that it was granted for one year.

11 MR. PRICE: Only one year? Site plan
12 approval?

13 Okay.

14 MR. PANEQUE: I'll --

15 MR. PRICE: Well, site plan approval's for
16 two years. That's straight out of the MLUL, so
17 --

18 MR. PANEQUE: Okay.

19 MR. PRICE: -- whatever. Okay.

20 MR. PANEQUE: And there -- there's no harm
21 in --

22 MR. PRICE: No -- there's no harm done.
23 Right.

24 MR. PANEQUE: No harm in carrying it for
25 another year.

1 MR. PRICE: There's no need, either, is
2 what I would say.

3 MR. PANEQUE: Yes.

4 MR. RUFFOLO: Thank you.

5 VICE CHAIRMAN GRULLON: Okay. Again, we're
6 making a motion to grant the extension for one
7 year, with same condition as the previous
8 approval.

9 MR. RUFFOLO: Thank you.

10 THE SECRETARY: Motion by --

11 MS. GUTIERREZ: And I'm seconding.

12 THE SECRETARY: -- to grant the extension
13 by Victor Grullon.

14 Second by Margarita Gutierrez?

15 MR. PANEQUE: Yes.

16 THE SECRETARY: Roll call.

17 Victor Grullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Margarita Gutierrez?

20 MS. GUTIERREZ: Yes.

21 THE SECRETARY: Miguel Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Harlenny Javier?

24 MS. JAVIER: I can vote on that?

25 THE SECRETARY: Yeah. You can vote.

1 MS. JAVIER: Oh, okay.

2 So, yes.

3 THE SECRETARY: Khaled Dardir?

4 MR. DARDIR: Yes.

5 THE SECRETARY: Joseph Bonacci?

6 MR. BONACCI: Yes.

7 THE SECRETARY: Peter Doumas?

8 MR. DOUMAS: Abstain.

9 THE SECRETARY: Motion carries. Six in
10 favor --

11 VICE CHAIRMAN GRULLON: Thank --

12 THE SECRETARY: -- one abstention.

13 VICE CHAIRMAN GRULLON: Thank you for
14 bringing that in front of the Board.

15 MR. RUFFOLO: Thank you. Thank you very
16 much.

17 MR. PANEQUE: Thank you.

18 Good luck, sir.

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

21 * * *

22

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24

25

1 **New J. LLC - 1613-1615 Summit Avenue:**

2

3 THE SECRETARY: Item 3.

4 New J. LLC, 1613-1615 Summit Avenue.

5 Mr. Mulkay?

6 MR. RENDO: Good afternoon.

7 THE SECRETARY: Oh, Mr. Rendo. How are
8 you, sir?

9 Sorry.

10 MR. RENDO: Mr. Chairman, we're requesting
11 an adjournment of this matter.

12 My client is -- would like to retain a
13 planner, but before we do so, we'd like to
14 acquire jurisdiction.

15 So, I present to counsel the Affidavit of
16 Publication, Affidavit of Service.

17 MR. PANEQUE: Thank you, sir.

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

20 MR. PANEQUE: For the record, I've been
21 provided with a copy of the Affidavit of
22 Publication, which states that notice of this
23 hearing for the property in question, 1613-1615
24 Summit Avenue, was published in The Jersey
25 Journal on September 21st, 2015.

1 Notices were sent out, by certified mail,
2 with dates of September 22nd, also 2015.

3 As the matter comes before the Board today,
4 on October 8th, this Board has jurisdiction to
5 hear this application.

6 MR. RENDO: And just for -- just for the
7 record, it's -- my appearance.

8 Carlos Rendo, Mulkey and Rendo, North
9 Bergen, New Jersey, representing the applicant.

10 Thank you.

11 VICE CHAIRMAN GRULLON: Mr. Rendo, are you
12 looking to adjourn this application for the next
13 --

14 MR. RENDO: Yes. Yes. If we --

15 VICE CHAIRMAN GRULLON: -- for the next
16 meeting?

17 MR. RENDO: Yes. If we may.

18 VICE CHAIRMAN GRULLON: November 12?

19 MR. RENDO: Yes.

20 Thank you.

21 VICE CHAIRMAN GRULLON: I make a motion to
22 --

23 THE SECRETARY: Motion to adjourn this
24 application --

25 VICE CHAIRMAN GRULLON: -- to adjourn it.

1 THE SECRETARY: -- by Vice Chairman --

2 VICE CHAIRMAN GRULLON: To carry it to
3 November -- November 12.

4 THE SECRETARY: -- Victor Grullon.

5 Second by?

6 MS. GUTIERREZ: Second.

7 THE SECRETARY: Margarita Gutierrez.

8 Roll call on the motion.

9 Victor Grullon?

10 VICE CHAIRMAN GRULLON: Yes.

11 THE SECRETARY: Margarita Gutierrez?

12 MS. GUTIERREZ: Yes.

13 THE SECRETARY: Miguel Ortiz?

14 MR. ORTIZ: Yes.

15 VICE CHAIRMAN GRULLON: For the record, no

16 new --

17 THE SECRETARY: Harlenny Javier?

18 VICE CHAIRMAN GRULLON: No new notice.

19 MS. JAVIER: Yes.

20 THE SECRETARY: Khaled Dardir?

21 MR. DARDIR: Yes.

22 THE SECRETARY: Joseph Bonacci?

23 MR. BONACCI: Yes.

24 THE SECRETARY: Peter Doumas?

25 MR. DOUMAS: Yes.

1 THE SECRETARY: Motion carries. Six in --
2 seven in favor. No new notice required. The
3 next meeting is November 12, 2015.

4 MR. RENDO: Thank you.

5 THE SECRETARY: Thank you, sir.

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24

25

1 **Larry D'Arrigo - 207 New York Avenue:**

2

3 THE SECRETARY: Okay.

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

6 THE SECRETARY: We are going to move onto
7 item number 4, Larry D'Arrigo, 207 New York
8 Avenue.

9 Mr. --

10 MR. RENDO: Yeah. Back.

11 THE SECRETARY: -- Rendo?

12 MR. RENDO: Good evening.

13 Carlos Rendo, Mulkay and Rendo, North
14 Bergen, New Jersey, representing the applicant,
15 Larry D'Arrigo, 207 New York Avenue, Block 8, Lot
16 4, proposed two family dwelling.

17 At this moment, I'd like to call up -- I
18 believe, counsel, we established jurisdiction at
19 the last hearing. We're just making the
20 presentation at this hearing.

21 MR. PANEQUE: This is noted as a
22 continuation.

23 MR. RENDO: Correct.

24 MR. PANEQUE: So, we'll accept your
25 representation --

1 MR. RENDO: Correct.

2 MR. PANEQUE: -- on that, Mr. Rendo.

3 MR. RENDO: Oaky.

4 I'd like to call up the architect, Mr.

5 Blanco.

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

8 MS. DILLON: Sir, please raise your right
9 hand.

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

12 MR. BLANCO: Yes.

13 MS. DILLON: Could you state your name and
14 spell it for me?

15 MR. BLANCO: Eduardo Blanco, Blanco Group,
16 Riverfront Plaza, Newark, New Jersey.

17 MS. DILLON: B-L-A-N-C-O?

18 MR. BLANCO: Yes.

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

21 VICE CHAIRMAN GRULLON: Thank you.

22 You may proceed.

23 MR. BLANCO: Good morning, ladies and
24 gentlemen of the Board.

25 This application is on --

1 MR. RENDO: Excuse me, Mr. Blanco.

2 Mr. Blanco's testified before this Board
3 before as a licensed architect, the State of New
4 Jersey.

5 So, we ask this Board to accept his
6 qualifications.

7 VICE CHAIRMAN GRULLON: Yes, we do. We
8 accept his --

9 MR. BLANCO: Okay.

10 MR. RENDO: Thank you.

11 MR. BLANCO: This application is on 207 New
12 York Avenue.

13 Previously, there was four to five lots
14 that was in a fire. Totally burnt to the ground.

15 The owner would like to reconstruct. There
16 was an existing two family, we'd like to
17 reconstruct another two family in similar in
18 state and matter.

19 Originally, it was 715 square feet, with an
20 awkward shape. No front driveway.

21 The dwelling that we're proposing is two
22 stories, with an attic, and it's 750 square feet
23 footprint, but it has a front yard, which enables
24 for one car, which wasn't able to have that
25 before.

1 And if you don't mind, I'd like to go
2 through AR-1, which is through the floor plans,
3 one by one.

4 First floor is our ground floor plan. You
5 walk straight in to the first unit. It's two
6 duplex units.

7 Sorry.

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

10 MR. BLANCO: It's an open floor plan.
11 Kitchen in the rear, full bathroom, a living
12 space. And you go upstairs to the bedroom units,
13 which is a private area. Two bedrooms, two bath,
14 with a laundry.

15 The similar floor plan is for the second
16 unit up -- upstairs. Similar open floor plan.

17 And then, the attic space is two bedrooms.

18 It is, if you go to AR-2, total height is
19 40 feet in height. As you can see, it's changed
20 a bit from the front.

21 What I'd like to do is kind of take you to
22 what was there and what we're proposing, which is
23 on the south elevation.

24 I'll let the planner get into more of the
25 zoning issues, but this is the current vacant lot

1 here.

2 This is what was there. These houses are
3 all burnt to the ground.

4 This was 207, originally. As you can see,
5 there's no area for parking in the front. And
6 these dwellings all vary in sizes and lot sizes
7 and multiple family units, as well.

8 These are the adjacent properties. This is
9 directly across the street. It's a different
10 style, multiple family. No parking.

11 And going back to AR-2, obviously, we're
12 going lot to lot. Front and rear elevation.
13 It's just a walkout.

14 That's pretty much it.

15 MR. RENDO: I just want to make sure the
16 plans are marked as an exhibit.

17 MS. DILLON: Sure.

18 MR. BLANCO: I'm going to -- I guess, move
19 direct to the planner.

20 MR. RENDO: Do you have any questions of
21 the architect?

22 If not, I will proceed with the planner.

23

24 (Whereupon, Site Plans, (3 Sheets), and
25 Three Photo Sheets was received and marked as

1 Exhibit A-1.)

2

3 VICE CHAIRMAN GRULLON: Could you repeat
4 the setbacks again?

5 MR. BLANCO: I was going to let the planner
6 get into --

7 VICE CHAIRMAN GRULLON: Oh, okay.

8 MR. BLANCO: -- setbacks.

9 But real quickly, side yards are zero. The
10 front is 16 feet. And the rear is -- is I
11 believe 17 feet.

12 MR. RENDO: What was previously on the
13 property?

14 MR. BLANCO: Previously, there was a twenty
15 foot -- one foot rear gut. The dwelling itself
16 was 48 feet. The dwelling we're proposing is 47
17 feet.

18 So, similar in size, but due to the awkward
19 nature of -- of the jog in the existing old
20 house, that's why the square footage is a little
21 more.

22 Previously, it was 48 with a jog, whereas
23 47 which is a complete rectangle and squares out
24 the lot, rectangles out the lot.

25 That's the difference in the fifty-plus

1 square feet, forty-plus square feet of
2 difference.

3 The front was 11.4. We're giving 16. So,
4 we're increasing that.

5 And again, the side yards are zero. They
6 were existing zero, proposed is zero.

7 MR. RENDO: Are there properties on -- in
8 each side of the property?

9 MR. BLANCO: Right now, currently, as far
10 as I know, there is plans to, or in the process,
11 be coming to your Board, as well, to construct
12 similar dwellings next to each other. Zero lot
13 line.

14 MR. RENDO: Have any questions?

15 MR. BLANCO: Under different owners
16 obviously.

17 VICE CHAIRMAN GRULLON: I think you can
18 bring your planner, now.

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

21 MS. DILLON: Mr. Izquierdo, please raise
22 your right hand.

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

25 MR. IZQUIERDO: I do.

1 MS. DILLON: Please state your name for the
2 record.

3 MR. IZQUIERDO: My name is Jose Izquierdo.
4 New Jersey Planner 03385, address 207 60th Street,
5 West New York, New Jersey.

6 MS. DILLON: Thank you.

7 MR. RENDO: And I believe Mr. Izquierdo has
8 testified numerous times before --

9 VICE CHAIRMAN GRULLON: Yes.

10 MR. RENDO: -- this Board, so I move to
11 accept his qualifications.

12 VICE CHAIRMAN GRULLON: Yeah. We do.

13 MR. IZQUIERDO: Thank you, Mr. Grullon.

14 VICE CHAIRMAN GRULLON: Welcome back.

15 MR. IZQUIERDO: Good evening, members of
16 the Board.

17 MR. RENDO: Mr. Izquierdo, were you able to
18 review the plans submitted?

19 MR. IZQUIERDO: Yes, I have.

20 MR. RENDO: And what exactly is being
21 proposed here today?

22 MR. IZQUIERDO: Very well.

23 This Board gains jurisdiction of this
24 application because even though applicant is
25 planning to construct a two family house, it does

1 not require site plan approval. And as such,
2 jurisdiction would not be proper before the
3 Planning Board, but actually before the Zoning
4 Board.

5 There's actually a multi-question test that
6 actually sends us to the Zoning Board. So, as
7 such, we're not seeking a D variance, we're not
8 seeking a use variance, or an extension of a
9 nonconforming use. No -- no conditional use. No
10 height variance. We're not seeking a D variance.

11 Jurisdiction is because the Planning Board
12 does not have jurisdiction, because we don't have
13 site plan approval.

14 The counselor is going to distribute our
15 list of variances, actually a zoning schedule for
16 this application.

17 Sorry.

18 MS. DILLON: This is A-2, Mr. Rendo?

19 MR. RENDO: Yes.

20 MR. IZQUIERDO: Thank you, A-2.

21

22 (Whereupon, Schedule of Variances was
23 received and marked as Exhibit A-2.)

24

25 MR. RENDO: And just for the record, also,

1 I'd like to mark Mr. Izquierdo's plans --

2 MS. DILLON: Sure.

3 MR. RENDO: -- as A-3.

4 MR. IZQUIERDO: That's a 200 foot radius
5 area map, showing uses, heights, parking, garages
6 and all the good stuff.

7

8 (Whereupon, 200 Foot Radius Area Map was
9 received and marked as Exhibit A-3.)

10

11 MR. RENDO: Hold on. I just want to make
12 sure everybody has the schedule.

13 Okay.

14 VICE CHAIRMAN GRULLON: Yes.

15 MR. RENDO: Okay. Mr. Izquierdo, could you
16 explain the variances that we're seeking in this
17 matter?

18 MR. IZQUIERDO: Very well.

19 As I indicated, applicant is -- is
20 proposing to construct a two family house and
21 this is an allowed use, according to the Zoning
22 Ordinance, Section 18-72.1(B).

23 A two family house is an allowed use in the
24 zone.

25 The lot area required is 2500 square feet.

1 Existing and proposed is 1277.28. That is a
2 C(1-A) variance.

3 Lot width required is 25 feet. The
4 existing is 16 feet, both proposed and existing.
5 That is a C(1-A) variance.

6 And the lot depth required is a hundred
7 feet, and existing and proposed are 79.83 feet.
8 That's existing and proposed. That's a C(1-A)
9 variance.

10 And that's a C(1-A) variance because --
11 because of the exceptional narrowness, shape or
12 topography of -- or exceptional physical features
13 of a specific piece of property, applicant has a
14 hardship.

15 And the hardship is one that relates to the
16 size of the property.

17 The -- all of these houses -- actually, the
18 ones that burned in the fire of May, 2014, which
19 are shown here in this vacant piece of -- of land
20 --

21 MR. RENDO: You're testifying from A-1.

22 MR. IZQUIERDO: From A-1.

23 MR. RENDO: Correct.

24 MR. IZQUIERDO: Yeah.

25 And the ones across the street, they were

1 originally subdivided, according to the Master
2 Plan of Union City, for row houses. And they
3 have width of 17 feet.

4 At that time, they were all row houses.
5 All of the ones across the street from us are all
6 three family houses. And actually, what all of
7 the owners, specifically, 207, 209, 211, have
8 come forth, and they want to rebuild the
9 neighborhood. They want to come back and rebuild
10 what they had before.

11 This is different from a case in -- in
12 Supreme Court, which is Motley versus Borough of
13 Seaside Park, which is March of 2013.

14 In that case, the applicant, whose house
15 had completely -- had been destroyed, and it's
16 not a partial destruction, it is a total
17 destruction.

18 What happened is, in that case, the use was
19 not allowed, because there were two structures on
20 the lot. And that case is distinguished from
21 this because this is an allowed use.

22 The front yard required is ten feet. We
23 have a vacant lot. We have no existing
24 conditions. And actually, we have two feet five
25 to the exterior stairway, and we have 16 feet to

1 the ground floor.

2 The 16 feet to the ground floor, which
3 rules the ground, the second and the third floors
4 are because, based on our Ordinance, if we leave
5 16 feet in the front yard, we're allowed to have
6 a parking space. And the applicant wants to have
7 a parking space in the front yard parking. That
8 is a C(2-A) variance, because the purposes of
9 zoning are advanced by a deviation thereof.

10 The side yard required is two feet, five
11 feet on both. This, as I indicated, is a vacant
12 lot and we have zero feet on both sides.

13 I am going to -- or have the counselor
14 distribute --

15 MR. RENDO: I'd like to have this marked as
16 --

17 MS. DILLON: A-4.

18 MR. RENDO: -- A-4.

19

20 (Whereupon, Sketch was received and marked
21 as Exhibit A-4.)

22

23 MR. IZQUIERDO: A sketch of what the Zoning
24 Ordinance of Union City, adopted March 2012, on
25 page 97, allows us to build.

1 So, we wouldn't need to come before this
2 Board if we left two feet on one side, three feet
3 on the other side, ten in the front, the -- the
4 rear yard shown, and that gives us a house nine
5 feet eight inches wide, which is where the
6 hardship of the applicant comes.

7 The rear yard is 25 percent, or 19 feet 11.

8 MS. DILLON: Hold on one second, Mr.
9 Izquierdo.

10 MR. RENDO: Hold on. Hold on.

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

13 MS. DILLON: Sorry.

14 Go ahead, please.

15 MR. IZQUIERDO: The rear yard, according to
16 the bulk regulations at page 99 is 25 percent of
17 the lot depth, which would be 19 feet 11 inches.
18 We have a vacant lot, and we're leaving 21.3
19 percent, or 17 feet. And that is, again, a C-2
20 variance to allow the applicant to have a two
21 bedroom apartment for his own use, and the other
22 family, which he will rent out and will -- which
23 will allow him to -- to supplement his payment to
24 the mortgage company.

25 The building height allowed is three

1 | stories, or 40 feet. We have a vacant lot, and
2 | actually, we have three stories, or 40 feet, with
3 | a habitable attic that conforms to the definition
4 | of page 25, as the architect indicated, in the
5 | calculations of 75 percent.

6 | The building coverage allowed is 60
7 | percent. We have 58.9 on the ground floor, 58.9
8 | on the second and third floor, and in the attic,
9 | we have 44 percent.

10 | So, our house conforms. Our house is not
11 | too large for the lot, because actually, the
12 | zoning allows me to have a house 60 percent, and
13 | I am 58.9, or just shy of that 60 percent.

14 | We require no variance for building height,
15 | for building coverage, for lot coverage, or for
16 | the residential off-street parking, according to
17 | the Residential Site Improvement Standards of the
18 | State of New Jersey.

19 | However, in terms of the parking for Union
20 | City, so, in Ordinance parking schedule number 2,
21 | since we have two, two bedroom apartments, each
22 | one requires one and a half parking spaces, and
23 | we -- we're required to have three spaces. We
24 | have a vacant lot, and we're providing one space.

25 | And that space conforms to 18-75.1(B) 1(B),

1 | that's a C-2 variance.

2 | MR. RENDO: So, is it your testimony, that
3 | by reason of exceptional narrowness, shallowness,
4 | and shape of the property, the variances should
5 | be granted?

6 | MR. IZQUIERDO: It is -- it is a hardship.
7 | The use of a two family is abandoned. There was
8 | a total destruction.

9 | However, there are counted one family
10 | houses in this neighborhood. The ones across the
11 | street are all three.

12 | All the ones that are shown in a hatched
13 | pattern are two and three -- two and three
14 | families. I believe there's one -- I -- I have
15 | the exact list of one family houses around here,
16 | which are lucky, but there are very few.

17 | MR. RENDO: That's from A-3, you're
18 | testifying to.

19 | Right?

20 | MR. IZQUIERDO: I'm -- I'm testifying from
21 | A-3.

22 | MR. RENDO: And does the -- the nature and
23 | character of the neighborhood fit with the
24 | construction that you're proposing here today?

25 | MR. IZQUIERDO: Yes. In -- in order to --

1 to substantiate what the applicant has, of the
2 substandard lot, the applicant has to show that
3 he has attempted to buy somebody else's land, or
4 that he has attempted to sell his land to
5 somebody else.

6 Actually, I was the planner for the
7 testimony of 209 and 211, and they testified that
8 they had approached 207 to purchase the land, and
9 he had refused.

10 Testimony should be required of the
11 applicant to see if he has tried to buy either
12 from 209 or from 205.

13 That is a threshold question that is
14 required by statute, because the applicant must
15 show that there's no adjacent land for sale at a
16 fair market price.

17 This diagram here, I have indicated in a --
18 in a --

19 I got it.

20 -- in a small format, to facilitate the
21 Board's --

22 Ouch.

23 MR. RENDO: You need a bigger --

24 MR. IZQUIERDO: Yeah. No. I -- I should
25 have stapled everything into one binder.

1 Okay.

2 The only lots in all of this area, which is
3 larger than 200 feet, this is just a 200 feet
4 area. I have -- applicant has gone to more than
5 a thousand feet.

6 Only these lots here are the same size, and
7 the same use as applicant's. Only those two.

8 However, those two have no front yard
9 parking.

10 In the original subdivision of this area,
11 as I indicated, these were specifically
12 undersized for townhouses, for row houses. And
13 that's exactly what was built.

14 Applicant meets the positive criteria
15 because these houses, as the -- as the architect
16 has constructed them, has designed them, will
17 have a fire wall in between. And each one of
18 these houses will be separated --

19 MR. RENDO: Bless you.

20 A VOICE: Thank you.

21 MS. GUTIERREZ: Bless you.

22 MR. IZQUIERDO: -- exactly in a row house
23 pattern, as was originally intended, and with a
24 two family, which is bringing back the
25 neighborhood.

1 This meets the positive criteria because it
2 will not disrupt the neighborhood. It was
3 previously existing in the fabric. The entire
4 building would -- number 2, the entire building
5 will be new and up to Code.

6 The lot is similar to the others,
7 undersized. It was the original subdivision of
8 the land.

9 The other two families in the undersized
10 lots, these two here, have no parking. So, this
11 is an improved zoning condition.

12 And this is the neighborhood. This was
13 always the neighborhood. Actually, there are a
14 number of houses here which are in foreclosure
15 and are dilapidated.

16 But this constituted a neighborhood. And
17 these -- these applicants are coming forward,
18 which -- which proves an evident intention of all
19 of them, to reconstruct their home in an improved
20 layout, but to bring the neighborhood back again.

21 And one of the purposes of Municipal Land
22 Use Law is to have stable neighborhoods, to have
23 families being stable in their -- in their home.

24 And what all of these applicants are doing,
25 they all want to come back. None of them are

1 | wanting to -- to make money on their land by
2 | charging the other ones.

3 | They all want to come back to this
4 | neighborhood.

5 | Actually, what the applicant is proposing
6 | is neither onerous nor egregious, and it's
7 | requesting a use that is allowed, albeit with the
8 | bulk variances that were described.

9 | MR. RENDO: Could you describe the negative
10 | criteria?

11 | MR. IZQUIERDO: The negative criteria. The
12 | applicant is actually -- in proposing that
13 | parking lot -- that parking space in the front,
14 | he's losing one parking space on the street,
15 | because on this part of New York Avenue, which is
16 | the narrow part of New York Avenue, until it
17 | widens here on 7th Street, there is parking on
18 | both sides.

19 | So, in providing that driveway and the curb
20 | cut, there will be a loss of one parking space in
21 | the front. And I am familiar with the other
22 | parts of the other applications, parking will not
23 | be available on these sides.

24 | However, in doing the balancing test,
25 | required by Municipal Land Use Law, balancing the

1 negative criteria with the positive criteria, I
2 believe that providing that parking space in the
3 front outweighs any -- any negative impact on the
4 neighborhood.

5 MR. RENDO: So, your -- your testimony is
6 that the lack of the parking space is not a
7 substantial detriment -- detriment to the public
8 good?

9 MR. IZQUIERDO: No. It's not. Actually,
10 the -- the neighborhood -- the entire
11 neighborhood, the community will benefit if the
12 Board allows all these neighbors to come back and
13 rebuild their homes, and continue with their
14 lives as they had it before May of 2014.

15 The zoning benefits from this application,
16 balance against the zone harms, does not impair
17 the intent and purpose of the zone plan, and
18 actually furthers the purpose of establishing
19 stable neighborhoods, with stable neighbors.

20 That's all I have.

21 MR. RENDO: Thank you.

22 VICE CHAIRMAN GRULLON: Thank you, Mr.
23 Izquierdo.

24 Mr. Izquierdo --

25 Actually, do you have any other witness?

1 MR. RENDO: No. Yes. I have the owner
2 that would like to testify.

3 VICE CHAIRMAN GRULLON: Okay.

4 MR. RENDO: But maybe we can ask Mr.
5 Izquierdo some questions first?

6 VICE CHAIRMAN GRULLON: No, no. We leave
7 it --

8 MR. RENDO: Have the owner?

9 VICE CHAIRMAN GRULLON: -- for the end.

10 MR. RENDO: Okay.

11 VICE CHAIRMAN GRULLON: Yes. That's how we
12 normally do.

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

15 MR. RENDO: Need an interpreter.

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

18 MS. DILLON: Okay. Mr. Alonso, please
19 raise your right hand.

20 MR. RENDO: No. She'll -- she'll be able
21 to interpret.

22 MR. ALONSO: All right.

23 MS. DILLON: Okay.

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

1 MS. GUTIERREZ: Thank you, Mr. Alonso.

2 MR. ALONSO: You're welcome.

3 MS. DILLON: Ma'am, right in front of that
4 microphone.

5 MS. TORRES: Okay.

6 MS. DILLON: Do you affirm that you will do
7 translations from English to Spanish and Spanish
8 to English to the best of your ability?

9 MS. TORRES: Yes, I do.

10 MS. DILLON: Can you please state your name
11 and spell it for me?

12 MS. TORRES: Cristina, C-R-I-S-T-I-N-A.

13 MS. DILLON: Last name?

14 MS. TORRES: Torres, T as in Thomas, O-R-R-
15 E-S.

16
17 (Whereupon, Cristina Torres interpreted
18 English to Spanish and Spanish to English for
19 Larry D'Arrigo.)

20

21 MS. DILLON: Okay.

22 Sir, please raise your right hand.

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

25 You have to repeat in English for me, Ms.

1 Torres.

2 MS. TORRES: Oh, sorry.

3 MR. RENDO: Say yes.

4 THE INTERPRETER: Yes.

5 MS. DILLON: Okay. And you got to keep
6 your voice up.

7 MS. TORRES: Okay.

8 MR. RENDO: Got to repeat everything he
9 says.

10 Okay?

11 MS. DILLON: Okay. And please ask him his
12 name and spell it for the record.

13 THE INTERPRETER: Larry D'Arrigo.

14 MS. DILLON: And spell it for me.

15 THE INTERPRETER: L-A-R-R-Y, D apostrophe
16 A-R-R-I-G-O.

17 MS. DILLON: Thank you.

18 MR. RENDO: Mr. D'Arrigo, are you the owner
19 of the property in question?

20 THE INTERPRETER: Yes.

21 MR. RENDO: And could you explain to the
22 Board what happened, if anything, on May -- in
23 May of 2014?

24 THE INTERPRETER: There was a fire at the
25 corner of my house. And it extended to my house.

1 MR. RENDO: Did the fire completely destroy
2 your house?

3 THE INTERPRETER: Yes. It did.

4 MR. RENDO: And what are you requesting of
5 the Board today?

6 THE INTERPRETER: Okay. He's asking to the
7 Board to please allow him to rebuild his two
8 family house, because he wants to come back to
9 his old neighborhood.

10 MR. RENDO: Did you try to purchase the
11 adjacent lots?

12 THE INTERPRETER: Yes.

13 MR. RENDO: And what happened?

14 THE INTERPRETER: They didn't want to sell
15 because they want to rebuild.

16 MR. RENDO: Okay. I have no further
17 questions.

18 VICE CHAIRMAN GRULLON: I have a question
19 for Mr. D'Arrigo.

20 Mr. D'Arrigo, how long did you own that
21 property?

22 THE INTERPRETER: For 11 years.

23 VICE CHAIRMAN GRULLON: You have any
24 question for Mr. D'Arrigo?

25 MR. BONACCI: I have a question.

1 Originally, I remember the same area being
2 proposed by a Mr. Laguna. And they wanted to
3 rebuild, but in the same spot, exactly the same
4 way that it is.

5 I believe you said that it had burned. He
6 just wanted to build it up the same way it was.

7 Are we talking about the same property
8 here?

9 MR. BLANCO: It's the same block that the
10 property --

11 MS. DILLON: Can you just come forward to
12 the microphone, please?

13 MR. BLANCO: I -- I represented that
14 client.

15 MR. BONACCI: Yeah.

16 MR. BLANCO: It was 201. It's on the
17 corner. It's actually a multi-family, five unit
18 building, with a commercial front. The fire
19 spread.

20 That was the only five family. Everyone
21 else was a two family.

22 MR. BONACCI: Okay. So the other one was
23 201 and this one is --

24 MR. BLANCO: 207.

25 MS. GUTIERREZ: 207.

1 MR. BONACCI: 207. Okay. Same block.

2 MR. BLANCO: Yes. So in this situation,
3 you see how this is bigger.

4 MR. BONACCI: That's Laguna's.

5 MR. RENDO: That's A-1.

6 Right?

7 MR. BLANCO: 201.

8 MR. BONACCI: Okay.

9 MR. BLANCO: 203, 205 and 207, which is in
10 question.

11 MR. BONACCI: Gotcha.

12 MR. BLANCO: 209 and 211. Mr. Izquierdo
13 has represented 211 --

14 MR. IZQUIERDO: And 209.

15 MR. BLANCO: -- and 209.

16 MR. IZQUIERDO: And so has Mr. Rendo.

17 MR. BLANCO: Right. And they are similar
18 in nature of a two family.

19 MR. IZQUIERDO: Yes.

20 MR. BLANCO: So everyone next to him is --
21 in fact, everyone is rebuilding at this point, as
22 far as I know.

23 MR. BONACCI: So, we're going to be hearing
24 more cases from the people of the same block.

25 MR. BLANCO: You have already heard one.

1 MR. IZQUIERDO: No. That was before the
2 Planning Board, because there was site --

3 MR. BLANCO: I'm sorry.

4 MR. IZQUIERDO: -- plan approval required,
5 because it constituted one or more lots, with a
6 similar intention.

7 MR. BLANCO: Right.

8 MR. IZQUIERDO: Even though there was no
9 unity of title.

10 MR. BLANCO: Previous application came
11 forth under the Planning Board.

12 MR. IZQUIERDO: Yes.

13 MR. BLANCO: I don't know the nature or the
14 details of that one. My understanding it's just
15 a similar two family.

16 VICE CHAIRMAN GRULLON: Thank you for the
17 clarification.

18 MS. GUTIERREZ: Thank you.

19 VICE CHAIRMAN GRULLON: Any other question?
20 Only for Mr. D'Arrigo for now.

21 MR. ORTIZ: No.

22 VICE CHAIRMAN GRULLON: Okay. Thank you,
23 Mr. D'Arrigo.

24 Thank you.

25 MS. GUTIERREZ: Thank you.

1 MR. RENDO: That concludes my testimony
2 today.

3 VICE CHAIRMAN GRULLON: Okay.

4 First, I want to go over the site plans
5 again. Maybe the -- the architect could answer
6 the question.

7 This -- you're proposing a two family --
8 two family house. And all the units, they're
9 going to be duplex units?

10 MR. BLANCO: Yeah. First two floors is one
11 unit.

12 (Whereupon, there was a pause in the
13 proceedings while wireless microphone was
14 adjusted.)

15 MS. DILLON: Jose has to stick to
16 architecture.

17 MR. BLANCO: Did you get that on the
18 record?

19 Going back to AR-1, again, the first two
20 floors are one unit. The second two, which
21 understand that the attic is not a full floor,
22 but it does have space to accommodate two
23 bedrooms. That floor and the third floor are one
24 unit.

25 So, originally --

1 VICE CHAIRMAN GRULLON: Do you know --

2 MR. BLANCO: Sorry not to --

3 VICE CHAIRMAN GRULLON: Do you know the
4 square footage of --

5 MR. BLANCO: We have it broken down in your
6 zoning chart, which is in front of you, that Mr.
7 Izquierdo had submitted.

8 The ground floor is approximately 752
9 square feet. Second and third are both 752, and
10 the attic is 564.

11 Understand it was similar in nature of the
12 previous dwelling, two family, the way it was
13 stacked.

14 VICE CHAIRMAN GRULLON: Thank you.

15 I don't have any more question for the
16 architect.

17 Do you have question for the architect?

18 Again, Mr. Izquierdo, the side -- the side
19 yards. You're proposing zero side yards in both
20 sides, south and north?

21 MR. IZQUIERDO: Yes.

22 VICE CHAIRMAN GRULLON: Do we have any
23 approvals on the other -- of the other lot
24 adjacent to the property?

25 MR. IZQUIERDO: The Planning Board approved

1 209 and 211. And those two applications, which
2 were also represented by Mr. Rendo's office, had
3 a front yard parking, and they were similar
4 houses.

5 VICE CHAIRMAN GRULLON: Similar --

6 MR. IZQUIERDO: The front yard was a little
7 different on that house.

8 VICE CHAIRMAN GRULLON: I mean, the side
9 yards. Are they similar?

10 MR. IZQUIERDO: The -- the side yards are
11 zero because it comes to a matter of common
12 sense. The lot is 16 feet. The applicants have
13 to build a one foot wall here, and another one
14 foot wall here.

15 Why do they have to do that? Because every
16 applicant is coming independently. They're not
17 coming together.

18 The only ones that came together, and
19 that's why jurisdiction was before the Planning
20 Board, was 209 and 211, and with no unity of
21 title.

22 So, once you have the wall here and the
23 wall here, if you leave three feet, you have no
24 space inside the house. And if you leave any
25 less, it's just to collect all the garbage in the

1 -- in the Hudson County area.

2 So, you're going to have a one foot block
3 wall, together with a one foot block wall. And
4 that is going to guarantee -- quote, unquote --
5 that these houses are not going to burn again,
6 because the reason that these houses burnt is
7 because all the attics were connected. So, once
8 the fire started, like Mr. D'Arrigo indicated, at
9 201 in the corner, in Mr. Laguna's property, it
10 all spread. It took like wildfire.

11 I was present when the -- when that -- I
12 was actually in the neighborhood.

13 MR. BLANCO: They all shared a common wall
14 --

15 MR. IZQUIERDO: Yeah, they had a party
16 wall. Now, there are not going to be any party
17 walls.

18 MR. RENDO: Independent walls, in other
19 words.

20 MR. IZQUIERDO: They're going to be
21 independent walls, with the offset footings. So,
22 basically, you can demolish one house and the
23 other one is going to stay.

24 That wasn't doable back then.

25 VICE CHAIRMAN GRULLON: They're not going

1 to be attached one to the other?

2 MR. IZQUIERDO: No. They're -- no, they're
3 -- there will be a -- about a quarter of an inch
4 space between those block walls.

5 VICE CHAIRMAN GRULLON: I don't have any
6 more question.

7 Do you have any question for the planner?

8 MR. BONACCI: I don't have a question for
9 the planner, but I just have question for members
10 of the Board.

11 When Mr. Laguna came in here to get
12 approval on 201, for whatever reason, we couldn't
13 grant him approval on 201. And he, basically,
14 just wanted to put up the same structure that he
15 had originally.

16 And since 209 and 211 have already been
17 approved, and 207 is asking for approval, as
18 well, it's pretty clear that the neighborhood
19 wants to rebuild, move on with their lives,
20 because nobody asked for the fire in the first
21 place.

22 We have people living on that block that
23 have been there for over 20 years, nine years,
24 ten years, 14 years, whatever.

25 So you know, myself, personally, I can only

1 | say, and speak on -- you know, behalf of myself,
2 | I think it's in the best interest of the
3 | community to allow them to rebuild, because they
4 | want to stay here in Union City, and they just
5 | want what they had in the first place.

6 | So, I just -- I'm confused why 201 wasn't
7 | approved.

8 | VICE CHAIRMAN GRULLON: No. Thank you, Mr.
9 | Bonacci, for your comment.

10 | But I -- I just want to say for the record
11 | that this application is stand on its own. And
12 | we only listen to the application that we have in
13 | front.

14 | My question before, asking you for the side
15 | yards, was just to do a comparison to see. And
16 | we don't take any -- whether we deny or -- or
17 | grant any application, we don't consider that,
18 | but the application that we have in front of us.

19 | MR. IZQUIERDO: Just -- just realize that
20 | the Zoning Board is not voting on the use.

21 | The two family house is an allowed use.
22 | There is a hardship here because of the size of
23 | the lot. And there was an original house of two
24 | families.

25 | But we're not going back on the

1 grandfather. That was specifically disallowed in
2 the -- in the case in Motley that I -- that I
3 quoted.

4 What we're saying is that the applicant
5 wants to reconstruct the two family house,
6 because that was the -- the fabric of the
7 neighborhood.

8 And actually, having a -- a one family
9 house -- you have one apartment that is 1504, you
10 have the other apartment which is 1200 -- 1316.

11 If you have all of that being a one family
12 house, what would you have? A 4,000 square foot
13 house?

14 So, the -- the neighborhood wants to come
15 back.

16 VICE CHAIRMAN GRULLON: Thank you, Mr.
17 Izquierdo.

18 Do you have --

19 MR. ORTIZ: Yeah.

20 Mr. Izquierdo, I see that on the attic
21 floor plans, you have --

22 MR. IZQUIERDO: I'm not the architect.

23 MR. RENDO: Mr. Blanco?

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

1 MR. ORTIZ: I see that you have a balcony
2 on the attic proposed plan.

3 How big is that -- the part in the back?

4 MR. BLANCO: About six and a half feet in
5 width.

6 MR. RENDO: You going to have to testify
7 from here.

8 MR. BLANCO: Six and a half feet by the
9 width of the property. And that's both front and
10 back.

11 MR. ORTIZ: Okay.

12 MR. BLANCO: Definition is, if you take
13 over the entire, becomes an actual story. It's
14 not a story.

15 MR. ORTIZ: And how about the one on the
16 front?

17 MR. BLANCO: Same.

18 MR. ORTIZ: Same?

19 All right.

20 Thank you.

21 MR. BLANCO: And we just -- you know, took
22 advantage of the views, so we turned it into a
23 balcony, instead of just leaving it windows.

24 VICE CHAIRMAN GRULLON: Thank you, Mr.
25 Blanco.

1 MR. ORTIZ: Thank you.

2 VICE CHAIRMAN GRULLON: Okay.

3 At this time, I'm going to open it to the
4 public.

5 Any member of the public want to step
6 forward, this application?

7 MS. DILLON: Mr. Price, please raise your
8 right hand.

9 Do you affirm the --

10 MR. PRICE: Didn't -- didn't you --

11 MS. DILLON: -- testimony you're about to
12 give this Board --

13 MR. PRICE: You swore me --

14 MS. DILLON: -- is the whole truth?

15 MR. PRICE: -- in already, didn't you?

16 MS. DILLON: Did I?

17 MR. PRICE: Yeah.

18 MS. DILLON: No. You just asked a
19 question.

20 MR. PRICE: Oh, okay. Very good.

21 MS. DILLON: So, did you accept the oath?

22 MR. PRICE: I did. Yeah. I did.

23 MS. DILLON: Thank you.

24 MR. PRICE: Larry Price.

25 By the way, I'm going to want to ask some

1 questions of Mr. Blanco.

2 No, no. Of -- of the owner.

3 MR. RENDO: Oh, of the owner, okay.

4 MR. PRICE: But later.

5 Okay. Well, I -- later.

6 MR. RENDO: Oh, later. Okay.

7 MR. PRICE: Yeah.

8 First of Mr. Blanco, okay.

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

11 MR. PRICE: Okay. By your definition, this
12 is a three story building.

13 Correct?

14 MR. BLANCO: That's correct.

15 MR. PRICE: Okay. This building does
16 contain an attic.

17 MR. BLANCO: An attic space.

18 MR. PRICE: Okay.

19 And how much -- how much space does the
20 attic space contain?

21 MR. BLANCO: It's less than 75 percent. I
22 don't have the zoning in front of me, but I
23 believe it's 462, is what I read earlier.

24 MR. PRICE: Five hundred and sixty-two.

25 MR. BLANCO: Five hundred sixty-two.

1 The previous was four stories.

2 MR. PRICE: Well, so what?

3 You're saying this is a -- this proposed
4 building is a three story building.

5 MR. BLANCO: Yes.

6 MR. PRICE: Despite the fact that it has a
7 clear floor -- fourth floor, which is the attic
8 floor.

9 MR. BLANCO: Right.

10 MR. PRICE: So, how --

11 MR. BLANCO: It's an attic floor. It's not
12 a fourth floor, it's an attic floor.

13 MR. PRICE: Okay.

14 What are you relying on?

15 MR. BLANCO: The definition of a story.

16 MR. PRICE: Okay. Fine.

17 Are you relying on the part that says --
18 whatever.

19 Okay. An attic having when within its
20 space, possible floor area with headroom of seven
21 feet six inches or greater, over 75 percent or
22 more of the story directly beneath shall be
23 considered a story.

24 MR. BLANCO: Right.

25 MR. PRICE: So, you're saying it's less

1 | than 75 percent, therefore it can't be considered
2 | a story.

3 | MR. BLANCO: That's correct, sir.

4 | MR. PRICE: Okay. May I invite your
5 | attention to the next definition, which is a half
6 | story.

7 | MR. BLANCO: Um hum.

8 | MR. PRICE: Any space partially within the
9 | roof framing where the possible floor area with
10 | headroom of five feet or greater, occupies less
11 | than 60 percent of the story directly beneath.

12 | MR. BLANCO: Okay.

13 | MR. PRICE: Okay. Is this a half story?

14 | MR. BLANCO: Not necessarily.

15 | MR. PRICE: Why not?

16 | MR. BLANCO: Because it's still less than
17 | 75 percent.

18 | MR. PRICE: Fine. That's the definition.
19 | It says when it's less than 60 percent or more,
20 | it's a half story.

21 | MR. BLANCO: Um hum.

22 | MR. PRICE: Isn't the attic a half story?

23 | MR. BLANCO: It depends on how you describe
24 | the half story of the attic.

25 | So, it's kind of a Catch-22 definition.

1 I -- are you indicating that it's a half a
2 story or it's an attic?

3 MR. PRICE: Well, I'm saying --

4 MR. BLANCO: Is that your point?

5 MR. PRICE: -- isn't that what the
6 definition indicates?

7 MR. BLANCO: I'm explaining to you what the
8 definition of a story is.

9 MR. PRICE: I'm -- I've moved on. I'm
10 talking about a half story.

11 MR. BLANCO: Okay.

12 MR. PRICE: Which is the follow on
13 definition. Isn't this a half story?

14 MR. BLANCO: If it's more than -- if it's
15 -- 60 percent. We are 44 percent.

16 MR. PRICE: Of the lot area, but we're
17 talking about the floor below. You said 72
18 percent before.

19 MR. BLANCO: No, I didn't say 72, you did.

20 You said that number. That number didn't
21 come out of my mouth. I said it's less than 75
22 percent. That's all I said.

23 MR. PRICE: Okay. I'll check the
24 transcript later. Okay. Let's move on.

25 MR. BLANCO: Okay.

1 MR. PRICE: We're talking about a half
2 story.

3 MR. BLANCO: Right.

4 MR. PRICE: Isn't this a half story?

5 MR. BLANCO: I would have to do more of a
6 calculation, but at this point, we didn't
7 consider it a half story. We considered it an
8 attic space.

9 MR. PRICE: If it meets the definition of a
10 half story, this is a three and a half story
11 building.

12 Correct?

13 MR. BLANCO: If it meets the definition,
14 yes, but we are indicating that --

15 MR. PRICE: That's all you need to say.
16 Just -- yes, okay.

17 And that would exceed the three story
18 limit, which is in the Land Development
19 Ordinance.

20 Correct?

21 MR. BLANCO: Right.

22 MR. PRICE: Okay. Okay.

23 Next, Mr. Izquierdo?

24 MR. IZQUIERDO: Yes.

25 MR. PRICE: Okay. Okay.

1 MR. IZQUIERDO: Yes.

2 MR. PRICE: The prior building, or the
3 proposed building, would you call those
4 conforming structures?

5 MR. IZQUIERDO: No.

6 MR. PRICE: Fine. Fine. That's it.
7 Okay. Next.

8 MR. IZQUIERDO: That's why we're here.

9 MR. PRICE: Okay. Next.
10 This is 207 New York Avenue.

11 MR. IZQUIERDO: Correct.

12 MR. PRICE: Okay?
13 What discussions took place; 207, 209 and
14 205?

15 MR. RENDO: I would object to that because
16 it's not before the Board.

17 MR. IZQUIERDO: Oh, I have no idea. I
18 wasn't present --

19 MR. PRICE: He testified as to the --

20 MR. IZQUIERDO: No.

21 MR. PRICE: -- negotiate --

22 MR. RENDO: We're dealing with 207.

23 MR. IZQUIERDO: No. I --

24 MR. PRICE: Correct.

25 MR. RENDO: Okay.

1 MR. IZQUIERDO: What I testified was that
2 the lady that owns 209, she said before the
3 Planning Board, and part of the testimony that
4 she had approached the man from 207, and he had
5 refused to sell.

6 MR. PRICE: Oh, I see.

7 MR. IZQUIERDO: Right.

8 MR. PRICE: Okay.

9 MR. IZQUIERDO: That's what I said, I -- I
10 think, verbatim.

11 MR. PRICE: Okay. So, it's a collateral
12 testimony. It's from another case. No.

13 MR. IZQUIERDO: From another Board. That,
14 too.

15 MR. PRICE: Yeah. That, too. Okay.

16 Okay. So, as far as you know, there were
17 no -- no negotiations between 207 and 205 and
18 209?

19 MR. IZQUIERDO: No. The only thing that I
20 indicated in my testimony is that the applicant
21 has to show, as a threshold question, because he
22 has an affirmative duty of showing that there's
23 no available land for sale, so that he can
24 mitigate the undersize of the lot.

25 The lot is nonconforming. It was

1 conforming -- it was not -- it's nonconforming.
2 So, he has an affirmative duty, and the -- the
3 counselor asked the applicant the questions.

4 MR. PRICE: By the way, you said, is there
5 any land for sale?

6 Isn't the test really is whether purchase
7 or sale is feasible?

8 MR. RENDO: Available.

9 MR. PRICE: Feasible.

10 MR. IZQUIERDO: It says --

11 MR. PRICE: The question is directed --

12 MR. IZQUIERDO: I believe that
13 municipalities now offer two options to
14 developers who wish to develop nonconforming
15 lots, both of which they must explore before
16 receiving the variance.

17 One. They must attempt to buy land, when
18 available, that when combined with their lot,
19 would bring the resultant lot into or closer to
20 conformity.

21 Or, two. They must also attempt to sell
22 their land to the owners of neighboring lots, so
23 that the lots would merge, and the offending
24 tract would be eliminated outright.

25 And that is from Harrington Glen versus

1 Municipal Board of Adjustment of Leonia, 1968.

2 It's an Appellate case.

3 MR. PRICE: Yes. And no, it's a Supreme
4 Court case.

5 MR. IZQUIERDO: Show you the citation.
6 Hold on.

7 No, let's clarify it. Might as well.
8 We're here.

9 Yes. It is a -- it is a Supreme Court
10 case.

11 MR. PRICE: Okay. Okay. I -- yeah.

12 Can you hear all of us with --

13 MS. DILLON: I'm going to have to position
14 you and make sure that I can. Okay?

15 MR. IZQUIERDO: I do not want this anymore.

16 MS. DILLON: You don't have to have it.

17 MR. IZQUIERDO: Thank you.

18 MS. DILLON: Just come forward.

19 MS. TORRES: Sure.

20 MS. DILLON: I need you in front of the
21 microphone. Mr. D'Arrigo over here. And you're
22 going to keep your voice up.

23 Okay?

24 MR. PRICE: Very good. And --

25 MS. DILLON: Go ahead.

1 Keep your voice up. Don't mumble.

2 MR. PRICE: Okay. Okay.

3 Mr. D'Arrigo?

4 (Whereupon, Christina Torres interpreted
5 English to Spanish and Spanish to English for
6 Larry D'Arrigo.)

7 MS. TORRES: D'Arrigo.

8 MR. PRICE: D'Arrigo.

9 Did you make any attempt to buy property
10 from the vacant lot at 209 New York Avenue or the
11 vacant lot at 205 New York Avenue?

12 MS. TORRES: 209 and?

13 MR. PRICE: 209 and 205.

14 THE INTERPRETER: Yes.

15 MR. PRICE: He did.

16 MS. TORRES: He did.

17 MR. PRICE: Okay.

18 What was the response?

19 THE INTERPRETER: They would not sell
20 because they want to build.

21 MR. PRICE: Okay.

22 Did he make a dollar offer? A financial
23 offer to both owners?

24 MR. RENDO: I think the testimony was that
25 he offered to purchase the property. The amount

1 of the dollar offers is irrelevant to this
2 proceeding.

3 MR. PRICE: It's a matter of consideration.
4 I'll give you the court cases later.

5 Dollar amounts are --

6 VICE CHAIRMAN GRULLON: But he has -- Mr.
7 Price, his answer is that he -- he propose --

8 MR. PRICE: He has to tell me --

9 VICE CHAIRMAN GRULLON: -- he requested to
10 buy it.

11 MR. PRICE: -- the amounts. The amounts
12 that he offered, if any. If he -- if it was just
13 a general discussion and no dollar amount was --
14 then he has to state that, as well.

15 It's -- that's a matter of consideration.

16 THE INTERPRETER: He asked them if they
17 were willing to sell. And they told him no.

18 Then, he asked them if they were willing to
19 negotiate, if they were willing to negotiate an
20 amount. And they told him no.

21 MR. PRICE: Okay. But the question still
22 is, did he make a dollar offer to either 209 or
23 211 -- or 205?

24 THE INTERPRETER: No. No, (Spanish was
25 spoken). There was no proposal.

1 MS. TORRES: Sorry.

2 MR. PRICE: There was no dollar proposal.

3 THE INTERPRETER: No dollar proposal.

4 MR. PRICE: Okay. Very good. Okay.

5 Did he offer to sell either to 209 New York
6 Avenue or to 205 New York Avenue?

7 THE INTERPRETER: No.

8 MR. PRICE: He did not make an offer to
9 sell. Okay.

10 THE INTERPRETER: He didn't.

11 MR. PRICE: Thank you.

12 MS. TORRES: Okay.

13 VICE CHAIRMAN GRULLON: Thank you, Mr.
14 Price.

15 MS. GUTIERREZ: Thank you.

16 MR. PRICE: I'll just make one -- one last
17 comment to the Board.

18 I'll make two comments.

19 First of all, Section 68 of the MLUL, which
20 basically talks about partial destruction -- he
21 gives -- gives owners with nonconforming
22 properties the right to build -- right to
23 restore, as they say, in the event of -- of
24 partial destruction. Okay. Total construction
25 -- that goes by.

1 Okay. And nine -- 68 -- a lot of emphasis
2 has been put on the fact that, well, what they're
3 restoring is a two family use, and a two family
4 use is a permitted use. Okay.

5 Section 68 says any nonconforming use or
6 structure. And the prior structure was a
7 nonconforming structure and the proposed
8 structure is a nonconforming structure.

9 So, there is no right to restore.

10 The other comment that I would make is one
11 that I made to the Planning Board, with little
12 effect, but the truth of the matter is, if you
13 allow these buildings to be restored, it -- you
14 know, it looks like, oh, we don't want to be bad
15 guys, and these people want to rebuild, and they
16 were burned out.

17 Okay. I'll tell you what. In 20 years,
18 none of those people are likely to be there, but
19 the buildings will be. And they'll be there for
20 a hundred years.

21 And you're -- you know, you approve these
22 applications, you're going to allow nonconforming
23 structures in Union City for the next hundred
24 years.

25 I know it's tough doing your duty

1 sometimes, but I think that's the requirement.

2 VICE CHAIRMAN GRULLON: Thank you for your
3 comment, Mr. Price.

4 MS. GUTIERREZ: Thank you.

5 VICE CHAIRMAN GRULLON: Mr. Izquierdo,
6 could you come forward, please?

7 I just need -- need some clarification on
8 this.

9 How many stories has been proposed here?
10 Whether it's a three -- two, three? You -- you
11 have an attic, you have a half floor, and I just
12 want to clarify that for the Board.

13 MR. IZQUIERDO: I believe that there's a
14 contradiction in the definitions that the
15 Ordinance shows.

16 The definition of story and the definition
17 of half story contradict each other, because the
18 story -- it says that an attic, when it has seven
19 feet or six inches, shall -- shall be considered
20 a story, but it -- if not, then it's not
21 considered a story.

22 So, this is not considered a story. I
23 think the half story is in a different sort of
24 design.

25 So, in this case, the applicant -- my

1 opinion is that the applicable definition is that
2 this is an attic. And as an attic, it -- since
3 it's less than 75 percent, it does not constitute
4 a story. So, the definition would be three.

5 In a different design, where the possible
6 floor area with headroom of five feet or greater
7 -- I am five feet six and three quarters of an
8 inch. That is a half story. For whom? I don't
9 know.

10 So, I believe that there's a -- there's a
11 contradiction in the definition, and this is not
12 a story.

13 That is my opinion.

14 I don't know if counselor agrees with my --

15 MR. RENDO: Sounds good to me.

16 MR. PANEQUE: Mr. Izquierdo, did you have
17 an opportunity to review the recommendations from
18 Mr. Spatz?

19 MR. IZQUIERDO: No, I have not seen them.

20 MR. PANEQUE: Okay.

21 Do you want to take a second and look at
22 them?

23 MR. IZQUIERDO: Yes. I would love to see
24 them.

25 MR. PANEQUE: Okay. Specifically call your

1 attention to number 10.

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

4 MR. IZQUIERDO: I do not agree with -- with
5 Mr. Spatz. This is not a four story building.

6 Actually, Mr. Spatz is saying -- he's
7 referring to the Residential Site Improvement
8 Standards and the one, two family houses are not
9 within the purview of the Residential Site
10 Improvement Standards.

11 So, I disagree with 10. I disagree with
12 11. I agree with 8, with 9. I agree with 7,
13 with 6.

14 I don't agree with 5, because our -- our
15 stair encroaches onto two -- two feet and six
16 inches. So, we need a front yard setback.

17 I agree with 4.

18 I agree with 3.

19 I agree with 1 and 2.

20 VICE CHAIRMAN GRULLON: Thank you, Mr.
21 Izquierdo.

22 MR. IZQUIERDO: Actually, what Mr. Spatz
23 refers to in 10, in answer to your question,
24 being 36 feet, ten inches being less than ten
25 percent, what he's saying is that we have a

1 height variance, being a C variance, not being a
2 D-6, because he's quoting the -- the structure as
3 being 36.10.

4 MR. PRICE: Larry Price.

5 Just one last question.

6 Can -- correct? You are not requesting or
7 applying for a D-1 variance, a D-1 use variance.

8 MR. IZQUIERDO: D-1 use variance?
9 Absolutely not.

10 MR. PRICE: Okay. Very good.

11 Thank you.

12 MR. PANEQUE: And there's no application
13 for a height variance either, because you're
14 under the 40 feet.

15 MR. IZQUIERDO: Correct.

16 MR. PANEQUE: Okay.

17 MR. IZQUIERDO: Correct.

18 MR. PANEQUE: There's no application on the
19 story variance, either, because it's your
20 position that it's three stories.

21 MR. IZQUIERDO: Three stories, because of
22 the definition of attic in page 25, of story.

23 VICE CHAIRMAN GRULLON: Okay.

24 Thank you, Mr. Izquierdo.

25 Any other member of the public want to step

1 forward on this application?

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

4 VICE CHAIRMAN GRULLON: Counselor, I have
5 question that only Mr. Spatz can answer for me,
6 and I'm sure more member of the Board also has
7 questions.

8 What I want to do at this time is adjourn
9 the application for a future -- to our next
10 meeting, that we can have Mr. Spatz present, that
11 we can ask questions.

12 Is that okay?

13 MR. RENDO: Okay.

14 VICE CHAIRMAN GRULLON: Okay.

15 MR. RENDO: Fine, Your Honor -- not Your
16 Honor, Mr. Chairman.

17 MR. PANEQUE: Is that going to be for next
18 week or the following --

19 VICE CHAIRMAN GRULLON: It's going to be
20 okay for next week, or do you want to bring --
21 you know, the following meeting? Regular
22 meeting?

23 MR. RENDO: For next week, to come back?

24 THE SECRETARY: Is --

25 MR. PANEQUE: We have a meeting --

1 THE SECRETARY: We're packed.

2 VICE CHAIRMAN GRULLON: Oh, we're packed?

3 Okay. No. That's not.

4 THE SECRETARY: We have a --

5 VICE CHAIRMAN GRULLON: It will be November
6 12.

7 MR. RENDO: Okay.

8 VICE CHAIRMAN GRULLON: November 12. It
9 will be November 12 meeting.

10 And I'm sure we have --

11 MR. RENDO: Sure.

12 VICE CHAIRMAN GRULLON: We have Mr. Spatz
13 here.

14 MR. RENDO: Should be a quick meeting.

15 MS. GUTIERREZ: Yeah.

16 MR. RENDO: Yes.

17 THE SECRETARY: All right.

18 Motion to --

19 VICE CHAIRMAN GRULLON: I make a motion to
20 adjourn --

21 THE SECRETARY: -- adjourn the application

22 --

23 VICE CHAIRMAN GRULLON: -- it to November
24 12.

25 THE SECRETARY: -- by Vice Chairman Victor

1 Grullon.

2 Second by --

3 MS. GUTIERREZ: And I'm seconding.

4 THE SECRETARY: -- Margarita Gutierrez.

5 Roll call on the motion.

6 Victor Grullon?

7 VICE CHAIRMAN GRULLON: Yes, to adjourn.

8 THE SECRETARY: Margarita Gutierrez?

9 MS. GUTIERREZ: Yes, to adjourn.

10 THE SECRETARY: Miguel Ortiz?

11 MR. ORTIZ: Yes.

12 THE SECRETARY: Harlenny -- Harlenny

13 Javier?

14 Everybody can vote.

15 MR. PANEQUE: Everybody can --

16 MS. JAVIER: Yes.

17 MR. PANEQUE: -- vote on this application,

18 because this was --

19 THE SECRETARY: Khaled Dardir?

20 MR. PANEQUE: -- just heard.

21 MR. DARDIR: For adjournment, right?

22 VICE CHAIRMAN GRULLON: Yeah.

23 THE SECRETARY: Yeah.

24 VICE CHAIRMAN GRULLON: Adjournment.

25 MR. DARDIR: Yes.

1 THE SECRETARY: Joseph Bonacci?

2 MR. BONACCI: Yes.

3 THE SECRETARY: Peter Doumas?

4 MR. DOUMAS: Yes.

5 THE SECRETARY: Motion carries. Seven in
6 favor. No further notice required. Next meeting
7 November 12, --

8 MR. RENDO: Just for the record --

9 THE SECRETARY: -- 2015.

10 MR. RENDO: -- the architect will not be
11 available on the 12th. I don't believe we will
12 need the testimony of the architect.

13 Mr. Izquierdo will be available.

14 VICE CHAIRMAN GRULLON: The planner will be
15 --

16 MR. IZQUIERDO: Yes. Yes. I will be here.

17 MR. RENDO: That will be acceptable?

18 Okay.

19 VICE CHAIRMAN GRULLON: If anyone has
20 questions for the architect now --

21 MR. RENDO: Yeah.

22 VICE CHAIRMAN GRULLON: -- any member of
23 the public?

24 No. Okay.

25 MR. RENDO: No. No questions for the

1 architect, so I will -- I would release him from
2 the next meeting.

3 Thank you.

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

6 MR. RENDO: Counsel, no further -- no
7 further mailings required?

8 MR. PANEQUE: Correct.

9 VICE CHAIRMAN GRULLON: No further notice.

10 MR. RENDO: Thank you.

11 MR. PANEQUE: Thank you, Mr. Rendo.

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

14 * * *

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1 **2000 West Street, LLC, A/K/A 526 Monastery Place,**
2 **2000 West Street:**

3

4 THE SECRETARY: Okay.

5 Let's go back in business, please.

6 Next application on tonight's agenda, 2000
7 West Street, LLC, A/K/A 526 Monastery Place, 2000
8 West Street.

9 Mr. Alvaro Alonso?

10 MR. ALONSO: Thank you, Mr. Vallejo.

11 Good evening -- good evening, Mr. Chairman,
12 members of the Board.

13 Got a little stiff neck.

14 For the record, Alvaro Alonso, Alonso
15 Navarette, on behalf of the applicant.

16 This is a bit of a unique application, and
17 I don't know if you've had one like this in quite
18 some time.

19 This is a -- a building, which is located
20 on the corner of 20th and West, and I'm sure
21 you're all probably familiar with it. It's right
22 across the street from the monastery.

23 And for many, many years, it was owned by
24 the church, and it was used for a printing
25 business, they were printing religious materials.

1 It was partially a residential building, whereas
2 the priests used to live in there.

3 My client has purchased the building. So,
4 we're not contract purchasers. We already bought
5 the property.

6 My client has one of the top recording
7 studios in New Jersey. He's located in Hoboken.

8 Unfortunately, during Sandy, he was flooded
9 out, and he had a lot of issues. So, he's
10 looking to relocate his business. So, he went
11 and he purchased this building.

12 Essentially, this building is going to be
13 an arts related type of use. It's a commercial
14 use, and we call it a mixed use building,
15 commercial and residential. But mostly, the
16 commercial is going to be the recording studio
17 and accessory type uses there, as well as a dance
18 studio.

19 And the apartments, or the residential
20 units that are there, we're reconfiguring them.

21 Probably for about a year, may -- you know,
22 no more than two years, we're going to rent those
23 out as -- you know, we can.

24 But ultimately, they'll transition. And
25 they're going to be a residential component,

1 | which is accessory to the recording studio.

2 | My clients going to testify, he's going to
3 | tell you some of the stars that -- that record in
4 | his studios.

5 | And what they do is, they don't live in the
6 | area, so they'll fly into Newark. They'll take a
7 | cab into the studio. Sometimes they need to stay
8 | over.

9 | And basically, it's part of the service
10 | that he provides with the studio. And they'll
11 | just sleep there for a day or two days, while
12 | they're doing the recording.

13 | He'll tell you some of the stars are
14 | Beyonce, and that -- that level of artist.

15 | So, with that said, I'm going to have -- I
16 | have several witnesses tonight.

17 | We have Rob Grenoble, who is he principal,
18 | one of the owners of the -- of the property, and
19 | -- and the studio.

20 | We have Albert Arencibia, who is our
21 | architect.

22 | We have Justin Taylor, our traffic
23 | engineer.

24 | We have Dave Karlebach, who is our licensed
25 | planner.

1 We also have -- my understanding, it is a
2 neighbor who lives across the street, there's
3 also another neighbor next door, who also owns a
4 studio. One of the other top studios in -- in
5 the State of New Jersey, so you have a comparison
6 as to what it would be like, should this
7 application be approved.

8 So, with that said, I'm going to call Rob.

9 MR. PANEQUE: Mr. Alonso, before we
10 proceed, I just want to make sure we are clear on
11 one issue.

12 This matter is listed tonight as a
13 continuation. You were here on September 10.

14 MR. ALONSO: Correct.

15 MR. PANEQUE: And on that date, you just
16 presented the proof of mailings and publication.
17 There were no witnesses presented on that night.

18 MR. ALONSO: That's correct.

19 MR. PANEQUE: Correct?

20 MR. ALONSO: No evidence was presented.

21 MR. PANEQUE: All right. So, we're
22 starting with the witnesses as of tonight.

23 For members of the Board, that means that
24 every member sitting here tonight is privy to
25 hearing the application as if it was coming as a

1 new application, even though it's a continuation.

2 All right.

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

5 MS. DILLON: Sir, please raise your right
6 hand.

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

9 MR. GRENOBLE: Yes.

10 MS. DILLON: Could you state your name and
11 spell it for the record?

12 MR. GRENOBLE: Rob, R-O-B, Grenoble,
13 G-R-E-N-O-B-L-E.

14 MS. DILLON: G-R-E-N --

15 MR. GRENOBLE: O-B-L-E. French.

16 MS. DILLON: Thank you.

17 MR. ALONSO: Rob, what is your relationship
18 to the applicant?

19 MR. GRENOBLE: I'm one -- I'm the president
20 of the company that is the recording studio.

21 MR. ALONSO: Okay. And you purchased the
22 building already. You closed --

23 MR. GRENOBLE: Yes.

24 MR. ALONSO: -- on it.

25 MR. GRENOBLE: Yes.

1 MR. ALONSO: And currently, you have a
2 recording studio, which you use.

3 MR. GRENOBLE: Yes.

4 MR. ALONSO: And where is that located?

5 MR. GRENOBLE: In Hoboken.

6 MR. ALONSO: Okay.

7 And where exactly in Hoboken is it located?

8 MR. GRENOBLE: Tenth and Madison. We're
9 right across from the Shop-Rite.

10 MR. ALONSO: Okay.

11 And is that a residential area?

12 MR. GRENOBLE: Yes.

13 MR. ALONSO: You're adjacent to residential
14 buildings?

15 MR. GRENOBLE: All around us.

16 MR. ALONSO: Okay.

17 And have you had any problems, in terms of
18 noise complaints, or anything?

19 MR. GRENOBLE: Never.

20 MR. ALONSO: Okay.

21 And is it your intention, then, to move the
22 studio to the building --

23 MR. GRENOBLE: Yes.

24 MR. ALONSO: -- that we're proposing?

25 Can you tell us a little bit about your --

1 | your company, recording studio?

2 | MR. GRENOBLE: We started out as an indie
3 | rock studio and we grew, and now we record the
4 | greatest jazz musicians, pop -- I've got a
5 | picture of Shakira -- her music. Placido
6 | Domingo. All sorts of -- all sorts of people.

7 | MR. ALONSO: Allman --

8 | MR. GRENOBLE: Whoever needs to be
9 | recorded.

10 | MR. ALONSO: Allman Brothers.

11 | MR. GRENOBLE: Allman Brothers band, Dave
12 | Matthews band, Sonic Youth, Esperanza Spalding.
13 | We do a lot of jazz.

14 | MR. ALONSO: Okay.

15 | MR. GRENOBLE: Super high end jazz.

16 | MR. ALONSO: Did you also record a local
17 | Union City --

18 | MR. GRENOBLE: Shall I pass them around or
19 | --

20 | Shakira, who is unbelievably beautiful in
21 | person. As a person and as a --

22 | MR. ARENCIBIA: Thank you, Rob.

23 | MR. ALONSO: Now, in my introduction, I was
24 | talking about this residential component --

25 | MR. GRENOBLE: Um hum.

1 MR. ALONSO: -- which will be, ultimately,
2 an accessory use.

3 MR. GRENOBLE: Right.

4 MR. ALONSO: We want to maintain it first
5 for --

6 MR. GRENOBLE: Residential.

7 MR. ALONSO: -- maintain it --

8 MR. GRENOBLE: Yeah.

9 MR. ALONSO: -- residential.

10 MR. GRENOBLE: Yeah.

11 MR. ALONSO: And you have certain people
12 who plan on occupying those spaces.

13 MR. GRENOBLE: Right. They're part of our
14 -- part of all the groups of artists who are
15 coming into the building.

16 MR. ALONSO: Right. And they would be
17 living there --

18 MR. GRENOBLE: Right.

19 MR. ALONSO: -- until you're able to
20 transition fully.

21 MR. GRENOBLE: Right.

22 MR. ALONSO: How long do you think it will
23 take you to transition from the Hoboken studio,
24 up to the Union City, if this is approved?

25 MR. GRENOBLE: Given construction drawings,

1 and construction, and permits, one year to two
2 years. Two and a half years.

3 MR. ALONSO: Okay.

4 MR. GRENOBLE: In that neighborhood.

5 MR. ALONSO: So, during that time, your
6 employees and people associated with you, will be
7 living there.

8 MR. GRENOBLE: Right.

9 MR. ALONSO: Okay. And ultimately, it will
10 be transitioned to an accessory use --

11 MR. GRENOBLE: Right.

12 MR. ALONSO: -- where the artists would
13 live there.

14 MR. GRENOBLE: Right.

15 MR. ALONSO: No. Not live there, they
16 would stay there.

17 MR. GRENOBLE: Right. And we do that now.

18 MR. ALONSO: And that's part --

19 MR. GRENOBLE: We're residential now.

20 MR. ALONSO: -- of the service that you
21 provide.

22 MR. GRENOBLE: Yes.

23 MR. ALONSO: Okay.

24 So, like what type of artist stay in
25 Hoboken, in your residential component?

1 MR. GRENOBLE: All kinds.

2 MR. ALONSO: Okay. And why would stay
3 there?

4 MR. GRENOBLE: Because they're from out of
5 town. And the producer loves it, because then
6 they're never late.

7 MR. ALONSO: Okay.

8 MR. GRENOBLE: They're not waiting for
9 someone to get there, because they can knock on
10 their door and say, we're ready to go.

11 MR. ALONSO: Okay.

12 And currently, how many employees do you
13 have at the studio?

14 MR. GRENOBLE: I have one employee per
15 studio. And some of our studios are leased for
16 long periods of time, others run -- it's a
17 different project everyday.

18 So, I have one main guy in the -- and then,
19 we use other freelance people to fill in and --

20 MR. ALONSO: Okay.

21 And when you're recording, approximately
22 how many people do you need to be present for
23 purposes of the recording?

24 MR. GRENOBLE: Most recording sessions use
25 one to two people. They're not -- they're not

1 big events.

2 When you're doing basic tracks you have a
3 drummer, a bass player, maybe a guitar player.
4 You'll have the whole band there, and then as
5 soon as you're done with basics, they want to go
6 home and see their families, because these are
7 people that spend their life on the road.

8 MR. ALONSO: Okay.

9 MR. GRENOBLE: So, if they're from out of
10 town, as soon as the drums are done, the drummer
11 goes back to New Zealand.

12 MR. ALONSO: Okay.

13 Now, with respect to the -- the
14 soundproofing, because that's always going to be
15 a big issue --

16 MR. GRENOBLE: Yeah.

17 MR. ALONSO: -- for the residents, as well
18 as this Board, who ultimately --

19 MR. GRENOBLE: Um hum.

20 MR. ALONSO: -- if they approve it, what
21 type of -- or how do you soundproof the studio
22 today?

23 MR. GRENOBLE: It's very expensive. The --
24 the whole studio is floated on isolators. So,
25 the floor, the ceiling, the walls are all

1 floated. It's a box inside a box.

2 The purpose, actually, is not for our
3 neighbors. The purpose is to keep our neighbors
4 out of our microphones.

5 MR. ALONSO: Okay.

6 MR. GRENOBLE: It's self-defense.

7 MR. ALONSO: So -- so it's in your best
8 interest, as well as the neighbors' --

9 MR. GRENOBLE: Absolutely.

10 MR. ALONSO: -- best interest.

11 MR. GRENOBLE: Yeah. Yeah.

12 MR. ALONSO: Okay.

13 MR. GRENOBLE: We've never had a noise
14 complaint.

15 MR. ALONSO: Okay.

16 And in terms of the community, how -- do
17 you work with the community?

18 MR. GRENOBLE: Yeah. A lot.

19 MR. ALONSO: And how do you work with the
20 community.

21 MR. GRENOBLE: Most -- well, we do all
22 sorts of things. We do summer camps for kids.
23 We record any school that asks for free.

24 I brought a bunch of pictures of kids
25 recording. Unbelievably cute. This is --

1 | actually most of the pictures I have are all the
2 | kids that we record.

3 | MR. ALONSO: Okay.

4 | And those are --

5 | MR. GRENOBLE: We do that a lot.

6 | MR. ALONSO: -- the kids from the Hoboken
7 | -- in the school system?

8 | MR. GRENOBLE: Yeah, but not just Hoboken.
9 | We do Weehawken. I don't think we've done Union
10 | City, but Montclair, Englewood. They come from
11 | all over.

12 | MR. ALONSO: Okay. And you provide free
13 | studio time --

14 | MR. GRENOBLE: Yeah.

15 | MR. ALONSO: -- for them.

16 | MR. GRENOBLE: Yeah. We record them for
17 | free.

18 | MR. ALONSO: Okay.

19 | And any awards for your company?

20 | MR. GRENOBLE: Oh, many. We've won many
21 | Grammys, an Emmy.

22 | MR. ALONSO: Okay.

23 | Was there one from Union City, I think you
24 | told me?

25 | MR. GRENOBLE: Manuel -- yeah, Manuel

1 Valera, who's a Union City native.

2 He was nominated. We thought he was going
3 to get it, but he didn't.

4 MR. ALONSO: Okay.

5 MR. GRENOBLE: Cuban American pianist.
6 Incredible talent.

7 MR. ALONSO: Okay. And -- and he recorded
8 in your studio?

9 MR. GRENOBLE: Yeah.

10 MR. ALONSO: Okay. And --

11 MR. GRENOBLE: I think I paid for most of
12 that first record.

13 He's -- he's on a roll now.

14 MR. ALONSO: Yeah. Good.

15 MR. GRENOBLE: Yeah.

16 MR. ALONSO: And are you -- do you also
17 speak in your industry?

18 MR. GRENOBLE: I try not to, but I am
19 speaking at the Union City Film Festival on the
20 22nd.

21 MR. ALONSO: Okay. That's at the William
22 V. Musto Cultural Center.

23 MR. GRENOBLE: Yeah.

24 MR. ALONSO: Okay.

25 MR. GRENOBLE: I -- I'm not good at public

1 speaking, but I'll do it.

2 MR. ALONSO: Now, during my -- my openings,
3 I indicated to the Board that this is going to be
4 an in arts type of a --

5 MR. GRENOBLE: Yes.

6 MR. ALONSO: -- building.

7 MR. GRENOBLE: That's what we do.

8 MR. ALONSO: And there's already multiple
9 floors that exist.

10 MR. GRENOBLE: Um hum.

11 MR. ALONSO: You have the -- the lower
12 level, which is not really a basement, but it's a
13 lower level.

14 MR. GRENOBLE: It's the first floor. Yeah.

15 MR. ALONSO: And then you have a second
16 floor and a third floor existing.

17 MR. GRENOBLE: Which is the residential
18 component. Right.

19 MR. ALONSO: Okay.

20 And part of this application is to add
21 another story and a half.

22 MR. GRENOBLE: Right.

23 MR. ALONSO: Okay.

24 Can you walk through the floors?

25 Ow. I've got a knot in my neck I can't

1 | believe.

2 | MR. GRENOBLE: Just exercise it.

3 | MR. ALONSO: Yeah.

4 | Can you walk through the floors and just
5 | tell us, more or less, how you plan on using the
6 | building?

7 | MR. GRENOBLE: The first floor will
8 | probably be our smaller studios, writing
9 | workshops, studio B, studio C, where you don't
10 | need a lot of space.

11 | The second floor will be, for us, would be
12 | administrative, storage, things like that.

13 | And if we're allowed to build on the third
14 | floor, that will be our big room studio, I
15 | brought a picture of that, which needs a high
16 | ceiling. And our mastering studios. That's here
17 | somewhere.

18 | MR. ALONSO: Now, when you say a big room
19 | studio, is that important in your industry?

20 | MR. GRENOBLE: It's important to what we
21 | do. Yeah. It's a big part of what we do,
22 | because we do -- we do a lot of film scoring.

23 | Here's what the big room looks like. This
24 | is a panoramic shot, but you get the idea. I've
25 | got another picture of it. It has a really high

1 ceiling.

2 MR. ALONSO: Okay.

3 Because currently, the ceilings are -- are
4 approximately --

5 MR. GRENOBLE: Nine feet.

6 MR. ALONSO: Nine feet.

7 Right?

8 MR. GRENOBLE: Yeah. That -- that's tough
9 for -- for what I do.

10 MR. ALONSO: For -- for your studios.

11 MR. GRENOBLE: Yeah.

12 MR. ALONSO: So, the reason -- the
13 justification for the additional story and a half
14 is in order to --

15 MR. GRENOBLE: Air.

16 MR. ALONSO: -- accommodate that.

17 MR. GRENOBLE: Air.

18 MR. ALONSO: Okay.

19 Now, you currently have, it's about 32,000
20 square feet currently.

21 MR. GRENOBLE: Um hum.

22 MR. ALONSO: And then you'll add to the
23 volume --

24 MR. GRENOBLE: Right.

25 MR. ALONSO: -- with the additional floors.

1 MR. GRENOBLE: Right.

2 MR. ALONSO: Can you tell us, basically,
3 the types of uses that are going to be there?

4 I know you talked -- there's studios --

5 MR. GRENOBLE: We're music and film. We do
6 a lot of film work. We also do some theater
7 work.

8 There are theater companies that need
9 space.

10 We have a stained glass -- top stained
11 glass artist in the state. He wants to come.

12 Technical people. We're getting a lot of
13 calls from painters, people like that.

14 MR. ALONSO: Okay.

15 And a lot of them, although they're not
16 part of your company --

17 MR. GRENOBLE: Right.

18 MR. ALONSO: -- you all work -- you're all
19 interrelated.

20 MR. GRENOBLE: Yeah.

21 MR. ALONSO: Okay.

22 MR. GRENOBLE: Yeah.

23 MR. ALONSO: And typically, these other
24 entities that will be in there, do you know,
25 generally, how many employees they have?

1 MR. GRENOBLE: Very few.

2 MR. ALONSO: Okay.

3 MR. GRENOBLE: Because they're -- they're
4 thousand square feet, 500 to a thousand square
5 feet, one person, maybe two working. There's --
6 these are small businesses.

7 MR. ALONSO: And it's all part of the arts,
8 again.

9 MR. GRENOBLE: Yeah. All arts.

10 MR. ALONSO: Technology.

11 MR. GRENOBLE: All related to us. Yeah.
12 We don't actually know how to fix our equipment,
13 so we have to have someone fix it.

14 MR. ALONSO: Okay.

15 Now, there's a dance studio that currently
16 occupies the second floor --

17 MR. GRENOBLE: Um hum.

18 MR. ALONSO: -- or the first floor, if
19 you're looking from --

20 MR. GRENOBLE: The Monastery.

21 MR. ALONSO: -- from West Street.

22 MR. GRENOBLE: Yeah. Oh, yeah. Yeah.

23 MR. ALONSO: The -- can you tell us
24 something about the -- the dance studio?

25 MR. GRENOBLE: She is an award winning

1 teacher.

2 MR. ALONSO: Okay.

3 And she's here tonight, if the Board has
4 any questions.

5 MR. GRENOBLE: Yeah. Yeah.

6 MR. ALONSO: Is that correct?

7 MR. GRENOBLE: Yeah.

8 MR. ALONSO: Okay. And --

9 MR. GRENOBLE: Yeah.

10 MR. ALONSO: -- how does it work with the
11 -- with the children there at the studio? How
12 does -- operationally, is it a big space? Is it
13 a small space?

14 MR. GRENOBLE: She has three stages.
15 Josefina has an interesting angle. She doesn't
16 want parents to hang around, because then she'd
17 have to rent space to have a lounge, and she
18 doesn't want to pay for the square footage. So,
19 the parents drop their kids off. They come back
20 an hour late, and pick them up.

21 MR. ALONSO: Okay. So --

22 MR. GRENOBLE: It's really fun to see.

23 MR. ALONSO: So, you really don't need to
24 provide the -- the parking because they're not
25 parking --

1 MR. GRENOBLE: She doesn't --

2 MR. ALONSO: -- to stay --

3 MR. GRENOBLE: -- want to do that.

4 MR. ALONSO: It's just drop off --

5 MR. GRENOBLE: Doesn't want to pay for it,
6 and doesn't see the need to -- to do that.

7 MR. ALONSO: Right.

8 MR. GRENOBLE: Yeah.

9 MR. ALONSO: And drop off and pick up.

10 MR. GRENOBLE: Drop off and pick up.

11 MR. ALONSO: Okay.

12 And I believe that's all the questions I
13 had for you at this time.

14 MR. GRENOBLE: Okay.

15 MR. ALONSO: I don't know, if the -- I
16 think the Board wants to defer until after all
17 the witnesses --

18 VICE CHAIRMAN GRULLON: Yes. Yes.

19 MR. ALONSO: -- are completed.

20 VICE CHAIRMAN GRULLON: Complete your
21 witnesses.

22 MR. ALONSO: So, was there anything else
23 that you needed to -- to add at this time?

24 MR. GRENOBLE: No. In fact, we're
25 absolutely thrilled to be coming to Union City.

1 MR. ALONSO: Okay.

2 MR. GRENOBLE: We got really hammered in --
3 in Sandy and -- and we just can't go through that
4 again.

5 MR. ALONSO: One thing.

6 Your next door neighbor --

7 MR. GRENOBLE: Yes.

8 MR. ALONSO: Okay? What does your next
9 door neighbor do?

10 MR. GRENOBLE: He's -- he's the other top
11 recording studio in New Jersey.

12 MR. ALONSO: Okay. And --

13 MR. GRENOBLE: He's -- he's a direct
14 competitor and a good friend.

15 MR. ALONSO: And -- and he's also here in
16 the audience.

17 MR. GRENOBLE: Yeah. Music is very -- it's
18 a -- it's a -- and I don't mean this in a good
19 way or bad way, but it's a club. You know, we
20 all -- we stick together. We look out for each
21 other, and --

22 MR. ALONSO: All right. But he's here in
23 the audience, in case the Board members have any
24 questions --

25 MR. GRENOBLE: Right.

1 MR. ALONSO: -- in terms of the operation
2 of his business.

3 Our understanding is he's been there for
4 about 15 years?

5 MR. GRENOBLE: Um hum.

6 MR. ALONSO: Okay.

7 Are you aware of any complaints, any noise
8 complaints, or any parking complaints --

9 MR. GRENOBLE: I don't --

10 MR. ALONSO: -- related to --

11 MR. GRENOBLE: -- believe there have ever
12 been one.

13 MR. ALONSO: -- to his business?

14 MR. GRENOBLE: Um hum.

15 MR. ALONSO: Okay.

16 And, basically, whatever you have in
17 Hoboken, is going to come to Union City.

18 MR. GRENOBLE: We're just going to take it
19 and move it.

20 MR. ALONSO: So, we're not --

21 MR. GRENOBLE: Improve it a little bit.

22 MR. ALONSO: Right. We're not speculating
23 --

24 MR. GRENOBLE: We've learned a lot.

25 MR. ALONSO: Yeah. We're not speculating,

1 in terms of the number of employees --

2 MR. GRENOBLE: No.

3 MR. ALONSO: -- about the sound, that we
4 hope that there's no noise.

5 MR. GRENOBLE: No. It will be --

6 MR. ALONSO: This is something that's --

7 MR. GRENOBLE: It has to be soundproof.

8 MR. ALONSO: And this is proven already for
9 -- based on your experience.

10 MR. GRENOBLE: Yeah.

11 MR. ALONSO: Okay.

12 With that said, I have no further questions
13 of Mr. Grenoble, so I'll call Albert Arencibia.

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

16 MR. ALONSO: I'm going to ask you just --
17 the pictures that you showed --

18 MR. GRENOBLE: Yeah.

19 MR. ALONSO: -- just pull them out.

20 MR. GRENOBLE: I'll pull them out.

21 MR. ALONSO: Give them to me. I'll mark
22 them.

23 MR. GRENOBLE: Okay.

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

1 MS. DILLON: Please raise your right hand.

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

4 MR. ARENCIBIA: I do.

5 MS. DILLON: Please state your name and
6 spell it for the record.

7 MR. ARENCIBIA: Albert Arencibia,
8 A-R-E-N-C-I-B-I-A.

9 MS. DILLON: Thank you.

10 MR. ALONSO: Mr. Chairman, Mr. Arencibia
11 has been before this Board for many, many years.
12 I would ask that his qualifications be accepted
13 in the area of architecture.

14 VICE CHAIRMAN GRULLON: Yes. It's our
15 pleasure, Mr. Arencibia.

16 MR. ARENCIBIA: Thank you very much. Good
17 to see all of you again.

18 MR. ALONSO: Many, many years he was here.
19 Getting old.

20 Your firm was -- was hired by Mr.
21 Grenoble's company in order to do some site plan
22 work, and some architectural work in connection
23 with this proposed project.

24 Is that correct?

25 MR. ARENCIBIA: That is correct. Yes.

1 MR. ALONSO: And you've had an opportunity
2 to walk through the whole building, and you're
3 very familiar with it.

4 Is that correct?

5 MR. ARENCIBIA: Yes. That's correct.

6 MR. ALONSO: Okay. So, I'm going to ask
7 you to just let the Board know, what's the
8 existing conditions and what's the proposal?

9 MR. ARENCIBIA: Okay. Well, presently,
10 right now, the buildings are empty, with the
11 exception of the dance studio.

12 But they were used for offices. But it
13 was, as you could see on the actual pictures that
14 we have on T-100, I believe everybody has,
15 there's two actual structures. There were two
16 buildings built at separate times.

17 There was a building that was done,
18 probably, back in the '20s, which is a very
19 classical style building, with brick arches. The
20 whole building is covered in brick; huge, large
21 windows.

22 So, it's a very beautiful, center, balanced
23 building, with an entrance off of Monastery
24 Place.

25 And, of course, there was a religious -- a

1 religious space, so that they had -- of course,
2 they have a cross on the very top, they also have
3 a cross -- the Jesus Christ in a semi-arched area
4 above the entrance.

5 But it's a very beautiful ornate building,
6 which actually wraps around onto West Street
7 again.

8 And what they did was they did a really
9 interesting thing. Back -- back in, I believe,
10 in the '50s, they added an addition to the actual
11 building itself.

12 And they actually pulled it off really
13 nicely, because the new building is actually very
14 modern looking. It has a large section where
15 they actually placed the new elevator for the
16 space and the stairs, they have above the area.
17 We also have the glass block, again throwing
18 light into the new -- into the new space that
19 they had.

20 And if you notice on -- on the West Street
21 elevation, and also along the interior elevation
22 in the alleyway, you see these large expanses of
23 glass, basically reminiscent of an old -- old
24 arts building back in -- you know, the '30s and
25 '40s, in Germany, called Bauhaus. And there was

1 | like a lot of arts -- artists that would go in
2 | there.

3 | So, it's really a beautiful combination of
4 | the blending of the old and the new.

5 | And what we have is the existing old
6 | structure is a three story building. And the new
7 | is only two story building.

8 | So, part of the application that we have in
9 | here is to try and develop one story above the
10 | three story building, and then two stories above
11 | the two story building of -- of the space, in
12 | order creating a full four floors on the entire
13 | building itself.

14 | MR. ALONSO: Now, before you leave that
15 | page, on the lower left hand side, you see the
16 | front façade of the -- the main entrance to the
17 | original building, which is on 20th Street.

18 | Correct?

19 | MR. ARENCIBIA: That's correct.

20 | MR. ALONSO: And there is --

21 | MR. ARENCIBIA: Monastery.

22 | MR. ALONSO: -- some cherry trees and--

23 | MR. ARENCIBIA: I think it's 19th or --
24 | well, it's called Monastery Place.

25 | MR. ALONSO: Right. Monastery Place. I

1 think it's 20th, or Monastery Place are --

2 MR. ARENCIBIA: Right. Okay.

3 MR. ALONSO: -- interchangeable.

4 There's some cherry trees and some
5 shrubbery and some grass area.

6 MR. ARENCIBIA: Yes.

7 MR. ALONSO: Is that going to remain, or is
8 that going to be removed?

9 MR. ARENCIBIA: Yes. No, we're basically
10 keeping the footprint that we have of the
11 building. We're never encroaching beyond the
12 footprint at all. We're actually going within
13 the footprint.

14 And part of -- you know, the design --
15 because it's actually a beautiful structure. The
16 old building, the way it's framed out, with this
17 nice yard in the front and this beautiful iron
18 gate -- you know, with an arched entrance, it's a
19 really beautiful frontage, and that's one of the
20 things that's -- I'm really excited about this
21 project because you know, Rob really wanted to
22 keep all these elements. He didn't want to touch
23 them or disturb them at all.

24 I mean, so I -- I was really excited about
25 that because as an architect, when you see a

1 nice, beautiful building, you want to try and
2 maintain it. And sometimes, you don't get the
3 opportunity.

4 But this is a situation where we're
5 actually able to do that and the client really
6 wants to do that and maintain that.

7 MR. ALONSO: Okay.

8 MR. ARENCIBIA: So, again, with respect to
9 the building, it was an office building. It had
10 -- and it has also a residential component.

11 Apparently, what they had -- this is the
12 survey, I'll just skip through the survey.

13 MR. ALONSO: Just identify the sheet.

14 MR. ARENCIBIA: This is Sheet A-100.

15 What this depicts is the first floor plan,
16 the proposed first floor plan, and the second
17 floor plan.

18 What -- what it is right now, it was an
19 office space that had -- it was like a publishing
20 company that would do like a lot of religious
21 booklets. So, that's basically the main function
22 of the actual main office space, with the
23 exception of the area where the third floor,
24 where it actually had the -- the residences for
25 the actual priests.

1 So, there are actually open spaces. Each
2 priest, they would have like one open space, with
3 each individual room for their own bathroom.

4 So, you would have four bedrooms and
5 bathrooms off of one open space. So, the whole
6 thing will be actually eight -- excuse me.

7 And so, what we're doing right now, we're
8 going to reconfigure the eight unit bedrooms into
9 two four bedroom units.

10 So, again, we're basically going to use the
11 same bathrooms, the same living spaces that's
12 there, the same bedrooms that are there. So,
13 we're not going to alter that.

14 It was just a way to communicate the actual
15 spaces within.

16 But for the new proposed use, what we're
17 proposing on having is we're going to have the
18 entrance -- the elevator entrance, that's going
19 to be the main entrance to the building.

20 So, you come off the outside, and what you
21 have on the ground floor, off of -- the first
22 floor is actually almost -- okay -- the first
23 floor of the existing building, fronting
24 Monastery, you actually step -- you got to step
25 down into, so it's like half a flight below.

1 But again, you're going to have some
2 mechanical spaces in there. You're also going to
3 have a transcript company that's going to be
4 there again. Sort of like a publishing company
5 again. And an additional space for tenants.

6 Again, as Rob's indicating, another studio
7 -- a couple studio space -- spaces, with the
8 control rooms for the studios, as well.

9 And you go up to the second floor level,
10 you're going to have additional tenant spaces.

11 We already have the J&L Dance Studio there.
12 Proposing on having a new Femme Body Fitness.
13 It's a small, little space, only seven hundred
14 and some odd square feet.

15 But again, small little spaces and a couple
16 other tenant spaces open for -- for leasing.

17 The configuration of the space, as we talk
18 about all the existing partitions throughout the
19 existing space, we created a center spine
20 corridor, where we access and connect all of the
21 egress stairs, the elevator.

22 So, we -- basically, in this building, we
23 have three stairs. So, as far as capacity for
24 egress and safety, there's plenty of that.

25 The building is -- is fully sprinklered.

1 It will have a monitoring system for the fire
2 alarm, and so forth. So, the building will be
3 very much up to -- up-to-date.

4 One of the things that we did as a result
5 of reconfiguring the spaces above, we've actually
6 added a -- in third floor, we added an actual
7 fire escape, in order to provide an additional
8 means of -- of egress, safety for the actual
9 residential units on the -- on the side fronting
10 on Monastery.

11 But the other spaces, again, on the other
12 area spaces are going to be studio spaces.
13 Again, all of this is going to be floating, with
14 isolators, so the whole thing is going to be --
15 these space here is going to be within the
16 perimeter walls of the actual building. So, it's
17 going to be very tight and very quiet.

18 Of course, we're going to have the proper
19 facilities for toilet facilities, lunch area,
20 lounge area for the -- for the residents of the
21 space.

22 And you're also going to have -- on the
23 fourth floor, we're going to have a -- sort of an
24 office space for the general building services,
25 handling the leases, so forth and so on, with a

1 conference room, a couple of offices.

2 And again, on the fourth floor, we'll have
3 all the additional studios again.

4 So, we're roughly going to have, I think --
5 I believe it's about 13, 14 studio spaces of
6 different sizes. Some 600 square feet, 500
7 square feet, some 700, 800 square feet.

8 And so, different sizes depending on the
9 actual need for the actual studios themselves.

10 MR. ALONSO: And when you say studios,
11 obviously, not studio apartments, these are sound
12 recording studios.

13 MR. ARENCIBIA: Yes. That is correct.

14 Now, one of the things that I wanted to do,
15 because we are so -- so interested in keeping the
16 -- the design and the look of the actual
17 building, and that really injected a new -- a
18 strong element to kind of -- to fight the other
19 existing building structure, aesthetics of the
20 building, we're proposing on having the building
21 -- the addition actually set back a little bit
22 from the parapet of the wall all around.

23 So, you're not going to actually see the
24 building in one large massing at any point,
25 location, because we're actually setting it back

1 a foot or two.

2 And what we did is, we wanted to have
3 something that's going to be muted, because we
4 wanted to make sure that, again, the main bulk of
5 the architectural detailing of the existing
6 buildings and structures to really be the ones
7 that really told the story.

8 And so, we're proposing on having sort of a
9 metal panel, zinc panel, so they're going to be
10 like a -- like an off grayish light patina on the
11 perimeter of the building.

12 So, again, what happens is, that's going to
13 sort of blend into the background against the --
14 the yellowish brick work, or the actual old
15 structures. And also, the red detailing of the
16 actual framing of the windows themselves.

17 So, as you can see here, this is on the
18 western elevation. We're going to punch some
19 windows in.

20 This is not exactly. We really have to
21 determine where we're going to have some windows,
22 additional, some of the studios. Some studios do
23 not need windows, so we won't put some in there.

24 But just so the Board sees, we'll probably
25 have some windows sporadically placed in certain

1 | locations.

2 | But again, the whole idea was to sort of
3 | make the new addition kind of just blend into the
4 | background, and make the architecture of the
5 | existing structure really be strong.

6 | On the Monastery Street elevation, again,
7 | you'll see, this is the one story addition that
8 | we're doing there, as you could see. And then,
9 | we also have a little partial area of the
10 | building -- actually, building projects out a
11 | little further than the other, so in that one
12 | area, proposing on having sort of a little roof
13 | -- rooftop terrace. It's small. It's about 500
14 | square feet.

15 | And that rooftop terrace will be accessed
16 | from the general building office areas.

17 | MR. ALONSO: Okay.

18 | And do you have any proposed parking spaces
19 | on the site, on your plans?

20 | MR. ARENCIBIA: No. We're going to use
21 | existing parking that we have already on 20 -- on
22 | westerly.

23 | And again, we do not want to put additional
24 | parking on Monastery, because we want to keep all
25 | that nice beautiful landscaped area in the front.

1 MR. ALONSO: Mr. Chairman, I have no
2 further questions of Mr. Arencibia.

3 So, I call Mr. Taylor.

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

6 MS. DILLON: Mr. Taylor, please raise your
7 right hand.

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

10 MR. TAYLOR: I do.

11 MS. DILLON: If you could please state your
12 name and spell it for the record.

13 MR. TAYLOR: Justin Taylor, T-A-Y-L-O-R.

14 MS. DILLON: Thank you.

15 MR. ALONSO: Mr. Taylor, where are you
16 currently employed?

17 MR. TAYLOR: I'm a principal in the firm of
18 Dynamic Traffic.

19 MR. ALONSO: Okay.

20 And can you please review your professional
21 qualifications in the area of traffic
22 engineering?

23 MR. TAYLOR: Absolutely.

24 I'm a licensed engineer in the State of New
25 Jersey. I'm also a professional traffic

1 operations engineer, certified by the Institute
2 of Transportation Engineers.

3 I've been practicing traffic planning for
4 approximately the last 15 years. And I've
5 testified at dozens of boards throughout the
6 State of New Jersey, both on this side and on
7 behalf of boards.

8 VICE CHAIRMAN GRULLON: We accept your
9 qualifications.

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

11 Was your firm prepared -- hired to prepare
12 a traffic engineering report?

13 MR. TAYLOR: Yes.

14 MR. ALONSO: Okay.

15 And what was the scope of the report that
16 you prepared?

17 MR. TAYLOR: It was our task to take a look
18 at both the traffic generated by this use, and
19 its impact on surrounding roadways, as well as to
20 determine whether or not the parking that is
21 proposed, and the parking variance that we're
22 requesting is approval by the Board without any
23 detriment to the surrounding network.

24 MR. ALONSO: Okay.

25 And can you please review your analysis

1 with the Board?

2 MR. TAYLOR: Yes. We can start with the
3 traffic.

4 What we did was go out and take a look at
5 what the traffic that's currently on West Street.
6 What we find is, during the busy peak hour in the
7 evening, you have a car about every 25 seconds.
8 About 150 cars during that hour.

9 You've heard testimony from the applicant
10 that the type of use that he's got is actually
11 really a low generator. There isn't something
12 really within the Institute of Transportation
13 Engineers that really fits this type of mold.

14 But based on what he's testified, and the
15 way he operates it in Hoboken, what we're looking
16 at is a really low generator. We're talking 30
17 cars, maybe, in the busiest peak hour, as
18 employees come in, and then throughout the day,
19 you're going to have people being dropped off.

20 The studio is going to be there for half a
21 day. The artist is late. The flight's delayed.
22 Whatever -- whatever it is, we're not talking
23 about a 30,000 square foot office building, in a
24 typical sense.

25 So, what we find is the impact of the

1 | roadways, from a traffic standpoint, will be
2 | nominal. We're really not looking at any
3 | detrimental impact from the additional traffic of
4 | this use.

5 | The other thing we looked at was the
6 | parking, and we are requesting a rather sizable
7 | parking variance.

8 | When you apply the Ordinance requirements
9 | for the office, we're talking about 122 parking
10 | spaces that would be required for this building.

11 | But that's not really -- there's nothing
12 | again within the Ordinance that applies to a
13 | recording studio.

14 | When we take a look at the studios that we
15 | have, the 15 studios that are proposed, the dance
16 | teacher that's going to have one student and a
17 | parent coming in and dropping off, the -- they
18 | have a -- a transcript tenant that is actually
19 | only requesting five parking spaces in their
20 | lease.

21 | What we come to is this type of use, as
22 | proposed, even with the addition, is anywhere
23 | between 40 and 50 cars, we anticipate, for -- for
24 | the use.

25 | And I've heard testimony that there are 13

1 existing parking spaces along West Street. There
2 are also two driveways, one on West Street and
3 one on Monastery Place that are single driveways
4 that we would anticipate to be utilized in a
5 tandem nature, and be either leased to a specific
6 tenant that could back them out, or to the artist
7 that they have a better communication with.

8 So, we come up with about 17 or 18 spaces
9 that are available on the site.

10 Now, I said, we need about 40 for that
11 whole thing. So, what we're going to look at is
12 what's available during the day in the
13 surrounding areas.

14 And we went within a two block radius, up
15 and down West Street, west to Central, east to
16 Bergenline, and conducted counts between ten a.m.
17 and two p.m. to really figure out what's
18 available during the day when this operate --
19 operation's going on.

20 And we find is you have between 55 and 60
21 spaces in that network that are available for
22 utilization for the use.

23 So, based on that, it's really my opinion
24 that the Board can feel comfortable in granting
25 the parking variance that we're asking for,

1 | because there really is sufficient parking to
2 | accommodate the use that we're proposing.

3 | So, based on those two things, from my
4 | standpoint, from a traffic standpoint, the
5 | proposed use is actually beneficial to the area,
6 | and will have no detriment if -- if approved.

7 | MR. ALONSO: And to further mitigate the 40
8 | to 50 parking spaces that you believe is actually
9 | going to be generated by this use, is that spread
10 | out throughout the day?

11 | MR. TAYLOR: That's correct.

12 | MR. ALONSO: Because this is not a typical
13 | nine to five work environment, where everybody
14 | comes in at nine o'clock and everybody leaves at
15 | five o'clock.

16 | MR. TAYLOR: That's correct.

17 | MR. ALONSO: This is, depending on your --
18 | on your schedule, recordings, engineers, may --
19 | may not even need an engineer that day, so -- but
20 | throughout the day, you probably generate between
21 | 40 to 50.

22 | MR. TAYLOR: That's correct.

23 | MR. ALONSO: Okay.

24 | And so, that further mitigates and further
25 | supports your -- your opinion.

1 MR. TAYLOR: Absolutely.

2 MR. ALONSO: Okay.

3 I have no further questions.

4 VICE CHAIRMAN GRULLON: Thank you.

5 MR. ALONSO: Okay.

6 Mr. Karlebach?

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

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

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

13 MR. KARLEBACH: I do.

14 MS. DILLON: Please state your name and
15 spell it for the record.

16 MR. KARLEBACH: David Karlebach,
17 K-A-R-L-E-B-A-C-H.

18 MS. DILLON: Thank you.

19 MR. ALONSO: Mr. Chairman, Mr. Karlebach
20 also has --

21 VICE CHAIRMAN GRULLON: Yes. Yes.

22 MR. ALONSO: -- been before this Board many
23 times --

24 VICE CHAIRMAN GRULLON: Yes. He's been in
25 front --

1 MR. ALONSO: -- in the past, so I would ask
2 that --

3 VICE CHAIRMAN GRULLON: -- of us on many
4 occasions.

5 Thank you.

6 MR. ALONSO: Thank you.

7 MR. KARLEBACH: Thank you.

8 MR. ALONSO: Mr. Karlebach, did you prepare
9 a planning analysis in connection with this
10 application?

11 MR. KARLEBACH: I have.

12 MR. ALONSO: Okay.

13 And can you please review the analysis and
14 obviously, inform the Board what are the
15 variances that are being requested, and the
16 justification for the granting of those
17 variances?

18 MR. KARLEBACH: Well, the variances that
19 are being sought is a D variance, or a use
20 variance, because mixed use development is not
21 permitted in this R zone.

22 And then, there are some C variances --
23 excuse me. There's also a D variance for the
24 height of the building, exceeding the height
25 requirement by more than ten feet, or ten

1 percent.

2 There are C variances relating to the rear
3 yard setback and the building coverage, but I
4 would submit to the Board that those are existing
5 nonconforming conditions that are proposed to be
6 continued, but not exacerbated.

7 And finally, there is the parking variance
8 that was just addressed by the previous expert.

9 So that summarizes the variances that are
10 sought.

11 Now, I have a handout that I'd like to
12 present to the Board. It's only one sheet. It's
13 what I call a bird's eye view or an aerial view
14 of the site and some of the surrounding area.

15 I'll pass this around and we could mark one
16 into evidence.

17 MR. ALONSO: Yeah. We were going to mark
18 that as A-7, because I have --

19 MS. DILLON: You don't want to mark that as
20 a package?

21 MR. ALONSO: I already marked them.

22 MS. DILLON: Oh. All right.

23 MR. ALONSO: So, yeah. I have A -- A-1
24 through A-6 here so --

25 MS. DILLON: You need to give that to me --

1 MR. ALONSO: Yes, I will.

2 MS. DILLON: -- so I can make a record of
3 it.

4 MR. ALONSO: So, actually, while Mr.
5 Karlebach is doing that, I'm going to, for the
6 record, give you A-1 through A-6, which are the
7 photographs that Mr. Grenoble testified to.

8 I'll just pass them all around.

9 MS. DILLON: Yeah. No, I will.

10 I'm just going to date them and --

11 MR. ALONSO: Sure.

12

13 (Whereupon, Photograph was received and
14 marked as Exhibit A-1.)

15

16 (Whereupon, Photograph was received and
17 marked as Exhibit A-2.)

18

19 (Whereupon, Photograph was received and
20 marked as Exhibit A-3.)

21

22 (Whereupon, Photograph was received and
23 marked as Exhibit A-4.)

24

25 (Whereupon, Photograph was received and

1 marked as Exhibit A-5.)

2

3 (Whereupon, Photograph was received and
4 marked as Exhibit A-6.)

5

6 (Whereupon, Aerial View was received and
7 marked as Exhibit A-7.)

8

9 MR. KARLEBACH: So, we're going to talk
10 about the -- the area in greater detail, but
11 basically what this photograph shows is the
12 subject property outlined in -- with a yellow
13 border. And I'll describe in greater detail some
14 of the surrounding land uses.

15 But it definitely is a nice co-mingling of
16 land uses. It's not a -- what I'd call a
17 homogenous residential neighborhood.

18 As a matter of fact, the 2009 Master Plan
19 recognizes that there are many nonconforming uses
20 within this R zone. As a matter of fact, they
21 estimate between 25 and 30 percent of uses in
22 this zone are either industrial, commercial or
23 apartment uses that are not permitted.

24 Now, in terms of the relief that's required
25 for a D variance, we look to the Medici standard.

1 We have to prove special reasons, particular
2 suitability, negative criteria.

3 So, let's talk first about the -- the use
4 variance.

5 And I believe that this -- the positive
6 criteria are satisfied because the site is
7 particularly well suited for the use.

8 And I say that because this site already
9 has a history of mixed use development. Okay?
10 It wasn't used solely for residential purposes in
11 the past. We know that it was used by the church
12 as a parsonage, that there was actually printing
13 and publishing going on in this building, and
14 probably some administrative functions, as well.

15 So, I guess what I'm saying is, we're not
16 really introducing a new wholly nonconforming use
17 into this building. It has a history of
18 nonresidential use.

19 Secondly, this site is 4.5 times the
20 minimum lot area requirement in the zone. The
21 zone only requires 5,000 square feet. And rarely
22 do you have an assemblage of land like this, in
23 this zone, that allows for a building this size.

24 It happens, but when it happens, you
25 usually have those four and five story apartment

1 buildings, not -- you know, one, two and three
2 family homes that were -- you would typically see
3 in this neighborhood.

4 So, I believe this site is certainly large
5 enough to accommodate this mixed use development,
6 where possibly you wouldn't have that with a
7 5,000 square foot lot.

8 It has its own on-site parking. We
9 mentioned that it has -- excuse me -- the prior
10 expert said it has 13 parking spaces. If you
11 approve the tandem spaces within the driveways,
12 brings it up to 18 spaces.

13 So, that's somewhat unique for this
14 neighborhood. Eighteen off-street parking
15 spaces.

16 And it's also located in a neighborhood
17 where on-street parking is available.

18 If you look at all the frontage that's
19 occupied by the church, and you consider the
20 hours during the week where that church is not in
21 use, that frees up a lot of parking on those side
22 streets.

23 And finally, it's located in an R zone,
24 where there are other mid-rise buildings of
25 similar height.

1 And if you look to your aerial photograph
2 that I presented to the Board, and you start to,
3 I guess, the right of the -- the church property,
4 you can see, along 21st Street, to the west, some
5 of those four to five story apartment buildings
6 that I'm speaking of.

7 So, for all those reasons, I think if you
8 look at all of them in concert, you could
9 conclude that, yes, this site is particularly
10 well suited for the use.

11 Additional special reasons are found by
12 advancement of the purposes of the Municipal Land
13 Use Law. Specifically, I'm going to point out
14 two of those purposes in the Land Use Law.

15 One is to promote a desirable visual
16 environment, through creative development
17 techniques and good civic designs and
18 arrangements.

19 Another purpose of the Land Use Law is to
20 encourage coordination of the various public and
21 private procedures, and activities, shaping land
22 development and to the more efficient use of
23 land.

24 So, I think both of those purposes of
25 zoning are advanced by this application, because

1 | this project retains an attractive building,
2 | which is the monastery, and it represents an
3 | efficient, adaptive reuse of this building.

4 | So, the positive criteria are met.

5 | The negative criteria are satisfied because
6 | the relief will not cause substantial detriment
7 | to the area or the zone.

8 | The record reflects, through expert
9 | testimony, this site will function safely and
10 | efficiently.

11 | The relief will not alter the established
12 | character of the area.

13 | So, let's talk a little bit about the
14 | character of the area.

15 | This neighborhood is characterized by a mix
16 | of low density and moderate density residential
17 | dwellings. As I said, there are four and a half
18 | story apartment buildings in this neighborhood.

19 | There are institutional uses. You have
20 | the large former Hudson Presbyterian Church, and
21 | its grounds. The municipal ball field is right
22 | next to the church. You have this particular
23 | site, which is also an institutional use. And
24 | you have business uses in the area, too. Along
25 | both sides of Bergenline area, within the

1 commercial neighborhood districts, you have
2 business uses. That's exactly one block away.

3 And it was mentioned, there's a recording
4 studio -- excuse me -- a recording studio
5 abutting this site to the southeast.

6 So, you do have a nice patchwork quilt of
7 low and medium density residential uses, public
8 and institutional uses, and business uses. All
9 in the general area.

10 And I don't believe that this relief will
11 impair the integrity of the two thousand -- 2009
12 Master Plan. It's actually a positive upgrade to
13 an established site.

14 So, let's talk a little bit about the 2009
15 Master Plan.

16 First of all, the plan classifies this
17 property as a church and charitable property.
18 There's one reference to existing zoning in the
19 Master Plan that says this -- I'm quoting -- it
20 says: The R -- R-MF and R-MFA zones are the only
21 residential zones that permit a limited extent of
22 commercial uses by a special exception permit.
23 However, it is shown on the map of existing land
24 use versus existing zoning, that residential
25 districts in the city contain a significant

1 number of commercial establishments. And
2 preservation of neighborhoods, thus, becomes an
3 important land use objective.

4 So, there is that recognition in the Master
5 Plan that there are commercial uses peppered
6 throughout this R zone.

7 What the Master Plan also has, are several
8 recommendations at are on point. One is to
9 encourage work and live environments, and artist
10 uses. Promoting historic preservation is a tool
11 for economic development.

12 Another Master Plan goal is to capitalize
13 on the diversity of the city as a tool for
14 economic growth by encouraging businesses that
15 recognize the diversity of the marketplace.

16 And as I said, that last Master Plan bullet
17 point relates to the fact that 25 to 30 percent
18 of land uses in this R zone are, in fact, not low
19 density residential uses.

20 So, I don't believe there's any real
21 conflict with the provisions in the 2009 Master
22 Plan.

23 Now, let's talk about the D-6 height
24 variance. That's to allow a building height of
25 47.5 feet, where only 40 feet is permitted.

1 Now, we have some guidance in that regard
2 from a court case that's called Grasso versus
3 Spring Lake -- Spring Lake Heights.

4 An exempting height variance cases from the
5 Medici proofs, Grasso draws on the principle set
6 forth in Sica, Randolph and similar cases.

7 So, we're not bound by the enhanced quality
8 of proof by Medici, when hearing and deciding
9 applications for a D-6 height variance.

10 Grasso notes that height cases may present
11 tailored special reasons. And the court said, we
12 believe that special reasons necessary to
13 establish a height variance must be tailored to
14 the purposes of imposing height restrictions in
15 the zoning ordinance.

16 And then, Grasso suggests possible proofs
17 for the granting of a height variance. And those
18 proofs would include preserving views of skyline
19 and trees, avoiding the appearance of
20 overcrowding. Taller structures might be
21 consistent with the surrounding neighborhood.
22 The structure would not offend any of the
23 purposes of the height control, and the structure
24 would not block the light, air, or view of
25 surrounding properties.

1 So, I believe that this application meets
2 the Grasso test for the following reasons.

3 Number one, the proposed building height is
4 really -- it's necessary to effectuate the uses
5 that occur on the third and fourth floors.
6 Without that additional height, you're just not
7 able to achieve these uses on the fourth floor.

8 The building will not create the appearance
9 of overcrowding. It's not going to interfere
10 with the penetration of light or air onto
11 surrounding properties. It's not going to create
12 any excessive shadowing.

13 You know, be mindful, this is only a seven
14 foot increase over what's permitted. And
15 actually, you do have -- you're utilizing the
16 existing setbacks. You're not moving any closer
17 to the property lines with this building. You're
18 not crowding the street by pulling the building
19 closer to the street.

20 I don't think that this structure is going
21 to offend any conceivable purpose of a height
22 control. This building height, and its mass, are
23 certainly consistent with other buildings in the
24 immediate neighborhood.

25 So, for those reasons, I think there is

1 sufficient planning justification for the
2 granting of the height variance.

3 Now as I said, there are -- there's also a
4 variance which is related -- I didn't mention it
5 earlier, which is the number of stories.

6 Three stories are permitted, and four
7 stories are proposed. And obviously, there's the
8 interplay between the number of stories and the
9 height that's being sought.

10 I think that all of the reasons that I just
11 suggested to the Board for granting the D-6
12 variance for height, also apply to the number of
13 stories.

14 Rear yard setback variance is required.
15 That's from Section 223-39 of the Code, to allow
16 a rear yard setback of 15.75 feet where 25 feet
17 is required.

18 And I think that's justifiable under the
19 C-1 hardship test, or the C-2 balancing test.

20 Under the C-1 standard, it's an existing
21 condition, just -- really just extending the
22 building vertically. There's no further
23 encroachment onto the property lines.

24 And under the C-2 standard, the benefits
25 outweigh the detriments because the neighboring

1 | land use is already co-existing -- co-existed
2 | with this building for a period of time.

3 | So, as planners, we don't have to imagine
4 | what would be the impacts of a building that
5 | doesn't meet the setback requirement. We're
6 | already aware of what those setback -- what those
7 | impacts might be. It's already existing.

8 | And the same thing goes with the building
9 | coverage.

10 | Again, Section 223-39, 40 percent building
11 | coverage is permitted; 60.87 percent is both
12 | existing and proposed.

13 | I still believe it's justifiable under both
14 | the C-1 and the C-2 standard.

15 | Under C-1, it's an existing condition.
16 | We're really just putting a cap over the existing
17 | building, not expanding the footprint whatsoever.

18 | And under C-2, for the same reason as I
19 | mentioned earlier, the coverage has existed,
20 | without any detriment, for several years. It's
21 | an existing nonconforming condition that's going
22 | to be continued, but not worsened.

23 | As far as the parking variance, I think
24 | that relief is justified under the flexible C
25 | balancing test.

1 There was clear evidence presented by the
2 traffic expert that there is adequate supply to
3 handle the parking demands. And that alternate
4 modes of transportation, besides the automobile,
5 are available to get to the site.

6 And finally, the benefit of efficient
7 parking outweighs any detriment. In this case,
8 the detriment would be providing additional
9 parking and paving when it's not required.

10 So, certainly, I'll -- I think that the
11 application passes all the statutory tests for
12 relief and approval is warranted.

13 MR. ALONSO: Mr. Karlebach, just a couple
14 of questions.

15 Just to clarify the height variance.

16 Clearly, the -- in terms of the number of
17 feet, we need a D-6 height variance.

18 Correct?

19 MR. KARLEBACH: Yes.

20 MR. ALONSO: Now, in terms of the number of
21 stories, being that we're proposing four where
22 three are permitted, that's actually a C
23 variance.

24 Is that correct?

25 MR. KARLEBACH: That's correct.

1 MR. ALONSO: Okay.

2 And that falls under the -- your C variance
3 analysis, where there -- on the C-2 balancing
4 test.

5 MR. KARLEBACH: Yes. Absolutely.

6 And as I said, there's a lot of interplay
7 between the variance for the building height and
8 the number of stories.

9 I -- I think the same proofs actually apply
10 to both. Even though there's a lesser standard,
11 when we talk about the number of stories that are
12 being proposed, certainly you can apply those
13 same -- the same planning rationale to that C
14 variance, as well.

15 MR. ALONSO: Okay.

16 And I'm going to ask you a question with
17 respect to the intensity of the use of the
18 building, from a planning perspective. Because
19 there's currently a 32,000 square foot building
20 that exists.

21 Correct?

22 MR. KARLEBACH: Yes.

23 MR. ALONSO: And that historically has been
24 commercial and residential.

25 Correct?

1 MR. KARLEBACH: Yes.

2 MR. ALONSO: So, we can basically use that
3 for that purpose, and it could be a much more
4 intense use if we use it for commercial purposes.

5 MR. KARLEBACH: Yes. Theoretically, you
6 could have commercial uses reoccupy that
7 building, as of right, that would be more intense
8 than what's being proposed.

9 MR. ALONSO: Right.

10 MR. KARLEBACH: Because we really don't
11 expect, or don't anticipate that all these
12 studios are going to be used simultaneously.

13 I mean, if you're pragmatic about it, it's
14 just not a likely scenario. I'm not saying it's
15 never going to happen, but sometimes we just --
16 you know, let's set aside the Zoning Ordinance
17 for a minute, and the parking requirements, and
18 look at this realistically.

19 Are you really going to occupy all these
20 studios at once? And the answer is no. Not
21 likely.

22 Just like a furniture store. You have
23 these massive furniture stores, and sometimes you
24 walk through, and you'll see one or two people in
25 this massive furniture store.

1 They still manage to stay in business.
2 They're vital, viable businesses. They just
3 don't generate that type of intensity.

4 MR. ALONSO: And in terms of the -- the
5 employees, they'll be there. And in terms of the
6 artists, they're not going to really require
7 parking, because as Mr. Grenoble testified,
8 they're either coming in from the city, or
9 they're coming in from the airport. They're
10 using Uber, or a cab, or a limousine to get
11 dropped off. And they'll stay there for however
12 many hours is necessary to -- to try to
13 accomplish the recording.

14 Is that correct?

15 MR. KARLEBACH: That's correct. They're
16 not -- they're not going to use the same mode of
17 transportation that we would expect other
18 business patrons within the city. So, it's quite
19 different. Different scenario all together.

20 MR. ALONSO: And to further -- further
21 mitigate the parking, the testimony has been that
22 the two four bedroom apartments generate a
23 certain number of parking space demand.

24 Is that correct?

25 MR. KARLEBACH: Yes.

1 MR. ALONSO: But ultimately, once the
2 studio is up and running, it's going to
3 transition as to more of an accessory use.
4 They're not -- they're not rented on a monthly
5 basis, it's basically on an as need basis, where
6 these artists who are already coming in through a
7 cab or a limo or Uber, they're going to be
8 already there. It's already accounted for.

9 So, actually, the parking demand is going
10 to be reduced.

11 Is that correct?

12 MR. KARLEBACH: Right. With mixed use
13 buildings, what we try not to do is dissect all
14 of the uses separately and assign a parking
15 requirement to them, because we know that they
16 just don't operate in that fashion.

17 You always have this shared component with
18 mixed use buildings. In this case, you know, the
19 studios certainly relate to the accessory
20 apartments.

21 MR. ALONSO: Mr. Chairman, I have nothing
22 further from Mr. Karlebach.

23 VICE CHAIRMAN GRULLON: Do you have any
24 other expert?

25 MR. ALONSO: I do not have any other

1 witnesses that I intend to call.

2 I know there's some residents here,
3 neighbors that are going to be speaking. But in
4 terms of my application, I've presented my
5 witnesses.

6 VICE CHAIRMAN GRULLON: Let's -- let's
7 start off with question for the -- for your
8 witness.

9 MR. ALONSO: Sure.

10 VICE CHAIRMAN GRULLON: First, I would like
11 to bring the owner of the property.

12 MR. ALONSO: Mr. Grenoble?

13 MS. DILLON: If you just stand right in
14 front of that mic --

15 MR. GRENOBLE: Okay.

16 MS. DILLON: -- that's fine.

17 Thank you.

18 VICE CHAIRMAN GRULLON: Mr. Grenoble?

19 MR. GRENOBLE: Yes.

20 VICE CHAIRMAN GRULLON: Could you explain,
21 more in detail, the use of the building? I mean,
22 the studio. The hours of operation and what's
23 the intention, what's the target clientele?

24 MR. GRENOBLE: Sure. It's -- it's a little
25 hard to describe because we do different things

1 every day.

2 But for example, one studio might be used
3 just for writing. One of the people I work with
4 is -- Jon Altino is his name, and he writes with
5 Wyclef Jean, from the Fugees. And they get
6 together with a piano. Just two people alone in
7 a room. They have a -- they have a song on
8 Justin Bieber's new record. They have a song on
9 Mary J. Blige's new record.

10 They're -- these are pro song writers. And
11 they're just sort of sequestered away for three
12 or four, or six hours, whenever they decide to
13 get together. And they write and then they go
14 home.

15 That's one scenario.

16 We might be doing a jazz quartet, where
17 they'll -- and that -- that's a crazy world,
18 because they make all their money on the road.
19 So, it's -- it's wild.

20 The drummer flies in from Rio on his way to
21 Paris. And the bass player flies in from
22 Vancouver, on his way to -- it's unbelievable and
23 it's the only two days or three days that they're
24 available.

25 They show up. They play. They leave. And

1 | then, the producer sits there for a week, alone
2 | in the room, editing the tracks to put the record
3 | together. There's a lot of editing --

4 | VICE CHAIRMAN GRULLON: But my --

5 | MR. GRENOBLE: -- involved.

6 | VICE CHAIRMAN GRULLON: -- question is more
7 | like we saw the pictures -- pictures marked A-6,
8 | and there were a lot of students there.

9 | MR. GRENOBLE: Yeah. We -- we record --
10 | any school that asks us, we'll record for -- we
11 | record for free.

12 | VICE CHAIRMAN GRULLON: Okay.

13 | MR. GRENOBLE: And that's actually most of
14 | the pictures that I have is -- is those -- that
15 | -- that was the Hoboken Charter School, and I
16 | think there -- I think that was the pictures that
17 | you had.

18 | Yeah. They do a music summer camp, and we
19 | record it at the end of their camp.

20 | VICE CHAIRMAN GRULLON: Okay.

21 | Thank you. Thank you.

22 | Do you have any question for the applicant?

23 | MR. DARDIR: I have a question.

24 | So, the first floor is mixed office use for

25 | --

1 MR. GRENOBLE: Yeah. And studios.

2 MR. DARDIR: For you.

3 MR. GRENOBLE: Yeah.

4 MR. DARDIR: That will be --

5 MR. GRENOBLE: And -- and some tenants.

6 MR. DARDIR: Some tenants, as in other
7 businesses?

8 MR. GRENOBLE: Yeah. There's another
9 business that's going to be on the first floor.

10 MR. DARDIR: Is this multiple business, or
11 just one other one or --

12 MR. GRENOBLE: Just one.

13 MR. DARDIR: Just one? So, this --

14 MR. GRENOBLE: And I'm -- I'm all the rest.

15 MR. DARDIR: Okay.

16 MR. GRENOBLE: Yeah.

17 MR. DARDIR: And then, the residence, two
18 bedroom units -- two four bedroom units on the
19 same? On the --

20 MR. GRENOBLE: The third floor.

21 MR. DARDIR: -- first floor? Third floor?

22 MR. GRENOBLE: Third floor.

23 MR. DARDIR: And -- and the third and
24 floor, the rest will be recording.

25 MR. GRENOBLE: Will be studios. Yeah.

1 MR. DARDIR: Studios that probably won't be
2 used, all of them at the same time. Like --

3 MR. GRENOBLE: You know, it really varies.
4 But no, they -- they -- nothing runs -- I can't
5 think of a scenario in which they would all be
6 running at the same time.

7 MR. DARDIR: Okay.

8 There's about six -- how many studios? Was
9 it --

10 MR. GRENOBLE: Well, we're not sure exactly
11 how many. We're planning -- we would like to
12 have more than fewer, obviously, so we can grow.

13 MR. DARDIR: So, how many was on the -- the
14 drawings? About? I forgot.

15 VICE CHAIRMAN GRULLON: Yeah. I want to
16 see if we can bring Mr. Arencibia, he can explain
17 the site plans.

18 MR. GRENOBLE: And we're -- we're using the
19 studio -- the term studio in a very general way.

20 For example, Jon and Wyclef writing, we
21 call that --

22 MR. DARDIR: Yeah.

23 MR. GRENOBLE: -- a studio.

24 MR. DARDIR: I understand. Yes.

25 MR. GRENOBLE: Yeah. Yeah. Yeah. Yeah.

1 Albert, how many do we have on the plan?

2 MR. ARENCIBIA: Fifteen.

3 MR. GRENOBLE: Fifteen? Yeah. That's
4 good.

5 MR. DARDIR: Okay.

6 So, primarily, it's mostly you, and only a
7 small part will be someone else that will be
8 using it.

9 MR. GRENOBLE: It can be a lot of different
10 types of artists, but they come in and they
11 leave.

12 MR. DARDIR: In your -- in your property.
13 In your facility. You said there's another
14 business.

15 MR. GRENOBLE: We -- we have a couple
16 tenants.

17 MR. DARDIR: Oh, okay.

18 MR. GRENOBLE: And I have tenants with me
19 in Hoboken, who have been in -- in that building
20 for 15, 20 years. I'm going to bring them with
21 me.

22 MR. DARDIR: Okay.

23 MR. GRENOBLE: Because they don't -- they
24 don't want to get flooded either.

25 MR. DARDIR: So, they're -- they're

1 separate --

2 MR. GRENOBLE: Yeah. They're separate --

3 MR. DARDIR: -- separate companies.

4 MR. GRENOBLE: -- businesses but --

5 MR. DARDIR: Okay.

6 MR. GRENOBLE: -- we're interrelated.

7 MR. DARDIR: Okay.

8 MR. GRENOBLE: Yeah.

9 MR. DARDIR: And about how many, you think?

10 MR. GRENOBLE: Businesses?

11 MR. DARDIR: Yeah.

12 MR. GRENOBLE: We have our stained glass
13 tenant. We have two record producers. And
14 they'll use one of our studios. And we have a
15 film company.

16 MR. DARDIR: Okay. So, related to the
17 business. Okay.

18 MR. GRENOBLE: Yeah. And we -- we all work
19 together.

20 MR. DARDIR: Got it.

21 MR. GRENOBLE: As a matter of fact, we --

22 MR. ALONSO: And the proposed residential
23 tenants also work for you.

24 MR. GRENOBLE: Right.

25 MR. ALONSO: And do they have -- do they

1 have cars?

2 MR. GRENOBLE: This is a horrible thing to
3 say, but most musicians can't afford cars. You
4 know?

5 MR. ALONSO: Okay. And that helps your
6 parking.

7 MR. GRENOBLE: They -- they Uber. They
8 Uber. They love Uber.

9 MR. DARDIR: I'm done.

10 VICE CHAIRMAN GRULLON: Anybody else?
11 Can you bring Mr. Arencibia?

12 MR. ALONSO: Albert?

13 VICE CHAIRMAN GRULLON: Please.

14 MR. ALONSO: Mr. Arencibia.

15 VICE CHAIRMAN GRULLON: Mr. Arencibia?

16 MR. ARENCIBIA: Yes.

17 VICE CHAIRMAN GRULLON: The floor plan that
18 you're showing us here, could you explain --
19 explain it a little bit more like, when you say
20 tenants, what -- what do you refer by tenants?

21 MR. ARENCIBIA: Well, that would be exactly
22 what he was saying. It would be one of -- the
23 glass blowing studio, one of those -- I know -- I
24 know I think he has tenant that also repairs.

25 VICE CHAIRMAN GRULLON: Oh, all those be --

1 all those be a studio as well?

2 MR. ARENCIBIA: Yes. It's sort of like an
3 art studio. Yes. Correct.

4 But it's like not specifically his -- it's
5 not specific his studio, but they -- they share
6 --

7 VICE CHAIRMAN GRULLON: Oh, okay. I see.

8 MR. ARENCIBIA: -- the facilities. That's
9 what -- that's what those spaces would be.

10 That's what he just indicated. The glass
11 blowing studio, the film -- the film studio.
12 That would be where the tenants would be there.
13 That's what those --

14 VICE CHAIRMAN GRULLON: And the existing --
15 the existing building, are you going to be doing
16 anything to the existing building?

17 MR. ARENCIBIA: Well, we're -- inside the
18 building right now, there's all demountable
19 partitions, all that's going to be all taken out.

20 And of course, we're putting in new
21 partitions, bathrooms, all facilities, bathrooms,
22 lounge area for the spaces.

23 We're going to be upgrading, of course, all
24 the services, the elevator.

25 So, yes, we're going to upgrade all -- all

1 the --

2 VICE CHAIRMAN GRULLON: The outside of the
3 building, anything?

4 MR. ARENCIBIA: The outside, we're going
5 to, basically, just clean the building up, point
6 it and -- but we like the building.
7 Architecturally, it's a beautiful building.
8 Actually, two beautiful buildings, actually.

9 VICE CHAIRMAN GRULLON: And the new
10 proposed building, the two floors that you're
11 proposing --

12 MR. ARENCIBIA: Yes.

13 VICE CHAIRMAN GRULLON: -- what kind of
14 materials you're going to -- you're proposing to
15 use?

16 MR. ARENCIBIA: We're proposing a nice,
17 clean, like a metal panel, like a zinc panel.
18 It's a very clean, modern material, and it's kind
19 of like darkish color, like a bluish gray,
20 because we want to make sure that the actual
21 building structures that you see there, that's
22 what's really going to pop out.

23 So, we want to, basically, just mute the
24 addition, so you, basically, when you're going
25 through the -- through the streets, and you drive

1 by, you actually see the existing structures, and
2 really -- not really notice too much the addition
3 of the studios.

4 VICE CHAIRMAN GRULLON: There going to be
5 two apartments per floor?

6 MR. ARENCIBIA: The existing -- existing
7 eight bedrooms that are there are going to stay,
8 but they're going to be reconfigured into two
9 four bedrooms.

10 MR. ALONSO: Yeah. The eight bedrooms are
11 already there.

12 MR. ARENCIBIA: Correct.

13 VICE CHAIRMAN GRULLON: They're already
14 there.

15 MR. ARENCIBIA: Yes.

16 MR. ALONSO: Yeah.

17 VICE CHAIRMAN GRULLON: They're existing.

18 MR. ALONSO: They're just going to
19 repartition them to create two apartments.

20 MR. GRENOBLE: It's a little more privacy.

21 MR. ARENCIBIA: Right. Because before, all
22 the priests would be sharing the entire space.
23 So --

24 VICE CHAIRMAN GRULLON: Any questions,
25 guys, for Mr. Arencibia?

1 MR. ORTIZ: I want to ask the --

2 VICE CHAIRMAN GRULLON: Any member?

3 MR. ORTIZ: -- traffic. I want to ask one
4 question.

5 MR. ALONSO: If there's no more questions
6 for Mr. Arencibia --

7 VICE CHAIRMAN GRULLON: No.

8 MR. ALONSO: -- I think Mr. Ortiz --

9 VICE CHAIRMAN GRULLON: No. Maybe Mr.
10 Arencibia, because my last question is about
11 parking.

12 Is any way to provide more parking in that
13 -- in that lot? Because -- do you have any open
14 area that you can provide parking?

15 MR. ARENCIBIA: Well, we're proposing on
16 having some tandem parking along the drive --
17 driveway between our building and the adjacent --
18 the other sound studio building right next to us.

19 And we have parking, of course, on West
20 Street. But we did not want to encroach or --
21 you know, break up that beautiful front lawn
22 area, that's on Monastery Place.

23 So -- but we are utilizing the -- the
24 driveway and a tandem space, and as you heard the
25 testimony before, we call for 18 parking spots on

1 here.

2 And there's plenty of parking spaces on --
3 you know, on the streets.

4 One of the -- you know, good things about
5 this type of development versus another one, if
6 you go residential on this whole space, everybody
7 would be impacted at night.

8 This is a perfect, perfect application for
9 this, as, basically, the parking requirement and
10 the intensity is not going to be when you need
11 it, at night. That's -- that's really the
12 important thing.

13 MR. BONACCI: But once you have your
14 artists in there, they're staying there. They're
15 comfortable. They're working on stuff for hours.
16 When they're done, they're leaving.

17 So, it's not like it's in and out type of
18 traffic that we're talking about here.

19 MR. GRENOBLE: No. Not at all.

20 MR. BONACCI: Yeah.

21 MR. GRENOBLE: Not at all.

22 MR. BONACCI: That's why you have extra
23 rooms. Somebody --

24 MR. GRENOBLE: Other than food delivery.

25 MR. BONACCI: Yeah.

1 MR. GRENOBLE: They order a lot of food.

2 MR. ARENCIBIA: Okay.

3 MR. BONACCI: Somebody's recording for
4 hours upon end --

5 MR. GRENOBLE: They have to eat.

6 MR. BONACCI: -- and they need to crash.
7 You got a --

8 MR. GRENOBLE: Yeah.

9 MR. BONACCI: -- room for them to stay at.

10 MR. GRENOBLE: Yeah.

11 MR. ARENCIBIA: Right.

12 MR. BONACCI: Okay.

13 MR. ARENCIBIA: It's really -- it's a
14 wonderful application. I'm really excited to be
15 part of it.

16 VICE CHAIRMAN GRULLON: And you say, along
17 -- along the 19th Street side, or the 20th Street
18 side, the --

19 MR. ARENCIBIA: Is that a trick question?
20 I think it either 20th -- I think it's 20th --

21 MR. ALONSO: Twentieth.

22 MR. ARENCIBIA: -- Street.

23 Right?

24 VICE CHAIRMAN GRULLON: Twenty Street, 20
25 Street.

1 MR. GRENOBLE: Twenty. Monastery Place is
2 20th Street.

3 MR. ARENCIBIA: Twentieth? Okay. Sorry.

4 VICE CHAIRMAN GRULLON: That's where you is
5 -- if you could provide parking, you will provide
6 it there?

7 MR. ARENCIBIA: We could, but you see in
8 the -- the front of the building there, it's --

9 VICE CHAIRMAN GRULLON: Yeah, I know. I
10 see.

11 MR. GRENOBLE: It's beautiful.

12 MR. BONACCI: I'm familiar with West
13 Street. I used to live a few blocks up.

14 MR. ARENCIBIA: Okay.

15 MR. BONACCI: And I know that in the front
16 of the building, there's multiple spaces that are
17 never used already.

18 MR. ARENCIBIA: Right.

19 MR. BONACCI: Like just parking space after
20 parking space.

21 MR. ARENCIBIA: Right.

22 MR. BONACCI: I don't know whose spots they
23 are, the churches? But they're just always --

24 MR. ARENCIBIA: Right.

25 MR. BONACCI: -- not filled.

1 MR. ARENCIBIA: And you know, again, you
2 have all that expanse along --

3 MR. BONACCI: Yeah.

4 MR. ARENCIBIA: -- the Monastery, right
5 there in front, that you could use. There was
6 plenty of parking on -- as the traffic consultant
7 discussed.

8 MR. GRENOBLE: I can actually fit more cars
9 in than what is legally in there.

10 MR. ARENCIBIA: Right. That's --

11 MR. GRENOBLE: Between you and me.

12 MR. ARENCIBIA: Right.

13 MR. ALONSO: Off the record.

14 MR. GRENOBLE: Off the record.

15 MR. ALONSO: As they say.

16 MR. ARENCIBIA: Yes.

17 VICE CHAIRMAN GRULLON: And I know there
18 are some lots available in the area, maybe. I
19 mean, I don't know if they are available. But
20 did you check to see there are lots available for
21 parking?

22 MR. ALONSO: I don't believe there are any
23 lots available.

24 MR. ARENCIBIA: I don't know.

25 MR. GRENOBLE: I've been looking at the

1 | affordable housing across the street. They're
2 | not using all their parking. But that -- that
3 | might be a conversation we could have.

4 | MR. BONACCI: You guys have how many spots,
5 | approximately, there already?

6 | MR. ARENCIBIA: Fifteen.

7 | MR. BONACCI: Okay. Fifteen spots you
8 | have.

9 | MR. GRENOBLE: Plus -- plus the alley.

10 | MR. BONACCI: That's a lot of spots.

11 | MR. ARENCIBIA: Plus the alley. So we
12 | figure --

13 | MR. GRENOBLE: Yeah.

14 | MR. ARENCIBIA: -- another three, figure in
15 | the alley.

16 | And we could actually fit more.

17 | MR. GRENOBLE: Yeah.

18 | MR. ARENCIBIA: But --

19 | MR. GRENOBLE: But you can't say that
20 | legally.

21 | MR. ARENCIBIA: Right. Because you could
22 | actually -- the cars -- you know, but we're
23 | figuring nine by 18 spots. So, you could
24 | actually probably figure on maybe another six
25 | cars. But --

1 MR. GRENOBLE: And we could double them up
2 on the -- on the alley, by Randy's studio. You
3 can fit two cars.

4 MR. ARENCIBIA: Right. You could do that,
5 too.

6 MR. GRENOBLE: I know it's not legal but --

7 MR. ARENCIBIA: Right. Right.

8 MR. GRENOBLE: -- we can squeeze them in.

9 MR. ARENCIBIA: Again, it's not a really
10 intensive parking use that -- that we have here.
11 That's what I'm saying.

12 VICE CHAIRMAN GRULLON: Because you -- you
13 have eight bedrooms. I mean, eight bedrooms?

14 MR. ALONSO: Eight bedrooms.

15 MR. ARENCIBIA: Yes. Yes.

16 VICE CHAIRMAN GRULLON: Yes. How many
17 parking would that require for --

18 MR. DARDIR: One and a half each.

19 No, no. Three bedrooms -- six.

20 MR. ARENCIBIA: I think it's three. Right?

21 I think it's -- I think it's six, seven.

22 Seven?

23 MR. DARDIR: Six.

24 MR. TAYLOR: RSIS would only be --

25 MS. DILLON: You can't -- you can't answer

1 from there, Mr. Taylor. Please. Just come
2 forward.

3 MR. TAYLOR: RSIS, for an apartment, would
4 be 2.1 per apartment, which would actually only
5 be four spaces.

6 I think the Ordinance is 1.5 per space.
7 You're talking six spaces like that.

8 MR. DARDIR: Six.

9 MR. TAYLOR: Again, that's an evening --
10 evening demand, as opposed to the daytime demand
11 we're looking at, too.

12 MR. DARDIR: Since -- since you're here, I
13 didn't hear anything about the schools in the
14 area. There's two very overly populated schools.
15 One, one block away, one about two, three blocks
16 away. Teachers, students, parents. Teachers
17 park in the street. A lot of them do. There's
18 --

19 MR. TAYLOR: Yeah. I mean, I understand
20 that. And those were taken into account when we
21 did the parking counts. That's why did them in
22 the middle of the day.

23 MR. DARDIR: Okay.

24 MR. TAYLOR: Like the spaces that are
25 available -- there are spaces that are being

1 utilized by the parents and the -- and the staff
2 were being parked while we did our counts.

3 MR. DARDIR: So, you did it between the
4 hours --

5 MR. TAYLOR: We were ten --

6 MR. DARDIR: Because they would operate the
7 same hours, approximately, --

8 MR. TAYLOR: That's -- yeah. Between ten
9 and two is where we looked at, where really our
10 peak demand would be and that's when we found the
11 60 spaces available within a two block radius.

12 VICE CHAIRMAN GRULLON: What day of the
13 week was that?

14 MR. TAYLOR: It was yesterday. So, it was
15 Wednesday. Yup.

16 VICE CHAIRMAN GRULLON: Any other question
17 for --

18 MR. ORTIZ: No, he already ask him.

19 VICE CHAIRMAN GRULLON: You're going to
20 keep the same historical look of the building.
21 You're not taking that cross?

22 MR. GRENOBLE: Absolutely.

23 MR. ARENCIBIA: Absolutely. That's the
24 whole -- that's the whole point.

25 MR. GRENOBLE: It's beautiful.

1 MR. ARENCIBIA: That's why -- that's why I
2 said before, I'm really excited about this,
3 because Rob really wants to keep the integrity of
4 the buildings intact.

5 MR. GRENOBLE: They don't build them like
6 that anymore. That's for sure.

7 MR. BONACCI: I just have one last
8 question.

9 I could see some people -- because I used
10 to live near that block, I could see some people
11 in the community wondering if somebody's going to
12 come in and lay down drum tracks at two a.m.

13 MR. GRENOBLE: Probably not at two a.m.,
14 but if they did, you wouldn't hear it.

15 MR. BONACCI: Got you. And it wouldn't be
16 any louder than the fire trucks that they already
17 hear in the area, anyway.

18 MR. GRENOBLE: You won't -- you won't hear
19 it at all. It's totally isolated.

20 MR. ALONSO: Because like you said earlier,
21 you don't want to hear the fire trucks --

22 MR. GRENOBLE: The fire truck. Yeah.

23 MR. ALONSO: -- on your sound tracks.

24 MR. GRENOBLE: That's a real problem.

25 MR. BONACCI: Right.

1 MR. ALONSO: Yeah.

2 MR. GRENOBLE: Yeah. I mean, if you have
3 that in the -- you have a band -- somebody's --
4 you know, a Whitney Houston in the middle of the
5 best take they've sung all night, and a fire
6 truck goes by, the producer's going to freak out.

7 VICE CHAIRMAN GRULLON: I don't have any
8 more questions. I don't have question for the
9 planner.

10 You going to bring your --

11 I'm going to open it to the public.

12 MR. GRENOBLE: Sure.

13 Thank you.

14 VICE CHAIRMAN GRULLON: Open to the public.

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

17 MS. DILLON: Who you going with first, Mr.
18 Price?

19 MR. PRICE: Mr. Grenoble.

20 MR. GRENOBLE: Can -- can Randy and Amy
21 speak?

22 MR. ALONSO: Yeah. Open to the public,
23 they can --

24 VICE CHAIRMAN GRULLON: Yeah. They -- they
25 be part of the public.

1 MR. GRENOBLE: Can you give them three
2 minutes?

3 MR. PRICE: Sure.

4 MR. GRENOBLE: Okay. Because they're --
5 they're anxious to go home. She's a mom and --
6 Amy, you want to go first?

7 MS. DILLON: Just right over here.

8 MR. ALONSO: So they can go home.

9 MS. DILLON: Please raise your right hand.
10 Do you affirm the testimony you're about to
11 give this Board is the whole truth?

12 MS. BLIZZARD: Yes.

13 MS. DILLON: Can you please state your name
14 and spell it for me?

15 MS. BLIZZARD: Amy Blizzard,
16 B-L-I-Z-Z-A-R-D.

17 MS. DILLON: A-M-Y, first name?

18 MS. BLIZZARD: Um hum.

19 MS. DILLON: Address, please, for the
20 record.

21 MS. BLIZZARD: 525 Monastery Place.

22 MS. DILLON: Thank you.

23 Go ahead.

24 MS. BLIZZARD: We're really thrilled to
25 have a studio across the street. We live

1 directly across. And so, this is what we see
2 every day, with the cherry trees, and being
3 really old mature trees.

4 And we're excited to have an artist space.
5 I think it's great for the neighborhood.

6 My husband and I are both musicians. We're
7 doing other things now. So, we actually have a
8 working knowledge of how studios work.

9 I've rented studio space. I've done
10 recordings. It's quiet. The hours are very
11 sporadic. So, there's not a heavy use all day.

12 So -- you know, one of our concerns would
13 be traffic and parking. But there is a lot of
14 parking on long streets, like West Street.

15 And because it's not a school, which -- you
16 know, since schools have looked at it, or office
17 building that would have a lot of traffic or
18 condos, we're really happy with the space, that
19 it wouldn't be -- it wouldn't impact the traffic
20 and it wouldn't impact our parking.

21 And we've seen what Kaleidoscope brings in,
22 the other recording studio. And you might see
23 one car with four musicians get out. But most of
24 them take public transportation from the city.

25 So, we're really excited about having good

1 neighbors. And we think it will be a really
2 great asset for the neighborhood.

3 VICE CHAIRMAN GRULLON: Thank you. Thank
4 you.

5 MS. GUTIERREZ: Thank you.

6 MS. DILLON: Please raise your right hand,
7 sir.

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

10 MR. CRAFTON: Yes.

11 MS. DILLON: Name and address for the
12 record, and spell your last name for me.

13 MR. CRAFTON: Randy Crafton, C-R-A-F-T-O-N.

14 MS. DILLON: And your address?

15 MR. CRAFTON: 514 Monastery Place, rear
16 building is my business. I'm the owner and
17 operator of Kaleidoscope Sound.

18 We've been -- we bought that building
19 shortly after 9/11, in 2001. And my desire --
20 you know, kind of migrated to Hudson County from
21 Manhattan.

22 I've been a musician and a producer pretty
23 much for all my life. I graduated from Manhattan
24 School of Music.

25 At the time when we built that studio, I

1 | was also adjunct faculty for the Juilliard School
2 | and the New School in New York.

3 | So, I've been through what Rob is going
4 | through. And I can honestly -- I have no dog in
5 | this race because my competition's moving in next
6 | door to me. So, I'll -- but what I can say is --
7 | you know, first of all, it's -- it's really not
8 | competition, because there's not a lot of us
9 | left.

10 | The studios, major studios, big studios,
11 | studios bigger than this space he's talking
12 | about, certainly bigger than my space, at the
13 | rate of one a year, dropping out of Manhattan.

14 | And where are they going? People still
15 | have to record. There's still films being made.
16 | There's still records being made. And more and
17 | more, they've been coming out here, because there
18 | is space available and because it is a viable
19 | place to do that.

20 | We've been there for, I guess, 13, 14 years
21 | and the question to the two a.m. drums, I had the
22 | drummer for Guns N' Roses recording at two a.m.,
23 | the --

24 | MR. BONACCI: Which one? Adler?

25 | MR. CRAFTON: -- last three nights.

1 Frank Ferrer.

2 MR. BONACCI: Adler or Sorum?

3 Oh, okay.

4 MR. CRAFTON: And I -- I can guarantee you
5 none of the neighbors heard it. I mean, people
6 in our building don't hear it.

7 It's part of what we have to do. There's
8 two things that are very important for a sound
9 studio and they're two entirely separate issues.

10 If somebody puts a bunch of foam on the
11 wall and tells you they're stopping sound, they
12 don't know what they're doing.

13 There's two things. One is sound
14 isolation, which can only be achieved with mass,
15 air, and detachment from anything around it.

16 And then, once you've done -- one you've
17 achieved that sound isolation, you control the
18 way the sound operates within the space. And
19 that's an entirely separate thing.

20 We were nominated for a tech award in the
21 industry, a few years back, for the way that
22 we've achieved that.

23 I would imagine that Rob will be doing
24 similar types of things. It's a very expensive
25 tedious and specific process.

1 He'll suffer tremendously with building
2 inspectors, because they will not understand why
3 you have to come back three times to look at
4 things, because you're putting up three walls
5 that you can't close until they look at it.

6 But you know, it's not a growing industry.
7 It's an industry that is shrinking, and what's
8 left are guys like Rob and I that still do things
9 the old ways and the ways that work great.

10 I recorded Ray Barretto's last two records
11 before he passed. Both were nominated for
12 Grammy's.

13 And most of the people that come in -- you
14 know, when I do a Broadway cast recording,
15 they'll meet up in the city. The van will come
16 out. They'll drop them off at ten in the
17 morning. The van will pick them up and take them
18 back at seven at night. And while I just had 20
19 people come and go --

20 As far as parking in the area -- I know
21 it's a huge concern. I've been driving there and
22 parking without any problems because, aside from
23 the inconvenience of the street cleaning hours,
24 there's huge lengths there where there really
25 aren't houses, because it's all around that big,

1 huge -- you know, old monastery structure.

2 I would appreciate it if they'd be more
3 forthcoming with releasing, maybe, some of the 50
4 spots that they don't use, but they're not
5 interested in discussing it with us.

6 And you know, it's -- it's a difficult
7 business. It's a business that you do simply
8 because you love it. It's not something you do
9 because it's a great way to make money.

10 That's what I can tell you.

11 MR. ALONSO: What's your opinion with
12 respect to the benefits to the community, for all
13 the free studio time that he provides to the
14 children?

15 MR. CRAFTON: It's a great thing to do. We
16 do things similar to that -- you know, when we
17 can, and we -- we've donated a bunch of studio
18 time to a great organization. I'm trying to
19 remember the name, but they basically bring in
20 veterans and they help them to create music to
21 kind of work through things that they're working
22 through.

23 And they're in -- you know, about once a
24 month, and we donate the space to them, because
25 we like what they're doing. It's -- the guy who

1 | does it is a guitar player, that used to work for
2 | Spyro Gyra, that I've known for years. And he
3 | said, hey, I'm doing something good. I said, how
4 | can I help -- you know?

5 | But you know, it's -- it's a great -- you
6 | know, when we first built the studio, I think we
7 | had very, very few people, musicians, that were
8 | just in the area. And I'm now starting to have
9 | people come in and say, hey, man, I only live
10 | like three or four blocks away, which was kind of
11 | a change. Not that there haven't been a lot of
12 | musicians here, but we -- we do no walk up
13 | business. I mean, literally no one knows we're
14 | there, really. You know?

15 | So, in a way, we're kind of like -- you
16 | know, because of our concern about noise, we're
17 | an ideal neighbor, because -- you know, we have a
18 | thing about it.

19 | So, you know, I don't know about all the
20 | ordinances. I don't know -- I know that it's a
21 | -- it's a good thing to have those people come
22 | into Union City, being aware of Union City. It's
23 | been a very slow, kind of spreading of the word
24 | for us, because it's not an industry where you
25 | can just advertise. Where are you going to

1 advertise? It's word of mouth.

2 You know, Ron Carter comes in. Says, oh,
3 that place. They were cool. You know, and other
4 people come in.

5 But it's just a slow developing word of
6 mouth, and as people begin to think, oh, you
7 know, Union City. There's a lot of stuff going
8 on there. It's not a bad thing for any of us.
9 You know?

10 MR. ALONSO: Thank you, Mr. Crafton.

11 VICE CHAIRMAN GRULLON: Thank you.

12 MS. GUTIERREZ: Thank you.

13 VICE CHAIRMAN GRULLON: Thank you.

14 MR. CRAFTON: Thank you.

15 MS. DILLON: Please raise your right hand.

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

18 MS. GARCIA: Yes.

19 MS. DILLON: If you could please state your
20 name and spell it for the record, and give your
21 address?

22 MS. GARCIA: Josefina Garcia.

23 MS. DILLON: I'm sorry?

24 MS. GARCIA: Josefina Garcia.

25 MS. DILLON: J-O --

1 MS. GARCIA: J-O -- J-O-S-E-F as in Frank
2 I-N-A. Last name Garcia, G-A-R-C-I-A.

3 MS. DILLON: And your address, please?

4 MS. GARCIA: My home address is 7855
5 Boulevard East, North Bergen.

6 MS. DILLON: Thank you.

7 MS. GARCIA: You're welcome.

8 I'm Josefina. And I am the dance teacher
9 that Rob mentioned before.

10 And just to assure everyone that as far as
11 the parking is concerned, there really isn't a
12 problem.

13 I, myself, have -- I'd say, maybe, between
14 15 to 20 students that come in. And what the
15 parents do is they pull up into one of the -- you
16 know, the spots that are along West -- West
17 Street. And they'll pull in, drop off the child,
18 and then they're told to come back.

19 We don't have -- we don't have a waiting
20 area, so they cannot wait.

21 The older students either walk or they take
22 the bus. So, there really isn't an issue with
23 the parking at all.

24 As far as you mentioned before, one of the
25 -- the pluses, I think, in having this multiple

1 use of artists coming in for the community, I,
2 myself, where I used to -- I came from North
3 Bergen. We offered scholarships to students that
4 normally would not have access to either music,
5 to dance.

6 I think it's just great. And I'm -- and
7 I'm thrilled to be in Union City.

8 I don't think there's another dance school
9 in the area. I think we're the only ones. We
10 just did the fair, a couple weeks ago. And the
11 neighborhood, the parents, the reaction that I
12 got was like, oh, my God, this is wonderful. You
13 know, we -- we need something for the kids to do
14 after school.

15 So, that's it.

16 I don't know if you have any questions for
17 me.

18 Thank you.

19 MR. ALONSO: Thank you.

20 VICE CHAIRMAN GRULLON: Thank you.

21 MS. GARCIA: Thank you.

22 MS. GUTIERREZ: Thank you.

23 MR. ALONSO: That's it for us.

24 VICE CHAIRMAN GRULLON: Any other member of
25 the public?

1 Mr. Price?

2 MR. PRICE: Mr. Grenoble --

3 MS. DILLON: Name for the record.

4 VICE CHAIRMAN GRULLON: Name for the
5 record, Mr. Price.

6 MR. PRICE: Oh, Larry Price.

7 MS. DILLON: Thank you.

8 MR. PRICE: John Smith.

9 There was testimony on the third floor and
10 the fourth floor, there are 15 studios.

11 Correct?

12 MR. GRENOBLE: I think total in the
13 building.

14 I'd have to look at it. Yeah.

15 MR. PRICE: Well, that -- that's my --

16 MR. GRENOBLE: Okay.

17 MR. PRICE: That's my -- 15 total.

18 Well, you made reference to studios in the
19 basement or on the --

20 MR. GRENOBLE: Right.

21 MR. PRICE: -- first floor.

22 MR. GRENOBLE: Right.

23 MR. PRICE: How many are there there?

24 MR. GRENOBLE: Two. Maybe three. We're
25 sort of working out how to subdivide.

1 MR. PRICE: Three. And then, there are 12
2 on the third floor and the fourth floor?

3 MR. GRENOBLE: Honestly, I'd have to look
4 at the plan to see where they are, but yeah,
5 we're going to figure out the best arrangement.

6 MR. PRICE: Okay.

7 MR. GRENOBLE: They each have to be
8 soundproof from each other.

9 MR. PRICE: Okay.

10 How many studios do you have in the Hoboken
11 operation?

12 MR. GRENOBLE: We had five running there,
13 and then we -- we took it down to three after
14 Sandy, because it wasn't worth rebuilding them if
15 we're going to move.

16 MR. PRICE: I see. Okay.

17 MR. GRENOBLE: We run three full time, plus
18 a film -- film -- so, four.

19 MR. PRICE: Okay.

20 But, you're going from three or four to 15.

21 MR. GRENOBLE: Um hum.

22 MR. PRICE: Okay.

23 In Hoboken, is your operation nine to five,
24 Monday through Friday?

25 MR. GRENOBLE: No. It really varies.

1 Sometimes, we don't work on -- there -- there is
2 no reason or rhyme --

3 MR. PRICE: Well, okay. But -- but I'm
4 sorry --

5 MR. GRENOBLE: Yeah.

6 MR. PRICE: You're going to have -- I --
7 I'm going to keep probing for number.

8 Nine -- nine to five, Monday through
9 Friday. How often are the studios in use?

10 MR. GRENOBLE: Nine a.m., almost never,
11 unless we're doing something involving television
12 or film. And the reason those sessions start
13 early is because the -- the players leave at
14 five, or four to go to Broadway.

15 It's the same group that play Broadway.
16 So, those sessions start early, so they can be
17 out of there in time to be --

18 MR. PRICE: Okay.

19 MR. GRENOBLE: -- on Broadway.

20 MR. PRICE: Well, I said nine to five. So,
21 nine o'clock, nothing, but in the afternoon?
22 What -- during the day, Monday through Friday --
23 you know, how -- what percentage of capacity do
24 you use?

25 MR. GRENOBLE: There's no way of knowing.

1 It can be --

2 MR. PRICE: Well, you -- but you're doing
3 it, so you must --

4 MR. GRENOBLE: Yeah.

5 MR. PRICE: -- know. You -- you're doing
6 it now.

7 MR. GRENOBLE: Well, there's no average is
8 what I'm saying. Sometimes, we're -- all three
9 studios are running, sometimes none of the
10 studios are running.

11 MR. PRICE: Okay. I quite agree. What's
12 the average over time?

13 MR. ALONSO: What period of time?

14 MR. GRENOBLE: I would say --

15 MR. PRICE: A year? A month? Doesn't
16 matter.

17 MR. ALONSO: Well, it does matter.

18 MR. GRENOBLE: I'd say we run -- I think
19 your average studio manager probably books in --
20 when he does his numbers, thinks that every
21 studio runs 20 hours -- 20 days a month.

22 So, two-thirds of the time they're running
23 sometime that day.

24 MR. PRICE: Okay. Okay.

25 How about after five o'clock? How often

1 are those studios --

2 MR. GRENOBLE: We go after five. We don't
3 go really late, most of the time. Sometimes,
4 they go very, very late.

5 MR. PRICE: How often after -- how -- at
6 five o'clock, how often are the --

7 MR. GRENOBLE: Oh, if anyone --

8 MR. PRICE: -- studios --

9 MR. GRENOBLE: -- is running, they're
10 probably -- most of the time, they'll be running
11 at five. They'll run through into seven or eight
12 or nine.

13 MR. PRICE: Okay.

14 MR. GRENOBLE: Part of it depends on where
15 they come from. If they come in from Europe,
16 they're six hours ahead. So, a ten a.m. start
17 for them is -- is four o'clock in the afternoon.

18 Whereas, if they're coming in from L.A.,
19 they don't want to start at ten in the morning.

20 MR. PRICE: Okay. But currently -- you
21 know, in your current operation, now, at five
22 o'clock, on a given day -- you know, how often
23 are the studios --

24 MR. GRENOBLE: Sixty percent of the time,
25 somebody will --

1 MR. PRICE: Fifty (sic) --

2 MR. GRENOBLE: -- be working at five.

3 MR. PRICE: Fifty (sic) percent of the
4 time?

5 MR. GRENOBLE: Yeah.

6 MR. PRICE: Okay.

7 How about weekends?

8 MR. GRENOBLE: Less, but a number -- a lot
9 of professional musicians work jobs, and so, if -
10 - if -- we call them the weekend warriors, which
11 is kind of a defecating term, but we don't mean
12 it in that way. They're people that -- that
13 can't work during the week. And so, they'll come
14 in and they'll work Saturday and Sunday.

15 MR. PRICE: Okay.

16 Nine to five or any hours?

17 MR. GRENOBLE: About the same. They tend
18 to start a little later on the weekends.

19 MR. PRICE: Okay.

20 MR. GRENOBLE: Eleven might be a typical
21 start time.

22 MR. PRICE: Okay. Okay. Okay.

23 Thank you, Mr. Grenoble.

24 MR. GRENOBLE: Sure.

25 MR. PRICE: And Mr. Karlebach?

1 Okay. The building --

2 MS. DILLON: Just one step closer, Mr.
3 Karlebach, to the mic.

4 Thanks.

5 MR. KARLEBACH: Okay.

6 Thank you.

7 MR. PRICE: The building is going to be 47
8 and a half feet high.

9 Correct?

10 MR. KARLEBACH: Yes.

11 MR. PRICE: So, it requires a D-6 height
12 variance.

13 MR. KARLEBACH: Yes.

14 MR. PRICE: Okay. Question?

15 Within the 200 foot -- and it's going to be
16 four stories high.

17 MR. KARLEBACH: Yes.

18 MR. PRICE: Okay. Within the 200 foot
19 zone, how many other buildings are there that are
20 four stories or higher?

21 MR. KARLEBACH: Well, I didn't analyze 200
22 feet. I don't know, that's somewhat arbitrary.

23 I know at the intersection of 21st and West
24 --

25 MR. PRICE: No, you can stop there. You've

1 answered the --

2 You don't know the answer.

3 Correct?

4 MR. KARLEBACH: I would like to elaborate
5 on my answer, if I might.

6 MR. ALONSO: Go ahead.

7 MR. KARLEBACH: Give me one second while I
8 check my notes.

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

11 MR. KARLEBACH: I noticed a -- there was a
12 four and a half story building at the
13 intersection of West Street and 19th Street. And
14 there's a four and a half story apartment
15 building at 21st Street and West Street.

16 So, those are very near the site. I can't
17 say exactly how far away.

18 And then I think I alluded to those other
19 four story buildings, where you have your finger
20 right there. Next to the church property, right
21 where the municipal ball fields are, at that
22 intersection, you could see there are a few
23 there.

24 So, I didn't -- as part of my analysis, I
25 didn't measure specific distances, but I did note

1 | them in the neighborhood, and the Master Plan
2 | also recognizes -- you know, as I said, this R
3 | zone, containing many nonconforming uses.

4 | MR. ALONSO: Plus -- the plus the monastery
5 | building itself exceeds that.

6 | MR. KARLEBACH: The monastery -- well, the
7 | church far exceeds the height of anything.

8 | MR. PRICE: Okay. The monastery church is
9 | within 200 feet.

10 | The building at 21st Street, a block in
11 | Union City is 250 feet, so it is probably likely
12 | not --

13 | MR. KARLEBACH: Well, I don't where the --
14 | I don't where the 200 foot number came into play.
15 | That's a number you chose, so --

16 | MR. PRICE: Yes, I did --

17 | MR. KARLEBACH: Okay.

18 | MR. PRICE: -- as a matter of fact. Okay?

19 | Okay. And the building at 19th Street is
20 | probably also not within the 200 foot zone.

21 | Correct?

22 | MR. KARLEBACH: I -- I presented my
23 | evidence the way I presented it. I --

24 | MR. PRICE: No. No.

25 | VICE CHAIRMAN GRULLON: Mr. Price?

1 MR. PRICE: I'm sorry. This is cross
2 examination.

3 MR. BONACCI: Yeah. I believe it's pretty
4 close. It's right there, the church.

5 VICE CHAIRMAN GRULLON: The area, look at
6 it here.

7 MR. BONACCI: We're looking at the map
8 right now. It's pretty close.

9 VICE CHAIRMAN GRULLON: The one on 21st
10 Street side --

11 MR. BONACCI: Right there.

12 VICE CHAIRMAN GRULLON: -- they -- they are
13 in the 200 foot -- feet --

14 MR. PRICE: If it's on the south side of
15 21st Street, it's within 200 feet. If it's on the
16 north side, it's probably not.

17 I'll be -- I'll be checking the addresses.
18 It doesn't matter. Okay.

19 But --

20 MR. ALONSO: Well, the --

21 MR. KARLEBACH: I did --

22 MR. ALONSO: -- witness already testified
23 that he didn't measure it, number one.

24 And number two, that it's irrelevant
25 because there's no legal requirement of a 200

1 foot radius.

2 MR. PRICE: Okay.

3 You also made the comment that the people
4 who'd be using this studio use different means of
5 transportation.

6 What study did you do that allows you to
7 make that assessment?

8 MR. KARLEBACH: Well, that wasn't my
9 assessment. I believe the Board heard prior
10 testimony from the traffic expert about how he
11 anticipated how people would be commuting to the
12 site.

13 I had the occasion to speak with the
14 traffic expert before the meeting. He relayed
15 that information to me. So, I was just iterating
16 his prior comments.

17 MR. PRICE: Okay.

18 You did no study of your own.

19 MR. KARLEBACH: No.

20 MR. PRICE: And you had no author --
21 independent authority other than the traffic --

22 MR. KARLEBACH: No.

23 MR. PRICE: -- consultant.

24 Okay. Fine.

25 Thank you.

1 Now I'd like to chat with Mr. Taylor.

2 MR. ALONSO: Well, let me just do a little
3 redirect of Mr. Karlebach.

4 VICE CHAIRMAN GRULLON: Mr. Karlebach.

5 MR. ALONSO: Mr. Karlebach, when you --

6 MS. DILLON: Just step forward, Mr.
7 Karlebach.

8 MR. ALONSO: As -- as a planner, your
9 opinion is based on the evidence.

10 Correct?

11 MR. KARLEBACH: Yes.

12 MR. ALONSO: And the evidence includes the
13 testimony of the witnesses.

14 Correct?

15 MR. KARLEBACH: Yes. That's correct.

16 MR. ALONSO: And Mr. Grenoble testified
17 that it's his practice that his musicians, or his
18 artists travel by, whether it's a shuttle bus
19 from Broadway, taxis, Uber -- they love Uber, he
20 said -- or limousines.

21 And that's the alternate methods of
22 transportation that supports your opinion.

23 Is that correct?

24 MR. KARLEBACH: Yes.

25 MR. ALONSO: Okay.

1 MR. PRICE: Mr. Taylor, question?

2 You're being cited as the authority for
3 saying that traffic to this site will be minimal,
4 because of the nature of the work that's done.

5 Is that a correct -- is that a proper
6 assessment of your --

7 MR. TAYLOR: Of my testimony?

8 MR. PRICE: Yes.

9 MR. TAYLOR: I don't believe so. Yes.
10 Okay. Yes. It was.

11 MR. PRICE: It was? Okay.

12 MR. TAYLOR: Sure.

13 MR. PRICE: What study did you do to -- to
14 make that statement?

15 MR. TAYLOR: What study of the trip
16 generation rates?

17 MR. PRICE: Right.

18 MR. TAYLOR: I relied upon the information
19 provided by the studio owner, based on his
20 current -- his current operation.

21 And then, the other uses that are proposed
22 within the site.

23 MR. PRICE: And then, the --

24 MR. TAYLOR: The other uses that are
25 proposed within the -- within the building.

1 MR. PRICE: In the proposed building. So,
2 it's a combination of Hoboken operation data and
3 your projections. Or somebody's projections of
4 traffic or parking requirements at this site.

5 MR. TAYLOR: That's correct.

6 MR. PRICE: Is that -- that --

7 Okay. In which case, I'd like to speak to
8 Mr. Grenoble again.

9 Okay. Obviously, parking's a problem here.
10 Okay.

11 And you're suddenly be --

12 MR. ALONSO: Objection to the
13 characterization.

14 The testimony from the experts who surveyed
15 the area, as well as the residents who live in
16 the building say that parking is not a problem.

17 So, I would just object to the
18 characterization.

19 MR. PRICE: Okay. All right.

20 In your current operation --

21 MR. GRENOBLE: Yes.

22 MR. PRICE: Okay. If -- have you done any
23 surveys, any studies of the people who come to
24 your studio to work, and how they are transported
25 there?

1 MR. GRENOBLE: Absolutely. Something we
2 evaluate.

3 MR. PRICE: What are the -- you did the
4 studies?

5 MR. GRENOBLE: We -- well, we keep -- we
6 observe and -- and every couple of weeks, I'll
7 ask my engineers how everybody came.

8 It's something we keep a running study on
9 because we want people to be able to get to us as
10 easily as possible.

11 Largely because we have to -- and Randy has
12 the same issue. We have to compete against
13 Manhattan studios. So, our argument is, it's
14 really close. It's really easy to get here.

15 Okay. Well, how do I get there? Well, you
16 can do this, this or this.

17 So, it's something not so much in a local
18 basis, on a local basis, but in terms of our
19 ability to compete against Manhattan studios,
20 it's something we're very concerned about.

21 MR. PRICE: Okay. What do the numbers look
22 like?

23 MR. GRENOBLE: Most people take cabs. The
24 vast majority take --

25 MR. PRICE: Cabs from New York City?

1 MR. GRENOBLE: Yeah. They either take the
2 Path train, yeah, they take a lot of cabs. Yeah.

3 We have a parking lot. It's almost never
4 full.

5 MS. DILLON: One step closer, Mr. Grenoble.

6 MR. GRENOBLE: It's -- I've been there for
7 25 years. We do not have a parking problem at
8 our studio.

9 MR. PRICE: Of course, that's with three
10 studios. Now you'll have 15 so --

11 MR. GRENOBLE: Right. Right.

12 MR. PRICE: How many -- how many spaces in
13 your current parking lot?

14 MR. GRENOBLE: We can fit four or five
15 cars, without having to -- you know, push things
16 around and stretch.

17 MR. PRICE: And there are normally
18 vacancies?

19 MR. GRENOBLE: It's almost always empty.
20 Today, there were two cars in the parking lot.

21 MR. PRICE: Okay.

22 MR. GRENOBLE: And one of them was my
23 niece, who -- I'm parking her car for a month
24 while she's in Norway, so --

25 MR. PRICE: Okay. Very good. Okay.

1 Thank you.

2 MR. ALONSO: Now, Mr. Grenoble, relative to
3 the Union City site, is there a parking problem
4 in Hoboken?

5 MR. GRENOBLE: Well, as a town?

6 MR. ALONSO: Yeah.

7 MR. GRENOBLE: Oh --

8 MR. ALONSO: And in your neighborhood?

9 MR. GRENOBLE: Oh, it's brutal. Yeah.
10 Horrible. Yeah.

11 MR. ALONSO: Thank you.

12 MR. GRENOBLE: Thank you.

13 VICE CHAIRMAN GRULLON: Thank you.

14 MS. GUTIERREZ: You're welcome.

15 VICE CHAIRMAN GRULLON: Any -- any other
16 member of the public?

17 Members of the public, closed to the
18 public.

19 Do you have any final questions before --

20 MR. ALONSO: Mr. Chairman, I just want to
21 conclude by saying that everybody who's part of
22 this project is very proud of this project, and
23 very excited about this project because it brings
24 a cultural element to Union City. And Union City
25 has always had a proud and rich history with

1 culture. And I think this is going to enhance
2 it.

3 The fact that we're going to provide the
4 school children in Union City with a state-of-
5 the-art recording studio that they can go home
6 and say, guess where I was today? I recorded on
7 the same mics that -- and whoever their favorite
8 artist is, they can just say that.

9 I think that it's also a huge asset to the
10 community because we're preserving a -- it's
11 almost -- a listed historical building, but it's
12 a historical building.

13 And I say that because I remember back,
14 1970, '71, my sister made her first holy
15 communion across the street. So, I'm very
16 familiar with that whole area.

17 And that building has always been there,
18 and we're preserving that. And we're preserving
19 it in a way where we're really minimizing, as
20 much as possible, the intensity of the potential
21 use of that building, because being a commercial
22 building, we could generate a lot of office space
23 in there, with secretaries, and -- and whatever
24 type of business goes in there. And they're
25 going to generate a larger parking demand.

1 So, I think based on the proposal, given
2 the -- the minimal intense type of use, and the
3 -- and the minimal impact -- we heard from some
4 of the neighbors who came out.

5 And normally, anybody comes out, they want
6 to speak against a project. Here, nobody spoke
7 against this project. Actually, they're speaking
8 in favor of the project.

9 And especially because there's already a
10 studio next door. And for the last 14, 13 years
11 that they've been there, there have been no
12 negative impacts, whether it's on a parking
13 basis, whether it's noise or any other type of
14 negative impact.

15 So that's the type of thing that we're
16 trying to -- to bring.

17 There's a dance studio. My understanding
18 is that the majority of the students that dance
19 there are from Union City.

20 It's also my understanding, in speaking to
21 my client, that as the kids get older, they
22 actually come back and they help teach the other
23 kids in the dance studio.

24 There's a theater component. There's a lot
25 of elements that really enhances Union City.

1 So, I think that other than other types of
2 projects, and I've been coming to this Board for
3 about 20 years, there's a lot you can do on a
4 20,000 square foot lot.

5 And I think given the amount of money
6 that's being spent, not only to purchase this
7 building, but the amount of money that you heard
8 about that's going to cost to -- to rehab it, and
9 to do the type of sound studios that are required
10 for an international studio, I think it's -- it's
11 well worth it.

12 So, we're going to ask that the Board
13 please consider this application and -- and vote
14 to approve it.

15 Thank you.

16 VICE CHAIRMAN GRULLON: Thank you, Mr.
17 Alonso.

18 After hearing all your -- all the expert,
19 and also hearing the opinion of the resident,
20 that they don't have any issues with the parking
21 in the area, and at least 13 parking spaces are
22 provided, 15 parking spaces, that should be
23 sufficient for the -- for the two apartments, and
24 accommodation of the drop off of teachers
25 teaching in the class, I will make a motion to

1 grant the application.

2 THE SECRETARY: Motion to grant the
3 application --

4 MS. GUTIERREZ: And I'm seconding.

5 THE SECRETARY: -- by Victor Grullon.
6 Second by Margarita Gutierrez.

7 VICE CHAIRMAN GRULLON: I just want to add
8 that it's a benefit of the children.

9 THE SECRETARY: Roll call on the motion.
10 Victor Grullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Margarita Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Miguel Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Harlenny Javier?

17 MS. JAVIER: Yes.

18 THE SECRETARY: Khaled Dardir?

19 MR. DARDIR: Yes.

20 THE SECRETARY: Joseph Bonacci?

21 MR. BONACCI: Yes.

22 THE SECRETARY: Peter Doumas?

23 MR. DOUMAS: Yes.

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

1 MR. ALONSO: Thank you very much.

2 THE SECRETARY: No opposition.

3 VICE CHAIRMAN GRULLON: When is --

4 MR. ALONSO: Have a good evening.

5 VICE CHAIRMAN GRULLON: When is Shakira
6 coming back?

7 MR. ALONSO: Rob, when is Shakira coming
8 back?

9 MR. GRENOBLE: Can I -- can I tell one
10 antidote?

11 Shakira -- we -- she didn't come to Water
12 Music because we happen to have a very close
13 friend, but we happen to have a very close
14 friend, and he lives in Nassau, Bahamas. Hates
15 water. I don't know why he's there, but she
16 lives in a -- it's in a gated community. Sean
17 Connery lives in the same community, in a really
18 big house.

19 But it's -- so, it's nice. But it's kind
20 of a generic, middle class house, and it's really
21 hot in -- in the Bahamas. So, she has two huge
22 air conditioners in her attic. Right?

23 But she's too cheap to pay for studio time,
24 so they record in the attic and turn the air
25 conditioners off.

1 MR. ALONSO: Really?

2 MR. GRENOBLE: And record up there. And
3 then, they take it to Terry and he tears his hair
4 out trying to make it sound good.

5 So, we'll get her back.

6 MR. ALONSO: Absolutely.

7 VICE CHAIRMAN GRULLON: Thank you.

8 MR. GRENOBLE: Thank you very much,
9 everyone.

10 VICE CHAIRMAN GRULLON: Thank you.

11 MS. GUTIERREZ: Okay. Good night.

12 MR. GRENOBLE: Thank you for your time.

13 MS. GUTIERREZ: Good night.

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1 **ADJOURNMENT :**

2

3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion --

6 MR. GRENOBLE: Definitely swing by --

7 THE SECRETARY: -- to close tonight's
8 meeting?

9 MR. GRENOBLE: -- if you're in the
10 neighborhood.

11 THE SECRETARY: Motion by Margarita
12 Gutierrez.

13 Second by?

14 Mr. Ortiz.

15 All in favor, say aye.

16

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

18

19 THE SECRETARY: The aye have it.

20 Thank you.

21 Have a good night.

22

23 (Whereupon, the proceedings were concluded
24 at 9:24 p.m.)

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY ZONING BOARD OF
10 ADJUSTMENT heard on Thursday, October 8, 2015 and
11 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon