

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

SPECIAL MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, October 15, 2015
Commencing at 6:16 p.m.

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

KHALED DARDIR
MARGARITA GUTIERREZ
MIGUEL ORTIZ, (Arrived at 6:42 p.m.)
JOHN MEDINA, Alternate No. 1
PETER C. DOUMAS, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman

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

HARLENNY E. JAVIER
DAVID W. PRESSEY
JOSEPH D. BONACCI, Alternate No. 2
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
BRIAN E. EYERMAN, ESQ., Acting Board Attorney
(Left at 6:35 p.m.)

CARLOS VALLEJO, Board Secretary

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

RONALD H. SHALJIAN, ESQ.,
Attorney for Applicant, 2415-2417 Central Avenue

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Mercedes Lopez

LUIS E. DIAZ, ESQ.,
Attorney for Applicant 419 13th Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Demetrios S. Econopouly/
Hudson Foot Holdings, LLC

EUGENE P. O'CONNELL, ESQ.,
Attorney for Applicant,
Palisade Emergency Residence Corporation

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Ashraf Soliman

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 1616 Palisade Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 515 34th Street, LLC

I N D E X

	<u>PAGE</u>
CALL TO ORDER	10
SALUTE TO FLAG	10
ROLL CALL	10
RESOLUTIONS	12
HEARINGS	
2415-2417 Central Avenue	13
Mercedes Lopez	18
Demetrios S. Econopouly/Hudson Foot Holdings	36/127
Palisade Emergency Residence Corporation	91
Ashraf Soliman	130
419 13 th Street, LLC	32
1616 Palisade Avenue, LLC	154
515 34 th Street, LLC	168
ADJOURNMENT	178

I N D E XMercedes Lopez - 401 21st StreetWITNESSPAGE

Manuel Pereiras

20

I N D E X

Demetrios S. Econopouly/Hudson Foot Holdings, LLC
1900-1906 Kennedy Boulevard

<u>WITNESS</u>	<u>PAGE</u>
Manuel Pereiras	38
Michael D. Kauker	51
 <u>SWORN PUBLIC</u>	
Larry Price	83

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Artist Rendering	39

I N D E X

Palisade Emergency Residence Corporation
108 36th Street

<u>WITNESS</u>	<u>PAGE</u>
Tom Harrigan	94
Grace Lynch	102

I N D E XAshraf Soliman - 3200 Kennedy Boulevard

<u>WITNESS</u>	<u>PAGE</u>
Orestes Valella	134
Calisto Bertin	140

I N D E X

1616 Palisade Avenue, LLC
1616 Palisade Avenue

WITNESSPAGE

Manuel Pereiras

157

I N D E X515 34th Street, LLC - 515 34th StreetWITNESSPAGE

Manuel Pereiras

170

1 THE SECRETARY: -- that on Thursday,
2 October 15, 2015, at six p.m., a Special Meeting
3 is scheduled for the Union City Board of
4 Adjustment, to be held in the Municipal Chambers,
5 located on the second floor, 3715 Palisade
6 Avenue, Union -- Union City, New Jersey.

7 Please, everybody rise kindly to pledge
8 allegiance to the flag.

9
10 (Whereupon, the Pledge of Allegiance was
11 said by all.)

12

13 THE SECRETARY: Thank you.

14 Notice of this meeting has been provided as
15 follows:

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

23

24 **ROLL CALL:**

25

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

3 Chairman Andres Garcia? Absent.

4 Vice Chairman Victor Grullon?

5 VICE CHAIRMAN GRULLON: Here.

6 THE SECRETARY: Margarita Gutierrez?

7 MS. GUTIERREZ: Here.

8 THE SECRETARY: Miguel Ortiz? Absent.

9 David Pressey? Absent.

10 Harlenny Javier? Absent.

11 Khaled Dardir?

12 MR. DARDIR: Here.

13 THE SECRETARY: John Medina?

14 MR. MEDINA: Here.

15 THE SECRETARY: Joseph Bonacci? Absent.

16 Elisa Flores? Absent.

17 Peter Doumas?

18 MR. DOUMAS: Here.

19 THE SECRETARY: Let the record indicate
20 there are five present.

21 So, we have a Board made up of five
22 members, which consider a full quorum to
23 establish any decision.

24 * * *

25

1 **Resolutions:**

2

3 THE SECRETARY: On tonight's agenda, we
4 have no Resolutions.

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **2415-2417 Central Avenue:**

2

3 THE SECRETARY: Okay.

4 We're going to the first application;

5 2415-2417 Central Avenue.

6 MR. PANEQUE: Mr. Chairman, with respect to
7 the first Resolution that's before the Board,
8 case number 1, I will recuse myself from that.

9 We have a substitute attorney, who's going
10 to hear the application of counsel.

11 MR. EYERMAN: Mr. Chairman, my name is
12 Brian Eyerma, law firm of Dario, Albert, Metz
13 and Eyerma. I'll be standing in for this
14 application.

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

17 MR. SHALJIAN: Good evening, Mr. Chairman.

18 My name is Ronald Shaljian. I represent
19 the applicant in this matter.

20 In accordance with my conversations with
21 the Secretary of the Zoning Board, my planner had
22 a conflict this evening. He could not be here.

23 That, plus the fact that there are only
24 five members of the Board, and we're seeking a
25 use variance, I would ask that this matter be

1 carried until next month.

2 VICE CHAIRMAN GRULLON: Do we have
3 jurisdiction on this case?

4 MR. EYERMAN: It will be fine, if an
5 adjourn -- an adjournment would be fine -- be
6 proper in this -- in this area.

7 You're asking for an adjournment without --
8 without further notice?

9 MR. SHALJIAN: Without further notice.
10 Everything is before you, counselor. If you can
11 examine it, carry it without further notice.

12 MR. EYERMAN: I see everything in order.
13 It will be -- the Board would have to vote on it.
14 That would be without notice. I mean this will
15 appear before the Board at the next meeting,
16 without notice to the public.

17 Any public that's here on this matter
18 should know that you will not receive further
19 notice of this matter.

20 VICE CHAIRMAN GRULLON: Okay.

21 THE SECRETARY: Next meeting will be
22 November 12, 2015. Same time, same place.

23 VICE CHAIRMAN GRULLON: Will you be okay
24 for that meeting?

25 MR. SHALJIAN: Yes.

1 VICE CHAIRMAN GRULLON: November 12?

2 MR. SHALJIAN: Yes. Mr. -- my planner has
3 already indicated he's available on that date.

4 VICE CHAIRMAN GRULLON: Okay. I mean,
5 after acquiring jurisdiction for the -- for this
6 case, I will make a motion to adjourn this
7 application for November 12.

8 THE SECRETARY: Motion to adjourn this
9 application --

10 MS. GUTIERREZ: And I'm seconding.

11 THE SECRETARY: -- by Victor Grullon.

12 Second by Margarita Gutierrez.

13 MR. EYERMAN: And that motion is without --
14 without further notice to the public.

15 VICE CHAIRMAN GRULLON: Without further
16 notice. Yes.

17 THE SECRETARY: Roll call on the motion.
18 Victor Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Margarita Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Khaled Dardir?

23 MR. DARDIR: Yes.

24 THE SECRETARY: John Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Peter Doumas?

2 MR. DOUMAS: Yes.

3 THE SECRETARY: Motion carries. Five in
4 favor.

5 MR. SHALJIAN: Thank you very much.

6 VICE CHAIRMAN GRULLON: Thank you.

7 MS. GUTIERREZ: You're welcome.

8 THE SECRETARY: No further notice required.
9 Next meeting November 12, 2015.

10 A CITIZEN: Excuse me?

11 VICE CHAIRMAN GRULLON: If there's anyone
12 here for the first application, 2415-2417 Central
13 Avenue, that meeting is going to be carried for
14 the next -- for that -- that item is going to be
15 carried for the next agenda, which is November
16 12.

17 A CITIZEN: Okay. So, you are not willing
18 to take a statement from the public?

19 VICE CHAIRMAN GRULLON: Oh, no. Not today.

20 MR. EYERMAN: The meeting -- the meeting
21 isn't taking place today. It's going to be
22 carried on November 12th.

23 We'd welcome you to come back.

24 A CITIZEN: Six p.m.?

25 MR. EYERMAN: Yes. At six p.m. You will

1 not --

2 VICE CHAIRMAN GRULLON: Same time.

3 MR. EYERMAN: -- receive further notice.

4 A CITIZEN: Okay.

5 MR. EYERMAN: Okay?

6 VICE CHAIRMAN GRULLON: If there's anyone
7 else here, please make them aware that the
8 meeting will be on November 12.

9 * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Mercedes Lopez - 401 21st Street:**

2

3 THE SECRETARY: Next meeting on tonight's
4 agenda, Mercedes Lopez, 401 21st Street.

5 Mrs. Pereiras?

6 MR. PANEQUE: Mr. Chairman, I'm going to be
7 recusing myself from this hearing, as well.

8 Thank you.

9 MR. EYERMAN: Mr. Chairman, again, Brian
10 Eyerman, E-Y-E-R-M-A-N, Dario, Albert, Metz and
11 Eyerman, standing in for Board Attorney.

12 VICE CHAIRMAN GRULLON: It is our pleasure.

13 MR. EYERMAN: Thank you.

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

16 MR. EYERMAN: Through the Chair, I've had
17 the opportunity to receive a Certification of
18 Bianca Pereiras, regarding --

19 THE SECRETARY: May I have -- may I have
20 your attention, please?

21 Can we -- silence, please.

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

24 MR. EYERMAN: Go ahead. You're good to go.

25 VICE CHAIRMAN GRULLON: Okay. You may

1 proceed, Ms. Pereiras.

2 MR. EYERMAN: For the record, this is
3 matter number 2.

4 Mercedes Lopez, 401 21st Street, Block 110,
5 Lot 18. It's the legalization of a basement
6 apartment, in an existing multi-family building.

7 I'm in receipt of Certification from Bianca
8 Pereiras, which contains the notice published in
9 The Jersey Journal, the list of those that have
10 to be noticed, and it looks like proper notice
11 was given to all those in charge.

12 I leave it to the Chair.

13 VICE CHAIRMAN GRULLON: Thank you, counsel.
14 You may proceed, Ms. Pereiras.

15 MS. PEREIRAS: Thank you very much --

16 MR. EYERMAN: You can proceed.

17 MS. PEREIRAS: -- counsel, Mr. Chairman,
18 members of the Board.

19 May it please the Board, Bianca Pereiras,
20 on behalf of Mercedes and Jesus Lopez.

21 This is a multi-family structure, located
22 in the R residential zone.

23 I'd like to clarify for the record. When
24 my client purchased this property, there were two
25 units in that basement floor. At some point, it

1 was discovered that these units were not legal,
2 at which point, my client went ahead and removed
3 those apartments.

4 We're looking to now create an apartment in
5 the basement.

6 We have one expert to testify before the
7 Board this evening, that is our architect, Mr.
8 Manuel Pereiras.

9 MR. DILLON: Please raise your right hand.

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

12 MR. PEREIRAS: I do.

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

15 MR. PEREIRAS: Manny Pereiras,
16 P-E-R-E-I-R-A-S, with Pereiras Architects
17 Ubiquitous, 1116 Summit Avenue, Union City, New
18 Jersey.

19 MR. DILLON: Thank you.

20 MR. EYERMAN: Mr. Pereiras, you've appeared
21 before this Board before?

22 MR. PEREIRAS: I have.

23 MR. EYERMAN: I'm going to -- if the -- if
24 the Board's comfortable, you don't have to
25 qualify him in any way.

1 MR. PEREIRAS: Hello, everyone. It's good
2 to be here.

3 MS. PEREIRAS: Mr. Pereira, are you
4 familiar with 401 21st Street?

5 MR. PEREIRAS: I am.

6 MS. PEREIRAS: And did you prepare the
7 drawings before the Board this evening?

8 MR. PEREIRAS: They were prepared under my
9 direct supervision.

10 MS. PEREIRAS: And can you please describe
11 the proposed apartment for the Board?

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

13 We're -- we're dealing with a beautiful
14 structure. It's a beautiful brick structure on
15 the corner property.

16 For purposes of the demonstration, I put
17 the drawings, the same drawings that were
18 submitted before you, on the easel. And
19 currently, I'm looking at Sheet Z01 of Project
20 Set 15062. Same drawings that were submitted to
21 you.

22 We are on the corner of New York Avenue and
23 21st Street. It's a beautiful, masonry building,
24 four story structure. The basement story, which
25 is partially above ground, is what we're focusing

1 | our presentation on.

2 | As you can see, the floor plan here, the
3 | building has a zero side yard setback on 21st
4 | Street. It has a 20 foot rear yard setback along
5 | the back. It has zero setback to the retaining
6 | wall along the front. And zero on the side.

7 | We are proposing no changes to the exterior
8 | of this building. We -- we like to use it --
9 | keep it the way it was.

10 | What we have here, this formerly was a ten
11 | unit building. My client purchased the building
12 | back in 1998, as a ten unit building.

13 | At some point very recently, the Building
14 | Department went in there and they -- they decided
15 | that the -- they determined that the two
16 | apartments that were in the basement were non-
17 | conforming units.

18 | And immediately, the landlord, being a good
19 | landlord, as she is, had them demolished.

20 | We did a little bit of forensic
21 | exploration. We found that one of these
22 | apartments has been there in existence. We --
23 | for -- since the inception of the building.

24 | There's little that we had, from
25 | architectural evidence that we had to go by,

1 other than noticing that the -- all the plumbing
2 fixtures and all the -- the sewage pipes have not
3 been broken, and where the location of all the
4 existing toilets are, continues to be the same
5 locations.

6 There is evidence of trim work in that
7 apartment that is consistent with the rest of the
8 building, that's still located on the walls. And
9 it is, to the best of my knowledge, and -- and my
10 opinion, probably a unit that has been there
11 since the inception of the building.

12 We don't believe that both units were. We
13 believe that it was one large unit and it was
14 subdivided at some point in its history, it's
15 two. And that's why we're here before this Board
16 to get one of those units legalized, and making
17 one unit in the basement.

18 This unit has its own independent entrance
19 from New York Avenue. As you can see here, you
20 open the gate, it steps down, and you enter the
21 unit.

22 What we created is a large living room,
23 dining room, kitchen space, modern design, that
24 where you enter the building, and you look
25 straight through to the back. This is an 11 foot

1 four width space. And the living room/dining
2 room occupies 22 feet six inches.

3 The -- the additional kitchen space is
4 another ten feet behind that.

5 The bathroom will be ADA complaint, meaning
6 that it complies with the Americans with
7 Disabilities Act and because this is a multi-
8 family building, it's going to comply fully with
9 that.

10 It has a half bath, that's going to be
11 located to the side. And we have two bedrooms.
12 Both of those bedrooms are going to be equipped with
13 emergency escape windows. One through the front,
14 and one to the alleyway, that leads to the rear
15 of the building.

16 The -- the structure itself isn't going to
17 be altered in any way, other than the interior
18 partitions of the building.

19 The building will -- those units will be
20 equipped with a fire suppression system. This
21 will be a domestic line system that will provide
22 fire suppression for that unit, in addition to a
23 low voltage alarm system that will be upgraded
24 throughout the building, making the building
25 significantly safer.

1 We have a few things that we're adding to
2 the exterior, minor things like lighting. So,
3 that front entrance is going to be lit with --
4 with a new light, so that there's clear access in
5 and out of the building. And there's lighting
6 that's going to be provided in the -- in the
7 corridor. Motion sensor lighting, so that if
8 there ever is an emergency that people have to
9 get out of there, they have a clear path to
10 escape the building.

11 Beyond that, there are a series of existing
12 nonconformities on this -- on this property.

13 We have -- actually, we triggered a -- we
14 have side yard, front yard, rear yard, and one
15 that we're expanding, which is parking.

16 Since this is a building we -- we don't
17 have the opportunity to provide additional
18 parking, a two bedroom unit would require 1.8
19 more spaces, which we cannot, and we have a
20 hardship that we cannot provide that additional
21 parking space.

22 That concludes my testimony. I'm open for
23 questions.

24 VICE CHAIRMAN GRULLON: Mr. Pereiras, could
25 you explain the existing condition of the

1 basement?

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

3 The -- the ceiling is very nice and tall.
4 It's actually over eight feet. It's about eight
5 foot three, eight foot four.

6 The building is currently demolished. So,
7 all the interior partitions from this point to
8 here, have been demolished, in compliance with
9 the request made by the Building Department.

10 There -- the exterior walls show evidence
11 of some trim work and ceilings still have some
12 trim work.

13 We're going to be correcting that and
14 fixing a lot of things in the problem. We're
15 going to take this as an opportunity to bring
16 this building up to Code.

17 One of those things that we're doing
18 including the -- the sprinkler system, is a fire
19 separation. So, we're actually going to create a
20 fire separation above that apartment, between
21 that unit and the floor above.

22 Beyond that, no other real changes.
23 There's actually a lot of light in the unit. As
24 you could see, there's windows along the sides
25 and the front of the building. These are large

1 | sized windows because we had the good fortune
2 | that this is -- this unit is above grade,
3 | partially above grade. So, there's nice lighting
4 | in there.

5 | We don't have to create any window wells,
6 | or anything of that nature.

7 | VICE CHAIRMAN GRULLON: And what you're
8 | proposing to build there is a two bedroom
9 | apartment.

10 | MR. PEREIRAS: Correct.

11 | VICE CHAIRMAN GRULLON: And you already --
12 | you mentioned that you have large windows.

13 | MR. PEREIRAS: We do. We have large
14 | windows and the bedrooms will have emergency
15 | escape windows, which means that they're going to
16 | have over five square feet in opening. No
17 | dimension is going to be less than two feet. And
18 | the sill height is going to be less than 44
19 | inches off the ground.

20 | VICE CHAIRMAN GRULLON: If it's granted,
21 | you're going to bring it up to Code, like with
22 | fire sprinkles in the basement.

23 | MR. PEREIRAS: It's a wonderful opportunity
24 | to really protect the -- the other residents of
25 | that building, and protect the other residents of

1 the block.

2 It's definitely a benefit for the entire
3 neighborhood that this will all be brought up to
4 Code, and this is going to give us the
5 opportunity to bring this building up to Code.

6 Definitely a positive -- a positive point.

7 VICE CHAIRMAN GRULLON: The building is
8 located on the corner of New York Avenue?

9 MR. PEREIRAS: That's correct. New York
10 Avenue and 21st Street.

11 VICE CHAIRMAN GRULLON: Any public
12 transportation is --

13 MR. PEREIRAS: Is readily available to
14 support the required -- the variance for parking.
15 There are buses, there are multiple lines that
16 run right off New York Avenue. If you go one
17 block away, to Palisade Avenue, there's lines
18 there. If you go down to Bergenline Avenue, you
19 can take it down to Journal Square.

20 There is ample public transportation that
21 supports this. And keep in mind that this is a
22 preexisting condition for probably 30 years,
23 plus. Probably even longer than 30 years,
24 probably over 50 years at this -- that there have
25 been apartments in there.

1 So, any negative criteria that has been
2 presented has been a preexisting condition that
3 the neighborhood has been living with.

4 VICE CHAIRMAN GRULLON: And I have one more
5 question.

6 When Building Department discovered the --
7 the unit there, was that rented?

8 MR. PEREIRAS: It was rented.

9 VICE CHAIRMAN GRULLON: You have tenants
10 there?

11 MR. PEREIRAS: And it's -- it's under
12 tenants -- it was under Rent Control. Everything
13 was done, in the landlord's view, it was done
14 correctly.

15 When she discovered that the Building
16 Department determined that it was not a legal
17 unit, she immediately demolished the units. And
18 afterwards, she called me. She's a past client,
19 and she called me to -- to legalize and present
20 before this Board.

21 VICE CHAIRMAN GRULLON: Thank you, Mr.
22 Pereira.

23 I don't have any more questions.

24 Do you guys? Any member of the Board has
25 any question?

1 MS. GUTIERREZ: No.

2 VICE CHAIRMAN GRULLON: I'm going to open
3 it to the public.

4 Open to the public at this time.

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

7 No one from the public.

8 Taking in consideration that this a
9 preexisting condition for the building, of the
10 variance that you're requesting, and is -- and
11 also, is going to bring the building up to Code,
12 is going to give you the opportunity to bring the
13 building up to Code, by putting in sprinkles and
14 -- and providing more lighting, I make a motion
15 to grant this application.

16 MS. GUTIERREZ: And I'm seconding.

17 THE SECRETARY: Motion to approve the
18 application by Vice Chairman Victor Grullon.

19 Second, Margarita Gutierrez.

20 Roll call on the motion.

21 Victor Grullon?

22 VICE CHAIRMAN GRULLON: Yes.

23 THE SECRETARY: Margarita Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Khaled Dardir?

1 MR. DARDIR: Yes.

2 THE SECRETARY: John Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Peter Doumas?

5 MR. DOUMAS: Yes.

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

8 MS. PEREIRAS: Thank you all very much.

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

11 MR. EYERMAN: Counsel, thank you. That
12 takes care of me.

13 VICE CHAIRMAN GRULLON: Thank you.

14 MR. EYERMAN: Hope you guys have a good
15 night.

16 VICE CHAIRMAN GRULLON: Thank you.

17 MS. GUTIERREZ: Good night.

18 Thank you for coming.

19

20 (Whereupon, Brian E. Eyerman, Esq. left at
21 6:35 p.m.)

22

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

25

1 **419 13th Street, LLC - 419-421 13th Street:**

2

3 MR. PANEQUE: Yeah. Let's call that one
4 out of order.

5 THE SECRETARY: Which one?

6 MR. PANEQUE: We're going to call now,
7 number 6. It's going to be out of order, but
8 he's going to ask for an adjournment.

9 THE SECRETARY: May I have your attention,
10 please?

11 We are going to just change a little bit
12 the order of the -- tonight's agenda.

13 Going to be adjournment for application
14 number 6, 419 13th Street, LLC, 419-421 13th
15 Street.

16 Mr. Diaz, please?

17 MR. DIAZ: Good evening, Board members.

18 Luis Diaz for the applicant, 419 13th
19 Street, LLC.

20 I'm going to request a postponement and
21 adjournment on this matter. I think that there
22 is a clarification that needs to come from the
23 Building Department. And it will be important to
24 have that in hand, once this presentation is
25 done.

1 For that reason, I would like to request an
2 adjournment, and if the adjournment is granted,
3 then I would like to obtain jurisdiction, and do
4 my presentation at the next available hearing.

5 MR. PANEQUE: Okay. Mr. Diaz, would you
6 like to obtain jurisdiction --

7 MR. DIAZ: Yes.

8 MR. PANEQUE: -- at this time?

9 MR. DIAZ: Give you the documents.

10 MR. PANEQUE: Thank you.

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

13 MR. PANEQUE: For the record, I've been
14 provided with a Proof of Publication, which
15 appeared in The Jersey Journal, on September 26,
16 which gave notice of tonight's hearing with
17 respect to the variance being presented.

18 I've also been provided with a copy of the
19 notice that went out, and a list of -- provided
20 by the Tax Assessor's Office, with the -- all the
21 owners within 200 foot radius.

22 That list was promulgated on September 16,
23 2015.

24 Mr. Diaz has also provided me with
25 certified mail return receipts, as well as the

1 actual notices that -- for the receipts that went
2 out.

3 I find that the notices are in proper order
4 and there is jurisdiction for this Board to hear
5 this application.

6 VICE CHAIRMAN GRULLON: Thank you, Mr.
7 Counsel.

8 Mr. Diaz, are you looking to -- to adjourn
9 for November 12?

10 MR. DIAZ: The next hearing. If that is on
11 the 12th, then we would like to have that -- that
12 opportunity.

13 VICE CHAIRMAN GRULLON: Okay.

14 I make a motion to adjourn it to November
15 12, without further notice.

16 THE SECRETARY: Motion to adjourn this
17 application by Vice Chairman Victor Grullon.

18 Second by?

19 MS. GUTIERREZ: I'm seconding.

20 THE SECRETARY: Margarita Gutierrez.

21 Roll call on the motion.

22 Victor Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Margarita Gutierrez?

25 MS. GUTIERREZ: Yes.

1 THE SECRETARY: Khaled Dardir?

2 MR. DARDIR: Yes.

3 THE SECRETARY: John Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Peter Doumas?

6 MR. DOUMAS: Yes.

7 THE SECRETARY: Motion carries. Five in
8 favor. No further notice required. Next
9 meeting, November 12 --

10 MR. DIAZ: Twelve.

11 THE SECRETARY: -- 2015.

12 MR. DIAZ: Very good.

13 THE SECRETARY: Same place, same time.

14 MR. DIAZ: Thank you very much. Have a
15 good night and let's keep our fingers crossed for
16 that New York team.

17 MR. PANEQUE: For anyone who was here on
18 the application that was just before the Board,
19 419 13th Street dash 419 21st -- 13th Street, that
20 application is being adjourned until the November
21 12 meeting. No further notices will go out.

22 * * *

23

24

25

1 **Demetrios S. Econopouly/Hudson Foot Holdings, LLC**
2 **- 1900-1906 Kennedy Boulevard:**

3

4 THE SECRETARY: Okay.

5 Next application on tonight's agenda,
6 Demetrios S. Econopouly/Hudson Foot Holding, LLC,
7 1900-1906 Kennedy Boulevard.

8 Mrs. Pereiras, please.

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

11 MR. PANEQUE: For the record, I've been
12 provided by counsel with an Affidavit of
13 Publication for notice of tonight's hearing,
14 which appeared on October 5th paper, which
15 indicates that the matter is to be scheduled for
16 tonight, October 15th, six p.m.

17 I've also been provided with a
18 Certification as to publication and service, and
19 a 200 foot list, which was promulgated by the Tax
20 Assessor's Office dated October 2nd, 2015.

21 I've also been provided with copies of the
22 return receipts, as well as the original receipts
23 for delivery to the post office.

24 Said receipts indicate that the mail was
25 placed in the post office on October 2nd, 2015.

1 All of the documentation is in order, and
2 this Board has jurisdiction to hear this
3 application.

4 VICE CHAIRMAN GRULLON: You may proceed --

5 MS. PEREIRAS: Thank you very much.

6 VICE CHAIRMAN GRULLON: -- Ms. Pereiras.

7

8 (Whereupon, Miguel Ortiz arrived at 6:42
9 p.m.)

10

11 MS. PEREIRAS: Again, Bianca Pereiras, on
12 behalf of the applicant, Demetrios Econopouly.
13 This property is located on Block 105, Lots 24 to
14 27, also known as 19 --

15 THE SECRETARY: Mrs. Pereiras, can you
16 allow me for a second please?

17 Let the record indicate that Mr. Ortiz has
18 just joined the meeting at 6:44 (sic).

19 Thank you.

20 MS. PEREIRAS: Thank you.

21 Located at 1900 to 1906 Kennedy Boulevard.

22 On-site, there are currently two buildings.
23 One -- both of which they host residential units,
24 as well as a -- a medical office in one of the
25 buildings.

1 We are looking to construct a new 13 unit,
2 multi-family building with parking on-site.

3 We have two experts to testify before the
4 Board this evening. I'd like to begin with our
5 architect, Mr. Manuel Pereiras.

6 MR. PEREIRAS: I remember I am still under
7 oath.

8 MS. PEREIRAS: Mr. Pereiras, are you
9 familiar with 1900-1906 Kennedy Boulevard?

10 MR. PEREIRAS: I am.

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

13 MR. PEREIRAS: I have.

14 MS. PEREIRAS: And can you please walk us
15 through the application?

16 MR. PEREIRAS: Very, very happy to.

17 Again, for purpose, for demonstration, I
18 have the same drawings that were submitted on an
19 easel to my right, and I have a rendering of the
20 façade of the building on the easel to my left.

21 I will be walking between the two of them.

22 Should I mark that as Exhibit A-1, which --

23 MR. PANEQUE: Yes. Let's start with A-1.

24 MR. PEREIRAS: Well, this is the same as
25 the drawings that were submitted.

1 MR. PANEQUE: Okay.

2 MR. PEREIRAS: So, I will mark this one.

3 MR. PANEQUE: Okay.

4 MR. PEREIRAS: And --

5 MR. PANEQUE: We'll have that one A-1.

6 MR. PEREIRAS: All right.

7 For the record, I'm marking the top right
8 hand corner of the rear, as Exhibit A-1.

9

10 (Whereupon, Artist Rendering was received
11 and marked as Exhibit A-1.)

12

13 MR. PEREIRAS: I love the location of this
14 lot. It's right off of Kennedy Boulevard.
15 Kennedy Boulevard and 19th Street, on the east
16 side.

17 We have a great property. It's a hundred
18 by a hundred. And it sits in a very interesting
19 neighborhood.

20 The property immediately to the north of it
21 is a multi-family building, brick in nature, four
22 stories, as well.

23 So, we have -- what we're presenting to you
24 here today, located within the same block,
25 immediately to the north of this, adjoining it in

1 a very nice way, which creates a -- a real
2 pattern, and our planner is going to talk more
3 about that.

4 To the south of this, we have houses of a
5 more residential scale. It's broken down in 25
6 by a hundred lots.

7 So -- and then, to the rear, we have
8 another multi-family brick building. And then,
9 beyond that, there's more smaller scale houses.

10 What we tried to do on this lot is since we
11 have a hundred by a hundred, conceptually, we
12 could build on this hundred by a hundred, three
13 family houses on each of these 25 foot width
14 lots. And we would have four three family
15 houses, on this 25 foot lot.

16 Those three three -- those four three
17 families would be a total of 12 units. If we
18 have three bedrooms per unit, we would have about
19 36 bedrooms, potentially, coming before this
20 Board.

21 Or, at a minimum, 30 bedrooms, depending on
22 how many bedrooms you have in the three family
23 house.

24 What we're presenting to you is 13 unit
25 building. Twelve of those units are all two

1 bedrooms. So, it's a total of 24 bedrooms.

2 And then, another four unit -- a new
3 penthouse for the owner of the property, on the
4 top floor, that would be an addition of 28
5 bedrooms in total.

6 So, it would be a potential, and a serious
7 reduction in the impact of the neighborhood, as
8 far as bedrooms are -- is concerned on this
9 building, from 36 bedrooms, potentially, to a
10 project that we're proposing to you that has a
11 maximum of 30 bedrooms. I mean, 28 bedrooms.

12 That taken into consideration, we wanted to
13 address the site significantly, and since the
14 adjoining building to the north is right on the
15 property line, I felt it was very important to
16 maintain that -- that prevailing lot line, as its
17 described in our Ordinance, to maintain the
18 prevailing lot line.

19 And so, we made our building equally onto
20 that lot line and kept the zero setback along the
21 front of the property.

22 Along 21st Street, however, we started to
23 set our building back, and we created a little
24 bit of architectural interest. The bulk of the
25 building is -- is 13 feet set back from the

1 property line. And the protrusion in the front,
2 the center, which is our vertical circulation
3 from the building, that's set back ten feet.

4 So, our side yard setback along 19th Street
5 is a total of ten feet, for a portion of the
6 center of the building. And it's 13 feet from
7 the building along the sides.

8 The rear of the building is set back 16
9 feet six inches. So, it's set back from that
10 other masonry residential building 16 feet six
11 inches.

12 And along the north of the property, we're
13 set back a total of nine feet seven inches. And
14 then, there's a protrusion, which is our vertical
15 circulation again, adds a little bit of interest
16 to the building, that's only set back two foot
17 six inches.

18 These setbacks allow for a lot of
19 landscaping. Something that we're in desperate
20 need here in Union City, and I love being able to
21 do that.

22 So, the entire corner of this property,
23 from Kennedy Boulevard, heading back all the way
24 to our entry, has the opportunity for
25 landscaping. The -- the northern corner has

1 landscaping and then the northeast corner of our
2 building, we create a small garden in the rear.
3 All landscaping.

4 So, we have about 16 percent of our entire
5 lot coverage as landscaping.

6 In addition to that, the building, because
7 of its footprint being -- we're reducing it
8 because of all the setbacks, the maximum building
9 coverage is 66.3 percent.

10 So, to go over a little bit, a list of our
11 variances that we have on the site. And the
12 planner's going to go into this to a lot more
13 detail.

14 But our variances, we have -- we're
15 compliant in lot area, lot width, lot depth.

16 Our front yard, it meets the prevailing
17 setbacks. So no variance is requested there.

18 Our side yard, six feet and 12 feet. Six
19 feet for one, 12 feet for both. We have two
20 point -- two feet six inches, because of that
21 protrusion on that side. And we have ten feet on
22 the other side. So --

23 And our rear yard, we require 25 percent of
24 the lot, we're at 16.6. So, that's a variance.

25 Our height. We have a five story building

1 that we're proposing. And I'm going to get to
2 the height and how it relates to the street in a
3 second, but we're asking for a variance on height
4 for both number of stories and height in feet.

5 Our building coverage is at 66.3, whereas
6 60 is permitted.

7 And our lot coverage is at 83.6, whereas 75
8 is permitted.

9 We have a total of 20 -- 26 spaces
10 required. And -- and we have 14 -- 21 spaces in
11 total provided in this building. Seven of those
12 spaces are in tandem, and I'm going to describe
13 it in our planning -- in our parking layout, as
14 well.

15 I am turning now to Sheet Z02 of the set.

16 It was very important for us to take the
17 traffic off Kennedy Boulevard. It's a busy
18 street. I don't want a curb cut on Kennedy
19 Boulevard. I felt it was going to be dangerous.
20 And since we are on the corner, it gave us the
21 opportunity to create the entry to our building,
22 our vehicular entry to our building, along 19th
23 Street.

24 I pushed the entry, the vehicular entry as
25 far away from the corner as possible, to avoid

1 any -- any situations with cars lining up. And
2 we -- we were able to do that all the way to the
3 rear of the building, so that as you come from
4 19th Street, and 19th Street goes in the west
5 direction, so you would turn, typically, off 18th
6 Street, go to Kerrigan, and come down 19th Street.
7 Once you go down 19th Street, and you'd make a
8 right into the building.

9 You have a driveway and you lead right into
10 the building, while we have ample aisle space.
11 We have 22 feet six inches of aisle space. Our
12 parking spaces are all nine feet wide. And the
13 -- those located to the north of the building are
14 tandem. The ones to the south are -- are direct.
15 And then we have our handicap space, as well.

16 That's -- that's a total of 19 spaces.

17 In addition to those 19 spaces, we made the
18 opportunity that in the drive, that the rear of
19 the drive, we're parking two cars. So, that
20 bumps us up to 21 spaces in total for our 13 unit
21 apartment.

22 So, we have -- so, we're providing a good
23 amount of parking in this building.

24 And our planner's going to testify at
25 length, but as we all know, Kennedy Boulevard is

1 | amazingly perfect. We could literally walk to
2 | the sidewalk, and we'll have a bus stop right
3 | there, so that -- that takes us into the city, or
4 | it takes the other way to Journal Square.

5 | The pedestrian entry to the building is
6 | also located away from Kennedy Boulevard, and
7 | located on the more residential side of -- of the
8 | building, which is 19th Street.

9 | That -- that entry is -- is flanked on both
10 | sides by landscaping. So, we have beautiful
11 | landscaping on both sides, and a nice canopy
12 | coming in.

13 | You walk into the building, and you're in a
14 | beautiful lobby. That lobby has a mailroom, and
15 | leads you to both an elevator and -- and
16 | emergency stair -- a fire stair.

17 | You walk into the elevator and you're led
18 | upstairs to what is the typical floor plate for
19 | three of the stories.

20 | Very simple in design. We have a corridor
21 | that bisects the building with vertical
22 | circulation on both ends of that corridor. And
23 | it's perfect for emergency escape.

24 | Both stairs lead directly to -- this one
25 | leads to a lobby that leads outside, and this

1 | stairs dumps directly out of the building in case
2 | of a fire.

3 | The building is divided into four
4 | quadrants. Each of those quadrants mimics each
5 | other, and -- and has a two bedroom apartment.

6 | The design is very similar on all of them.
7 | You walk in, the second you walk into the space,
8 | you're presented with a huge open area, with big
9 | windows at the end of it.

10 | We're providing -- we're proposing tall
11 | ceilings. This is going to be a very beautiful,
12 | very luxurious apartment.

13 | Each of these apartments is about 1,400
14 | square feet in size. So, you walk in. You're
15 | open to the big living room, dining room space.
16 | It's 20 feet wide, by the depth of the building.
17 | The kitchen, open layout kitchen with an island
18 | at the center, our ADA bathroom along the side,
19 | and then our secondary bedroom, and our master
20 | bedroom, with its own walk-in closet and master
21 | bath.

22 | The same design is mimicked on the -- on
23 | the four corners of the building.

24 | The smallest of the four units is 1,371.5
25 | square feet. The largest of them is 1,430 square

1 feet.

2 That's the same for three floors.

3 And then, what we have is actually going to
4 be an owner occupied building. The current owner
5 of the property, who -- who had his office on the
6 site, is looking to live within the same
7 building. And he's creating a penthouse
8 apartment for himself.

9 So, the fifth story is a one -- instead of
10 four apartments, we actually reduced the size
11 significantly, and made it into one apartment. A
12 four bedroom apartment, with four small suites of
13 bedrooms, with one large living/dining space, and
14 the four bedroom suites along the corner.

15 What we did on this fifth floor is we
16 significantly created setbacks on that floor, as
17 well.

18 So, in addition to the previous existing
19 setbacks, that building is set back even more.
20 Fifteen feet on each side, and ten feet front and
21 back.

22 So, as you could see if we are looking --
23 approaching this building on the rendering that I
24 have to my left, that fifth floor -- it gives it
25 the illusion that it disappears a little bit. It

1 | works with the scale of -- of the street, as it's
2 | beyond the side of the building.

3 | To present a little bit of the features
4 | architectural on the elevation, I think it's
5 | better to use the rendering.

6 | It was -- we're in an interesting site
7 | because to the north, you have some large massive
8 | buildings immediately next to it. To the south,
9 | you have more residential scale.

10 | So, we tried to break this up in a way that
11 | made sense aesthetically to the landscape of the
12 | -- of the site.

13 | So, what we did is we took the vernacular
14 | that we have of the 25 foot sites, and we tried
15 | to mimic that on the corners of the building.

16 | So, what we're so used to as a footprint of
17 | a house is mimicked here, and then presented
18 | floating within a larger mass. So it identifies
19 | as a larger mass to the buildings to the north.
20 | It identifies as smaller masses, broken down, to
21 | the repetition to the south. And it creates a
22 | nice style for the building.

23 | This is the all brick. A beautiful brick
24 | building. I think that was important for Union
25 | City and the area. We have some nice pre-war

1 buildings along Kennedy Boulevard. Actually,
2 some gorgeous buildings within a block of this.

3 And I thought it was important to maintain
4 that -- that brick element that we see in Union
5 City, and bring a little bit of a contemporary
6 feel to it. It's very clean, very modern. The
7 -- the vertical elements accentuate this again --
8 this repetitious -- repetitive movement.

9 And as you could see, we're -- we're
10 reducing those setbacks and it increases our
11 variance a little bit on the sides, by having
12 this volume come out three feet over there and on
13 the back, four feet.

14 And this little play, but it creates a lot
15 of architectural character to the building, that
16 really beautifies the neighborhood --
17 neighborhood. And I thought it was important to
18 present on this project.

19 Also, you could see all the landscaping
20 that we are able to provide along the side of the
21 building. And I think it's a significant note to
22 make and then, the canopy that leads you to the
23 entrance there.

24 The railing that I show along the top of
25 the building reminds me to explain that the

1 | penthouse apartment has the opportunity to walk
2 | out. We provided multiple doors so that the
3 | penthouse apartment has a walk-out patio along
4 | that roof.

5 | And he has the ability to do that around
6 | the building.

7 | That concludes -- I -- I hope I covered
8 | everything, and I'm -- and I'm open for your
9 | questions, or for the next witness.

10 | VICE CHAIRMAN GRULLON: Yes. We usually
11 | request it for the end of your presentation.

12 | MS. PEREIRAS: At the end. That's fine.

13 | VICE CHAIRMAN GRULLON: You have another
14 | witness?

15 | MS. PEREIRAS: Yes, I do. I have a
16 | planner, Mr. Michael Kauker.

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

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

20 | MR. KAUKER: I do.

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

23 | MR. KAUKER: Michael D. Kauker, K-A-U-K-E-R.

24 | MR. DILLON: Thank you.

25 | MS. PEREIRAS: And for purposes of the

1 record, Mr. Kauker has presented before this
2 Board before.

3 VICE CHAIRMAN GRULLON: Yes.

4 MS. PEREIRAS: And I ask that he be
5 accepted.

6 VICE CHAIRMAN GRULLON: We accept his
7 qualifications.

8 MS. PEREIRAS: Thank you.

9 MR. KAUKER: Thank you.

10 VICE CHAIRMAN GRULLON: Thank you, Mr.
11 Kauker.

12 MS. PEREIRAS: Mr. Kauker, are you familiar
13 with the site in question?

14 MR. KAUKER: I am. I had an opportunity to
15 review the plans that were prepared. I had an
16 opportunity to go out and visit the subject
17 property and the surrounding area.

18 In addition, I reviewed the Master Plan of
19 Union City, as well as the Zoning Ordinance.

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

22 MR. KAUKER: Sure.

23 As Mr. Pereira had mentioned before, this
24 is a five story building. It's going to contain
25 13 apartment units. It's a multiple family

1 building, that's located in the R residential
2 zone.

3 The subject property itself, I'll just
4 briefly go over it again. I know Mr. Pereiras
5 had gone over it.

6 It's a corner lot. It consists of three
7 tax lots, actually. It's located on the corner
8 of Kennedy Boulevard. Kennedy is a two way
9 street going in a north/south direction, and also
10 19th Street, which is a one way street going in a
11 westerly direction.

12 The property is identified as Block 105,
13 Lots 24 through 27. And as I mentioned, it's
14 located in the R residential zoning district.

15 The property itself has a lot area of
16 10,000 square feet, when you combine the two --
17 the two lots.

18 The property currently is occupied by two
19 buildings. The building that's on the actual
20 corner is used as a residence. And the building
21 that's in one -- that's located along Kennedy
22 Boulevard, and the interior portion of the lot,
23 is actually used for office use.

24 There are three offices that are in, or
25 that were in this building. If you drive by, you

1 | can still see the sign.

2 | There was a medical office, and then there
3 | were two, what appear to be general office type
4 | uses. So, there were three office uses that
5 | occupied that second building on the -- on the
6 | property.

7 | According to the existing land use map, of
8 | the 2009 Master Plan, this property was
9 | identified for residential and commercial use.

10 | So, the existing land use map had this
11 | property characterized as residential and
12 | commercial, which is exactly what I just
13 | described the property is being used for.

14 | With respect to the surrounding conditions,
15 | Kennedy Boulevard itself contains -- it's a --
16 | it's a very heavily traveled street in Union
17 | City.

18 | It contains a mix of commercial,
19 | residential, office type uses.

20 | The -- where this property is located, it's
21 | -- it's kind of a transition area.

22 | To the south of the area, along Kennedy is
23 | a little more residential. To the north is a
24 | little more commercial.

25 | What's interesting with this building is

1 immediately adjacent to actually the northern
2 side, and the easterly property line are two four
3 story, multiple family buildings.

4 So, this building is going to be located on
5 a corner, and it's going to be located adjacent
6 to two four story multiple family buildings.

7 So, the reason why I mention that is
8 because this project is going to be consistent
9 with those other two existing multiple family
10 buildings.

11 Nineteenth Street itself, when you -- with
12 the exception of that -- excuse me -- with the
13 exception of the existing four story multiple
14 family building, the remainder of 19th Street
15 contains one and two family dwellings, and
16 approximately two story buildings.

17 The -- as I mentioned before, the -- the
18 proposed development consists of the demolition
19 of the two existing buildings, the construction
20 of a five story building that's going to contain
21 13 apartment units.

22 There's going to be parking located on the
23 ground floor. There are going to be residential
24 uses located on the second, third, fourth and a
25 penthouse that's going to be located on the fifth

1 floor.

2 And as Mr. Pereiras mentioned, the
3 penthouse structure, or the fifth floor is -- it
4 doesn't occupy the entire floor area. It's set
5 back from the -- the edge of the building, about
6 -- I think it's about ten feet and 15 feet on --
7 on all -- around the perimeter of the -- the
8 penthouse.

9 So, from a visual standpoint, it's not
10 going to appear as a full five story building,
11 because you have a vertical setback, or -- when
12 you look up at the building.

13 With respect to the parking, there are
14 going to be 21 parking spaces that are proposed.
15 Seven of the parking spaces are going to be
16 tandem. That amounts to 1.2 parking spaces per
17 unit. But 14 of those parking spaces are
18 unencumbered, so the vehicles can move freely in
19 and out of those 14 parking spaces.

20 One of the other things this -- this
21 application is going to result in, it will result
22 in the elimination of the office uses, which is
23 currently a nonconforming use in the R zone.

24 So, it's going to be eliminating those
25 nonconforming office uses from the district.

1 As I mentioned before, the applicant -- the
2 applicant's property is located in the R
3 residential district. The residential district
4 permits a number of uses, including one family,
5 two family and three family dwellings, municipal
6 uses, public parks and playgrounds.

7 A multi-family use is not specifically a
8 permitted use in the zone, although it's
9 permitted as a conditional use as a -- as a
10 greyfield redevelopment, which does permit mid-
11 rise, multiple family structures.

12 With respect to -- this particular use, as
13 I mentioned, it's not a permitted use, so we're
14 going to require a D-1 use variance.

15 In addition, we're going to require one
16 other D variance, which I'll go into later, and
17 that's for the height of the building. That's a
18 D-6 variance, because we exceed the permit -- the
19 permissible height by more than ten feet or ten
20 percent.

21 With respect to this property itself, one
22 other thing that I did want to point out, and
23 that I'll bring to your attention is the fact
24 that this property is very large compared to
25 what's -- what's required in the Zoning

1 Ordinance.

2 The Zoning Ordinance, for the R zone,
3 requires 2500 square feet minimum lot area for
4 one, two, and three family. And then, 5,000
5 square feet for other uses in the zone.

6 This property is 10,000 square feet.

7 What's interesting is you could actually
8 construct four three family homes on this
9 property, if you subdivided it into four lots at
10 2500 square feet and put a three family home on
11 each of those lots.

12 One of the other things that I did was I
13 did an analysis. I know the Board likes to look
14 at the number of people that will be generated,
15 number of persons that will be generated, the
16 number of school children. And I also compared
17 it to what could be constructed on -- on the
18 property as of right.

19 So, if you -- if you take this -- this 13
20 unit structure, there are 12 of the units that
21 are going to be two bedrooms. And there is one
22 unit that's going to be a four bedroom unit.

23 So, that equates to a total of 28 total
24 bedrooms.

25 Now, if you looked at a scenario where you

1 constructed four three family homes, they'd
2 probably be about either three or four bedrooms.

3 If you look at the -- if you -- if you
4 considered that they were developed as three
5 bedroom units, you'd have a total of 36 bedrooms.

6 So, you could, essentially, have more
7 bedrooms constructed on this site, under a
8 permitted scenario, than what we're proposing
9 here.

10 And what that really speaks to is the
11 intensity of the use. So, the intensity of the
12 use that we're proposing is consistent with, and
13 somewhat less than what could be constructed on
14 this property.

15 Going into looking at the number of persons
16 that would be generated, what we did was we
17 looked at a number of multipliers that were
18 prepared by the Rutgers Center for Urban Policy
19 Research, which is a commonly accepted treatise
20 with respect to preparing these sorts of analysis
21 that -- that estimating the proposed or the
22 population from a proposed development.

23 The number of persons that would be
24 generated from this proposed development would be
25 28.

1 Now, if you considered the scenario where
2 you had a -- where you built four three family
3 structures, at three bedrooms, the number of
4 persons generated would be 42.

5 So, you'd have a significant number -- more
6 people generated from the -- the development that
7 could be constructed on the property, that's
8 permitted by right, as opposed to what we're
9 proposing here.

10 If you consider this to be a four -- a four
11 bedroom, you'd have 47 people that would be
12 generated from this development.

13 With respect to school children, I went
14 through the same sort of analysis, used
15 multipliers from -- from the document prepared by
16 the Rutgers Center for Urban Policy Research.

17 The number of school children that would be
18 generated from this development would be 3.2. So
19 about -- round down to three school children that
20 would be generated from this development.

21 If you constructed a three family home on
22 the -- or four three family homes, with three
23 bedrooms in each, you'd have eight school
24 children.

25 So, there will be more school children

1 generated from what would be permitted in this,
2 as well.

3 So, again, that speaks to really the
4 intensity of the use. And really, I wanted to
5 just make the Board comfortable with what we're
6 proposing isn't going to be something that's
7 going to significantly impact the City, with
8 respect to the number of people that are
9 generated, or the number of school children.

10 So, with respect to the variances, as I
11 mentioned, there are two D variances that are
12 required for this application.

13 The first is a D-1 use variance. And in
14 order for the Board to grant a use variance, the
15 applicant must make a showing of the special
16 reasons. So, they must make a showing -- an
17 affirmative showing of -- of the positive and the
18 negative criteria.

19 So, the positive criteria basically says
20 that in order for the Board to grant a variance,
21 there -- as I said before, there must be special
22 reasons. And those special reasons must be tied
23 with the purposes of zoning as contained in the
24 Municipal Land Use Law.

25 Now, essentially, there are two primary

1 reasons where a board can grant an application
2 for a variance.

3 The first is that the public welfare is
4 promoted because the site is particularly suited
5 for the proposed development.

6 The second is that the proposed welfare is
7 furthered because the use is inherently
8 beneficial.

9 The use that we have here is not one that's
10 inherently beneficial. But it is one that I
11 think that this site is particularly suited for.

12 It's my opinion that the site is
13 particularly suited for the following reasons.

14 Number one, the location.

15 As I mentioned, it's located along Kennedy
16 Boulevard, which is a heavily traveled roadway
17 within Union City. It's located immediately
18 adjacent to two other uses, two other multiple
19 family uses that are both four stories.

20 One other thing I did want to point out,
21 because what we're proposing is a five story
22 building, although the fifth story, as I said, is
23 -- is somewhat reduced, because it's the
24 penthouse structure, those other two four story
25 buildings do not have parking within the

1 building.

2 So, the reason why this is five stories as
3 opposed to four is because we needed to
4 accommodate parking in the ground floor.

5 In addition, there are other multiple
6 family structures located in the vicinity across
7 the street. Although not in Union City, but
8 there are other multiple family uses within the
9 area.

10 So, it's consistent with other uses in the
11 area.

12 It's a corner lot. It has two frontages.
13 A corner lot can better accommodate a larger
14 development, such as a multiple family type use.

15 I talked about the size of the property.
16 The property itself is 10,000 square feet. The
17 -- the lot area requirement in this zone is 2500
18 square feet for one, two and three family. And
19 5,000 square feet for other uses.

20 One other thing I just did want to point
21 out, where these uses are permitted, the minimum
22 lot area requirement for this type of development
23 is 10,000 square feet.

24 So, I think that just further points out
25 that this lot can accommodate the proposed

1 multiple family development.

2 Basically, also, what we're doing here,
3 we're assembling a number of parcels, and we're
4 creating a larger lot to accommodate this
5 development.

6 This development will also further the
7 purposes of zoning and -- and be a benefit to the
8 community because it's going to provide new
9 housing within Union City.

10 And as I mentioned before, it's going to
11 eliminate the nonconforming office use that
12 currently exists.

13 The second D variance is a D-6 variance.
14 The building height that's permitted in the zone
15 is three stories and 40 feet.

16 We propose a five story building, and a
17 building that's 52 feet six inches in height.

18 Now, the case of Grasso versus Spring Lake
19 Heights typically -- you know, is one of the
20 cases that's looked at with respect to a board
21 reviewing a height variance.

22 And essentially, what that looked at, it
23 said a board can grant a height variance if the
24 building height is consistent with the heights of
25 other buildings in the area.

1 I would submit to the Board that this
2 building is consistent, and there are two other
3 structures, as I mentioned before, that are four
4 stories in height.

5 So, I think that the Board could grant that
6 deviation height because of that fact.

7 And again, just one other thing that I
8 wanted to point out, that actual fifth story, as
9 I mentioned before, it doesn't -- it doesn't
10 occupy the entire roof area. It just occupies a
11 portion of it. And it's set back, as I said,
12 from the building façade.

13 So, for those reasons, it's my -- my
14 opinion that the application does further the
15 purposes of zoning, as I mentioned before. The
16 -- the property is particularly suited for the
17 proposed use.

18 Also, one of the other -- a couple other
19 purposes of zoning that it does promote is the
20 promotion of a desirable visual environment.

21 Obviously, a brand new, aesthetically
22 pleasing building is going to be constructed on
23 the property.

24 And also, the promotion of a State policy.
25 The State Development and Redevelopment Plan

1 encourages development and redevelopment in
2 already developed areas, such as Union City.

3 And then, moving on to the bulk variances
4 that are required. Mr. Pereiras did go over
5 those and now I'll go over the justification.

6 There are a number of C variances that are
7 required, and in order for the Board to grant a C
8 variance, there are two particular cases where
9 you can.

10 Number one is the C-1, in cases of hardship
11 or practical difficulty.

12 And then, there's the C-2, where the Board
13 can grant a variance where the benefits outweigh
14 the detriments.

15 Now, we spoke a little bit -- or Mr.
16 Pereiras spoke about the front yard, and how the
17 front yard meets the prevailing setbacks within
18 the area. It's consistent with -- with the
19 building that's located to the north, along
20 Kennedy Boulevard. And, also, consistent with
21 the other multiple family building along 19th
22 Street.

23 So, there is no variance for front yard.

24 There is a rear yard variance that's going
25 to be required. And the rear yard, again, is

1 something that's consistent with those other
2 buildings in the area.

3 If you look at the multiple family
4 structures that are located immediately adjacent
5 to it, those -- those buildings occupy
6 predominantly the entire property.

7 Maximum building coverage is another
8 variance that's required. Sixty percent is
9 permitted, 66.3 percent is proposed.

10 And then, also, maximum lot coverage, where
11 75 percent is permitted and 83.6 percent is
12 proposed.

13 As I mentioned before, those coverages are
14 consistent with other coverages of other multiple
15 family buildings in the area.

16 And again, one of the other reasons why we
17 -- we need to have the -- the deviations in
18 coverage, and also, to have the deviation in the
19 rear yard setback, is to provide that parking
20 underneath.

21 In order to provide adequate parking, with
22 adequate -- adequate circulation, we need a
23 certain area to do that in. And that's the
24 minimum area that we could provide those parking
25 spaces.

1 So, I think that the benefit of providing
2 those parking spaces and the fact that it's
3 consistent with other uses in the area would
4 outweigh any detriment that would result from
5 those variances.

6 Finally, there's a parking variance, as I
7 mentioned before. Twenty-six parking spaces are
8 required; 21 are proposed. And we would require
9 a de minimis exception from the Residential Site
10 Improvement Standards.

11 Essentially, the RSIS deals with parking in
12 the State as a whole. They don't really take
13 into consideration if -- if a property is located
14 in a more developed, urban area, like Union City,
15 or a more rural area somewhere -- you know,
16 somewhere out in western or southern New Jersey.

17 So, the parking standards are the same.

18 So, they don't take into consideration the
19 fact that there is -- you know, mass transit in a
20 community, which Union City does have.

21 So, I think that the parking variance is
22 justified, based upon the fact that there is
23 sufficient parking provided on-site, and because
24 we're located near mass transit.

25 In fact, there's actually a bus stop that's

1 | located along Kennedy Boulevard, right in the
2 | front of this property.

3 | Finally, with respect to the variances that
4 | are required, the applicant must make a showing
5 | of the negative criteria.

6 | The negative criteria consists of two
7 | parts. The first is that there will be no
8 | substantial detriment to the public good. The
9 | second is that there will be no substantial
10 | impairment to the intent and purpose of the zone
11 | plan or Zoning Ordinance.

12 | Now, it's my opinion that there will be no
13 | substantial detriment to the public good. The --
14 | as I said before, there is sufficient parking
15 | provided on-site. There won't be a significant
16 | increase in traffic that the roads in the area
17 | can't accommodate.

18 | The nonconforming office uses are going to
19 | be eliminated.

20 | And -- and also, this use, as I mentioned
21 | before, even though not specifically permitted in
22 | the R zone, is contemplated, as it's permitted as
23 | a conditional use.

24 | Finally, no substantial impairment to the
25 | intent and purpose of the zone plan or Zoning

1 Ordinance.

2 The -- the development itself meets a
3 number of the goals and objectives of the Master
4 Plan; mainly to provide housing for a growing
5 population.

6 And so, for those reasons, I -- I believe
7 that it is consistent with the Master Plan.

8 Further, with a D-1 use variance, an
9 applicant must make a showing of the Medici
10 enhanced quality of proof, basically, reconciling
11 the fact that the use isn't included within the
12 permitted uses in the Zoning Ordinance or the
13 Master Plan.

14 With respect to this deviation, I feel that
15 it can be reconciled because the -- this
16 development is consistent with the adjacent
17 multiple family, and also, the other uses along
18 Kennedy Boulevard.

19 So, for that reason, I feel that -- that
20 the Medici enhanced quality of proof is met.

21 Obviously, there are changing conditions in
22 Union City, where they are constantly being --
23 you know, redevelopments for multiple family, and
24 other larger scale type developments.

25 So, in closing, it's my opinion that the

1 applicant meets its burden of proof, that the
2 positive criteria well outweigh the negative
3 criteria.

4 And I think that the Board can look
5 favorably upon the requested variances.

6 Thank you.

7 VICE CHAIRMAN GRULLON: Thank you, Mr.
8 Kauker.

9 Do you have any other witness?

10 MS. PEREIRAS: We do not.

11 VICE CHAIRMAN GRULLON: Okay. Let's start
12 with Mr. Pereiras.

13 Could you please come forward?

14 MR. DILLON: You could stand at the podium.

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

17 VICE CHAIRMAN GRULLON: Mr. Pereiras, could
18 you please explain the floor that you have there?
19 You got five, four and a half, because on the
20 application, say four and a half.

21 MR. PEREIRAS: Let me clarify. It's --
22 it's a five story building. The first floor is
23 parking, then we have three floors of residential
24 units, with the full footprint that I showed you,
25 with the setbacks at the site.

1 And then, we have the fifth floor, which is
2 reduced 15 feet on both sides, and ten feet on
3 the side. That's the fifth floor.

4 So, we are presenting before you a five
5 story building. It's -- we could call the fifth
6 floor a penthouse. And it's significantly
7 reduced.

8 If you look at the rendering, you'd see
9 that our building is about equal to height to the
10 adjacent building there. And then, the fifth
11 story, which is back here, is set back and that's
12 the floor that reaches higher.

13 VICE CHAIRMAN GRULLON: You are requesting
14 for a five floor building.

15 MR. PEREIRAS: Yes, we are. It's a five
16 story building that we're requesting. And thank
17 you for clarifying that.

18 VICE CHAIRMAN GRULLON: And the existing
19 buildings that are to be demolished --

20 MR. PEREIRAS: Yes.

21 VICE CHAIRMAN GRULLON: -- what -- how many
22 floors do they have?

23 MR. PEREIRAS: They're small structures. I
24 think one is a two story house, and other one is
25 like a two and a half story house.

1 VICE CHAIRMAN GRULLON: Do you have a --

2 MR. PEREIRAS: It's not a house. It's an
3 office building, really.

4 VICE CHAIRMAN GRULLON: Any questions for
5 Mr. Pereiras?

6 MR. DARDIR: I do.

7 The other houses, are they equivalent in
8 just stories or stories and height, because it's
9 52 and a half, and --

10 MR. PEREIRAS: Neither are equivalent --

11 MR. DARDIR: -- the others are --

12 MR. PEREIRAS: -- in either way. The
13 adjacent properties, both to the north and to the
14 east, are four story structures, that are
15 equivalent to this plane line, in both stories
16 and height.

17 But we are providing a fifth story that's
18 set back.

19 MR. DARDIR: So, they don't exceed 40 feet,
20 or do they?

21 MR. PEREIRAS: They might. I'm not sure if
22 they exceed 40 feet.

23 VICE CHAIRMAN GRULLON: Yeah. That was
24 going to be my next question, but I believe that
25 my question will be for you.

1 How many buildings in the area, on the side
2 of Union City, because I seen pictures here,
3 these are North Bergen. This picture that I see,
4 they're all North Bergen.

5 On the side of Union City, do we have any
6 structure that exceed the 40 feet height?

7 MR. KAUKER: Well, the -- as Mr. Pereiras
8 mentioned, although it's difficult to tell the
9 exact height, but the -- the two existing
10 buildings that are located to the north, along
11 Kennedy, and located to the east along 19th Street
12 -- you know, they're -- they're actually pretty
13 much equal, as he said before, to that, without
14 that penthouse building, or that height.

15 I don't know if they're 40 feet. They
16 probably are -- probably approaching 40 feet, if
17 not --

18 MR. PEREIRAS: They're very close --

19 MR. KAUKER: -- a little higher.

20 MR. PEREIRAS: -- to 40. Either a foot
21 lower, a foot higher. It's very close to that.

22 MR. KAUKER: But those were also probably
23 constructed prior to zoning. So, you know, if
24 they were, they -- you know, they're preexisting
25 nonconforming, with respect to the height of the

1 building.

2 MR. DARDIR: But this won't be.

3 VICE CHAIRMAN GRULLON: And the height
4 variance that you're requesting, is because the
5 City, ten percent of height, do you know more or
6 less the percentage that you're requesting here?
7 Is it 25 percent?

8 MR. KAUKER: Well, no. It's -- it's -- if
9 it's more than ten percent -- if it's more than
10 ten percent or ten feet --

11 VICE CHAIRMAN GRULLON: Yeah.

12 MR. KAUKER: -- it's -- it's a D variance.

13 So, that just -- and -- and as I said
14 before, one of the -- you know, there are a
15 couple of unique things here with this building.

16 Number one. You do have -- when you -- you
17 can -- when you look visually at the structure,
18 this -- this penthouse structure, the fifth
19 story, is set back. So, that's a mitigating
20 factor with respect to the height.

21 In addition, as I said before, one of the
22 reasons why we are five stories is because we're
23 providing parking on that lower level.

24 So, the other two buildings that exist,
25 although they're four stories, they don't have

1 | that parking underneath the building.

2 | So, those are the two reasons, primarily --
3 | you know, that really mitigate the height --
4 | deviation of a height variance.

5 | I think Mr. Pereiras is calculating
6 | percentage.

7 | MR. PEREIRAS: It's 23.8 percent. It
8 | exceeds the -- the allowable height by 23.8
9 | percent.

10 | VICE CHAIRMAN GRULLON: Twenty-three point
11 | eight.

12 | MR. PEREIRAS: And I think that our planner
13 | explained why that's a hardship.

14 | The existing buildings to the north, to the
15 | east, they don't provide parking. They're
16 | residential, massive buildings that have zero
17 | parking. They were built in a different time,
18 | different -- different regulations, different
19 | Ordinance.

20 | We're providing a residential building,
21 | with less of an impact, a lot less units, but
22 | we're -- we are providing parking. And that
23 | additional story raises our building up one --
24 | one story.

25 | MR. DARDIR: I have question.

1 You said everything south of 19 doesn't
2 exceed three stories. Right? Roughly.

3 MR. PEREIRAS: That block.

4 MR. DARDIR: That block.

5 MR. PEREIRAS: That block.

6 MR. DARDIR: So, between 19 and 18 are
7 three stories, maximum.

8 MR. PEREIRAS: I think so. I think.

9 MR. DARDIR: The Kennedy -- there's no
10 entrance on Kennedy?

11 MR. PEREIRAS: But the other side of 18th
12 Street, there's -- there is --

13 MR. DARDIR: There's two.

14 MR. PEREIRAS: -- multi-story --

15 MR. DARDIR: Yeah.

16 MR. PEREIRAS: -- buildings. It varies.
17 That whole area is mixed in heights.

18 MR. DARDIR: Yeah. Okay. I just wanted to
19 clarify that.

20 And also, on Kennedy, is there an entrance?

21 MR. PEREIRAS: No.

22 MR. DARDIR: That's -- so that's not --
23 that's not an entrance. Right?

24 MR. PEREIRAS: This is Kennedy Boulevard.

25 MR. DARDIR: Or - oh, that's the garage.

1 That's the garage.

2 MR. PEREIRAS: There is no entrances, both
3 vehicular, pedestrian entrances on Kennedy
4 Boulevard.

5 MR. DARDIR: Okay.

6 Access to the roof from the penthouse?

7 MR. PEREIRAS: All sides of the penthouse
8 have access to the roof.

9 MR. DARDIR: Oh, okay.

10 VICE CHAIRMAN GRULLON: And again, with the
11 parking, seven of the parking will be tandem
12 parking.

13 MR. KAUKER: That's correct.

14 VICE CHAIRMAN GRULLON: And more or less,
15 you're only providing like one parking per -- per
16 unit.

17 MR. KAUKER: Yeah. There -- there are
18 actually 1.2 parking spaces per unit. So, there
19 is at least one that's provided for every unit.
20 And then, most likely what it is typically done
21 with tandem are two -- two of those are assigned
22 to one unit.

23 But there is one for each unit.

24 MR. DARDIR: I have a question about the
25 setback.

1 The setback on Kennedy is zero. Is just
2 that one building next to it zero, as well? Or
3 the whole street?

4 MR. PEREIRAS: It's zero, as well.

5 MR. DARDIR: Or is it the whole street?

6 MR. PEREIRAS: There is only one --

7 MR. DARDIR: Right.

8 MR. PEREIRAS: -- two buildings.

9 MR. DARDIR: Oh, it's --

10 MR. PEREIRAS: Ours and the other building
11 will be the only two buildings on the block.

12 MR. DARDIR: On the block.

13 MR. PEREIRAS: That's why it's --

14 MR. DARDIR: Oh, okay.

15 MR. PEREIRAS: -- it's very important to
16 actually maintain that.

17 MR. DARDIR: Okay.

18 MR. PEREIRAS: I think it will look
19 aesthetically pleasing.

20 VICE CHAIRMAN GRULLON: Is -- is the other
21 building in the R zone, as well?

22 MR. PEREIRAS: Yes.

23 VICE CHAIRMAN GRULLON: The residential
24 zone?

25 MR. PEREIRAS: It's the same zone.

1 VICE CHAIRMAN GRULLON: How old is that
2 building there? Do you know, more or less?

3 MR. PEREIRAS: That's a hundred year old
4 building.

5 VICE CHAIRMAN GRULLON: It's preexisting.
6 No?

7 MR. PEREIRAS: It's preexisting.

8 MR. MEDINA: Is empty this --
9 Right? Those --

10 MR. PEREIRAS: No. The owner of the
11 property, the same owner who wants to live in the
12 penthouse, operates his medical office out of
13 that -- that building, currently.

14 MR. DARDIR: So, you already own the two --
15 he -- he didn't buy it. He owns it already and
16 wants to just make it better.

17 MS. PEREIRAS: We actually purchased the
18 property to the corner, which is the residence.

19 MR. DARDIR: Okay.

20 MS. PEREIRAS: He purchased that.

21 MR. DARDIR: Okay.

22 MR. ORTIZ: Mr. Kauker, you mentioned that
23 there's no detriment concerning parking.

24 Did you do a traffic analysis, or what did
25 you perform?

1 MR. KAUKER: I'm sorry? With -- with
2 respect to the number --

3 MR. ORTIZ: You did a traffic analysis?

4 MR. KAUKER: -- of parking spaces?

5 Well, traffic analysis is a little
6 different than parking. We -- we didn't do a
7 traffic analysis. I mean, for a building that
8 only has 13 units -- you know, it typically, you
9 wouldn't -- it wouldn't approach a threshold
10 where there would be an impact from the number of
11 trips that will be generated from the property.

12 VICE CHAIRMAN GRULLON: You mean, there's
13 no traffic light on the -- on the intersection of
14 Kennedy and 19th Street. Is there a traffic light
15 there?

16 MR. KAUKER: No. There is a traffic light
17 there. Yeah.

18 VICE CHAIRMAN GRULLON: Is there a traffic
19 light?

20 MS. GUTIERREZ: Yeah.

21 MR. KAUKER: Yeah. There is a traffic
22 light. Yeah.

23 MS. GUTIERREZ: Yeah, there is.

24 MR. PEREIRAS: There is, but we removed all
25 the traffic off of Kennedy Boulevard. So, we

1 purposefully put our vehicular entrance on 19th
2 Street. And it's far away from Kennedy
3 Boulevard.

4 So, it really doesn't impact the traffic on
5 Kennedy Boulevard in that sense.

6 MR. DARDIR: Nineteenth is one way going --

7 MR. PEREIRAS: One way going west, so --

8 MR. DARDIR: So, people there would have to
9 --

10 MR. PEREIRAS: They go through 18th Street
11 --

12 MS. GUTIERREZ: Through 18th. Um hum.

13 MR. PEREIRAS: -- take Kerrigan, because
14 you have to go that way. And then you take a
15 left --

16 MR. DARDIR: Have to go through Kerrigan to
17 get in.

18 MR. PEREIRAS: -- on Kerrigan. Yeah.

19 MR. DARDIR: Okay.

20 MR. MEDINA: When you say 13 unit, that
21 means including also the penthouse upstairs, too.
22 Right?

23 MR. PEREIRAS: Yes.

24 MR. MEDINA: The top.

25 MR. PEREIRAS: Thirteen units in total.

1 MR. MEDINA: Okay.

2 MR. DARDIR: That's all I have.

3 MR. PEREIRAS: And to clarify the parking
4 situation a little bit.

5 We have one, two, three, four, five, six,
6 seven, eight, nine, ten, 11, 12, 13, 14 spaces
7 that are head-on spaces.

8 So, every one of the units, of the 13
9 units, is going to have their own space, where
10 they don't have to both anyone else. They come
11 in, they come out. Everyone has a parking space.

12 In addition to that, there are seven
13 additional parking spaces, along the back. So,
14 multiple units, seven units are going to have two
15 spaces, one behind each other.

16 So, we're going to have -- so, there's a
17 total of eight units are going to have two
18 spaces. And -- and the other -- and the other
19 five units are going to have one space.

20 VICE CHAIRMAN GRULLON: Any more question?
21 Open to the public.

22 Mr. Price?

23 MR. DILLON: Please raise your right hand.

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

1 MR. PRICE: I do.

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

4 MR. PRICE: Larry Price, P-R-I-C-E, 1006
5 Palisade.

6 MR. DILLON: Thank you.

7 MR. PRICE: Excuse me. I have one short
8 question, and then I have a comment.

9 First, the question to the architect, I
10 guess.

11 Building characteristics. Height of
12 structure, 50 feet to top of floor. In the
13 square, however, it says building height, 52 feet
14 six inches.

15 Which is it?

16 MR. PEREIRAS: It's -- I measured two
17 different things there.

18 So, on 50 feet, I'm measuring to the top of
19 the roof plane. And then, on the chart, for
20 clarity, so that we don't have a variance, and we
21 have issues, we measured to the top of the
22 parapet.

23 So, it's 52 six -- point six feet to the
24 top of the parapet there.

25 MR. PRICE: Okay. But in the Union City

1 Ordinance, we measure to the top of the roof
2 beam, or whatever.

3 MR. PEREIRAS: Roof beam. So, it could be
4 lower, but I don't want to --

5 MR. PRICE: Okay.

6 MR. PEREIRAS: -- cause an issue for two
7 feet, so I'd rather go -- ask for a little bit
8 more, and the reality is, our building's probably
9 going to be lower.

10 MR. PRICE: Right.

11 MR. PEREIRAS: But I don't want to --
12 things happen. I want to be a little careful.

13 MR. PRICE: Okay. And then, I'll make a
14 comment.

15 I would endorse this project; three
16 reasons.

17 One. I can't tell you how long it's been
18 since we've had a building proposed here that was
19 a hundred percent brick.

20 You know, there's always a little cheapy --
21 whatever. This is -- this is going first class.

22 So, that -- that's a -- the big reason is,
23 it's a 10,000 square foot site. They can put
24 four three family houses in, without so much as a
25 by-your-leave.

1 Those of you now may know that I loath
2 three family houses. They just don't work.
3 There's not enough parking.

4 I think -- you know, the choice -- you
5 know, if you deny this, you're going to be --
6 you're going to get where? We're going to get
7 four three family houses. And that's not a good
8 trade off.

9 The last thing, I'm kind of -- I'm looking
10 at the penthouse. That penthouse is something
11 else. I mean, he's got a combined kitchen,
12 dining room, living room space that is 22 feet by
13 six -- 45 feet.

14 I mean, he could -- he could hold catering
15 events in there.

16 He's got a master bedroom that is 450
17 square feet. It not only has a big bedroom
18 that's 22 feet long, it's got a dressing room, a
19 walk-in closet and a nice big bathroom.

20 I mean, his -- his master bedroom is only
21 slightly smaller than my entire apartment.

22 I think that's why you're getting a first
23 class -- whatever.

24 Obviously, there's a certain pride of
25 ownership.

1 I'm hoping he will adopt me or something.

2 It's a nice building. And it's a lot
3 better than -- you know, whatever.

4 So, I think it's a -- I think it's a good
5 project.

6 Whatever. So --

7 VICE CHAIRMAN GRULLON: Thank you, Mr.
8 Price, for your comment.

9 MS. PEREIRAS: Thank you, Mr. Price.

10 MS. GUTIERREZ: Thank you.

11 MS. PEREIRAS: Thank you.

12 MR. KAUKER: One -- one other thing, just
13 to point out that we did mention the four
14 families, but I neglected to mention the fact
15 that if four -- four three family homes were
16 constructed, you'd have multiple curb cuts along
17 Kennedy, as well.

18 So, that's another benefit. You're not
19 going to have any curb cuts.

20 MR. PEREIRAS: And the penthouse -- the
21 reason he has a four bedroom penthouse is because
22 he has three children. And they're all -- within
23 two years, they're all college aged children.
24 They're not even living at home, but he wants
25 them to have a room, if they ever came home.

1 So, it's -- they're actually going to be,
2 for the most part, empty.

3 MR. MEDINA: If I have a chance, I will do
4 it, too, for the penthouse.

5 VICE CHAIRMAN GRULLON: Mr. Pereiras, did
6 -- did your client look for other properties
7 similar for a building like that?

8 MR. PEREIRAS: He has. He's actually been
9 looking to accommodate -- accumulate enough of a
10 site to put a building.

11 He struggled significantly in order to do
12 this. He waited very patiently. He's owned the
13 one property. He's been looking for other ones.

14 And -- and so, this is the best solution
15 he's found, to date.

16 VICE CHAIRMAN GRULLON: Any other member of
17 the public?

18 Closed to the public.

19 First, I want to say -- say that it's a
20 beautiful building.

21 But I want to point, our Ordinance was
22 adopted January 4, 2011, trying to create some --
23 and we are here in a residential zone, again,
24 trying to -- to come up with variance that exceed
25 20 -- like almost 25 percent of the -- of the

1 building height.

2 And I think it's a building that is too
3 large for the area.

4 And I would make a motion to deny the
5 application.

6 THE SECRETARY: Motion to deny the
7 application by Vice Chairman Victor Gullon.

8 Any second to the motion?

9 MS. GUTIERREZ: I second.

10 THE SECRETARY: Second by Margarita
11 Gutierrez to deny the -- the application.

12 Any other motions?

13 Seeing no other motion, roll call to deny
14 the application?

15 Victor Gullon?

16 VICE CHAIRMAN GRULLON: Yes, to deny.

17 THE SECRETARY: Margarita Gutierrez?

18 MS. GUTIERREZ: Yes, to deny.

19 THE SECRETARY: Miguel Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Khaled Dardir?

22 MR. DARDIR: No.

23 THE SECRETARY: John Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Peter Doumas?

1 MR. DOUMAS: No.

2 THE SECRETARY: Motion carries. Four in
3 favor and two no.

4

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

7

* * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Palisade Emergency Residence Corporation - 108**

2 **36th Street:**

3

4 THE SECRETARY: Okay.

5 Next application on tonight's agenda,

6 Palisade Emergency Residence Corporation, 108 36th

7 Street, Block 217, Lot 20, 21, 44, 45th -- or 45.

8 Mr. O'Connell?

9 MR. O'CONNELL: Yes. Good evening.

10 My name is Eugene O'Connell. I'm appearing
11 for the applicant.

12 This is a notice case. I overnighted all
13 the notices to the -- to Carlos, my publication.
14 Let me get the Affidavit. Yup. That's the
15 original.

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

18 MR. PANEQUE: Mr. O'Connell, do you have
19 your Affidavit of Publication or that was
20 overnighted, too?

21 MR. O'CONNELL: I don't have the Affidavit,
22 because it didn't come in from The Jersey
23 Journal, but I have the original publication.

24 That direct from Jersey Journal.

25 MR. PANEQUE: Okay.

1 MR. O'CONNELL: And as soon as they send it
2 to me, I'll forward it right to Carlos.

3 MR. PANEQUE: Okay.

4 Thank you.

5 MR. O'CONNELL: Thank you.

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

8 MR. PANEQUE: Mr. Vallejo, did you receive
9 the overnight mail?

10 THE SECRETARY: It's right there.

11 MR. PANEQUE: Is this it?

12 THE SECRETARY: Yes.

13 MR. PANEQUE: Oh, okay. I apologize. I
14 thought you had given me my package.

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

17 MR. PANEQUE: Okay. For the record, I've
18 been provided with a copy of The Jersey Journal
19 notice, which appeared on Saturday, October 3rd,
20 notifying the public of this matter coming before
21 the Board on Thursday, October 15th at six p.m.

22 I've also been provided with the Affidavit
23 of Proof of Service, as well as the notice that
24 went out with the certified mail receipts. The
25 certified mail receipts are dated October 2nd,

1 2015.

2 Everything appears to be in order, and this
3 Board has jurisdiction, with the condition that
4 counsel provide the Affidavit of Publication from
5 the newspaper.

6 MR. O'CONNELL: And that's agreed. Of
7 course.

8 MR. PANEQUE: Thank you, sir.

9 VICE CHAIRMAN GRULLON: You may proceed.

10 MR. O'CONNELL: Thank you so much.

11 This application is for renovating the
12 second floor of this property.

13 This property has been used as a homeless
14 shelter in Union City for over 15 years. The
15 first floor consists of 20 -- 20 bunk beds. And
16 this application is to use a portion of the
17 second floor to create nine bunk beds and three
18 single beds.

19 The reason for this is, I think, almost
20 could take judicial notice of it, that the
21 homeless situation in America has increased
22 greatly.

23 In 2010, the National Alliance to End
24 Homelessness anticipated a 33 percent climb in
25 homeless rates among the population. Otherwise,

1 within ten years, 14,000 more people would have
2 -- not have a place to rest, to sleep.

3 And last year, after the homeless count,
4 newjersey.com set forth that New Jersey
5 homelessness had increased 16 percent.

6 With that in mind, I'd like to call two
7 witnesses. Tom Harrigan, just to give the Board
8 a little thumbnail sketch of how the shelter
9 operates.

10 And then, my second witness will be Grace
11 Lynch, who's a licensed architect, to go through
12 the renovations to the second floor, and to -- to
13 address the D variance and C variance.

14 So, Tom, if you'd come up and be sworn in.

15 This is the microphone right here.

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

18 MR. DILLON: Please raise your right hand.

19 MR. HARRIGAN: Oh.

20 MR. DILLON: Do you swear the testimony
21 you're about to give this Board is the whole
22 truth?

23 MR. HARRIGAN: Yes, I do.

24 MR. DILLON: State your name, and spell it
25 for the record.

1 MR. HARRIGAN: Tom Harrigan, T-O-M,
2 H-A-R-R-I-G-A-N.

3 MR. DILLON: Thank you.

4 MR. HARRIGAN: Okay.

5 MR. O'CONNELL: Tom, I thought it would be
6 good to give the Board an idea what your normal
7 day, when you wake up in the morning, work at the
8 homeless shelter all day, and end up at night,
9 what does your day consist of? How does it
10 operate?

11 MR. HARRIGAN: Well, my work schedule hours
12 are from three p.m. to 11 p.m. However, because
13 of the number of homelessness -- homeless people
14 here in Union City, I usually start at nine a.m.
15 in the morning.

16 I get a call from the Mayor's Office, from
17 Ydalia, at nine, 9:30, telling me that somebody's
18 been displaced, they haven't got a place for
19 them. Can we take them in? Hold them for a
20 couple of days until Brian -- Mayor Stack can get
21 them a place to go.

22 Unfortunately, we only have 40 beds, 20
23 bunk beds, 40 beds. So what we've had to do is
24 we had to expand our dining hall as a drop-in
25 center to accommodate the number of people that

1 we -- come into us every day.

2 For example, in Hudson County, there are
3 only 170 beds for all homeless. Union City only
4 has 40.

5 As you all know, the number of people,
6 through fires and displacement, nonpayment of
7 rent, loss of jobs, come -- there's no place for
8 them to go.

9 We're averaging 25, 30 people per night,
10 that stay in that dining hall. They sit in
11 chairs. They'll sleep on the floor. There's no
12 other place to go. There are no other shelters.

13 The homeless hotline will provide a motel
14 for a day or two. Our job is to try to get them
15 out of there as quickly as possible.

16 So, when they come in, we'll assess them
17 and find out what their immediate need is. Their
18 immediate need is always going to be housing or a
19 job.

20 We then will send them down to go Garden
21 State Episcopal, the coordinated entry, which is
22 the housing program, in Jersey City.

23 MR. O'CONNELL: Now, does Garden State have
24 social services?

25 MR. HARRIGAN: Oh, yeah. Absolutely.

1 That's what they do.

2 Their whole mission -- is housing. We're -
3 - we're part of Garden State, so we'll send them
4 down there to what they call coordinated entry,
5 were they'll be intake, and they'll receive a
6 case manager.

7 Of course, it's not a turnkey operation.
8 Housing is not that readily available.

9 They'll come back to us. We'll stay with
10 -- they'll stay with us until such time as we're
11 able to move them out into some sort of permanent
12 housing.

13 Unfortunately, that takes a period of time,
14 especially with the loss of a job, the minimum
15 wage is, what, eight, 8.25, 8.30 an hour?

16 Most of our -- most of our clients work for
17 the temporary employment agencies. We have a
18 savings account that we require them to save 30
19 percent of all income to help them when the
20 apartment becomes available.

21 Unfortunately, again, it takes a long
22 period of time. Right now, in Union City, the
23 two boarding houses that we use, the lowest rent
24 is, I think, 225 a week. That's weekly.

25 MR. O'CONNELL: Tom, let me ask you this.

1 When -- when the client comes in to PERC,
2 and -- and you sit them down, you analyze them,
3 send them to Garden State for social services,
4 you have -- how many staff members do you have at
5 PERC?

6 MR. HARRIGAN: During -- during the
7 evening, we have -- I'm there. We have three
8 intake workers at PERC.

9 MR. O'CONNELL: All right. And when the
10 client comes in, do you -- do you have -- do you
11 feed them?

12 MR. HARRIGAN: Well, we start out actually
13 at three o'clock in the afternoon, because again,
14 because of the need, the additional people coming
15 in.

16 We actually started opening up at three in
17 the afternoon, so we can start the shower
18 program. And to accommodate the additional 30
19 people. So, we allow showers from three until
20 five; 5:30 we start setting up for dinner. We
21 have dinner between six and seven every day.

22 And after -- after dinner, we then go on
23 with the showers.

24 If there's a bed available, somebody's
25 assigned a bed. If not, unfortunately, there's

1 | not a bed available, make some accommodations in
2 | the dining hall. A place for them to sleep for
3 | the night.

4 | We put on TV. Have a snack at eight
5 | o'clock. Lights go off at ten.

6 | MR. O'CONNELL: And I do understand you
7 | have also washing machines to clean their --

8 | MR. HARRIGAN: Oh, yeah.

9 | MR. O'CONNELL: -- clothes.

10 | MR. HARRIGAN: Yeah. Yeah. We -- we have
11 | three industrial washing machines and three
12 | industrial dryers.

13 | Again, it's -- it's a matter of cost and
14 | savings. It's too expensive for them to go out
15 | and do their laundry, so we'll do it for them.

16 | MR. O'CONNELL: And so actually --

17 | MR. HARRIGAN: Once a week.

18 | MR. O'CONNELL: So actually, we're not
19 | going to increase the population in the shelter,
20 | all you're doing is getting them out of the
21 | chairs that are in the dining room --

22 | MR. HARRIGAN: Exactly.

23 | MR. O'CONNELL: -- and getting them in at
24 | least a comfortable bed for the night.

25 | MR. HARRIGAN: And then, unfortunately --

1 | you know, the -- the -- I see the biggest need
2 | growing now is for women.

3 | When PERC shelter first started, we start
4 | off to be a male shelter. We didn't have any
5 | females whatsoever.

6 | And then, when we moved over to -- we were
7 | originally at Saint John's Lutheran, on 35th and
8 | Palisade, in the basement. I started there.

9 | I'm with PERC shelter now 21 years.

10 | We started there. When we moved over to
11 | the location we're at, 36th Street, I tried to try
12 | -- I saw a small need for women, not many. We
13 | didn't have many homeless women coming.

14 | So, we designed the shelter, we set it up
15 | that we'd have four females and 36 males.

16 | In the last couple of years, the women are
17 | increasing. The numbers are increasing.
18 | Unfortunately, there's only four male beds --
19 | four female beds.

20 | And again, unfortunately, the women have --
21 | most of the women that we have now are staying in
22 | the dining hall on the floor.

23 | I've seen -- we average, now, in the course
24 | of the evening, eight, nine, ten, 12 women.
25 | They're sleeping outside in the dining hall.

1 There are no other bed spaces available for
2 them in Hudson County.

3 So, that's the biggest concern I see, is --
4 is actually more so for women.

5 And then, of course, we get pregnant women.
6 Again, depending how far pregnant she is -- we
7 can only accommodate them up to a certain point,
8 after that, we can't take somebody and put her --
9 I can't put her on the floor.

10 I'm going to try every place to go and most
11 of them will go into New York. And they'll pay
12 -- and they're Union City women. Local.

13 We actually serve mostly the North Hudson
14 area. And like I said, right now, we have four
15 -- a total -- four beds, and we -- and they're
16 full, and we have six women in the dining hall
17 when I left this evening.

18 MR. O'CONNELL: All right. I don't think
19 I'm going to ask for any more testimony. I just
20 wanted to give you a thumbnail sketch of how the
21 shelter works.

22 VICE CHAIRMAN GRULLON: You say you have a
23 witness.

24 MR. O'CONNELL: Yes, I do. I'd like to
25 call Grace Lynch, our --

1 VICE CHAIRMAN GRULLON: Thank you, Mr. --

2 MR. O'CONNELL: -- our architect.

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

5 MR. DILLON: Please raise your right hand.

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

8 MS. LYNCH: Yes, I do.

9 MR. DILLON: State your name.

10 MS. LYNCH: Grace Lynch.

11 MR. DILLON: Thank you.

12 MS. LYNCH: Sure.

13 MR. O'CONNELL: Grace Lynch, is a licensed
14 architect in the State of New Jersey.

15 MS. LYNCH: And planner.

16 MR. O'CONNELL: And a planner. And she has
17 testified before the Board of Adjustment and
18 Planning Board in Union City before.

19 VICE CHAIRMAN GRULLON: Yes.

20 MR. O'CONNELL: I ask you that --

21 VICE CHAIRMAN GRULLON: We accept your --

22 MR. O'CONNELL: -- you accept her as
23 qualified.

24 VICE CHAIRMAN GRULLON: -- qualification.

25 Thank you.

1 MS. LYNCH: Thank you.

2 MR. O'CONNELL: Thank you very much.

3 Grace, would you take the Board through the
4 changes in the building?

5 The outside of the building, the structure,
6 is not being touched at all.

7 MS. LYNCH: No.

8 MR. O'CONNELL: It's only a portion of the
9 second floor.

10 And would you go to the board and show the
11 --

12 MS. LYNCH: Just --

13 MR. O'CONNELL: -- the Board?

14 MS. LYNCH: -- by way of very quick
15 introduction, because I have some planning items
16 to touch on.

17 But we're here under a D variance for an
18 expansion of nonconforming.

19 But what is proposed is very limited. This
20 -- the three -- these three rooms on the second
21 floor, when the building was originally approved,
22 the three rooms that are here were dedicated to
23 an aftercare, after school program.

24 That program kind of diminished in size,
25 and that space has been empty. It's a completely

1 finished space.

2 The smaller two rooms are carpeted.
3 Everything is painted. There's lighting.
4 There's air conditioning. It's basically empty
5 space. Only a tiny little bit of this room, next
6 to the office, has been used as -- for storage.

7 Essentially, as a D variance, all of our
8 bulk variances are subsumed. But -- and we're
9 not touching anything with the building
10 footprint, site. Everything is the same.

11 We're really here before you just to
12 request the expansion in emergency shelter use,
13 as a warming center, for the three rooms on the
14 second floor, which are now empty.

15 So, the pictures here kind of show you what
16 we have there. It's -- it's empty space. It's a
17 combined space of about a thousand square feet.

18 When it was an aftercare program, the --
19 the density of that space, minus the furniture,
20 is about 25 square feet per student.

21 With shelter use, it's a little bit higher,
22 at 50. And it would allow us to situate about 21
23 beds.

24 As a warming center, if there's an
25 emergency, the density may be higher. But it

1 | would be very temporary for -- for cold weather,
2 | and -- and emergent use.

3 | So, that is really all that we are here to
4 | ask for, is -- is that.

5 | The building has -- is, as I said, fully
6 | sprinklered, suppressed. It's -- it's handicap
7 | accessible, elevator accessible.

8 | There are two bathrooms situated next to
9 | this space. and a little cleanup sink.

10 | There's direct supervision from the
11 | offices. And -- and the staff, as Tom mentioned,
12 | there are four staff there nightly.

13 | So, should there be a -- there's always at
14 | least two people, should this floor be used,
15 | there's at least two people on each floor to
16 | provide both supervision and security.

17 | So, not too much to say about the building,
18 | because there's no expansion, and nothing
19 | proposed to the building or site. It's really
20 | just the -- the change in use from what was
21 | approved as an aftercare, after school, aftercare
22 | program space, to use that space integral to the
23 | shelter.

24 | It's a more appropriate use. The occupants
25 | of this building are, by large, single adults.

1 Both in the studio, supportive housing, that's --
2 that's located above, and the folks who are taken
3 in for shelter are single adults.

4 PERC has one family unit only and that's
5 the family unit that's located above the thrift
6 store.

7 MR. O'CONNELL: And that's just going to
8 stay.

9 MS. LYNCH: That's going to stay.

10 MR. O'CONNELL: We're not touching that.

11 MS. LYNCH: We're not touching that. No
12 change --

13 MR. O'CONNELL: Well, with -- with that out
14 of the way, could you address -- with your
15 planning credentials, could you address the --
16 the use and why the Board should vote in favor of
17 it?

18 MS. LYNCH: I can.

19 MR. O'CONNELL: Touching on --

20 MS. LYNCH: I probably have --

21 MR. O'CONNELL: -- all the variances.

22 MS. LYNCH: -- way too much in my notes to
23 bore you with.

24 But essentially, PERC has operated more
25 than 15 years, providing shelter and meals. They

1 are -- on Wednesdays, they also distribute food
2 to residents of Union City and the community, out
3 of -- because they are a member of the Community
4 Food Bank.

5 So, Wednesday afternoons, people who live
6 here come and -- to pick up food.

7 The property incorporates the freestanding
8 two story building with a thrift shop and single
9 family unit.

10 The buildings that make up the program, by
11 and large, were factory buildings that were
12 adaptively reused some time ago. And the only
13 addition was the small, three story addition that
14 faces 36th Street.

15 And again, the aftercare program was
16 previously there. And it was underutilized, and
17 relocated to a more appropriate space.

18 I described the HVAC, sprinkler, cleanup,
19 two bathrooms. And that is really the -- the
20 subject of the proposal for the expansion of now
21 nonconforming use.

22 Surrounding area.

23 As you probably are well familiar with, 36
24 and 37th Street still have like a very typical mix
25 for Union City. Small factory buildings, some

1 buildings that were converted into housing, a
2 mixture of two and three families, and more
3 recent buildings that are located both on the
4 corner of -- of 36th Street and 37th, the new
5 development, because there's a new development
6 that flanks PERC on either side, on 37th Street.

7 The -- the development that's in place on
8 the corner of 37th and Park is a -- do I have a
9 slight picture of it? It is this building, which
10 is a four story building of 20 units.

11 On 36th Street, on the corner of Park, the
12 opposite corner from PERC, is also a five -- a
13 five story building, with 16 units.

14 Just so I got those right.

15 And the neighborhood has a large variety --
16 no, pretty vibrant variety of housing types,
17 industrial uses, commercial uses.

18 We are in the R zone. And -- and we are
19 immediately adjacent to the CG zone, and the
20 development trend in the neighborhood has been to
21 build higher and denser projects.

22 So, as far as the zoning, under the
23 principal permitted uses in the zone, permitted
24 conditional uses include charitable and social
25 services. And we fit that bill, and we're

1 consistent with any approval that's happened
2 previously.

3 The R-1 zone hopes to preserve the
4 integrity of the existing residential area.

5 I'm just going to comment on that a little
6 bit more.

7 Again, no expansion, no interior
8 modifications. Setbacks, height and all the
9 physical features that would affect the bulk
10 variance are not changed.

11 The Garden State and PERC provide
12 supportive services to assist the homeless to
13 address emergent situations.

14 The proposal requires the D variance for
15 the expansion of nonconforming.

16 The proposed use is considered inherently
17 beneficial. And as such, it meets the positive
18 criteria.

19 But in advance of that, in addition to
20 that, we do also meet positive criteria, under
21 the Master Plan. Preserve the character of
22 community. This is a well established community
23 resource.

24 We accommodate community facilities; meals
25 to approximately 150 people every evening; food

1 to approximately a hundred community members on
2 Wednesdays, through the Community Food Bank;
3 supportive housing in the eight studio units, one
4 on the second floor, and seven above; access to
5 emergency shelter, a safe place for approximately
6 40 individuals nightly; and then, the additional
7 folk that Tom described.

8 And then, obviously, they provide outreach
9 to find the population that's in need of
10 services.

11 They have upgraded their facilities over
12 time, through the addition. They -- they just
13 renovated their shower rooms recently. They have
14 plans, and they're hoping to get more grants to
15 keep upgrading.

16 So, they -- they meet the Master Plan goals
17 of providing a broad range of housing choices.

18 They also improve the quality of life of
19 the residents in Union City, stated goal.

20 So, as to proofs, we have our inherently
21 beneficial use. We have a proven value to the
22 community. The location, within the shelter, is
23 appropriate. Maybe more appropriate than the
24 aftercare program was.

25 So, we're developing, even though it's a

1 small percentage of the population, we're
2 covering needs of the population.

3 I'm trying to skip through this, because I
4 have a feeling that I will get -- will bore you
5 really fast.

6 By using the space that's already built,
7 we're coordinating resources. We're not
8 duplicating resources. We're not -- we're --
9 we're decreasing any costs of development or
10 redundant facilities.

11 As to the proofs that are required under
12 the negative criteria, no change in any of the
13 bulk variances. No nuisance in the sense of
14 odor, noise, any additional issue like that.

15 We have no impact on the air, on the light,
16 on the quality. And the population who's going
17 to use these services is not going to generate
18 traffic, parking, or -- or any of those issues
19 that -- that are vehicle related.

20 So, the proposed use is compellingly
21 inherently beneficial. The granting of the
22 variance will promote the intent of the zone
23 plan, in our social services and charitable work.

24 The -- and -- and we see no significant
25 detrimental impact to the intention of the zone

1 plan or the Master Plan.

2 And therefore, we believe that any
3 detriment that would be minor in nature is far
4 outweighed by the benefit.

5 So, thank you for your consideration.

6 MR. O'CONNELL: Thank you.

7 And we're open for questions. That's our
8 presentation.

9 VICE CHAIRMAN GRULLON: That's what you're
10 presenting.

11 First, I want to thank the administration
12 of PERC for the great service and the great work
13 that you're doing for the community. It's
14 something heavily needed, that is always welcome
15 here in Union City.

16 And I -- I -- when I drive by, I see
17 sometimes the line of people waiting for food.
18 And that's something really good to see that you
19 guys are providing meals to -- to residents.

20 My first question is going to be for the
21 gentleman, for Tom.

22 Could you please come forward?

23 MR. O'CONNELL: Tom?

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

1 VICE CHAIRMAN GRULLON: You mentioned that
2 -- could you tell me, first, how many homeless
3 you're serving right now? You know, more or
4 less?

5 MR. HARRIGAN: You mean --

6 VICE CHAIRMAN GRULLON: I mean --

7 MR. HARRIGAN: -- for the dinner hour?

8 Well, we have two different -- we have --
9 we have a -- a dinner program every night. We
10 average anywhere between 80 to a hundred --

11 VICE CHAIRMAN GRULLON: No, but I mean that
12 sleep there.

13 MR. HARRIGAN: Oh, sleep there.

14 VICE CHAIRMAN GRULLON: Yes.

15 MS. LYNCH: There are 40 beds.

16 MR. HARRIGAN: We have 40 beds right now.

17 MS. LYNCH: I can --

18 MR. HARRIGAN: Right.

19 MS. LYNCH: I can answer that for the
20 dormitory. Forty beds in the --

21 MR. HARRIGAN: Yeah. We have 40 beds. And
22 I believe last night's number was 28 people in
23 our overflow. So, that would be -- that would be
24 68 people.

25 They stay in the dining hall.

1 MR. O'CONNELL: And just to comment on
2 that.

3 Those 28 people are in dining hall.
4 Instead of being in the dining hall, they would
5 be in these beds, on the second floor that we're
6 asking for tonight.

7 MR. HARRIGAN: Yes.

8 MR. O'CONNELL: It's just getting people
9 out of a chair, and into --

10 MR. HARRIGAN: Upstairs in --

11 MR. O'CONNELL: -- a comfortable bed.

12 MR. HARRIGAN: Into a bed.

13 MR. O'CONNELL: So, at least they have one
14 --

15 VICE CHAIRMAN GRULLON: So, you're going to
16 keep the dining hall still.

17 MR. HARRIGAN: If an emergency happens,
18 like if there was -- if there was a fire or
19 something, and ran out of additional people -- we
20 get phone calls every day. People being locked
21 out of their apartment.

22 Unfortunately, we're seeing a large number
23 of people with women and children. We don't have
24 that. And -- and people are able to place their
25 children someplace, and we can take the adult.

1 A lot of people will take -- family members
2 will take in other people's children, but they
3 can't accommodate the mom and the dad, so we will
4 take them.

5 I can't tell you how many --

6 VICE CHAIRMAN GRULLON: Let me ask. Is
7 this application that you -- that in front of us
8 now, are you doing it because an emergency
9 situation, that you want to solve a situation
10 that is temporarily, maybe?

11 MR. HARRIGAN: I -- it's a case by case.
12 It's -- it's emergency -- it's emergency
13 situation every day. We get phone calls every
14 day for people, and we have to get them in there
15 and try to get them out of there. That's the
16 problem.

17 MR. O'CONNELL: And I think I can answer
18 that question, because obviously, in the cold
19 weather, the -- the beds are much more needed
20 than in the nice weather.

21 People, in the cold weather -- especially
22 last winter, as we struggled through -- we have
23 two seasons now. We have winter and summer.
24 There is no fall. There is no spring.

25 Last winter, it was very cold, there was

1 | lots and lots of snow. And people can't be out
2 | in that weather.

3 | So, yes, to answer your question. There is
4 | an emergency situation. It certainly will be
5 | from, like November 1st through the end --

6 | MR. HARRIGAN: Into March.

7 | MR. O'CONNELL: -- of March.

8 | So, it would be very important that we have
9 | these beds for that emergency time.

10 | VICE CHAIRMAN GRULLON: Yes.

11 | MR. O'CONNELL: And then we could use the
12 | beds for that time, and come back here, after
13 | March, and see how everything worked out, over
14 | the emergency period. And then, if it was
15 | working out well, we could expand it to the -- to
16 | the summer.

17 | VICE CHAIRMAN GRULLON: Like if you add the
18 | -- the 28 beds that --

19 | MR. O'CONNELL: Um hum.

20 | VICE CHAIRMAN GRULLON: -- that you're
21 | looking for, would you require more employees in
22 | the building?

23 | MR. HARRIGAN: Well --

24 | MS. LYNCH: Right now, you have --

25 | MR. O'CONNELL: I don't --

1 MS. LYNCH: -- four.

2 I think the two and two is --

3 MR. HARRIGAN: Yeah. We have to have --

4 yeah. Probably change schedules around a little

5 bit because what we've done now is -- as I said,

6 we've expanded our hours because of the need.

7 We may be one or two more in place. Yeah.

8 MR. O'CONNELL: And it will be 21 beds.

9 And PERC has -- they have now partnered up with

10 Garden State Episcopal Community Development

11 Corporation.

12 And the great thing about that is that

13 Garden State has a whole social service arm.

14 Susan Milan, who is here tonight, and -- and

15 works for Garden State, she has access to all the

16 social services. Mental health, housing.

17 So, part of the deal is, yes, your home is

18 today, but can we find permanent housing for you?

19 For example, in Jersey City, they have some

20 permanent housing for homeless people. And as

21 those -- as people can -- can build themselves

22 up, and get credit, get -- get a job, that

23 housing is available for them.

24 So, that's another plus.

25 MS. LYNCH: I just wanted to comment on the

1 space, just -- just a -- yeah. Plugged in.

2 Because I -- I believe the other issue is a
3 real issue, in that we're -- the zoning -- our
4 zoning ticket doesn't allow use of that space.
5 So, we've got space available for use that we're
6 not using, to spread those -- those mats out or
7 put those beds in.

8 VICE CHAIRMAN GRULLON: Would you be
9 subdividing those -- the space?

10 MS. LYNCH: We're -- at this point in time,
11 we wouldn't make any changes whatsoever. There's
12 really no change intended on the interior.

13 There's really no change intended. We just
14 have that empty space, which would be available
15 to use. But -- but we need that technical
16 variance to -- to make it okay with the Building
17 Department --

18 VICE CHAIRMAN GRULLON: Sure. Okay.

19 MS. LYNCH: -- for -- for us to -- to put
20 beds in.

21 VICE CHAIRMAN GRULLON: I don't have any
22 more question.

23 Any -- any of you guys have question?

24 MR. MEDINA: I have a question.

25 If you -- if you're going to add a wall,

1 let's say, dormitory room, how many people more
2 can sleep in?

3 MR. O'CONNELL: The only -- 21 -- it's only
4 21 beds. That's it.

5 MR. MEDINA: Okay.

6 MR. O'CONNELL: No -- no more than 21.
7 That's all that's proposed tonight. That's all
8 we're doing.

9 MR. MEDINA: So --

10 MS. LYNCH: And that's based on the State
11 requirement for -- that -- that's based on the
12 Code requirements for dormitory space, which is
13 50 square foot a person.

14 If we opened up -- if we took down all of
15 the existing walls, we might get another two beds
16 in there. But it would require money that now --
17 now Garden State and PERC are -- are paying in
18 service -- you know, they -- they use for
19 services. So, it would require construction
20 money to do that.

21 But they can fit 21 beds under the existing
22 Codes. That's where the 21 comes from.

23 MS. GUTIERREZ: Well, for how many days the
24 person can stay in the shelter?

25 MR. HARRIGAN: It's case by case.

1 MR. O'CONNELL: Case by case.

2 MR. HARRIGAN: For example, if a person
3 comes in, and he has lost all of his ID, he has
4 nothing, we have to start off getting his ID. We
5 have to get him down to the coordinated entry at
6 Garden State, to have an intake done.

7 That -- that takes time. I mean,
8 unfortunately, most people that end up coming
9 into the shelter don't have any finances to rent
10 a place. So, we have to try to find them a job.

11 And, in fact, I would say 80 percent, and
12 this is -- this is fact, of our clients are
13 working. They're employed.

14 Unfortunately, they're making minimum wage.
15 They can't afford to get out.

16 Many of them -- I -- I had a man who worked
17 for an accounting company for 22 years. He got
18 downsized. He lived at a condo in Jersey City,
19 Newport. When he got downsized, which means he
20 got fired, lost his job, he figured he'd find a
21 job soon. He was 54 years old.

22 So, he lived off his 401K and his savings
23 until that went down to nothing. And then, he
24 went to apply for Welfare.

25 A single adult from Welfare gets \$140.00 a

1 month. That's what a cash allotment is for a
2 single adult.

3 Where does he go? He came to the shelter.
4 He was a difficult case. It was because he
5 didn't -- unfortunately, when he went to the temp
6 agencies to get a job, they didn't hire him, he
7 was too old to lift boxes. That's what they do.

8 So, he stayed with us almost ten months.
9 We finally got him a job making half of what he
10 did. He has an apartment, through Garden State,
11 now, in Jersey City. He's paying -- it's a
12 walkup, tenement, but he said, at least it's his
13 own.

14 It took me ten months to get him out.

15 I didn't want to put him out. He didn't do
16 anything wrong. Where was he going to go?

17 MR. O'CONNELL: Yes. But I think, Vice
18 Chair, you -- you made a good point, that we
19 really need it for the -- this cold period coming
20 up.

21 And so, if we can get an approval tonight,
22 from say, November 1st until March 31st, then, if
23 everything works out and it works out well for
24 the winter, we can come back before the Board, in
25 April of next year --

1 VICE CHAIRMAN GRULLON: Yes.

2 MR. O'CONNELL: -- and ask for permanent --
3 for permanent beds.

4 MR. PANEQUE: Mr. O'Connell, are you
5 willing to amend your application for an approval
6 -- conditional approval for six months?

7 MR. O'CONNELL: Yes, I am.

8 MR. PANEQUE: Okay.

9 VICE CHAIRMAN GRULLON: Yeah. Because the
10 application that -- I see that it's kind of
11 emergency that you need an approval, as soon as
12 possible, before the weather gets too cold.

13 MR. O'CONNELL: Correct.

14 VICE CHAIRMAN GRULLON: And maybe you will
15 -- can revise it again in six months, and -- and
16 do a final decision after that.

17 MR. O'CONNELL: I agree a hundred percent.

18 VICE CHAIRMAN GRULLON: Any other member of
19 the Board?

20 MR. DARDIR: With this application that you
21 originally sent was for permanent, 21 beds.

22 MR. O'CONNELL: Right.

23 MR. DARDIR: The poverty rate is only
24 increasing. Hudson County has the highest
25 poverty right.

1 Am I correct or --

2 MS. LYNCH: And -- and Union --

3 MR. DARDIR: Hudson County --

4 MS. LYNCH: And Union City, according to
5 your own Master Plan demographic --

6 MR. DARDIR: Yeah. We have the highest --

7 MS. LYNCH: -- says the highest rate in
8 Hudson --

9 MR. DARDIR: -- poverty rate in Hudson
10 County.

11 MS. LYNCH: -- Hudson County.

12 MR. DARDIR: Union City.

13 MS. LYNCH: The highest poverty rate.

14 MR. DARDIR: So, why is this just
15 temporary?

16 MR. O'CONNELL: Well, I'll tell you why.

17 Because there's always concerns about how
18 something is going to be operated.

19 Is it going to be secure? Are you going to
20 bring problems to the area?

21 So, let's go forward for six months. We
22 are very confident in our ability to secure it,
23 to staff it, to provide the social services.

24 Let us do that for six months.

25 VICE CHAIRMAN GRULLON: Yeah.

1 MR. O'CONNELL: We're happy to come back
2 before you. I think we're going to come back
3 with shining colors, and you're going to --
4 you're going to be very happy to --

5 VICE CHAIRMAN GRULLON: Well, we thank you
6 for that, because we know you've been doing a
7 great job for 15 year. And you're not going to
8 hurt the community.

9 MR. O'CONNELL: Not at all.

10 VICE CHAIRMAN GRULLON: You're not going to
11 hurt the neighborhood.

12 You're here always to do for -- to do work
13 for the needy people and for the resident of
14 Union City, for the neighborhood where you are.

15 MR. O'CONNELL: Thank you.

16 VICE CHAIRMAN GRULLON: Thank you for that.
17 Any member of the public want to step
18 forward?

19 No one from the public.

20 I make a motion to grant this application
21 with the condition -- for six month, with the
22 condition to come back in six month to revise it.

23 MR. O'CONNELL: It's agreed.

24 THE SECRETARY: Motion to approve the --

25 MS. GUTIERREZ: And I'm seconding.

1 THE SECRETARY: -- application by Vice
2 Chairman Victor Gullon.

3 Second by Margarita Gutierrez.

4 Roll call on the motion.

5 Victor Gullon?

6 VICE CHAIRMAN GRULLON: Yes.

7 THE SECRETARY: Margarita Gutierrez?

8 MS. GUTIERREZ: Yes.

9 THE SECRETARY: Miguel Ortiz?

10 MR. ORTIZ: Yes.

11 THE SECRETARY: Khaled Dardir?

12 MR. DARDIR: Yes.

13 THE SECRETARY: John Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Peter Doumas?

16 MR. DOUMAS: Yes.

17 THE SECRETARY: Motion carries. Six in
18 favor.

19 MR. O'CONNELL: If I could take one minute
20 of your time?

21 I -- I found this quote. I thought it's so
22 appropriate. It's from a person called Jan
23 Schakowsky, and I'll just read it.

24 It says: There's a lot that happens around
25 the world we cannot control. We cannot stop

1 earthquakes. We cannot prevent droughts. We
2 cannot prevent all conflict. But when we know
3 where there is hunger, the homeless, and the sick
4 exists, then we can help.

5 So thanks for helping.

6 VICE CHAIRMAN GRULLON: Thank you.

7 MS. GUTIERREZ: Thank you.

8 MR. DARDIR: No, thank you.

9 MS. LYNCH: Thank you.

10 MS. GUTIERREZ: You're welcome.

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

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Demetrios S. Econopouly/Hudson Foot Holdings, LLC**
2 **- 1900-1906 Kennedy Boulevard:**

3

4 MR. DARDIR: Carlos, I'd like to bring back
5 the case. I just talked to --

6 THE SECRETARY: Mr. Paneque?

7 MR. DARDIR: Is it possible for number --
8 the -- not the Kennedy one, to give them
9 recommendations or what needs to be done for them
10 to amend their application?

11 MR. PANEQUE: On 19th Street?

12 MR. DARDIR: Yeah.

13 MR. PANEQUE: Well, that really wouldn't be
14 within our authority --

15 MR. DARDIR: Can we tell them why we --

16 VICE CHAIRMAN GRULLON: You mean the --

17 MR. DARDIR: -- is it just a thing, and
18 tell them we -- we've done it before. We've told
19 them do the setbacks, or build the building
20 lower.

21 VICE CHAIRMAN GRULLON: Yeah.

22 MR. DARDIR: And we've done that in the
23 past. Can we do that with them while they're
24 here -- while they're here?

25 VICE CHAIRMAN GRULLON: Not --

1 MR. DARDIR: Just tell them where there
2 needs to be --

3 VICE CHAIRMAN GRULLON: Not after we call
4 the motion. We call a motion -- you have call
5 another motion, maybe.

6 MR. DARDIR: Okay.

7 VICE CHAIRMAN GRULLON: Yeah.

8 MR. DARDIR: So, I suppose we can't reopen
9 it?

10 THE SECRETARY: That's why I said for
11 another motion --

12 MR. DARDIR: Hmm?

13 THE SECRETARY: I ask for any other motion.

14 MR. DARDIR: Oh, okay.

15 THE SECRETARY: Remember?

16 MR. DARDIR: I -- yeah. I wasn't -- I
17 wasn't clear. I wasn't sure.

18 Thank you.

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

21 MR. PANEQUE: Five minute break? Okay.

22 THE SECRETARY: Five minute break, please.

23 MR. PANEQUE: Ladies and gentlemen, we're
24 taking a five minute break to give the Board a
25 minute to --

1

2

3

(Whereupon, the Board recessed from 8:10
p.m. to 8:17 p.m.)

4

* * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Ashraf Soliman - 3200 Kennedy Boulevard:**

2

3 THE SECRETARY: Please. We're going back
4 in business.

5 Next application on tonight's agenda,
6 Ashraf Soliman, 3200 Kennedy Boulevard, Block
7 204, Lot 1, 34-38.

8 Mr. Alonso?

9 MR. ALONSO: Notice. It's the same thing
10 with the publication.

11 I -- I gave you the one from last week
12 already.

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

15 MR. VALELLA: Good evening.

16 VICE CHAIRMAN GRULLON: Good evening.

17 MR. PANEQUE: Mr. Valella, long time no
18 see. How are you?

19 MR. VALELLA: I know. It's been awhile.

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

22 MR. PANEQUE: Okay. For the record, I've
23 been provided with a proof of publication, in the
24 form of an Affidavit from The Jersey Journal,
25 which indicates that on October 3rd, 2015, notice

1 of tonight's hearing concerning Ashraf Soliman,
2 3200 Kennedy Boulevard was published in the
3 newspaper, giving notice of tonight's hearing.

4 I've also been provided with an Affidavit
5 of Service and Publication, as well as a copy of
6 the 200 foot list of the property, and the notice
7 that went out to the property owners, the
8 certified mail receipts, and some of the return
9 receipts that have come back, to date.

10 The certified mail receipts indicate that
11 notices were sent out on October 3rd, 2015.
12 Therefore, this Board has jurisdiction to proceed
13 and hear this matter.

14 MR. ALONSO: Thank you.

15 Good evening, Mr. Chairman, members of the
16 Board.

17 For the record, Alvaro Alonso, Alonso
18 Navarette, on behalf of the applicant.

19 Basically, what we have here is an
20 opportunity to clean up that site. I know the
21 Board has heard a number of applications, over
22 the recent years, and a number of -- a number of
23 projects have been built.

24 And it's really been taking a lot of those
25 older properties and -- and doing nice things.

1 For example, I did the Walgreen's
2 application, and they built it, and there's some
3 landscaping, and it's really nice.

4 They're building the Taco Bell across the
5 street.

6 I came in with the McDonald's project,
7 across the street, to do some -- some renovations
8 over there.

9 And that whole area is really getting
10 cleaned up nice.

11 This property has -- has a long history as
12 a gas station and service station. It used to be
13 owned by the Rizzo's (phonetic) years ago, and it
14 used to be a Getty Gas Station. Getty owned the
15 pumps and Getty owned the tanks.

16 When my client purchased the property,
17 Getty then came in and took out their pumps and
18 -- and their islands, and their tanks. They did
19 whatever remedial action was -- was necessary.
20 And they have a clean bill from the New Jersey
21 Department of Environmental Protection. They
22 have all the documentation.

23 So, the site is clean.

24 If you look at it now, there's a lot of
25 cars parked there. My client is a mechanic by

1 trade. And he does a lot of heavy type of
2 mechanic work there.

3 So, there's a lot of cars that are just
4 laid out all over -- all over the -- the site.

5 What he wants to do is -- and this is an
6 opportunity to -- to clean it up, is to eliminate
7 from three service bays down to two service bays.

8 He's not going to do any of the heavy
9 mechanical work that he does there now. He has
10 another site in North Bergen, which that -- that
11 he's going to be doing all the heavy work on.

12 It's on 87th Street and Kennedy Boulevard,
13 next to the DiPalma's Restaurant. Everybody's
14 familiar with the area up there.

15 So, the type of work is just to service the
16 local cars for oil changes, and maybe a brake
17 job. You know, something that could be in and
18 out very quick.

19 What it does is, it allows us to clean up
20 all those cars that are parked on the site,
21 stripe out some parking spaces, put in the
22 island, and a little convenience store.

23 So, the intensity of the use of the -- of
24 the site is really going to decrease. There is
25 going to be some proposed landscaping, which is

1 going to beautify the area.

2 And I think, ultimately, it's going to
3 enhance whatever else is being there.

4 It is what it is. It got there the way it
5 is. So, hopefully, this is an opportunity to --
6 to clean it up.

7 I have two witnesses this evening. In
8 addition, Mr. Soliman is here. It's not my
9 intention to call him, unless the Board has any
10 questions. I'll make him available for -- for
11 any questions the Board may have.

12 So, I would have my first witness, Mr.
13 Orestes Valella, the architect, to be sworn in.

14 MR. DILLON: Please raise your right hand.

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

17 MR. VALELLA: Yes, I do.

18 MR. DILLON: State your name and spell it
19 for the record.

20 MR. VALELLA: Yes. Of course.

21 Good evening. My name is Orestes Valella,
22 V-A-L-E-L-L-A. I'm a licensed architect in the
23 States of New York and New Jersey. And my
24 professional offices are at 5809 Madison Street
25 in West New York, New Jersey.

1 MR. DILLON: Thank you.

2 VICE CHAIRMAN GRULLON: Glad to see you,
3 Mr. Valella.

4 MR. VALELLA: Thank you.

5 MR. ALONSO: Now, Mr. Chairman, Mr.
6 Valella's been here before. I'd ask --

7 VICE CHAIRMAN GRULLON: Yes.

8 MR. ALONSO: -- that his qualifications --

9 VICE CHAIRMAN GRULLON: We accept --

10 MR. ALONSO: -- be accepted.

11 VICE CHAIRMAN GRULLON: -- his
12 qualification.

13 MR. ALONSO: Thank you.

14 Mr. Valella, did you prepare the
15 architectural plans that are before the Board
16 this evening?

17 MR. VALELLA: Yes.

18 MR. ALONSO: Can you indicate to the Board
19 how we propose to improve this site?

20 MR. VALELLA: Sure.

21 Well, counsel did a wonderful job of giving
22 you an overview. Basically, a picture -- a word
23 picture of what is intended.

24 My client has the property and he would
25 like to change from an -- the focus from an auto

1 repair to -- back to its original gas station,
2 with, as gas stations have evolved, with a
3 convenience store, and two service bays for light
4 duty repairs. Nothing heavy duty. He has
5 another establishment for that.

6 He came to me for this, and I saw an
7 opportunity, which he wholeheartedly supports, to
8 improve the visual appearance of the lot.

9 This is the corner of Kennedy Boulevard,
10 35th, 32nd. It's a very prominent corner. And a
11 gas station, by its inherent nature, is basically
12 an open parking lot.

13 So, one of the things that we're proposing,
14 at great expense, is to design a brick colonnade
15 that will surround the -- the property at its
16 perimeter, 14 and a half feet high, but open, so
17 that you can see, but to provide a civic presence
18 on the property to firm up, like a loose tooth --
19 an empty tooth in a -- in a mouth, to -- to firm
20 that up and -- and strengthen the civic
21 importance of the location.

22 I had the -- the honor of doing that same
23 kind of colonnade at the water park on Park
24 Avenue and 39th Street. It's a brick colonnade.
25 And then, at the base of it are built in planter

1 boxes, where we would be doing seasonal plantings
2 to beautify the area.

3 So, this is an opportunity, as I saw it, as
4 an architect, to do a gas -- to rebuild the gas
5 station, but do it in a -- in a unique way that
6 gives something back to the town,
7 architecturally.

8 So, as counsel said, we're removing three
9 service stations, and basically, in its place,
10 we're doing a convenience store. We're doing an
11 addition on the side, continuing the -- the
12 building with two service station. That entire
13 building will be refinished in brick to match the
14 new colonnade that will be at the perimeter, with
15 the landscaped plantings.

16 In the center will be the new two pumps
17 that will service the -- the clientele.

18 That's basically the -- the intent here, is
19 to take a dilapidated condition and -- and clean
20 it up and -- and do an improvement to it.

21 MR. ALONSO: And do you have a zoning
22 analysis table on your plans?

23 MR. VALELLA: Sure.

24 The location is in a C -- in the CG gateway
25 commercial zone, where this use, a 5,000 square

1 foot lot area would be required. We have 11,566
2 square feet. So, we have considerably more land.

3 The lot width requirement would be five --
4 50 feet. We have 89.9 feet.

5 The lot depth would be a hundred. We have
6 89.72.

7 The front yard. There is no requirement of
8 a front yard in the CG. We have two feet
9 existing, and 8.5 feet proposed on 35th Street.

10 The side yard would be five feet. The
11 existing is 2.14, and that remains.

12 The combined side yards are ten feet. Our
13 combined side yards would be 24.83.

14 The rear yard would be ten feet required.
15 The -- we have two feet as an existing rear yard.

16 Building coverage. Permitted is 70
17 percent. The current is 18 percent, and we're
18 proposing 24 percent.

19 So you know, significantly less building
20 coverage.

21 The lot coverage permitted is 75 percent.
22 It's currently at a hundred. I am taking some of
23 that back in landscaping, so we'd be going down
24 to 98.5.

25 Four stories would be permitted. We have

1 one story. We're not changing that.

2 Fifty feet is the permitted height. The
3 current structure is at 17.25, and we -- our
4 canopy for the gas station pumps would be at 18
5 and a half. The colonnade would be at 14 and a
6 half.

7 With respect to parking, 11 parking spaces
8 would be required. Basically, three cars per
9 bay. We have two bays, and one per 300 square
10 feet of retail space. Our retail space is 1,391,
11 i.e., the required would be 11 parking spaces.
12 And we're providing nine as part of our
13 application.

14 MR. ALONSO: Mr. Chairman, I have no
15 further questions for Mr. Valella.

16 VICE CHAIRMAN GRULLON: You have any more
17 witness?

18 MR. ALONSO: I do.

19 VICE CHAIRMAN GRULLON: Would you please
20 call him?

21 MR. ALONSO: Mr. Bertin?

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

24 MR. DILLON: Please raise your right hand.

25 Do you swear the testimony you're about to

1 give this Board is the whole truth?

2 MR. BERTIN: Yes, I do.

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

5 MR. BERTIN: It's Calisto Bertin.

6 C-A-L-I-S-T-O, B-E-R-T-I-N.

7 MR. ALONSO: Mr. Bertin --

8 MR. DILLON: Thank you.

9 MR. ALONSO: I'm sorry.

10 MR. DILLON: I said thank you. That's all.

11 MR. ALONSO: Okay.

12 Mr. Bertin, can you please review your
13 qualifications in the field of engineering?

14 MR. BERTIN: Yes.

15 I'm a licensed engineer in -- in New Jersey
16 and five other states. I'm the principal of
17 Bertin Engineering since 1986. Our office is at
18 66 Glen Avenue in Glen Rock.

19 I don't believe I've appeared before this
20 Board, but I was at the Planning Board as the
21 engineer for the Walgreen's, a block from here.

22 And I've done a lot of work -- well, I've
23 done post-site plan approval work for applicants
24 here in Union City, but I've done a lot of work
25 in North Bergen, including -- as a civil

1 engineer, including the -- the new building for
2 Palisades Hospital; the shopping center across
3 the street; on Kennedy and 57th Street, the Avalon
4 apartment building; and a number of projects over
5 there.

6 MR. ALONSO: And your qualifications have
7 always been accepted by those Boards.

8 MR. BERTIN: Yes.

9 VICE CHAIRMAN GRULLON: We accept your
10 qualifications.

11 Thank you.

12 MR. BERTIN: Okay.

13 Thank you.

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

15 Mr. Bertin, did your firm prepare the site
16 plan that is before the Board?

17 MR. BERTIN: Yes. We worked with the
18 architect to come up with a site plan.

19 In a past life, I actually worked for an
20 oil company. I worked for Exxon. I was in
21 charge of their design department. And since
22 then, we've done a lot of work for most of the
23 oil companies and well, designed thousands of
24 stations.

25 So, we were actually brought to this site a

1 year ago to consult with the owner on how to
2 layout the site.

3 We -- we elected to go with two islands
4 under a canopy, rather than any more islands,
5 because that's really all that fits here, and
6 promotes a safe traffic flow.

7 You notice the -- the existing building,
8 which is hatched on the plan, is where the repair
9 bays and the office are. That will be converted
10 to convenience store.

11 And so the -- and the islands are opposite
12 that, because when you have garage doors, cars
13 are backing out. We don't want them backing out
14 into customers that will be parked at the
15 islands.

16 So, with service stations, basically,
17 they're only going to go attract pass-by traffic.
18 And in this -- in this case, we're going to have
19 two types of traffic. We're going to have people
20 on 32nd Street, who turn right into the station.
21 We may have some people from 32nd Street who turn
22 left, but most likely right.

23 And the same from Kennedy Boulevard,
24 heading north, would turn into the site, and then
25 circulate around.

1 And we provided sufficient room for cars to
2 park at the islands and to pass.

3 We -- we -- the way the parking was
4 situated on the site -- well, the cars would just
5 park anywhere on the site. And the first thing
6 we had to do was make sure that they weren't
7 going to be there.

8 So, all the cars that are there now for
9 repairs will no longer be there. He'll just do
10 light -- like oil changes and brakes, that sort
11 of thing, what you would have at a Jiffy Lube,
12 for example.

13 So, they're all gone, and we've tried to
14 put as much parking as we can on the site. Eight
15 spaces on either side of the driveway next to 32nd
16 Street. And then, we did have room for a
17 handicap spot in front of the -- the convenience
18 store.

19 We are -- we are almost eliminating the
20 driveway on 35th Street. Right now, it's all
21 driveway.

22 And we kept a small, narrow 12 foot
23 driveway so anyone coming down 32nd Street can --

24 MR. ALONSO: Thirty-third.

25 MR. BERTIN: I mean, 33rd. Thank you.

1 Thirty-Third Street can turn into the site,
2 rather than having to go around.

3 So, that was just a way to accept them.

4 But by reducing the driveway, we created
5 another on-street parking spot.

6 MR. ALONSO: Okay.

7 Is there any proposed lighting on the site?

8 MR. BERTIN: Yes. There are two existing
9 lights. One's on Kennedy Boulevard, by 33rd
10 Street. And the other one is by the parking on
11 32nd Street.

12 Those lights will be refixed -- will be
13 fixed up. One will be relocated. And then, we
14 put lights underneath the canopy.

15 There -- the new lights will be LED lights.
16 Everyone's going to LED because they don't cost
17 as much and they're actually better.

18 So, we -- we just have four lights, just
19 enough to light the parking lot.

20 The lights next to the building are
21 actually stronger, or more intense than the
22 lights facing Kennedy Boulevard, because we don't
23 need the light there.

24 So, the -- one of the sheets, the second
25 sheet shows the lighting plan --

1 MR. ALONSO: Okay.

2 MR. BERTIN: -- that we created.

3 MR. ALONSO: In your firm, you also have
4 traffic engineers.

5 MR. BERTIN: Yes.

6 MR. ALONSO: Okay.

7 MR. BERTIN: Yes. Yes.

8 MR. ALONSO: And you use turning templates
9 and everything to make sure that the site works
10 properly.

11 MR. BERTIN: Yes. You'll see on the plan,
12 the -- the tanks are located between the canopy
13 and 32nd Street.

14 One of the first things we have to do is
15 make sure that the delivery truck can get into
16 the site.

17 So, we have to do move -- show the turning
18 path, actually, with the truck coming down 32nd
19 Street, pulling into the site, and then pulling
20 out on Kennedy Boulevard heading north. The same
21 with the cars.

22 So, we've -- we've laid this out so
23 vehicles can maneuver around.

24 MR. ALONSO: Okay.

25 Mr. Chairman, I don't -- I don't have any

1 further questions.

2 VICE CHAIRMAN GRULLON: Okay. My first
3 question is for Mr. Valella.

4 Mr. Valella, could you explain the -- the
5 proposed building, the -- the two that garages
6 and the convenience store, are you going to
7 demolish what's -- what's there right now?

8 MR. VALELLA: The interiors of the building
9 will be demolished. And then, they will be
10 rebuilt with an addition on the side, as
11 indicated.

12 It will also be refinished on the outside
13 with new brick. So, it will, at the end, be
14 basically a new construction. But technically,
15 it's an alteration.

16 VICE CHAIRMAN GRULLON: You're going to be
17 expanding to the back of the building or --

18 MR. VALELLA: It's -- we're expanding --

19 VICE CHAIRMAN GRULLON: -- toward the
20 front?

21 MR. VALELLA: -- towards 35th Street.
22 We're doing the new addition. You can see it on
23 the -- on the site plan.

24 And I can give you more specifics. If you
25 go to page V2, the existing building is 60 feet

1 | ten inches long. The extension is 30 feet eight
2 | inches long, and it's the same width, 30 feet,
3 | and it expands -- it's expanded towards 35th
4 | Street.

5 | VICE CHAIRMAN GRULLON: And the curb cuts,
6 | are they existing curb cuts there right now?

7 | MR. BERTIN: Yes.

8 | We will be meeting with the County to -- we
9 | need approval from Hudson County Planning Board,
10 | and we will be meeting with them.

11 | Our client has already talked to them and
12 | will work on the curb cuts.

13 | MR. VALELLA: But in general -- you know,
14 | the curb cuts are already there. We're not
15 | modifying the -- the parking pattern, or the
16 | traffic pattern.

17 | We are increasing the on-street parking by
18 | one vehicle on 35th Street.

19 | MR. ALONSO: Thirty-third.

20 | MR. VALELLA: It will be --

21 | VICE CHAIRMAN GRULLON: Thirty-fifth?

22 | MR. ALONSO: Is that -- you said 35th?

23 | MR. MEDINA: Thirty-fifth. It's not 33rd.

24 | MR. ALONSO: Yeah, yeah, yeah.

25 | (Whereupon, several people speak at once.)

1 MR. MEDINA: It's 35th Street.

2 MR. PANEQUE: It's 35th.

3 VICE CHAIRMAN GRULLON: I was going to ask
4 that.

5 MR. ALONSO: Because there's so --

6 VICE CHAIRMAN GRULLON: Thirty-fifth.

7 MR. PANEQUE: Because what happens is --

8 MR. ALONSO: -- down there --

9 MR. MEDINA: Think about it.

10 MR. ALONSO: -- I think it was 32nd to --

11 MR. BERTIN: Yeah.

12 VICE CHAIRMAN GRULLON: Thirty-sixth --

13 MR. MEDINA: Yeah.

14 MR. BERTIN: Thirty-fifth. Right.

15 VICE CHAIRMAN GRULLON: Yeah, and it's
16 noted here on the site plan.

17 MR. ALONSO: Okay.

18 MR. VALELLA: Yeah. It -- there the
19 driveway is wider. We're reducing it to 12 feet.
20 And so, we would be -- being able to accommodate
21 one additional car on the street.

22 MR. MEDINA: The gas station is right on
23 the center, between 32nd Street and 35th Street.

24 Right?

25 MR. BERTIN: Yes.

1 MR. MEDINA: So, the one for 35th Street,
2 can you go into the gas station, too?

3 MR. BERTIN: Yes. Someone from 35th Street
4 --

5 MR. MEDINA: How? Or just in --

6 MR. BERTIN: No, can -- it's -- well, it's
7 a 12 foot wide driveway. I guess it was our
8 intention to allow them to get in.

9 Because we don't need to go out onto 35th
10 Street, because from 35th, you're going to Kennedy
11 Boulevard. So, go right out on Kennedy
12 Boulevard.

13 So, the intent of that driveway is allow
14 someone from 35th Street to turn into the site.

15 MR. MEDINA: So, 32nd and --

16 VICE CHAIRMAN GRULLON: The renovation
17 includes all the sidewalks and the re-paving of
18 the --

19 MR. VALELLA: Yes. The -- the entire
20 property, basically, the paving on the -- of the
21 driveway area, the sidewalks, the building --
22 basically, the entire thing will be brand new.

23 VICE CHAIRMAN GRULLON: Any lighting,
24 landscaping?

25 MR. VALELLA: Yes. There is new

1 landscaping proposed. Basically, the entire
2 perimeter of the property.

3 Remember when I mentioned we have a
4 colonnade with the brick? At the bottom, it will
5 be planter boxes. And all along, basically, over
6 a hundred feet of landscaping will be
7 incorporated.

8 MR. MEDINA: And it used to be a gas
9 station before.

10 Right?

11 MR. VALELLA: Yes.

12 MS. GUTIERREZ: Oh, yeah.

13 MR. VALELLA: Since nineteen sixty --

14 MR. MEDINA: The --

15 MR. VALELLA: -- something.

16 MR. MEDINA: The tank still -- the gas --

17 MR. VALELLA: No, no. They've been
18 removed.

19 MR. MEDINA: They were all they removed.

20 MR. VALELLA: The tanks were removed and
21 the underground was cleaned. And now we want to
22 put new -- new pumps in.

23 MS. GUTIERREZ: Um hum.

24 MR. VALELLA: But this was a gas station
25 going back into the '60s.

1 VICE CHAIRMAN GRULLON: Yeah.

2 MS. GUTIERREZ: I remember 30 years ago,
3 when it was brand new.

4 MR. VALELLA: Um hum.

5 MS. GUTIERREZ: I used to go there to smell
6 the gas.

7 MR. BERTIN: To smell the gas?

8 MR. VALELLA: Really?

9 MS. GUTIERREZ: Thirty years ago.

10 MR. VALELLA: You don't do that anymore.
11 Right?

12 MS. GUTIERREZ: No. I --

13 VICE CHAIRMAN GRULLON: Any other -- any
14 other member of -- of the --

15 MS. GUTIERREZ: Yeah.

16 VICE CHAIRMAN GRULLON: Have any question,
17 guys?

18 You don't have any more witnesses?

19 MR. ALONSO: I have no further witnesses.

20 VICE CHAIRMAN GRULLON: We just want to
21 open to the public at this time.

22 No? No one from the public.

23 Mr. Alonso, I think the application that we
24 have in front here is a good opportunity to have
25 the area -- that corner has been abandoned for

1 many years.

2 And I think it's going to be better for the
3 -- for the area there.

4 I will make a motion to grant the
5 application.

6 THE SECRETARY: Motion to grant the
7 application --

8 MS. GUTIERREZ: And I'm seconding.

9 THE SECRETARY: -- by Vice Chairman Victor
10 Grullon.

11 Second on the motion by Margarita
12 Gutierrez.

13 Roll call on the motion.

14 Victor Grullon?

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Margarita Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Miguel Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Khaled Dardir?

21 MR. DARDIR: Yes.

22 THE SECRETARY: John Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Peter Doumas?

25 MR. DOUMAS: Yes.

1 THE SECRETARY: Motion carries. Six in
2 favor.

3 MR. ALONSO: Thank you very much. Have a
4 good evening.

5 VICE CHAIRMAN GRULLON: Thank you, Mr.
6 Alonso.

7

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

10 * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **1616 Palisade Avenue, LLC - 1616 Palisade Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 1616 Palisade Avenue, LLC, 1616
5 Palisade Avenue, Block 180, Lot 27.

6 Mrs. Pereiras?

7 Right?

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

10 MS. PEREIRAS: I'm sorry. We're on 1616?

11 VICE CHAIRMAN GRULLON: Yes, 1616.

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

14 MR. PANEQUE: Okay.

15 For the record, I've been provided, by Ms.
16 Pereiras, with an Affidavit of Publication from
17 The Jersey Journal indicating that notice on this
18 application for tonight's hearing was published
19 in The Jersey Journal on October 5th, 2015.

20 I've also been provided with a Certificate
21 as to publication and service.

22 The Affidavit of Publication has a copy of
23 the notice that went out. And I've been provided
24 with the certified mail receipts, which are dated
25 October 3rd, 2015, as well as some of the green

1 return receipts that have come back.

2 It appears, from the documents that I've
3 been provided, that everything is in order, and
4 this Board has jurisdiction to proceed with this
5 matter.

6 MS. PEREIRAS: Thank you very much.

7 THE SECRETARY: Thank you, Mr. Paneque.

8 MS. PEREIRAS: And before going into this
9 matter, I think Mr. Pereira and I have had the
10 honor of appearing before this Board on many
11 occasions, and we're very proud of that fact.
12 More than anything, because we were born and
13 raised in the City, and I think it's a testament
14 that you're on this Board because you love the
15 City.

16 VICE CHAIRMAN GRULLON: Yes.

17 MS. PEREIRAS: So do we.

18 So, a lot of times, when we come to this
19 Board with a presentation, trust me, we have
20 worked at that client very much to make a project
21 that we think is really suitable for this town.

22 So, please, if there's any hesitation or
23 concern with one of our projects, we would
24 appreciate, if there's some kind of a dialogue.
25 We like to aim to bring a project that -- that

1 the Board likes, that everybody likes.

2 So, we're always open to that dialogue, so
3 that we can aim to get a project that everybody
4 is content with.

5 So, we would appreciate that.

6 VICE CHAIRMAN GRULLON: Yes. Yes.

7 And for the record, we appreciate, because
8 you always come in front of the Board with --

9 MS. PEREIRAS: We do.

10 VICE CHAIRMAN GRULLON: -- beautiful
11 buildings.

12 MS. PEREIRAS: Um hum.

13 VICE CHAIRMAN GRULLON: Meeting almost all
14 the requirements.

15 But I would say, in 98 percent of the case,
16 that's been the case. But that application
17 sometime it sit the -- the variance to motion,
18 this Board is also -- we are for Union City. We
19 are here to protect the neighborhood.

20 MS. PEREIRAS: Absolutely.

21 VICE CHAIRMAN GRULLON: And to respect the
22 -- the Master Plan.

23 MS. PEREIRAS: Absolutely.

24 So, there is -- if there is a concern, we'd
25 like --

1 VICE CHAIRMAN GRULLON: We --

2 MS. PEREIRAS: -- to address that for you.

3 VICE CHAIRMAN GRULLON: We are on the same
4 page.

5 MS. PEREIRAS: All right. Let's go forward
6 with this application.

7 This is for 1616 Palisade Avenue. We are
8 looking to legalize one unit, so technically,
9 we're going from a three to a four family.

10 We have a few existing nonconformities. We
11 have one expert to testify before the Board this
12 evening, and that is our architect, Mr. Manuel
13 Pereiras.

14 MR. PEREIRAS: I remember I am still under
15 oath. Still Manuel Pereiras. Still licensed in
16 the State.

17 MS. PEREIRAS: Mr. Pereiras, are you
18 familiar with the 1616 Palisade Avenue?

19 MR. PEREIRAS: I am.

20 MS. PEREIRAS: And did you prepare the
21 drawings before the Board this evening?

22 MR. PEREIRAS: I have.

23 MS. PEREIRAS: And can you please walk us
24 through the proposed project?

25 MR. PEREIRAS: I will.

1 Actually, let me get a little closer since
2 there's a one member audience.

3 We have an undersized lot here. This is on
4 Palisade Avenue on the east side, 1616 Palisade
5 Avenue, right off of 16th Street, right off the
6 intersection of 16th Street.

7 We have an undersized lot that's 1,531
8 square feet. Because it's an undersized lot, it
9 basically triggers all the variances that we
10 have. It's a series of existing nonconformities.

11 We have a nonconformance in lot depth, in
12 lot width, and -- and side yards, rear yard.
13 Actually, not rear yard. Rear yard, we're okay.
14 And -- and front yard.

15 Also, we have an existing nonconformance
16 for parking.

17 What we have is a four story building. But
18 from the front and from the street, it looks like
19 a three story building. The front -- the first
20 floor is about five feet off the ground in the
21 rear of the property. And I'm turning it to
22 sheet Z03, so that we could see the rear.

23 The site tapers and in the rear, it's a
24 four story structure.

25 So, we have a three story in the front,

1 four story in the back.

2 What we're looking to legalize before this
3 Board is that ground unit that is a basement in
4 the front, and it's a ground level along the rear
5 of the property.

6 Turning to the floor plans, the -- there is
7 an existing legal driveway, with -- under -- on
8 the site. That's a preexisting condition.

9 We have steps that lead you to the first
10 floor apartment. There's an existing second
11 floor apartment, an existing third floor
12 apartment.

13 What we're proposing to do is legalize the
14 unit in the basement.

15 You access that unit through the main
16 stairwell, so it's using the same stair as the
17 other three apartments.

18 You walk up the steps here. You come into
19 the hallway, and you head downstairs.

20 When you head downstairs, you have a
21 living/dining room space. It's 11 feet wide by
22 20 feet deep. You have a new kitchen that we're
23 proposing, a new bathroom. And then, these are
24 the mechanicals for the entire building.

25 So, the actual apartment is from here over.

1 And it's 486 square feet. So, it's a one bedroom
2 of 486 square feet. That triggers another
3 variance for density on -- on that, because we
4 don't meet the minimum square footage for one
5 bedroom.

6 In addition to that, we're expand -- we
7 have an existing -- an expansion of an existing
8 nonconformity for parking.

9 Since we're adding that one unit, we're
10 adding another 1.5 cars there -- 1.8 cars that
11 are required. And we're not providing additional
12 parking space. But of course, there is -- we're
13 right on Palisade Avenue, about maybe 20 feet
14 from the site, there's a bus stop, leads you
15 right into New York City. You -- you walk one
16 block west, there is additional bus lines on New
17 York Avenue.

18 So, there's a great amount of ample
19 transportation there.

20 This is a condition that is present also on
21 that block. If you look at the house immediately
22 to the north of this, we came before this Board
23 with that house a year and a half ago, and we
24 legalized that as a four unit building, as well.

25 So, this Board already set a precedent with

1 the house immediately to the north of this,
2 that's an identical duplicate of this. And this
3 Board legalized that four unit building. We're
4 asking for the same thing to the house
5 immediately to the south of it.

6 So, there is a few things that actually
7 make this a great building. And one of them is
8 that it's an extremely safe building. It
9 currently is.

10 It has a full fire suppression system.
11 This isn't the typical domestic line system that
12 we talk about. No. This is -- a line was cut
13 from the street. It has a standpipe in there.
14 It's a full fire suppression system that protects
15 this entire building.

16 In addition to that, the fire walls were
17 reconstructed from the foundation up. These
18 buildings, in that block, are in really poor
19 condition. This one is currently being
20 renovated, and there -- and the landlord is
21 putting significant money into this building.

22 As part of this application, we'd like to
23 renovate the façade, as well. And we're going to
24 change it from a siding façade to brick, to
25 provide an additional contribution to the City,

1 an additional benefit based on the aesthetics for
2 this project, some positive criteria there.

3 And as you could see from the old
4 photograph of the building, it's going to be a
5 significant improvement, having that as a brick
6 façade.

7 In addition to that, we're going to provide
8 some additional lighting in the front by the
9 stairwell.

10 And just something I want to clarify, and
11 this is something that actually helps me from --
12 from an architectural standpoint.

13 When I submitted my original drawings to
14 the Building Department for the renovation, that
15 wasn't part of this application.

16 I had as the existing dimension of the rear
17 yard as nine foot seven, it was a miscalculation
18 on my part. The reality is that it's a ten foot
19 11 rear yard.

20 And for the purposes of clarity, it's
21 documented on these drawings that the -- the rear
22 of the building is ten foot 11, and -- and off
23 the setback, the zero setback on the side yard.

24 It's really no -- no impact to this Board.
25 We're not asking for any variances. But I did

1 put it on the drawing, and I just want to be
2 clear about that on the record, so that this --
3 that portion and everything's dimensioned
4 properly in this drawing.

5 Just walking through the drawing. Really,
6 the -- the -- this basement unit doesn't affect
7 anything other than -- than what I've spoken
8 about.

9 This unit has two means of egress out of
10 it. One is through the stairwell, within the
11 building, that I spoke about earlier. And the
12 other one is a door along the rear of the unit
13 that opens straight into the backyard, as well,
14 so that it has that opportunity as well.

15 I believe that concludes my testimony, and
16 I'm open for your questions.

17 VICE CHAIRMAN GRULLON: Mr. Pereiras, any
18 construction inside the apartment?

19 MR. PEREIRAS: Yes. Absolutely.

20 So, we're taking this opportunity to make
21 this a good apartment. So, these were horrible
22 apartments. All of them. They were in complete
23 disrepair.

24 The floors, without exaggeration, one point
25 of the house to the other point of the house had

1 a six inch differential. You would walk through
2 this apartment like this. It was a very horrible
3 building.

4 The owner is going through extreme measures
5 to make this into a great building. And by
6 extreme, I mean he underpinned this entire house.
7 He actually dug up the -- the fire wall between
8 this house and the other property, completely and
9 re-poured a concrete foundation.

10 That's a significant endeavor, because you
11 have to do this in sections in order to keep this
12 house from falling.

13 He rebuilt that fire wall going all the way
14 up, all the way to the roof.

15 Everything's been reconstructed and -- and
16 redone. And as a result of that, we have the
17 opportunity to make a great layout.

18 So, whereas that space used to be about
19 four rooms, yes, 485 square feet, and it was four
20 separate little rooms, with each key -- where
21 there were probably four people living down
22 there. Now it's a legitimate single bedroom
23 apartment, and -- and a fantastic condition, in
24 good shape. And it's actually -- you know, it's
25 going to be tile floors, nice kitchen.

1 And it has all the safety features
2 required. Low voltage alarm system, full fire
3 suppression system. And I can't emphasize that
4 enough. We're not putting a domestic line
5 system, we're putting a full fire suppression
6 system in this building. And it's going to be
7 well done, with a brick façade.

8 And the same thing was approved immediately
9 next to it.

10 VICE CHAIRMAN GRULLON: And you'll be doing
11 the façade of the building?

12 MR. PEREIRAS: Yes.

13 VICE CHAIRMAN GRULLON: I don't have
14 anymore. Any question?

15 You're actually looking for this
16 application (indiscernible) based on your --

17 MR. PEREIRAS: Correct.

18 VICE CHAIRMAN GRULLON: And it's
19 preexisting condition. It was an apartment
20 before?

21 MR. PEREIRAS: It was apartment before.
22 The configuration has completely changed. We're
23 reconfiguring it.

24 So, if we're looking for the terminology, I
25 want to be clear, maybe it's not legalization,

1 | it's a -- it's an apartment, it's a new
2 | apartment, it's -- it's a modified apartment, but
3 | it's -- but we're asking for four units in this
4 | building.

5 | VICE CHAIRMAN GRULLON: Any other question?

6 | Closed -- open to the public.

7 | No, Mr. Price?

8 | Taking in consideration that what you're
9 | doing is enhancing the quality of life of the
10 | residents, and beautifying the neighborhood by
11 | redoing the façade, and also comply with the
12 | Codes, with the Fire Codes, and sprinkle, make a
13 | motion to grant the application.

14 | THE SECRETARY: Motion to --

15 | VICE CHAIRMAN GRULLON: Thank you, Mr.
16 | Pereiras.

17 | THE SECRETARY: -- grant the application by
18 | Vice Chairman Victor Grullon.

19 | Any second?

20 | Second by Miguel Ortiz.

21 | Roll call on the motion.

22 | Vice Chairman Grullon?

23 | VICE CHAIRMAN GRULLON: Yes.

24 | THE SECRETARY: Margarita Gutierrez?

25 | MS. GUTIERREZ: Yes.

1 THE SECRETARY: Miguel Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Khaled Dardir?

4 MR. DARDIR: Yes.

5 THE SECRETARY: John Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Peter Doumas?

8 MR. DOUMAS: Yes.

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

11 MS. PEREIRAS: Thank you.

12 THE SECRETARY: Thank you.

13

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

16 * * *

17

18

19

20

21

22

23

24

25

1 **515 34th Street, LLC - 515 34th Street:**

2

3 THE SECRETARY: We have one more
4 application on tonight's agenda.

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

7 THE SECRETARY: 515 34th Street, LLC, 515
8 34th Street, Block 193, Lot 34.

9 Mrs. Pereiras?

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

12 MR. PANEQUE: For the record, I've been
13 provided with an Affidavit of Publication from
14 The Jersey Journal, indicating that notice of
15 tonight's hearing for applicant 515 34th Street,
16 LLC, was published on October 5th, 2015, giving
17 notice of tonight's hearing.

18 I've also been provided with a
19 Certification as to publication and service,
20 signed by the attorney, as well as a 200 foot
21 list promulgated by the Union City Tax Assessor.
22 Said list was promulgated on September 8th, 2015.

23 Also been provided with the certified mail
24 receipts, showing that notices went out on
25 October 3rd, 2015, as well as the green return

1 receipts and some notices that came back
2 unclaimed.

3 For purposes of tonight's hearing, I find
4 that this Board has jurisdiction to proceed and
5 hear this application.

6 MS. PEREIRAS: Thank you very much.

7 Bianca Pereiras, on behalf of 515 34th
8 Street, LLC, also known as Block 193, Lot 34.

9 We are looking to legalize a two family
10 home. My client acquired this property several
11 months ago, at which time it was promoted to him
12 that this was a two family home.

13 The previous purchaser had owned this house
14 since at least 1996, and had used the home as a
15 two family.

16 This house underwent significant fire
17 damage last year. My client, when he purchased,
18 he went to the Board -- to the Building
19 Department to renovate, and at that point, it was
20 discovered that there was unclarity (sic) as to
21 whether it was a two family or not, and that
22 brings us before the Board today.

23 Again, we're looking to legalize a two
24 family home.

25 We will have one expert to testify before

1 the Board this evening, Mr. Manuel Pereiras, our
2 architect.

3 MR. PEREIRAS: Yes.

4 I remember I am still under oath. Still
5 licensed. Still Manuel Pereiras.

6 MS. PEREIRAS: And Mr. Pereiras, you are
7 familiar with 515 34th Street?

8 MR. PEREIRAS: I am.

9 MS. PEREIRAS: And did you prepare the
10 drawings before the Board?

11 MR. PEREIRAS: I have.

12 MS. PEREIRAS: And can you please describe
13 the project for the Board?

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

15 Actually, our client has gone through
16 extreme undue hardship on this property. He came
17 to me to do construction documents and renovate
18 this two family house, I'd say, probably eight
19 months ago, maybe more. Almost a year ago.

20 We did drawings as an architect. We
21 submitted it to the Building Department. And
22 it's been tied up forever until now, very
23 recently, they actually sent us to the Board.

24 It was in my opinion that we did not have
25 to come before the Board because it's a two

1 family house. You guys don't see two family
2 houses. It's site plan exempt.

3 And we're not -- we weren't making any real
4 changes. The previous existence of this house
5 had it. It was an existing two family home, even
6 though the Building Department records don't have
7 it as such, and it was kind of a boarding room in
8 the basement. There were keyed rooms there.

9 But what's actually triggering us coming
10 before this Board, technically, in the
11 interpretation of the Building Department, is
12 that we are providing a two bedroom on the
13 upstairs, and a three bedroom on the downstairs
14 unit.

15 And the Building Department is considering
16 that to be more rooms, bedrooms, which therefore
17 will create a -- trigger an additional parking
18 variance. And therefore, we're before this Board
19 really for a parking variance.

20 So, we have a two family house, three
21 bedroom below, two bedroom up top. I'm going to
22 go through the drawings to show you.

23 But really, what we're asking for is relief
24 of a parking variance. There is no parking
25 proposed on this building.

1 We have an undersized lot. It's 1,780
2 square feet, but we are talking about a permitted
3 use. So, this is a permitted use on the site.

4 There is a six foot setback along the --
5 the side of the building, not big enough to park
6 a car, although the previous owners did park cars
7 there.

8 We have a 3.7 foot front yard setback. We
9 have a 17.2 rear yard setback.

10 Those are all variances, existing
11 nonconformities, as well as an existing
12 nonconformity on the side.

13 We are proposing an addition. But that
14 addition is not covering any additional square
15 footage. It's along the rear of the building.
16 The -- the house was cut off on the rear, and
17 we're proposing to fill that in. And I'm going
18 to show that in the actual floor plans.

19 And -- and if we're going to -- well, since
20 we're before the Board, we could call that an
21 expansion of a -- of a side yard setback, as
22 well, since we're within the side yard setback on
23 the side. And even though it's an existing side
24 yard setback on the ground floor, what's called
25 an expansion of side yard setback, since we're

1 building on top of that.

2 And an expansion of the rear yard setback
3 because it's almost 18 feet are required, that's
4 25 percent of the lot. We're at 17.2 feet. So,
5 we're like six inches shy of making that a
6 conforming rear yard.

7 To go through all the variances very
8 quickly, minimum lot area is an existing
9 nonconformance, as well as lot depth. Front
10 yard, rear yard, maximum lot coverage, and what
11 we're asking for, off-street parking.

12 And turning to the page -- to the next
13 page, which is sheet Z02, Z02 you could see you
14 enter the building through a stairwell, and that
15 stairwell leads you into a vestibule, that
16 vestibule, you have a choice to go upstairs to
17 apartment number 2.

18 Apartment number 2, you walk in, you have
19 two bedrooms, shared bathroom, and a kitchen
20 area, dining, living room area along the front of
21 the building.

22 Apartment number 1, you walk in. We made
23 it into a contemporary layout, so that you have
24 living room, dining room, kitchen all open.
25 We're providing new joists across the whole

1 building to -- to make that happen.

2 We have the master bath in the back -- the
3 master bedroom in the back, with an additional
4 half bath over here.

5 And then, you walk down the stairs to the
6 -- the partial basement, and that's the two
7 bedrooms, the two additional bedrooms down there.

8 We're creating window wells to the side of
9 that bedroom, so that if there's ever an
10 emergency, it's an emergency escape, evacuation
11 through those window wells, through those
12 windows, window wells, in order to get out of the
13 building.

14 The addition is on the second floor. This
15 portion that's here.

16 To be clear about that, it's 13 foot seven
17 inches on one side, and it's the entire width of
18 the building, which is 18 feet six inches.

19 That concludes my testimony.

20 VICE CHAIRMAN GRULLON: Mr. Pereiras, when
21 you say three bedroom, that's one bedroom on the
22 ground floor and the two bedroom underneath?

23 MR. PEREIRAS: Yes. That's for one unit.
24 And the other unit has two bedrooms.

25 VICE CHAIRMAN GRULLON: And the addition

1 | that you're proposing is -- it's on the second
2 | floor. On top of the first floor.

3 | MR. PEREIRAS: Correct. It's on the second
4 | floor. It's for unit number 2. And we're
5 | basically adding a bedroom to that unit.

6 | VICE CHAIRMAN GRULLON: In this picture,
7 | does it show the property here?

8 | MR. PEREIRAS: No. You could see the
9 | property -- or actually it does show it, but I'll
10 | -- there is a picture of the property right on my
11 | cover sheet.

12 | VICE CHAIRMAN GRULLON: Yes. I saw that.
13 | Is that existing condition --

14 | MR. PEREIRAS: That's the --

15 | VICE CHAIRMAN GRULLON: -- of the property?

16 | MR. PEREIRAS: -- existing condition.

17 | Obviously, we're cleaning this up and
18 | fixing it, making it a lot nicer. It's -- it's
19 | fire stricken right now. I'm looking forward to
20 | getting, hopefully, an approval and getting
21 | permits and getting --

22 | VICE CHAIRMAN GRULLON: That needs to be
23 | fixed.

24 | MR. PEREIRAS: -- this thing fixed.

25 | VICE CHAIRMAN GRULLON: Yes. I don't have

1 any further question.

2 Do you guys?

3 MR. DARDIR: No.

4 VICE CHAIRMAN GRULLON: Any question?

5 Open to the public.

6 No. No question.

7 Taking in consideration that it's a
8 preexisting condition for all the variance that
9 you're requesting, they're all preexisting, I
10 make a motion to grant the application.

11 THE SECRETARY: Motion to grant the
12 application by Vice Chairman Victor Grullon.

13 Any second?

14 MS. GUTIERREZ: I'm seconding.

15 THE SECRETARY: Second on the motion by
16 Margarita Gutierrez.

17 Roll call on the motion.

18 Vice Chairman Victor Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Margarita Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Miguel Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Khaled Dardir?

25 MR. DARDIR: Yes.

1 THE SECRETARY: John Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Peter Doumas?

4 MR. DOUMAS: Yes.

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

7 MS. PEREIRAS: Thank you very much.

8 VICE CHAIRMAN GRULLON: Thank you.

9 MS. GUTIERREZ: You're welcome. Good
10 night.

11 * * *

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADJOURNMENT :**

2

3 THE SECRETARY: There being no other --
4 there being no other application on tonight's
5 agenda, can I have a motion to close tonight's
6 meeting?

7 Motion by?

8 MR. ORTIZ: Aye.

9 THE SECRETARY: Miguel Ortiz.

10 Second by?

11 Margarita Gutierrez.

12 All in favor, say aye.

13

14 (Whereupon, there was a chorus of ayes.)

15

16 THE SECRETARY: The aye have it.

17 Thank you.

18 Have a good night.

19 Let the record show that the meeting has
20 ended.

21

22 (Whereupon, the proceedings were concluded
23 at 9:04 p.m.)

24

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the SPECIAL
8 REGULAR MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, October 15, 2015,
10 and digitally recorded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon