

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, November 12, 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 6:25 p.m.)
DAVID W. PRESSEY
JOHN MEDINA, Alternate No. 1
JOSEPH D. BONACCI, Alternate No. 2,
(Left at 8:36 p.m.)
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
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
WILFREDO J. ORTIZ, II, ESQ. Acting Board Attorney

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

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

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

KATHRYN L. WALSH, ESQ.,
Attorney for Applicant,
Iglesia Evangelica Apostoles y Profetas

CARLOS RENDO, ESQ.,
Attorney for Applicant, 310 4th Street, LLC

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

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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 1901 Summit Avenue, LLC

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

3 Please take notice that on Thursday,
4 November 12, 2015, at six p.m., a Regular Public
5 Meeting is scheduled for the City of Union City
6 Zoning Board of Adjustment, to be held in the
7 Municipal Chambers, located at second floor, 3715
8 Palisade Avenue, Union City, New Jersey.

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

11

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

14

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

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

24

25 **ROLL CALL:**

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THE SECRETARY: Roll call for tonight's
meeting.

4

Chairman Andres Garcia? Absent.

5

Vice Chairman Victor Grullon?

6

VICE CHAIRMAN GRULLON: Here.

7

THE SECRETARY: Margarita Gutierrez?

8

MS. GUTIERREZ: Here.

9

THE SECRETARY: Miguel Ortiz? Absent.

10

David Pressey?

11

MR. PRESSEY: Here.

12

THE SECRETARY: Harlenny Javier? Absent.

13

Khaled Dardir?

14

MR. DARDIR: Here.

15

THE SECRETARY: John Medina?

16

MR. MEDINA: Here.

17

THE SECRETARY: Joseph Bonacci?

18

MR. BONACCI: Here.

19

THE SECRETARY: Elisa Flores? Absent.

20

Peter Doumas?

21

MR. DOUMAS: Here.

22

Let the record indicate there are seven

23

members present.

24

Those absent tonight are Chairman Andres

25

Garcia, Miguel Ortiz, Harlenny Javier, and Elisa

1 Flores.

2 So, we have a Board made up of seven
3 members.

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1 RESOLUTIONS:

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3 (1) Third Street Development, LLC, 511-517 3rd
4 Street, Block 9, Lots 13-16. Resolution was
5 memorialized September 11th, 2014. Applicants
6 seeking one year extension. Approved.

7 (2) 2000 West Street, LLC, AKA 526 Monastery
8 Place, 2000 West Street, Block 109, Lot 26.

9 Proposed extension of existing two and a half
10 story mixed use office/residential. Addition to
11 existing third floor and proposed fourth floor
12 addition. Approved.

13 (3) Mercedes Lopez, 401 21st Street, Block 110,
14 Lot 18. Legalization of basement apartment in an
15 existing multi-family building. Approved.

16 (4) Palisade Emergency Residence Corporation,
17 108 36th Street, Block 217, Lots 20, 21, 44, 45.
18 Conversion of existing common room and storage
19 areas, additional dormitory spaces and minor
20 repairs. Modify building system. Approved.

21 (5) Ashraf Soliman, 3200 Kennedy Boulevard,
22 Block 204, Lot 1, 34-38. Renovation and
23 alternation to an existing gas/service station.
24 Approved.

25 (6) 1616 Palisade Avenue, LLC, 1616 Palisade

1 Avenue, Block 180, Lot 27. Propose the
2 conversion of three families to a four families.
3 Approved.

4 (7) 515 34th Street, LLC, 515 34th Street, Block
5 193, Lot 34. Conversion of a one family to a two
6 family. Approved.

7

8 THE SECRETARY: On tonight's agenda, we
9 have a Resolution. We have seven Resolutions.

10 First Resolution, Third Street Development,
11 LLC, 511-517 3rd Street. It was approved.

12 2000 West Street, LLC, AK 526 Monastery
13 Place, was approved.

14 Mercedes Lopez, 401 21st Street. Approved.

15 Palisade Emergency Residence Corporation,
16 108 36th Street. Approved.

17 Ashraf Soliman, 3200 Kennedy Boulevard.
18 Approved.

19 1616 Palisade Avenue, LLC, 1616 Palisade
20 Avenue. Approved.

21 515 34th Street, LLC, 515 34th Street.
22 Approved in the previous meeting.

23 Can I have a motion to adopt these
24 Resolutions?

25 VICE CHAIRMAN GRULLON: Make a motion to

1 adopt the Resolutions.

2 THE SECRETARY: Motion to approve these
3 Resolutions by --

4 MS. GUTIERREZ: And I'm seconding.

5 THE SECRETARY: -- Vice Chairman Victor
6 Grullon.

7 Second by Margarita Gutierrez.

8 Roll call on the motion.

9 Mr. Grullon?

10 VICE CHAIRMAN GRULLON: Yes.

11 THE SECRETARY: Mrs. Gutierrez?

12 MS. GUTIERREZ: Yes.

13 THE SECRETARY: Mr. Pressey?

14 MR. PRESSEY: Yes.

15 THE SECRETARY: Mr. Dardir?

16 MR. DARDIR: Yes.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Yes.

19 THE SECRETARY: Mr. Bonacci?

20 MR. BONACCI: Yes.

21 THE SECRETARY: Mr. Doumas?

22 MR. DOUMAS: Yes.

23 THE SECRETARY: Motion carries. Seven in
24 favor. No against.

25 * * *

1 **RESOLUTION:**

2

3 (8) Demetrios S. Econopouly/Hudson Foot
4 Holdings, LLC, 1900-1906 Kennedy Boulevard, Block
5 105, Lots 24-27. Construction of a new 13 unit
6 residential building and 14 regular parking
7 spaces, seven in tandem, total 21. Denied.

8

9 THE SECRETARY: We have a Resolution number
10 8.

11 Demetrios S. Econopouly/Hudson Foot
12 Holding, LLC, 1900-1906 Kennedy Boulevard.

13 This application was denied at the previous
14 meeting.

15 Can I have a motion to adopt the
16 Resolution?

17 VICE CHAIRMAN GRULLON: A motion to adopt
18 the Resolution.

19 THE SECRETARY: Motion by --

20 MS. GUTIERREZ: And I'm seconding.

21 THE SECRETARY: -- Chairman Victor Grullon.
22 Second by?

23 MS. GUTIERREZ: Seconding.

24 THE SECRETARY: Margarita Gutierrez.

25 Roll call on the motion.

1 Mr. Grullon?

2 VICE CHAIRMAN GRULLON: Yes.

3 THE SECRETARY: Mrs. Gutierrez?

4 MS. GUTIERREZ: Yes.

5 THE SECRETARY: Mr. Pressey?

6 MR. PRESSEY: Yes.

7 THE SECRETARY: Mr. Dardir?

8 MR. DARDIR: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Mr. Bonacci?

12 MR. BONACCI: Yes.

13 THE SECRETARY: Mr. Doumas?

14 MR. DOUMAS: Yes.

15 THE SECRETARY: Motion carries. Seven in
16 favor.

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1 **CORRECTIVE RESOLUTIONS:**

2

3 (1) Superior Court's Order, 304-306 New York
4 Avenue Prop, LLC, 304-306 New York Avenue.

5 Construct nine units, multi-family building.

6 Resolution memorialized on September 11, 2014.

7 (2) 701 24th Street Associates, LLC, 701-24th

8 Street, Block 130, Lots 22. Construct three

9 family structure. Resolution memorialized on
10 March 8, 2012.

11

12 THE SECRETARY: We have Corrective
13 Resolutions on tonight's agenda. We have two.

14 Superior Court Order, 304-306 New York
15 Avenue Prop., LLC, 304-306 New York Avenue.

16 And the second Corrective Resolution, 701
17 24th Street Associates, LLC, 701 24th Street.

18 Can I have a motion to adopt these
19 Corrective Resolutions?

20 VICE CHAIRMAN GRULLON: Counsel, can you
21 explain a little bit, the changes that are made
22 to these Resolutions?

23 MR. PANEQUE: Yes.

24 With respect to the first Resolution,
25 dealing with 304-306 New York Avenue, that

1 Resolution was remanded from the Superior Court.
2 The Honorable Judge Rose remanded that Resolution
3 back to this Board, in order to correct certain
4 mistakes that were made throughout the Resolution
5 that was adopted.

6 Some of those mistakes included the
7 incorrect address, and the block and lot. The
8 Resolution comes back before the Board with all
9 the corrections that was requested by the
10 Superior Court.

11 With respect to the second Resolution, 701
12 24th Street, that Resolution comes to the Board on
13 a request from Sal Ferlise, from the Union City
14 Building Department.

15 Mr. Ferlise noticed that in the Resolution
16 that was previously adopted, there was a
17 typographical error.

18 The correct reading of the Resolution
19 should have said -- should have read, above the
20 garage. The Resolution read, about the garage.

21 I went through the transcript of the
22 meeting, and it was evident from the transcript
23 that the proper terminology was above, A-B-O-V-E.
24 And therefore, the Resolution has been corrected
25 to read above the garages.

1 VICE CHAIRMAN GRULLON: Okay. With that
2 clarify, I would like to make a motion to accept
3 the --

4 THE SECRETARY: Motion to adopt the --

5 MS. GUTIERREZ: And I'm seconding.

6 THE SECRETARY: -- Resolution, the
7 Corrective Resolution by Mr. Grullon.

8 MS. GUTIERREZ: I'm seconding.

9 THE SECRETARY: Second by Margarita
10 Gutierrez.

11 Roll call to adopt these Resolutions.

12 Mr. Grullon?

13 VICE CHAIRMAN GRULLON: Yes.

14 THE SECRETARY: Mrs. Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Pressey?

17 MR. PRESSEY: Yes.

18 THE SECRETARY: Mr. Dardir?

19 MR. DARDIR: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Bonacci?

23 MR. BONACCI: Yes.

24 THE SECRETARY: Mr. Doumas?

25 MR. DOUMAS: Yes.

1 THE SECRETARY: Motion carries. Seven in
2 favor.

3 Thank you.

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1 **2415-2417 Central Avenue:**

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3 THE SECRETARY: The first application on
4 tonight's agenda, 2415-2417 Central Avenue, Block
5 135, Lots 19 and 20.

6 Mr. --

7 MR. PANEQUE: Chairman Grullon, on this
8 application, I'm going to recuse myself. We're
9 going to have a substitute attorney represent the
10 Board.

11 MS. GUTIERREZ: All right.

12 MR. PANEQUE: Mr. Willie Ortiz.

13 MR. W. ORTIZ: For the record, Wilfredo
14 Ortiz.

15 VICE CHAIRMAN GRULLON: Welcome aboard, Mr.
16 Ortiz.

17 MR. W. ORTIZ: Thank you.

18 MR. SHALJIAN: Good evening, members of the
19 Board.

20 My name is Ronald Shaljian, and I'm with
21 the firm of Schumann Hanlon. I represent the
22 applicant in this matter.

23 This matter was on for hearing last month.
24 It was necessary to be carried last month to
25 tonight.

1 I learned tonight that our architect, Mr.
2 Pereiras, is unavailable. I'm, therefore,
3 requesting a further adjournment to the December
4 10th meeting.

5 I spoke to the -- the alternate attorney
6 for your Board, a few moments ago, and I
7 explained to him the circumstances. And I would
8 respectfully request that the matter be carried
9 until December 10th.

10 MR. W. ORTIZ: It's my understanding, on
11 the previous date, Board members, that the
12 notices were accepted.

13 In light of the -- the unavailability of
14 his professionals, and his request, you are
15 waiving any -- any --

16 MR. SHALJIAN: Yes.

17 MR. W. ORTIZ: -- limitation -- statute of
18 limitations.

19 MR. SHALJIAN: Yes.

20 VICE CHAIRMAN GRULLON: What was the reason
21 for the adjournment on the previous meeting?

22 MR. SHALJIAN: Mr. Kolling wasn't
23 available, my planner. He was in Jersey City at
24 a meeting, and I had a case in Jersey City.

25 Tonight, Mr. Pereiras is not available, as

1 well as my engineer. I'm bringing an engineer
2 from upstate New York. And it wasn't until two
3 o'clock -

4

5 (Whereupon, Mr. Miguel Ortiz arrived at
6 6:25 p.m.)

7

8 MR. SHALJIAN: -- this afternoon that I was
9 told that there would be seven members tonight,
10 so I told them to stay. And then, I found out
11 that Mr. Pereiras was not available.

12 MS. GUTIERREZ: Okay. But all these people
13 waiting for that application.

14 MR. W. ORTIZ: I understand that.
15 Unfortunately, it's a legitimate -- you know,
16 reason to adjourn.

17 VICE CHAIRMAN GRULLON: Yeah, I know, but
18 like this is the second time that this --

19 MR. SHALJIAN: I understand.

20 VICE CHAIRMAN GRULLON: -- meeting was --
21 has been a request to adjourn -- to adjourn it,
22 because one of the professionals is not
23 available.

24 What I will suggest is that we re-notice
25 again, just to make sure that you got -- that you

1 | can guarantee that your professional will be here
2 | --

3 | MR. SHALJIAN: I'm willing to do that.

4 | VICE CHAIRMAN GRULLON: -- on the -- for
5 | the -- for the next meeting, whether it's
6 | December 10 or we going to have to carry it back
7 | to January.

8 | But I don't want -- I don't want to tell
9 | the public right now to come back December 10, if
10 | you don't have something in writing from your --
11 | from your professionals, that they're going to
12 | attend the meeting.

13 | MR. SHALJIAN: I'll look into it tomorrow.
14 | I'll notify counsel.

15 | MR. W. ORTIZ: That's fine.

16 | MR. SHALJIAN: And take it from there.

17 | VICE CHAIRMAN GRULLON: Okay.

18 | MR. W. ORTIZ: Would you like me to
19 | announce it, Mr. Chairman, or would you like --

20 | A CITIZEN: Can the public speak? This is
21 | the second time we've attended for them, and
22 | they're -- you know doing this to the -- so we
23 | don't speak.

24 | VICE CHAIRMAN GRULLON: We don't -- we
25 | don't have an official meeting right now, because

1 he's missing one of the -- his professional.

2 We have to give the -- the applicant the
3 opportunity to present the case.

4 A CITIZEN: This is their second
5 opportunity.

6 VICE CHAIRMAN GRULLON: Yes. Yes. I know
7 and that's I --

8 A CITIZEN: They're doing this on purpose.

9 VICE CHAIRMAN GRULLON: That's what I'm
10 telling them, that this time, they're going to
11 have to re-notice, to re-notice you guys --

12 A CITIZEN: You can deny them in that time,
13 can't you?

14 MS. DILLON: Okay. She can't --

15 VICE CHAIRMAN GRULLON: Not -- not --

16 MS. DILLON: She can't speak from there.
17 Please.

18 VICE CHAIRMAN GRULLON: Yes. Yes.

19 Not without us hearing the application, we
20 can't do that. I know.

21 MR. W. ORTIZ: That's correct, Mr.
22 Chairman.

23 VICE CHAIRMAN GRULLON: And the only thing
24 that I can do is to -- to ask you to re-notice,
25 and I'm just going to make my motion to -- to --

1 MR. W. ORTIZ: Authorize the adjournment.

2 VICE CHAIRMAN GRULLON: -- to authorize the
3 -- the adjournment. To adjourn this application
4 for --

5 MR. SHALJIAN: I'm willing to re-notice.

6 VICE CHAIRMAN GRULLON: -- for our next
7 meeting.

8 You have to re-notice, and let counsel know
9 when you have your confirmation from your
10 professionals.

11 MR. SHALJIAN: Very good. I'll take care
12 of that.

13 A CITIZEN: Do their professionals live
14 near one of those places?

15 MR. W. ORTIZ: I understand your
16 frustration. I really do, but unfortunate --

17 A CITIZEN: No, you don't.

18 A CITIZEN: No, you don't.

19 MR. W. ORTIZ: -- unfortunate --

20 No, I -- I do. I really do.

21 Unfortunately, because of the transcript
22 that's being taken here, that's a problem to just
23 be speaking out. And the stenographer here is
24 having a problem.

25 A CITIZEN: Well, that's our right as the

1 public. I mean --

2 MS. DILLON: Ma'am, your comments are not
3 on the record from there.

4 A CITIZEN: That's fine. He's not on the
5 record. We want these people to hear that we are
6 here.

7 VICE CHAIRMAN GRULLON: Yes. Yes. Yes.
8 And we --

9 A CITIZEN: And this is unfair because we
10 know what --

11 VICE CHAIRMAN GRULLON: We understand. We
12 are also resident, but we have to give them the
13 opportunity to present the case, before the
14 Board, before we take any decision.

15 A CITIZEN: Will we have -- will we have
16 our opportunity?

17 VICE CHAIRMAN GRULLON: You will have an
18 opportunity, after they present the case.

19 A CITIZEN: So, it's up to them?

20 VICE CHAIRMAN GRULLON: They haven't
21 presented the case. There's no case right here
22 to discuss.

23 A CITIZEN: So what are we all here for
24 then? They're not ready.

25 A CITIZEN: That's right.

1 A CITIZEN: So, they're not ready, we're
2 ready. Now --

3 A CITIZEN: We were ready last time.

4 A CITIZEN: Let's do it again when there's
5 less people here.

6 MR. SHALTIAN: Is --

7 A CITIZEN: During the holidays --

8 MR. SHALTIAN: Is there a motion?

9 A CITIZEN: -- when people are -- yeah.

10 VICE CHAIRMAN GRULLON: Yes. Yes.

11 I made a motion to adjourn it. To adjourn.

12 THE SECRETARY: Motion to adjourn --

13 MR. W. ORTIZ: Is there a second?

14 THE SECRETARY: -- the application by Mr.
15 Grullon.

16 Any second?

17 MS. GUTIERREZ: Second.

18 THE SECRETARY: Second by Margarita
19 Gutierrez.

20 MS. GUTIERREZ: There is nothing we can do.

21 THE SECRETARY: Roll call on the motion.

22 A CITIZEN: People learn.

23 THE SECRETARY: Mr. Grullon?

24 VICE CHAIRMAN GRULLON: Yes, to adjourn.

25 We have to adjourn it.

1 THE SECRETARY: Mrs. Gutierrez?

2 MS. GUTIERREZ: Yes, to adjourn.

3 THE SECRETARY: Mr. Ortiz?

4 MR. M. ORTIZ: Abstain.

5 THE SECRETARY: Mr. Pressey?

6 MR. PRESSEY: Yes.

7 THE SECRETARY: Mr. Dardir?

8 MR. DARDIR: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Mr. Bonacci?

12 MR. BONACCI: Yes.

13 THE SECRETARY: Motion carries. Six in
14 favor, one abstain.

15 VICE CHAIRMAN GRULLON: And it has to be
16 re-noticed.

17 THE SECRETARY: And new notice -- new
18 notice required.

19 Sorry.

20 MR. SHALJIAN: I'll speak to Mr. Diaz
21 tomorrow.

22 MR. W. ORTIZ: Ortiz.

23 MR. SHALJIAN: Thank you.

24 Ortiz. I'm sorry.

25 Thank you.

1 A CITIZEN: Thank you for your time.

2 THE SECRETARY: Next meeting will be
3 December 10.

4 VICE CHAIRMAN GRULLON: You -- you will
5 receive a new notice.

6 A CITIZEN: Yeah.

7 We'll be back.

8 (Whereupon, Wilfredo J. Ortiz, II, Esq.
9 left the meeting at 6:29 p.m.)

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

12 * * *

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

2

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

5 Next application tonight's agenda, 419 13th
6 Street, LLC, 419-421 13th Street.

7 Mr. Diaz, please?

8 MR. DIAZ: Good evening, Board members.

9 MS. DILLON: Mr. Diaz, one step closer to
10 the microphone.

11 Thank you.

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

14 MR. DIAZ: Good evening.

15 MS. GUTIERREZ: Good evening, Mr. Diaz.

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

18 MR. DIAZ: Good evening, Board members.

19 Luis Diaz, for the applicant.

20 This is 419 13th Street, LLC, property
21 would be on pretty similar address, 419-21 13th
22 Street, Block 61.02, Lots 12 and 13.

23 I believe last -- at the last hearing,
24 jurisdiction was obtained.

25 MR. PANEQUE: That is correct, Mr. Diaz.

1 My recollection is that, at the last meeting, you
2 presented the proof of publication, as well as
3 the certified notices that went out to all owners
4 within 200 feet.

5 And that this Board recognized that you did
6 have jurisdiction to proceed with this
7 application.

8 MR. DIAZ: And we will proceed, then.
9 Thank you.

10 MR. PANEQUE: Thank you.

11 MR. DIAZ: I have one expert that will
12 testify, first, as an architect, and then as a
13 planner.

14 Mr. Izquierdo, Jose Izquierdo. He has
15 testified before this Board on numerous
16 occasions.

17 I would like to have him qualified as an
18 expert.

19 VICE CHAIRMAN GRULLON: Mr. Izquierdo has
20 been here on many occasions. His qualifications
21 are accepted.

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

23 VICE CHAIRMAN GRULLON: Thank you very much
24 for being here.

25 MS. DILLON: Mr. Izquierdo, please raise

1 your right hand.

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

4 MR. IZQUIERDO: Yes, I do.

5 MS. DILLON: Please just state your name
6 for the record.

7 MR. IZQUIERDO: My name is Jose Izquierdo,
8 New Jersey architect 09143, New Jersey planner
9 03385.

10 MR. DIAZ: Just to give you a small
11 summary, before Mr. Izquierdo explains what's
12 being proposed.

13 What we have here is a de facto six unit,
14 two structures. I believe there's a memo from
15 the Building Department that states that, legally
16 it's a five, two and three. And then, the
17 application will be to have one additional unit,
18 which is existing now, legalized in order to be a
19 six residential unit property.

20 Mr. Izquierdo, are you familiar with the
21 location?

22 MR. IZQUIERDO: Yes, I am.

23 MR. DIAZ: And the plans that have been
24 submitted?

25 MR. IZQUIERDO: Yes, I am.

1 MR. DIAZ: Could you explain to the Board
2 what it is that's being proposed, please?

3 MR. IZQUIERDO: Yes.

4 Good evening, members of the Board.

5 There were two exhibits submitted in
6 conjunction with the application. Drawings SP1,
7 and A-1.

8 Drawing SP1 shows the site plan, which is
9 on 13th Street. This is an oversized lot. It's
10 actually 60 by a hundred. It's 64.20 in the
11 back, because it's trapezoidal. And there are
12 three buildings on the property.

13 The front building, which is on the western
14 side of the property, is -- is the building in
15 question. And it actually has three stories,
16 with one apartment on the third floor, one
17 apartment on the second floor, and two apartments
18 on the first floor.

19 The apartment in the rear of the first
20 floor is the one that is being legalized, also
21 known as unit number 6.

22 The unit -- the building in the back, also
23 on the southwestern corner of the property, is a
24 two story, two unit building.

25 There is also a detached garage that has

1 two parking spaces.

2 Because the site is oversized, actually we
3 have a total of eight parking spaces that they're
4 not tandem or anything. They're actually eight
5 parking spaces.

6 The front sheet also shows the -- the
7 rehabilitation sub-code analysis.

8 Actually, this unit in the back has to be
9 made accessible to the handicapped, even though
10 the property does not entail a change of use.
11 And these are the number of variances that I will
12 go into detail.

13 Sheet number 2, which is A-1, 2 of 2, has
14 all the floors. The cellar, the basement, the
15 ground floor of all the units.

16 When the applicant purchased this building,
17 apparently there were some illegal apartments
18 here. And there were -- there's some demolished
19 construction on the cellar here, and on the
20 basement of the front building.

21 On drawing A-1, you see the two units on
22 the first floor, the single unit on the second,
23 and the single unit on the third. And likewise,
24 for the rear building.

25 Part of the scope of work is to -- to fix

1 the sidewalk and to have landscaping on the
2 sidewalk. We're going to have some lighting here
3 on the site. And we're going to have a
4 pedestrian walkway here, connecting all these
5 buildings.

6 This Board gains jurisdiction of this
7 application because this is a D-2, an extension
8 of a nonconforming use.

9 This is located in the R zone. And as
10 such, a multi-family building is not an allowed
11 use in the zone.

12 The required lot area is 5,000 square feet.
13 The existing and the proposed is 6211, which
14 exceeds and conforms.

15 The lot width of 50, and the lot depth of a
16 hundred required, we exceed by 60, and we exceed
17 at a hundred for both. Exceeds and conforms.

18 The front yard is ten feet, or the
19 prevailing setback. And actually, no relief is
20 required because the front -- even though the
21 front building is right on the property line, it
22 conforms to the prevailing setback of the other
23 properties on 13th Street.

24 The side yards required are six feet or 12
25 feet for both. This is an existing building,

1 | where we're not adding anything. But actually,
2 | that would be a variance because we have a full
3 | ten and a half inches here, but we have 35 feet
4 | here.

5 | So, in the addition, we -- we comply, but
6 | in the particulars, we don't.

7 | Same for the rear yard, that we're required
8 | to have 25 feet of the lot depth, or 19 feet 11
9 | inches, and actually, we have zero feet in the
10 | rear building, in the southwestern portion of the
11 | property.

12 | The building height allowed is three
13 | stories or 40 feet. We're at three stories less
14 | than 40 feet, which we conform.

15 | The building coverage of 60 percent --
16 | actually, our buildings only cover 40.6 percent,
17 | which exceeds and conforms.

18 | The lot coverage of 85 percent, we have
19 | only 40.59 existing. And actually, with the
20 | addition of the new paved walkway, we would be
21 | 47.88, which would still conform.

22 | In terms of the parking -- parking
23 | requirements, this is subject to Parking Schedule
24 | 2, because this is a garden apartment, according
25 | to the Zoning Ordinance of Union City.

1 And we're required to have, for the
2 existing condition, a total of ten spaces, and
3 for the proposed condition, we have a total of 12
4 spaces required.

5 We have a total of eight. So, even though
6 we have six units, we have eight spaces,
7 according to the calculations. We would need a
8 variance of four spaces.

9 We do have loading spaces, and we -- we do
10 have -- we're conforming with the landscaping,
11 and with the lighting.

12 In terms of the minimum unit size, because
13 this is a garden apartment, we're subject to the
14 density requirements of the Zoning Ordinance.

15 The one bedroom that we're legalizing
16 actually has 483 square feet net, and we would be
17 required to have 550 square feet. So, there is
18 also a density variance.

19 In order to grant the D-2 extension of a
20 nonconforming use, the case -- the prevalent case
21 would be Medici, which would be in particular
22 cases and for special reasons.

23 In terms of the density variance, the case
24 is actually -- it's Commercial Realty versus
25 First Atlantic, that we have to show that the

1 | site is able to accommodate the problems
2 | associated with the higher density.

3 | The property is located on 13th Street.
4 | And as I -- as I pointed out, we have six parking
5 | spaces here, and a garage for two. There are a
6 | number of multi-family buildings with higher
7 | density.

8 | The density here is -- is 42 units per
9 | acre. The density here is 140 units per acre.
10 | The density here is 154 units per acre, or 185
11 | units per acre.

12 | So, the site being 60 by a hundred is
13 | actually not dense at all, having six units,
14 | having eight parking spaces.

15 | There are also parking -- there is also
16 | municipal parking nearby on 8th Street, near
17 | Palisade.

18 | But the -- the residents that live there,
19 | most of them don't have cars. I actually visited
20 | the site, and they don't have cars. They're just
21 | -- it's just working families, that they live in
22 | the -- in the building.

23 | So, actually, the -- the problems
24 | associated with the higher density would be, for
25 | instance, one of them would be parking, because

1 all of the build -- all of the units have
2 adequate light, air. I mean, they have windows.
3 They're very nice units.

4 So, having six units with eight parking
5 spaces, without anybody being tandem, is actually
6 a quite exclusive condition for the City of Union
7 City.

8 And as such, in this specific case, and for
9 the reasons of being such a large site, able to
10 accommodate the parking, 13th Street is a one way
11 going here. So, leaving the site is actually
12 very, very simple.

13 There's a new building going -- going up
14 across the street. Actually, with the two 15
15 units and the 32 units here.

16 And the -- the approval of this, we don't
17 need a curb cut. We're actually having a new
18 gate in the front and some landscaping. So, in
19 balancing the positive criteria and the negative
20 criteria, it is a win/win.

21 The -- the City gains one unit that has
22 adequate parking, just a parking variance of --
23 of four. But at least each -- each unit has one
24 parking space, and you still have two parking
25 spaces for visitors, in addition to all of the

1 center aisle that you can likewise park.

2 MR. DIAZ: And Mr. Izquierdo, in the event
3 that this application is approved, the structure,
4 they will be brought up to Code.

5 Is that correct?

6 MR. IZQUIERDO: Yes.

7 Well, the Rehab Sub-Code analysis for the
8 -- for the building, because the buildings are
9 detached and everything, this building is being
10 treated as changing from three to four. In terms
11 of zoning, we're going from five to six, but in
12 terms of the Building Department, we're going
13 from three to four.

14 Three to four are -- are both R-2 uses, and
15 we don't have a change of use.

16 However, when you have four units, that
17 apartment has to be accessible to the
18 handicapped. And it's -- it's not technically
19 infeasible to do it. It's actually quite easy to
20 turn that apartment to the handicapped, and the
21 applicant and owner is more than happy to do
22 that.

23 MR. DIAZ: Now, Mr. Izquierdo, with regard
24 to the present use, has that use been in
25 existence in that -- in that -- in those

1 structures?

2 MR. IZQUIERDO: Oh, yeah. That unit was
3 not constructed new. I mean, it -- it just
4 appears to have been like that for -- for quite
5 some time.

6 MR. DIAZ: I'm going to provide, as
7 evidence, to be marked, two cutting cards from
8 the Tax Assessor's Office. One for the front
9 structure, the other one for the -- for the rear
10 structure.

11 The first one shows three units. The
12 second one shows the two units, and the size and
13 so forth.

14 I would like to offer them as evidence, and
15 --

16 MR. IZQUIERDO: And that's back from 19 --

17 MR. DIAZ: '72.

18 MR. IZQUIERDO: -- '72, which precedes the
19 Zoning Ordinance.

20 MR. PANEQUE: How many pages is it?

21 MS. DILLON: I think it's four.

22 MR. PANEQUE: For the record, Mr. Diaz, the
23 exhibits are being marked as A-1, all four pages.

24

25 (Whereupon, Cutting Cards, 4 Pages, from

1 Tax Assessor's Office, was received and marked as
2 Exhibit A-1.)

3

4 VICE CHAIRMAN GRULLON: Okay.

5 That's on the record already?

6 MR. PANEQUE: That's on -- yeah. That's
7 already been --

8 Does the Board want to pass them down?

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

11 MR. IZQUIERDO: These drawings are reduced
12 in a small exhibit, if the Board members care to
13 -- to see them.

14 I mean, it's not -- may not be necessary,
15 but that's not --

16 MR. DIAZ: I provided that also --

17 MR. IZQUIERDO: -- my determination to
18 make.

19 MR. DIAZ: -- as an aid to the -- to the
20 Board members.

21 It's an enlarged schedule of the Ordinance
22 -- of the variances, and the drawings.

23 MR. PANEQUE: Do you want to mark these as
24 --

25 MR. DIAZ: They are the same as --

1 MR. PANEQUE: As --

2 MR. DIAZ: -- the ones that are being --

3 MR. PANEQUE: Okay.

4 MR. IZQUIERDO: Presented. Yes.

5 VICE CHAIRMAN GRULLON: We can pass it
6 over.

7 MR. DIAZ: -- presented. It's just to -- to
8 make it easier to be able to have them up close.

9 At this time, I don't have any more
10 questions of --

11 MR. IZQUIERDO: I didn't have anything
12 further.

13 MR. DIAZ: -- of this expert.

14 VICE CHAIRMAN GRULLON: Mr. Izquierdo just
15 testified as an architect and planner.

16 MR. DIAZ: That's correct.

17 VICE CHAIRMAN GRULLON: Mr. Izquierdo, I
18 have a question.

19 Could you please go over again the proposed
20 scope of work on that -- on that location?

21 MR. IZQUIERDO: Yes.

22 There is -- the existing building in the
23 front, which has to be altered and the unit in
24 the back has to be reconstructed to comply for
25 the handicap. That's in terms of the Building

1 Department.

2 In terms of the site, we're going to have
3 -- the existing sidewalk is going to be repaired,
4 and then, we're going to have -- some trees are
5 going to be replaced.

6 Actually, there's one tree that has to be
7 replaced. And there are two new trees. So, a
8 total of three trees.

9 And those are going to be honey locust, not
10 the Callery pears. Those are dying.

11 And then, we're -- we're going to have
12 lighting on the -- on the site. Actually, with
13 five foot candles and the horizontal --

14 And everything conforming to Residential
15 Site Improvement Standards.

16 And then, we're going to have to resurface
17 this existing concrete walk, to make it more
18 decorative.

19 There is a big tree here, that is just a
20 big tree that is here. There's another tree
21 here. So --

22 MR. DIAZ: Are those in the rear of the --

23 MR. IZQUIERDO: Those are between the two
24 buildings. There's a tree here and a -- and
25 another tree there.

1 VICE CHAIRMAN GRULLON: Any construction
2 being proposed for the apartments? Inside the
3 apartment, demolition or --

4 MR. IZQUIERDO: Well, the --

5 VICE CHAIRMAN GRULLON: -- or the footprint
6 of the building is going to be changed?

7 MR. IZQUIERDO: No. The footprint of the
8 building is not changing, but this apartment that
9 is being legalized, and we're asking for a
10 density variance, as well, because of the size,
11 that wall is going to be removed to make the
12 kitchen and the bathroom accessible.

13 VICE CHAIRMAN GRULLON: That -- that's the
14 lower level.

15 MR. IZQUIERDO: That's the lower level.
16 It's totally accessible.

17 So, a person -- this would be the
18 accessible route. So, a person in a wheelchair
19 would be able to enter the unit with no -- no
20 effort at all.

21 VICE CHAIRMAN GRULLON: And it's
22 preexisting, since -- since the -- the Ordinance
23 was adopted in 1972?

24 MR. IZQUIERDO: Not the sixth unit.

25 MR. DIAZ: No, five.

1 MR. IZQUIERDO: The five units were --

2 MR. DIAZ: Five were existing in '72, as
3 the cutting card shows.

4 The Ordinance came in, in '74.

5 MR. IZQUIERDO: Some time in the last 43
6 years, this was changed. But that's not -- that
7 was not reflected in 1972.

8 So, I don't know when that happened.

9 We're going to have a new gate here, that
10 we have a -- a design for the new gate here, to
11 screen off that parking space from the -- parking
12 area from the -- from the street.

13 VICE CHAIRMAN GRULLON: When did your
14 client acquire the property?

15 MR. DIAZ: I believe that was acquired
16 about a year and a half, two years ago. I will
17 check the -- the deed, and I will tell you --

18 VICE CHAIRMAN GRULLON: Were --

19 MR. DIAZ: -- right away.

20 VICE CHAIRMAN GRULLON: Were --

21 MR. DIAZ: I'll give you the date.

22 VICE CHAIRMAN GRULLON: And were the units
23 existing at that time?

24 MR. IZQUIERDO: Yes.

25 MR. DIAZ: Yes.

1 MR. IZQUIERDO: That unit was existing and
2 actually, there were other units existing in the
3 cellars and in the basement that the applicant
4 removed.

5 VICE CHAIRMAN GRULLON: Yes, Mr. Diaz. We
6 have it here.

7 MR. DIAZ: The --

8 VICE CHAIRMAN GRULLON: December 12 --
9 December 19 --

10 MR. DIAZ: 2012.

11 VICE CHAIRMAN GRULLON: -- 2012. Yes.

12 MR. DIAZ: Correct.

13 VICE CHAIRMAN GRULLON: And you mentioned
14 that there is no tandem parking.

15 MR. IZQUIERDO: No.

16 VICE CHAIRMAN GRULLON: You have --

17 MR. IZQUIERDO: No. The eight -- the eight
18 parking spaces -- actually, I just put eight, but
19 you can fit more cars here, because I can fit
20 another car here, I can fit another car here.
21 Easily, ten, 12 parking spaces.

22 But I have shown eight. Fully conforming
23 and --

24 MR. DIAZ: Which those eight parking spaces
25 are real usable parking spaces.

1 MR. IZQUIERDO: Yeah.

2 VICE CHAIRMAN GRULLON: Yes. Could you go

3 --

4 MR. DIAZ: Not the tandem type of --

5 VICE CHAIRMAN GRULLON: -- over the size of
6 the parking spaces, please?

7 MR. IZQUIERDO: All of the spaces are nine
8 by 20, not nine by 18, because since I'm parking
9 in a parallel condition, I have left 20 feet for
10 each of the cars.

11 So, if I put -- I put them at nine by 18, I
12 can get four, and four eight, and two ten.

13 But I didn't see the need for that. It's
14 not going to be the sort of situation that
15 they're going to have -- you know, 20 people
16 parking here.

17 So, they're all nine by 20, and they have
18 15 feet in between them. So, it's very easy to
19 just come in, park, and --

20 MR. DIAZ: So, car number 6 on your drawing
21 would be able to go in or out without the other
22 five cars having to move.

23 Is that correct?

24 MR. IZQUIERDO: Yes. Correct.

25 VICE CHAIRMAN GRULLON: Okay.

1 I don't have any further question.

2 Any other member of the -- of the Board?

3 Any question?

4 Just want to close it to --

5 I mean, going to open it to the public.

6 Any member of the public has any question?

7 No members of the public have question.

8 Going to close it to the public.

9 I mean, taking in consideration that it's a
10 preexisting building, existing condition, and
11 it's going to -- to improve the building, because
12 you are doing renovation in the perimeter of the
13 building, I make a motion to grant the
14 application.

15 THE SECRETARY: Motion to --

16 VICE CHAIRMAN GRULLON: To grant the
17 application.

18 THE SECRETARY: -- to grant --

19 Was it?

20 MR. SPATZ: Yes, to approve.

21 THE SECRETARY: To approve the application
22 by Vice Chairman Victor Grullon.

23 MS. GUTIERREZ: And I second.

24 THE SECRETARY: Second the motion by
25 Margarita Gutierrez.

1 Roll call on the motion.

2 Mr. Grullon?

3 VICE CHAIRMAN GRULLON: Yes.

4 THE SECRETARY: Mrs. Gutierrez?

5 MS. GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Ortiz?

7 MR. M. ORTIZ: Yes.

8 THE SECRETARY: Mr. Pressey?

9 MR. PRESSEY: Yes.

10 THE SECRETARY: Mr. Dardir?

11 MR. DARDIR: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Bonacci?

15 MR. BONACCI: Yes.

16 THE SECRETARY: Motion carries. Seven in

17 favor.

18 MR. IZQUIERDO: Thank you so much.

19 VICE CHAIRMAN GRULLON: Thank you, Mr.

20 Diaz.

21 MR. DIAZ: Thank you very much and --

22 VICE CHAIRMAN GRULLON: Thank you.

23 MR. DIAZ: -- have a good night.

24 MS. GUTIERREZ: Good night.

25 MR. DIAZ: Are you -- is the Board going to

1 keep the -- the exhibit?

2 MR. PANEQUE: Yes, Carlos has it.

3 MR. DIAZ: You're keeping the exhibit?

4 THE SECRETARY: Yes, sir.

5 MR. DIAZ: Very good. Okay.

6 MR. PANEQUE: Thank you, Mr. Diaz.

7 MR. DIAZ: Thank you.

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

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

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4 THE SECRETARY: Next application on
5 tonight's agenda, Ronmar Realty, LLC, 116-120
6 Peter Street, and 121 34th Street.

7 Mr. Paneque, please?

8 MR. PANEQUE: Thank you, Mr. Vallejo.

9 Ladies and gentlemen of the Board, we have
10 received a letter from the law firm of Alampi and
11 DeMarrais, dated November 2nd, 2015, regarding the
12 application for Ronmar Realty, LLC, with respect
13 to the property at 116-120 Peter Street and 121
14 34th Street.

15 The letter reads as follows:

16 "Dear Mr. Vallejo,

17 "As you're aware, the above referenced
18 matter is presently scheduled for the November
19 12, 2015 public hearing before the Union City
20 Board of Adjustment.

21 "The applicant, Ronmar Realty, LLC, hereby
22 withdraws the application without prejudice.

23 "I thank you for your extended courtesies
24 throughout the hearing process."

25 And the letter is signed by Carmine Alampi,

1 from the law firm.

2 THE SECRETARY: Thank you, Mr. Paneque.

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1 **Iglesia Evangelica Apostoles y Profetas - 1709**

2 **New York Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, Iglesia Evangelica Apostoles y
6 Profetas, 1709 New York Avenue.

7 Mrs. Walsh?

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

10 MS. WALSH: Good evening, Mr. Chairman,
11 members of the Board.

12 My name is Kathryn Walsh. I'm an associate
13 at Kates, Nussman, Rapone, Ellis and Farhi. And
14 I am here tonight on behalf of the applicant and
15 property owner, and forgive me for butchering the
16 name right now, Spanish -- I took Spanish ten
17 years ago in high school, so I --

18 But the property owner's name is Iglesia
19 Evangelica Apostoles y Profetas. And --

20 VICE CHAIRMAN GRULLON: Excuse me one
21 second, Ms. Walsh.

22 MS. WALSH: Sure.

23 VICE CHAIRMAN GRULLON: Do we have
24 jurisdiction on this?

25 MR. PANEQUE: No.

1 Ms. Walsh, may we --

2 MS. WALSH: Yes.

3 MR. PANEQUE: -- see what your
4 jurisdictional proofs are?

5 Thank you.

6 MS. WALSH: And the proof of publication is
7 attached to everything.

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

10 MR. PANEQUE: The notices were -- were sent
11 out only certified mail?

12 MS. WALSH: Certified. Yes.

13 MR. PANEQUE: Not return receipt?

14 MS. WALSH: Oh, yeah. I have the green
15 cards, too.

16 MR. PANEQUE: Okay. May we see that,
17 please?

18 MS. WALSH: Yeah. Sure.

19 MR. PANEQUE: Thank you.

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

22 MR. PANEQUE: Thank you.

23 Okay. For the record, I've been provided,
24 by Ms. Walsh, with a Affidavit of Publication
25 from The Jersey Journal, indicating that notice

1 of tonight's hearing, with respect to the
2 application before the Board, was published on
3 October 29th, 2015.

4 I've also been provided with an Affidavit
5 of Proof of Service, which has been signed by
6 Karima Shariff (phonetic) and notarized.

7 I've also been provided with the 200 foot
8 list of property owners that was provided by the
9 Office of the Tax Assessor, as well as the return
10 receipts for the certified mail that was sent
11 out.

12 The certified mail was sent out October 26,
13 2015.

14 MR. BONACCI: Bless you.

15 MR. PANEQUE: Let me just double check
16 that.

17 It's hard to tell from the stamp, because
18 it's not too clear, but --

19 October 28. That's when the certified
20 mails went out. So, that is within the
21 jurisdiction timeframe.

22 This Board has jurisdiction to hear this
23 case.

24 VICE CHAIRMAN GRULLON: You may proceed,
25 Ms. Walsh.

1 MS. WALSH: Thank you.

2 As I said, my name's Kathryn Walsh, and I
3 represent the applicant.

4 This application is a proposed expansion of
5 an existing house of worship that is currently
6 located in the R residential, low density
7 district, where institutional uses are permitted
8 conditional uses, and subject to certain bulk
9 requirements.

10 Because we don't -- our proposed expansion,
11 doesn't meet a few of those bulk requirements.
12 We're here on a D-3 conditional use variance, and
13 a parking variance, as well.

14 The purpose of the expansion is to add
15 meeting rooms and to expand the structure at the
16 rear. And essentially, the expansion is taking
17 place within the existing footprint of the
18 building.

19 And the -- also, the expansion will include
20 an elevator, which will provide ADA accessibility
21 to the upper levels.

22 So, we have two witnesses here tonight.
23 Mr. Valella is here as our licensed architect,
24 and Mr. Kolling is our professional planner.

25 So, unless there are any other questions,

1 I'll proceed with Mr. Valella's testimony.

2 VICE CHAIRMAN GRULLON: You may proceed
3 with your expert.

4 MS. WALSH: Yes.

5 MS. DILLON: Mr. Valella --

6 VICE CHAIRMAN GRULLON: Thank you.

7 MS. DILLON: -- please raise your right
8 hand.

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

11 MR. VALELLA: I do.

12 MS. DILLON: If you could please state your
13 name for the record.

14 MR. VALELLA: Sure.

15 Good evening.

16 My name is Orestes Valella. I'm a licensed
17 architect in the State of New York and New
18 Jersey. And my professional offices are at 5809
19 Madison Street in West New York, New Jersey.

20 MS. WALSH: Would you like me to go through
21 Mr. Valella's --

22 VICE CHAIRMAN GRULLON: No. He's been --

23 MS. WALSH: -- qualifications?

24 Okay.

25 VICE CHAIRMAN GRULLON: -- in front of this

1 Board on many occasions. We accept.

2 MS. WALSH: Okay.

3 VICE CHAIRMAN GRULLON: It's our pleasure
4 to have him here.

5 MR. VALELLA: Thank you.

6 MS. WALSH: Great.

7 Would you please describe the current and
8 existing conditions on the property?

9 MR. VALELLA: Sure.

10 As counsel mentioned, this is a proposed
11 expansion of a house of worship. It is located
12 on New York Avenue between 17th and 18th Street.
13 It occupies two lots on Block 90, Lots 4 and 5.

14 The lot is an irregular shaped lot. It's
15 not a full rectangle, but it is 5,786 square feet
16 in total area.

17 There is the existing temple -- or the
18 house of worship on Lot 4. There is an -- the
19 adjacent, Lot 5, is empty at the moment, and is
20 used as a parking area for the -- for the
21 parishioners.

22 The structure itself is a two story
23 structure. It's irregular. At the front, it's a
24 two story. There is a small apartment on the
25 second floor, existing, that is to remain.

1 And then, the building itself is a one
2 story temple, that goes back the majority of the
3 -- of the property.

4 They came to me. The -- as you can see,
5 it's a very dedicated parish, and they want to
6 provide -- they need more additional space for
7 them. And they've asked me to make suggestions
8 as to how to expand, so that they can have
9 meeting rooms, social rooms, areas -- not the
10 worship areas, but the -- everything else that
11 goes along with a modern religious organization
12 -- you know.

13 So, we've added -- we've made a proposal to
14 in-fill in the rear of the existing building,
15 which would not be visible from the front, to in-
16 fill the second floor, giving them additional
17 room there.

18 And on the parking area, on the parking
19 level, which is an empty structure, in the back,
20 so as not to affect the streetscape, we are again
21 -- they are proposing additional -- an expansion
22 so that we can provide additional room.

23 You can kind of see that on our drawing V1,
24 where on the left hand side is the existing
25 temple. And then, the dashed area is the new

1 addition that we're proposing, on the second and
2 on the third floors.

3 You can also see that on the elevations on
4 the bottom of the page, where the -- the temple
5 itself and the apartment is on the left. And
6 then, our three story addition is on the right.

7 Part of the proposal is to, as counsel
8 mentioned, is to provide an ADA compliant
9 elevator, so that people can go up to the second
10 and third floors.

11 The specifics of the layout. You can see
12 them on our drawing V-2, where on the ground
13 floor, there is presently the -- the temple
14 itself, with the restrooms in the back, and a
15 small kitchen. And it's completely too small for
16 them.

17 The -- on the right side is the parking
18 area where the parking occurs, presently and in
19 our proposal.

20 So, we are adding the two fire stairs on
21 the ground floor, and the elevator, to give
22 access to the second and third floors, and
23 retaining the parking.

24 There are presently 14 spaces that are
25 provided in the parking lot. Our proposal would

1 bring that to 11, so that we can accommodate the
2 expansion of the -- of the building. The two
3 stairs and the elevator.

4 Then, on the second floor, we have proposed
5 meeting rooms. And those are -- you can see,
6 towards the rear, it in-fills the back of the
7 church. And then, on the right side, it is the
8 second meeting room.

9 So, basically, two social rooms, per floor,
10 on the second and on the third floors, with their
11 necessary fire stairs, elevator, and toilet
12 facilities.

13 On the last drawing, you can see the
14 existing apartment, which is to remain. We're
15 not touching it. It's a three bedroom apartment
16 that has been there, and is to remain. There's
17 no work proposed in that region.

18 We are keeping our expansion away from
19 that, so as not to block the daylight.

20 But, basically, what we're doing is
21 providing much needed social and meeting spaces
22 for the -- for the church. And we are providing
23 those items in the rear of the property, so as
24 not to affect the streetscape.

25 The new addition will be a good 66 feet or

1 | so in back of the street. So -- and it's 25 feet
2 | wide and 66 feet deep.

3 | So, I'm very confident in -- although it's
4 | -- it's going to be a handsome structure, I tried
5 | to put in the back to have the least amount of
6 | visual impact on the street.

7 | The buildings to the right and left are
8 | apartment buildings of significant size,
9 | comparable or taller than this structure.

10 | The school -- old Emerson High School is
11 | diagonally cross the street, as well. And in
12 | front and on both sides of the street, the
13 | expansion that took place, I think it was in the
14 | '70s, is there as well.

15 | So, there's a -- there's significant bulk
16 | on the streetscape.

17 | The building itself is very handsome. It's
18 | a brick, fully detailed façade. And our proposal
19 | would follow suit. We'd be investing quite a bit
20 | of resources -- you know, trying to tie in the
21 | brickwork of the addition with the brickwork of
22 | -- and the detailing of the original structure.

23 | That's about it. Our planner, I'm sure,
24 | will -- trusty planner will go into the zoning
25 | parameters and so forth. But you know, this is

1 something that I -- I considered long and hard,
2 how to provide for additional space, and minimize
3 its impact on the -- on the neighborhood, on the
4 streetscape.

5 Hopefully, we've accomplished that.

6 MS. WALSH: I have no further questions for
7 this witness.

8 VICE CHAIRMAN GRULLON: Could you -- could
9 you bring your next expert?

10 MS. WALSH: Yes.

11 Mr. Kolling?

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

14 MS. DILLON: Mr. Kolling, please raise your
15 right hand.

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

18 MR. KOLLING: Yes, I do.

19 MS. DILLON: If you could please state your
20 name, and spell it for the record?

21 MR. KOLLING: Edward Kolling, K-O-L-L-I-N-G.

22 MS. DILLON: Thank you.

23 MS. WALSH: Would you like me to provide a
24 brief --

25 VICE CHAIRMAN GRULLON: No. He's been in

1 front of --

2 MS. WALSH: Okay.

3 VICE CHAIRMAN GRULLON: -- the Board on
4 numerous times.

5 MR. KOLLING: Right.

6 VICE CHAIRMAN GRULLON: We accept his
7 qualifications.

8 Thank you.

9 MR. KOLLING: Thank you.

10 MS. WALSH: Okay.

11 Thank you.

12 Mr. Kolling, would you please describe the
13 current conditions of the property, and the exist
14 -- the surrounding neighborhood?

15 MR. KOLLING: I'll be brief, because the
16 architect has already covered a lot of it.

17 As he's mentioned, there's a -- there's a
18 church that's there today. It was approved back
19 in 2002, January, I think it was. So, it's been
20 there almost 15 years now.

21 It's well maintained. There's parking next
22 to it that's -- that's well maintained. There's
23 a large apartment building to the north, a series
24 of residential or mixed buildings going to the
25 south. Across the street, there are residential

1 buildings that range from three to six stories.

2 The Emerson Middle School is in the -- is
3 in the neighborhood, as well.

4 The proposed development, the architect's
5 already mentioned, so I won't go into that,
6 either. I think we can get right to the -- the
7 point that we are in the R zone. Houses of
8 worship are permitted as a conditional use. So,
9 there's a presumption that the town anticipated
10 having uses like this in this type of -- of zone.

11 But there are specific conditions, which
12 are related to bulk criteria.

13 We do have a lot area -- a lot area that's
14 large enough. So, we meet that criteria.

15 The existing building already does not meet
16 the rear yard. We're slightly expanding that.
17 So, I don't see that's going to be a significant
18 detriment.

19 The side yard's existing to the south. On
20 the north, because of the expansion, we're also
21 going to have a zero side yard. But the
22 adjoining apartment building also has a zero at
23 that point, and we're matching up to a part of
24 that building that has no windows.

25 So, there shouldn't be any impact there,

1 either.

2 Lot coverage is increased, and building
3 coverage, because of the expansion, but the lot
4 coverage is already at a hundred percent. So,
5 that's not really going to be -- be changing in
6 terms of impervious.

7 The building coverage does exceed slightly.
8 And the parking will be slightly decreased. But
9 the point is that this is a community based
10 church. A lot of people walk to this facility.
11 There should be no negative impact from that.

12 So, we're looking for a D-3, conditional
13 use variance. And the proofs are not as
14 stringent as for a straight up use variance,
15 because as I said, the -- the type of use is
16 anticipated in the residential zone.

17 In addition, the house of worship is
18 considered inherently beneficial. And when this
19 was granted previously, it was recognized by this
20 Board as an inherently beneficial use.

21 So, again, when looking at the bulk
22 standards, you kind of weigh the positive and
23 negatives, in terms of what the -- the detriment
24 might be.

25 The way that it's looked at is typically

1 referred to as the Sica test, S-I-C-A. And that
2 was a court case that involved an appeal of a --
3 of an approval years and -- years ago, and
4 everybody kind of follows that court -- that sort
5 of court case.

6 And how it works is first, the Board looks
7 at the public interest at stake. Some inherently
8 beneficiaries are better than others.

9 In this case, I'd suggest that because it's
10 a community based -- based church, it's going to
11 serve the immediate community. It provides a
12 public service and direct benefit to that
13 community.

14 So, I think that that's a very -- a very
15 worthwhile thing.

16 It helps to maintain family values, which I
17 think is good for providing for the stability of
18 the community and the neighborhood. And I think
19 that's a very positive attribute.

20 You then look at the negative impacts.

21 Again, the church has been there for almost
22 15 years. It's well maintained. It fits into
23 the community.

24 The modifications to it I don't think would
25 result in any kind of substantial detriment. So,

1 | you -- you weigh those two things. Is there any
2 | detriment? What is the benefit?

3 | You then look and see, if you -- if you do
4 | find that there's any detriments, is there things
5 | that we can impose as a condition to mitigate
6 | those?

7 | In this case, I don't know that there would
8 | be because as I said, it's been here for 15
9 | years. It's operated -- it's operated well.

10 | I think that you can also look at, say, the
11 | ADA accessibility as providing additional
12 | benefit, in terms of accessibility.

13 | And then the last thing you do is you weigh
14 | the two, the positive and the negative. And you
15 | decide that on the -- on the whole, the variance
16 | would -- would create more benefit during --
17 | because of the inherent beneficial aspects of it,
18 | to any of the perceived detriments.

19 | And if you find that, then, you can grant
20 | -- grant the variance under the D-3 standards.

21 | So, in this case, again, I would -- just to
22 | summarize, I would say that this church is a
23 | community based church. It provides an
24 | inherently beneficial service directly to this
25 | community.

1 I don't think there'd be any substantial
2 detriment. I don't think there'd be very many
3 detrimental impacts at all, including the
4 conditional use standards, or -- or the parking,
5 in this case.

6 There are 11 spaces on-site. And most of
7 the parishioners arrive -- can walk to the site,
8 and are very familiar with the location. And I
9 think that, therefore, the variance can be
10 granted because I think the positive and negative
11 criteria are met.

12 MS. WALSH: No other questions for this
13 witness.

14 VICE CHAIRMAN GRULLON: I have a question
15 for the planner first.

16 The hours of operate for this -- for the
17 church. Do you know the -- the hours of
18 operation?

19 MR. KOLLING: I don't. Is there someone
20 from the church here?

21 MS. WALSH: I don't.

22 I'm looking for my -- I don't see my
23 client.

24 Oscar?

25 MR. ARRIACA: Oscar is not here, but I

1 | could help you out.

2 | MS. WALSH: Okay.

3 | VICE CHAIRMAN GRULLON: Could you come --
4 | could you come to the front, please?

5 | MS. DILLON: Sir, right in front of the
6 | microphone.

7 | Please raise your right hand.

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

10 | MR. ARRIACA: Yes.

11 | MS. DILLON: Could you please state your
12 | name and spell it for me?

13 | MR. ARRIACA: My -- my name is Fil Arriaca.
14 | F-I-L, A-R-R-I-A-C-A.

15 | MS. DILLON: I-C-A (sic)?

16 | MR. ARRIACA: Yes.

17 | MS. DILLON: Thank you.

18 | And just keep your voice up for me.

19 | VICE CHAIRMAN GRULLON: Mr. Arriaca, my --
20 | my question is, you've been there for -- for like
21 | 50 -- almost 50 years.

22 | MR. ARRIACA: Yes.

23 | VICE CHAIRMAN GRULLON: What are the hours
24 | of operation of the church?

25 | MR. ARRIACA: Okay. On Tuesday, we are two

1 hours, from seven to nine o'clock.

2 Saturdays, we are from six to eight
3 o'clock. Two hours.

4 And Sundays, from ten to 12.

5 That's it.

6 VICE CHAIRMAN GRULLON: It's practically
7 like two hours --

8 MR. ARRIACA: Yeah. Two hour --

9 VICE CHAIRMAN GRULLON: -- a day.

10 MR. ARRIACA: -- of service.

11 VICE CHAIRMAN GRULLON: Two hours of
12 service a day.

13 MR. ARRIACA: Yeah, three days a week.

14 VICE CHAIRMAN GRULLON: Thank you.

15 MR. ARRIACA: Okay.

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

18 MR. ARRIACA: Thanks.

19 VICE CHAIRMAN GRULLON: And my next
20 question is for the architect.

21 Mr. Valella, could you please explain the
22 -- the side yards? The -- the north side yards
23 of the new building proposed.

24 MR. VALELLA: Yes. Yes.

25 VICE CHAIRMAN GRULLON: And the -- the back

1 of the building.

2 MR. VALELLA: Sure.

3 The variances that are required, the rear
4 yard setback, 40 feet is required, and we are
5 proposing four feet.

6 Again, we're trying to keep this to the
7 back.

8 The side yard, where six feet is required,
9 we have zero. We're proposing zero.

10 And the combined side yards, where 12 would
11 be required, the existing to the left is zero,
12 and our proposed is zero.

13 With regards to lot coverage, 75 percent is
14 required. A hundred percent is proposed.

15 We're not covering a hundred percent of the
16 property. What happens is that a hundred percent
17 of the property is paved with impervious
18 surfaces. The parking lot --

19 VICE CHAIRMAN GRULLON: Yes.

20 MR. VALELLA: -- is part of that.

21 With regards to the building coverage, 50
22 percent is permitted. We are at 58 percent.

23 So, with regards to the building itself, we
24 are proposing an eight percent increase to the
25 permitted building coverage. Not a lot with

1 | regards to that. That's the critical --

2 | VICE CHAIRMAN GRULLON: Mr. Valella?

3 | MR. VALELLA: We're only --

4 | VICE CHAIRMAN GRULLON: But my question is
5 | because from this building here --

6 | MR. VALELLA: Yes.

7 | VICE CHAIRMAN GRULLON: -- the adjacent
8 | building --

9 | MR. VALELLA: Yes.

10 | VICE CHAIRMAN GRULLON: -- I see fire
11 | escape there.

12 | MR. VALELLA: Yes.

13 | VICE CHAIRMAN GRULLON: Are they going --

14 | MR. VALELLA: We're not -- we're not
15 | building --

16 | VICE CHAIRMAN GRULLON: -- to be covered?

17 | MR. VALELLA: No, no. We are behind that.
18 | So, we're not effecting the -- what you're -- may
19 | I --

20 | VICE CHAIRMAN GRULLON: Yes, please.

21 | MR. VALELLA: Yes.

22 | The -- we are back here. The fire escapes
23 | that you are referring to are here. But we're
24 | 66, closer to 70 feet behind.

25 | So, we are not affecting this. Where we

1 are putting our building is in the --

2 VICE CHAIRMAN GRULLON: Okay. I see.

3 MR. VALELLA: -- where it's blank wall.

4 VICE CHAIRMAN GRULLON: Oh, okay. I see.

5 MR. VALELLA: There is no opening -- there
6 are no openings on the -- on the neighbor's wall.
7 It's a brick wall. Perhaps, five stories high.

8 VICE CHAIRMAN GRULLON: Yes. I don't have
9 any more questions.

10 Any member of the Board?

11 I don't have any other question.

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

14 All the public present is part of the -- of
15 the church?

16 MS. WALSH: Yes.

17 VICE CHAIRMAN GRULLON: Yes. Okay.

18 MS. WALSH: Most of them, I think.

19 VICE CHAIRMAN GRULLON: Yes.

20 This is something that, in my opinion, is
21 beneficial for the community. And seeing that
22 you -- that the church is being expanded because
23 it's doing something good for the community, and
24 I see that the current building is being well
25 maintained, the hours of operation is -- they're

1 not going to interfere with the -- with the
2 residents in the area.

3 And I will make -- with all this say, I
4 make my motion to grant this application.

5 THE SECRETARY: Motion to grant this
6 application by Vice Chairman Victor Grullon.

7 MS. GUTIERREZ: And I'm seconding.

8 THE SECRETARY: Any second to the motion?
9 Second by Margarita Gutierrez.

10 Roll call on the motion.

11 Mr. Grullon?

12 VICE CHAIRMAN GRULLON: Yes.

13 THE SECRETARY: Mrs. Gutierrez?

14 MS. GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. M. ORTIZ: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: Yes.

19 THE SECRETARY: Mr. Dardir?

20 MR. DARDIR: Yes.

21 THE SECRETARY: Mr. Bonacci?

22 MR. BONACCI: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Motion carries. Seven in

1 favor.

2 VICE CHAIRMAN GRULLON: Thank you, Mrs.
3 Walsh.

4 MS. WALSH: Thank you very much for your
5 time.

6 MS. GUTIERREZ: Thank you.

7 MS. WALSH: We appreciate it.

8 (Applause.)

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

11 A CITIZEN: Thank you.

12 VICE CHAIRMAN GRULLON: Thank you.

13 MS. GUTIERREZ: Thank you.

14 A CITIZEN: Thank you for everything.

15 VICE CHAIRMAN GRULLON: Thank you.

16 MS. GUTIERREZ: Thank you.

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

19 * * *

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1 **310 4th Street, LLC - 308-310 4th Street:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 310 4th Street, LLC, 308-310 4th
5 Street.

6 Mr. Mulkay?

7 Oh.

8 MR. RENDO: Mr. Rendo.

9 THE SECRETARY: Mr. Rendo. Sorry.

10 MR. RENDO: I just have a quick request of
11 the Board.

12 I was wondering if we could take number 7
13 first, since it's a continuation? And that way,
14 my clients could leave. Don't have to stay here,
15 if that's okay with you.

16 VICE CHAIRMAN GRULLON: Yes. It's okay
17 with you?

18 MR. PANEQUE: Yes.

19 MR. RENDO: Okay.

20 * * *

21

22

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25

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

2

3 MR. RENDO: Carlos Rendo, representing
4 Larry D'Arrigo, 207 New York Avenue, Block 8, Lot
5 4, proposed two family dwelling. Continuation.

6 As you recall from last meeting, we had
7 testimony on this matter. Our experts testified.
8 Members of the audience testified, and so did my
9 client.

10 This was simply a continuation so Mr. Spatz
11 could give his report on the matter. So, that's
12 why we're here today, just to hear from Mr.
13 Spatz.

14 MR. SPATZ: Okay. We have prepared a
15 report for the Board. I think it's being passed
16 around. Maybe I'll wait for the Board to get
17 copies of it.

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

20 (Whereupon, Mr. Doumas stepped out at 7:23
21 p.m.)

22 MR. SPATZ: Okay. I think -- everybody
23 has?

24 VICE CHAIRMAN GRULLON: Yes.

25 MR. SPATZ: Okay.

1 Yes?

2 MR. PANEQUE: We -- we're missing a member
3 of the Board.

4 MR. SPATZ: Oh.

5 MR. PANEQUE: Do we know why Mr. Doumas
6 stepped out?

7 MR. SPATZ: One stepped out? Okay.

8 THE SECRETARY: Two minute break?

9 MR. SPATZ: Sure. I think he's -- I think
10 he's --

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

13 (Whereupon, Mr. Doumas returned at 7:25
14 p.m.)

15 MR. SPATZ: Okay. All right.

16 We have prepared a memo to the Board,
17 1006.14.15, dated August 31st of 2015.

18 The Board -- this property is on New York
19 Avenue, between 2nd and 3rd. There was a fire in
20 this area that destroyed many of the buildings on
21 this -- on this block.

22 The Board has seen several applications to
23 rebuild those properties.

24 The issue is that these are existing lots
25 that are significantly undersized. Our Ordinance

1 | now requires 25 by a hundred, or 2500 square
2 | feet. But these lots -- all of the lots on this
3 | side of the street are significantly undersized.
4 | They are 16 feet wide, and slightly less than 80
5 | feet deep. So, they have a lot area of about
6 | half of what the Ordinance requires.

7 | There was a two family home on this
8 | property, and what the applicant is seeking to do
9 | is simply to replace the two family home,
10 | essentially, in the -- the footprint of what
11 | currently exists.

12 | The site is obviously limited because of
13 | its narrow width, and -- and the short depth.

14 | The front yard setback is -- that's
15 | provided is conforming. However, because of the
16 | narrowness of the property and the lack of depth,
17 | variances are required for rear yard, as well as
18 | side yard.

19 | All the buildings on this side of the
20 | street, and the ones that have been approved, are
21 | all lot line to lot line between them. And this
22 | is -- is similar to that.

23 | The lot coverage does conform, even though
24 | it's a small lot, both in terms of lot coverage
25 | by buildings, as well as lot coverage, in terms

1 of impervious coverage.

2 There is a height variance required. The
3 zone permits three stories and 40 feet. And what
4 was proposed is a four story building. However,
5 the height does meet the limitation in that it's
6 36 feet ten inches.

7 So, it's one extra story, but it does meet
8 the height limitation. It is less than the -- a
9 few feet less than the 40 feet that's allowed.
10 And this is similar again. The size of the
11 building is very similar to what was proposed and
12 approved to replace the other fire damaged
13 buildings.

14 The other variance that is needed is the
15 Site Improvement Standards requires 1.5 spaces
16 for each two bedroom unit. There are two, two
17 bedroom units proposed. So, a total of three
18 parking spaces are required.

19 And there is one driveway space proposed
20 which does not conform.

21 So, again, it's -- it's similar to what
22 this Board has seen over the -- the last year, I
23 think most of those applications came in. I
24 believe three or four buildings have already been
25 approved on this block, and this is just one of

1 the additional ones to replace what was fire
2 damaged.

3 If there are any particular questions, I'll
4 try to answer them, or you can ask the applicant
5 if there's some other questions.

6 MR. DARDIR: I just have a question.

7 So, you're saying that there's -- just to
8 confirm, there's three of them on that same lot
9 (sic) that has been approved already?

10 MR. SPATZ: I believe three of them were
11 approved on that block. Yes, --

12 MR. DARDIR: All right.

13 MR. SPATZ: -- that were in a similar case,
14 similar size buildings on small lots.

15 MR. DARDIR: Okay.

16 MR. SPATZ: And they were built --

17 MR. DARDIR: Okay.

18 MR. SPATZ: -- to replace what was there.

19 This is the fourth one in that row.

20 MR. DARDIR: Fair enough.

21 VICE CHAIRMAN GRULLON: And in our previous
22 meeting, we -- we have asked the applicant to see
23 if he was seeking for the -- for the lot adjacent
24 to the property, to buy any of those lots.

25 And at that time, those lots were not

1 available for sale.

2 MR. RENDO: Right.

3 VICE CHAIRMAN GRULLON: That's correct.

4 MR. RENDO: That was his testimony. That's
5 correct.

6 VICE CHAIRMAN GRULLON: And if I recall, we
7 already opened it to the public.

8 MR. RENDO: Yes.

9 VICE CHAIRMAN GRULLON: And we're just here
10 to -- to make a decision whether to --

11 MR. RENDO: Correct.

12 VICE CHAIRMAN GRULLON: -- move forward or
13 --

14 I mean, taking in consideration that they
15 -- they suffer a loss by the fire, and all
16 they're seeking here is to go back to the house
17 and replace what was existing there, I will make
18 a motion to grant the application.

19 MR. PANEQUE: Also, Mr. Grullon, the -- as
20 a matter of housekeeping, the following members
21 were here at the last meeting, and therefore, are
22 eligible to vote --

23 VICE CHAIRMAN GRULLON: Okay.

24 MR. PANEQUE: -- on your motion to grant
25 this application.

1 That will be Miguel Ortiz -- okay --
2 Margarita Gutierrez, Victor Grullon, Khaled
3 Dardir, and Peter Doumas.

4 Okay. The other members were not here for
5 the October 8th meeting.

6 Is that correct?

7 MR. BONACCI: There were --

8 MR. IZQUIERDO: I believe Mr. Bonacci --

9 MR. BONACCI: -- two meetings in October.
10 I was at the first one, October 8th. I was not at
11 the previous -- the one following the October 8th
12 meeting.

13 I was here for this application.

14 MR. PANEQUE: You were.

15 MR. IZQUIERDO: It was not heard on the one
16 that you were not here.

17 MR. PANEQUE: Okay.

18 MR. BONACCI: Right. I was here October
19 8th.

20 MR. IZQUIERDO: Yes.

21 MR. PANEQUE: Harlenny Javier?

22 No. I'm sorry.

23 MR. BONACCI: Joe Bonacci.

24 MR. PANEQUE: Joe Bonacci.

25 Oh, yes. They do have you checked off. I

1 need better glasses.

2 MR. RENDO: So, we have -- we have majority
3 of those who heard the application. Okay.

4 VICE CHAIRMAN GRULLON: Yes. Again, I make
5 the --

6 MR. RENDO: I just wanted to make sure.

7 VICE CHAIRMAN GRULLON: -- motion to grant
8 the application.

9 MS. GUTIERREZ: And I'm seconding.

10 MR. RENDO: Thank you.

11 VICE CHAIRMAN GRULLON: Thank you, Mr.
12 Rendo.

13 MR. PANEQUE: I think you need a roll call.

14 VICE CHAIRMAN GRULLON: Oh, yes.

15 MS. GUTIERREZ: Hold on. Hold on.

16 MS. DILLON: He's just getting his
17 paperwork.

18 MR. RENDO: Okay.

19 MR. PANEQUE: So, the only one who's
20 ineligible to vote is Mr. Medina --

21 MR. PRESSEY: And myself.

22 MR. PANEQUE: -- and --

23 VICE CHAIRMAN GRULLON: Mr. Pressey.

24 MS. GUTIERREZ: Mr. Pressey.

25 MR. PANEQUE: -- Mr. Pressey.

1 THE SECRETARY: Mr. -- Vice Chairman
2 Grullon --

3 VICE CHAIRMAN GRULLON: Yes.

4 THE SECRETARY: -- you make a motion to
5 grant this application.

6 VICE CHAIRMAN GRULLON: Yes. I make a
7 motion to grant the application.

8 THE SECRETARY: Motion to grant --

9 MS. GUTIERREZ: And I'm seconding.

10 THE SECRETARY: -- this application by Mr.
11 Grullon.

12 Second by Margarita Gutierrez.

13 Roll call on the motion.

14 Victor Grullon?

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Mrs. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Ortiz?

19 MR. M. ORTIZ: Yes.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Abstain.

22 MR. SPATZ: He'll abstain.

23 THE SECRETARY: Mr. Dardir?

24 MR. DARDIR: Yes.

25 THE SECRETARY: Mr. Bonacci?

1 MR. BONACCI: Yes.

2 THE SECRETARY: Mr. Doumas?

3 MR. DOUMAS: Yes.

4 THE SECRETARY: Motion carries. Six in
5 favor, one abstain.

6 Thank you.

7 Okay. Give me -- give me two seconds.

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

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1 **310 4th Street, LLC - 308-310 4th Street:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 310 Street (sic), LLC, 308-310
5 4th Street.

6 MS. GUTIERREZ: Carlos?

7 THE SECRETARY: Mr. Rendo?

8 MS. GUTIERREZ: Mr. Medina, he going to the
9 bathroom for one minute please.

10 THE SECRETARY: Oh, five minute break,
11 please.

12 Thank you, Mrs. Gutierrez.

13

14 (Whereupon, the Board recessed from 7:34
15 p.m. to 7:41 p.m.)

16

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

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

21 We go back in session.

22 Thank you.

23 MR. RENDO: Good evening.

24 Carlos Rendo, representing 310 4th Street,
25 LLC, concerning the property located at 308-310

1 4th Street, Block 14, Lot 27.

2 We are proposing an addition and alteration
3 to an existing building and garage structure, to
4 become a three story, five unit building.

5 MR. PANEQUE: Mr. Rendo?

6 MR. RENDO: I'm sorry.

7 MR. PANEQUE: Just a matter of
8 housekeeping.

9 MR. RENDO: Sure.

10 MR. PANEQUE: We have to establish
11 jurisdiction.

12 MR. RENDO: That's correct.

13 MR. PANEQUE: Thank you.

14 MR. RENDO: I was just giving a little bit
15 of a background.

16 MR. PANEQUE: Okay.

17 For the record, I've been provided by Mr.
18 Rendo with an Affidavit of Service, which
19 indicates that notices were sent out to all
20 property owners within the 200 foot radius of the
21 property located at 308-310 4th Street, in Union
22 City, New Jersey.

23 I've also been provided with a copy the
24 newspaper article from The Jersey Journal, that
25 was published, giving notice of tonight's

1 hearing. Said notice was published on the
2 October 28th, 2015 newspaper.

3 And I've also been provided with the return
4 receipts for the certified mail.

5 The return receipts indicate that notices
6 went out on October 28th, 2015.

7 Mr. Rendo has also attached to his
8 Affidavit of Service a list which was promulgated
9 by the Office of the Tax Assessor, dated October
10 6, 2015, listing all property owners within the
11 200 foot radius of the property in question.

12 I find that the notices are in proper
13 order, and therefore, this Board has jurisdiction
14 to proceed with this hearing.

15 MR. RENDO: Counselor, just a note.

16 VICE CHAIRMAN GRULLON: You may proceed.

17 MR. RENDO: An added -- I'm just providing
18 to the Board a tax and payment report indicating
19 the taxes have been paid on the property.

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

21 MR. RENDO: Make sure we paid those taxes.

22 MR. PANEQUE: You may continue.

23 MR. RENDO: Okay. I'd like to call our
24 first witness, Mr. Melia.

25 MS. DILLON: Mr. Melia, please raise your

1 right hand.

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

4 MR. MELIA: I do.

5 MS. DILLON: If you could please state your
6 name and spell it for the record.

7 MR. MELIA: First name Adrian, A-D-R-I-A-N.
8 Last name, Melia, M-E-L-I-A.

9 MS. DILLON: Thank you.

10 MR. RENDO: I believe Mr. Melia has
11 testified before this Board before, so we ask
12 that you accept his qualifications as an
13 architect.

14 VICE CHAIRMAN GRULLON: We do accept your
15 qualification.

16 You may proceed.

17 MR. MELIA: Okay. Just to reiterate.

18 This is a three family, existing structure
19 that we are proposing alterations and additions
20 to, to become a five unit building.

21 To orient the Board as to where the site
22 is, we have this aerial photo.

23 Our property is a 50 by 100 lot on the
24 north side of 4th Street, between Palisade Ave and
25 New York Ave.

1 To the immediate west is a multi-family
2 structure, and there are similar multi-family
3 structures all around the area, similar to what
4 we're proposing.

5 To the immediate east is a church which has
6 been converted to a daycare center.

7 Directly behind the property, we have a
8 single family dwelling and a commercial
9 structure, which has a one story section
10 extending all the way back, backing onto the
11 existing garage on our property.

12 MR. RENDO: And that plan that you're
13 testifying to --

14 MR. MELIA: This is --

15 MR. RENDO: -- A-2.

16 Correct?

17 MR. MELIA: A-2.

18 MR. RENDO: Thank you.

19 MR. MELIA: Turning to Exhibit A-3, this is
20 a Photo Board. This is 308-310. The adjoining
21 structure, multi-family structure at 314, you can
22 see further up the block. They're similar scale.

23 The building itself is approximately 90
24 years old, masonry. They're proposing to salvage
25 as much of this building, as part of their

1 | proposal, as possible.

2 | We are removing the terracotta roof in
3 | order to construct a more modern third story.

4 | Across the front is a six foot high fence
5 | that we would be proposing to remove to open up
6 | the building to the sidewalk more.

7 | There's just some views -- the interior
8 | views of the east elevation.

9 | This is where we would be proposing parking
10 | for the project.

11 | As you can see, right next to it there's
12 | about an eight foot setback to the daycare, so
13 | it's not right on our property.

14 | And directly in the frontage, we've got a
15 | curb cut and an existing handicap accessible
16 | space. That is A-3.

17 | Turning to the Site Plan Set, A-5. Looking
18 | at Z-1, we have a site plan and our tabulation
19 | chart indicating what we're doing relative to the
20 | Ordinance.

21 | This is the R zone, so one, two, and three
22 | families are permitted.

23 | We are proposing five units, but this
24 | project could be subdivided into 2500 square foot
25 | lots, and we could build two, three families.

1 So, instead of that, we are proposing a
2 five unit building, and retaining the original
3 structure.

4 The area is conforming. We need 2500
5 square feet, we have 5,000.

6 Width, need 25, we have 50.

7 Depth, a hundred required, we have 100.

8 For the coverage, the existing and
9 proposed. I'll break it down. It's all under
10 the permitted 60 percent. We're keeping the
11 existing footprint of the main structure.

12 The basement is 31.25 percent coverage.
13 That remains at 31.25.

14 The first floor will be 52.77. That's this
15 main structure and the one story garage in the
16 back. And that is actually dropping slightly in
17 coverage, down to 51.4 percent.

18 The second floor would be 31.25 percent.
19 So, again, it's just this main structure. And we
20 would be expanding that to 58.3 percent.

21 And the third floor -- only existing in the
22 front here, it's about 295 square feet, or six
23 percent. We're expanding that to 55.4 percent,
24 all under the 60 percent permitted.

25 The lot coverage. We are going to 100

1 percent. But to address some of that, we're
2 introducing some green features, which I'll talk
3 about later.

4 The building height. Three stories and 40
5 feet is permitted. We're proposing three stories
6 and 35 feet. So, we're under the permitted
7 height.

8 The front. Again, we're keeping the
9 existing structure. That is only at 8.11 feet,
10 and ten feet is required. But where we get to
11 the third floor, we would conform with the front
12 yard setback. We're proposing 12.43 feet, where
13 ten is needed.

14 The rear. You need 25 foot setback. We
15 have a zero foot existing setback, because we're
16 keeping the one story garage.

17 On the side yards, the existing garage does
18 not comply, but the additions that we're
19 proposing, they will comply.

20 We have a driveway running down the side
21 here, to the west, and an eight foot setback to
22 the daycare. So, we feel that the side setbacks
23 are more than adequate.

24 In terms of parking, as per the Ordinance,
25 for a one, two, or three family, you need two

1 parking spaces for a three bedroom.

2 Because we're doing five units here, the
3 parking requirement is slightly different. You
4 need 2.1 spaces for a three bedroom instead of
5 two.

6 So, essentially, that means that we need
7 10.5 spaces for this project, and we're proposing
8 seven on-site.

9 Looking at Sheet Z-2. In light hatching,
10 we show the existing footprint. And then,
11 there's a solid line representing the outline of
12 what the building will look like from above.

13 So, it's within the 60 percent, but the
14 coverage is a little bit different than you
15 typically see, because we're salvaging the garage
16 in the back, on the -- the main structure. And
17 we're going to cantilever over the parking with
18 this volume, which I'll talk about later. But
19 there's an interior courtyard here in the back.

20 In terms of landscaping, I mentioned that
21 we're going to remove the existing fence, to open
22 up the property. We're going to demolish the
23 planters in the front, and reconstruct new
24 planters to work around the new entry.

25 We've allocated space for refuse and

1 recycling storage on the side, in the existing
2 setback here.

3 And we're proposing three new street trees,
4 where there are none existing.

5 We've also gone -- we're going to propose a
6 living wall system on the front. You'll see that
7 when I show the rendering, or it's basically the
8 wall that's irrigated. So, it's a nice feature,
9 and once we remove the -- the fence, it will be a
10 nice open courtyard feel to the sidewalk.

11 On Sheet Z-3, this is our parking plan.
12 We're showing seven spaces on the property.
13 There's an existing off-street handicap
14 accessible space. We wouldn't be opposed to
15 keeping it, but if it's removed, you could
16 potentially fit two cars there. So, that's what
17 we're proposing on this plan.

18 We're going to reconstruct the curb to
19 reduce it slightly, to gain more space for those
20 two cars.

21 We have three spaces here that are back to
22 back, that they'll parallel park in.

23 And again, we're working around the
24 existing structure. So some of the dimensions of
25 these spaces fall slightly short of the

1 requirements. But it's trying to retain the
2 structure that has led us to deviate slightly
3 from that requirement.

4 So, seven on-site spaces for five units.

5 Z-4 is the floor plans. This is the
6 existing basement.

7 All of the units are duplexes, or
8 triplexes. This would be the lower level of unit
9 one. So, the basement is completely owned by
10 unit one.

11 The first floor is split between unit one
12 and unit three. And the back is the first level
13 of unit four, and there's a stairway up to unit
14 five.

15 So, there's a lot of interchanging volumes,
16 but it works quite well for layouts and
17 accommodating, it's very -- a lot of room for
18 versatility with the floor plans.

19 So, the unit square footages; unit one is
20 2,334 square feet total. Unit two is 1,772
21 square feet total. Unit three is 1843 square
22 feet total. Unit four is 2,232 square feet. And
23 unit five is 1354 square feet.

24 So, they're all potentially three bedrooms.
25 Perhaps more for most of them. There is room for

1 | them to be four bedrooms.

2 | So, again, those floor plans continue up.
3 | These are the upper levels of the duplexes and
4 | triplexes.

5 | Then, once we get to the roof, there are
6 | four roof decks, with outdoor space for those
7 | units. And there's also multiple solar rays, one
8 | of many green attributes to the proposal.

9 | Z-6 is the existing and proposed
10 | elevations, but I've provided Exhibit A-1 to each
11 | of you to give you a better sense of what you're
12 | looking at in three dimensions.

13 | And also, rendering from the street looking
14 | at the building. You can see the outline of the
15 | daycare right here.

16 | MR. RENDO: That's A-4.

17 | Correct?

18 | MR. MELIA: I'm sorry. A-4. Exhibit A-4.

19 | We've removed the fence, as I've stated.

20 | There will be a green wall, running up the front
21 | elevation, and three new street trees.

22 | The building itself, just to comment on it.

23 | Once again, it's about a 90 year old structure.

24 | We're open to keep as much of it as possible.

25 | That will mean the exterior walls, there's some

1 nice brick details. And the interior floors.

2 So, we're just going to reconfigure the
3 layouts as we need to.

4 The third floor, we're removing the
5 terracotta roof section. That's just in the
6 front here. And replacing it with a modern --
7 they're both contrasting and complementing
8 materials to the brick.

9 There will be a combination of cement
10 boards in a color, and aluminum composite panels
11 in these plainer forms, horizontal and vertical.

12 And the cars will come in under this
13 elevated two story section in, in and around.
14 And you can see on the Exhibit A-1 that there's a
15 little courtyard in the back that goes between
16 the main structure and the garage in the rear.

17 So, that's pretty much an overview of what
18 we're looking to do.

19 And again, it's an interesting project,
20 because we're not just knocking down this
21 building and building two, three families. We're
22 hoping to salvage what's here. We think there's
23 some nice architectural details in the original
24 structure.

25 So, we think this would be a good project.

1 MR. RENDO: Given your experience as an
2 architect, is it your professional opinion that
3 this is an architecturally pleasing project for
4 the community?

5 MR. MELIA: Yes.

6 MR. RENDO: And is it -- is it unique in a
7 sense that you're keeping the original structure,
8 which is a brick structure, and basically
9 building around the structure.

10 MR. MELIA: Marrying old and new. You're
11 not really meant to put an addition on to sort of
12 reflect what was there previously. I'm going to
13 distinguish them and sort of highlight what the
14 original structure was.

15 We're taking off the terracotta roof, which
16 wasn't necessarily appropriate for this building,
17 you could argue.

18 So, I think that the end product is -- is
19 aesthetically very pleasing.

20 MR. RENDO: I have no further questions of
21 this witness.

22 VICE CHAIRMAN GRULLON: Do you have any
23 other witness?

24 MR. RENDO: I do. I have the planner.

25 VICE CHAIRMAN GRULLON: Can you please

1 bring your planner?

2 MR. RENDO: Sure.

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

5 MS. DILLON: Mr. Kolling was previously
6 sworn.

7 MR. RENDO: Do you need the --

8 VICE CHAIRMAN GRULLON: You may proceed.

9 MR. KOLLING: No. I can see you over here.

10 MR. RENDO: Oh.

11 MR. KOLLING: Okay. And I recognize that
12 I'm previously sworn and I will continue in that
13 -- in that vein.

14 MR. RENDO: And we are accepting his
15 qualifications also.

16 VICE CHAIRMAN GRULLON: Again. Yes. We
17 are.

18 MR. RENDO: Thank you.

19 MR. KOLLING: And I have reviewed the
20 plans. I've seen the -- the presentation. I
21 visited the site and walked around the area. So,
22 I'm very familiar with the -- with the project as
23 proposed.

24 As the architect said, it's in the R zone.
25 It's an oversized lot. It's 5,000 square feet.

1 One of the unique things about the property
2 is that the buildings that are on this straddle
3 the lot line. So, automatically, the lots get
4 consolidated.

5 The only way you could re-subdivide this
6 would be demolish the structures. And that would
7 really be very -- very wasteful, and really a --
8 I think, a detriment to the neighborhood, as well
9 as being a hardship in the proper development of
10 the site.

11 The building, by definition, is a low rise
12 apartment building, because it's three stories
13 tall, and it has five units. But it's -- it's
14 really consistent with the character of the area.

15 As the architect mentioned, there are
16 numerous other three families on 25 by a hundred
17 lots. There's other multi-families in the area.
18 Diagonally across the street, in fact, there's a
19 40 unit apartment building, at the corner of
20 Palisade and 4th.

21 So, it's not out of character to have a
22 five unit building. And I think the preservation
23 of the existing building is really beneficial.

24 The building was built in 1933. It's part
25 of the character of the street. I recognize that

1 | it's being modified with these modern additions,
2 | but still will maintain a similar presence on the
3 | street. And therefore, I think it preserves the
4 | streetscape.

5 | Also, the demolition really is contrary to
6 | the intent of the Municipal Land Use Law.
7 | Subparagraph 2M encourages the coordination of
8 | public and private procedures with a view to
9 | lessening the cost of such development and a more
10 | efficient use of the land.

11 | And demolishing this would be completely
12 | contrary to that.

13 | There's also paragraph 20, which talks
14 | about promoting the master and practical recover
15 | -- recovery of recyclable materials, really, in
16 | terms of what they call green architecture today,
17 | or green development design.

18 | The preservation of a building is really
19 | the best way to approach that. You're keeping a
20 | lot of waste out of the -- the garbage stream.
21 | There's also less impacts on the community,
22 | because you're not dealing with carting away all
23 | that stuff, and the dust and everything that --
24 | that would result in the -- in the community.

25 | So, I think that's also a beneficial

1 aspect.

2 You also have to look at the purpose of the
3 zone, the R zone, which is to preserve the
4 integrity of existing residential areas, and to
5 maintain existing development intensity and
6 population.

7 That's what's being done here. Preserving
8 the building will maintain the character of the
9 neighborhood pattern, and the population density
10 is actually less than what could be built, if
11 this were demolished and you had two lots with --
12 with two, three family homes.

13 So, the density is consistent with what's
14 permitted within -- within the zone.

15 The Master Plan also talks about preserving
16 the character of the community. It talks about
17 protecting and preserving established residential
18 character. It talks about providing a broad
19 range of housing choices, all of which are
20 accomplished by this project.

21 In the renovation of this building -- of
22 these buildings, the units will be larger sized.
23 They're intended for families, which I think
24 promotes community stability, because people tend
25 to have a longer tenancy if they're family style

1 units, rather than small units, where you have a
2 greater turnover.

3 So, I think it will help provide for the
4 stability and maintain the stability of the
5 community, as well.

6 So, then, I think you look at the preser --
7 at the promotion of the purposes of the Municipal
8 Land Use Law. And this -- the granting of this
9 variance would, in my opinion, guide the
10 appropriate use and development of this property.
11 I think it will promote the general welfare,
12 because of the -- the type of style and design of
13 the structure.

14 It protects the integrity and character of
15 the neighborhood. So, I think it promotes
16 subparagraph 2A.

17 It also promotes the establishment of an
18 appropriate population density. As I said, it's
19 consistent with the character of the area, and
20 with what's provided for in the zone plan.
21 That's subparagraph 2E.

22 2G talks about providing sufficient spaces
23 in appropriation location. Again, this is an
24 oversized lot. It can accommodate the five
25 units, without any detriment. So, it promotes

1 2E.

2 And then, I also already mentioned 2M, and
3 -- 2 -- 20.

4 So, I think the site is particularly well
5 suited for this type of development, given the
6 preexisting nature of the buildings that are on
7 it, how they straddle the lot. The size of the
8 property is very well suited for the intended
9 purpose. It promotes the purposes of the
10 redevelopment of the zone plan, and of the Master
11 Plan, and of the Municipal Land Use Law.

12 So, I think that promotes the -- the
13 general welfare, and that's the positive
14 criteria.

15 I don't see that the granting of the
16 variances would result in any substantial
17 detriment to the public good, or to the intent of
18 the zone plan. As I said, it actually promotes
19 the intent of the zone plan. It's in keeping
20 with the character, so there's no detriment to
21 the public good.

22 There are a few -- a couple of bulk
23 variances. They're really subsumed within the
24 use variance, because those criteria are geared
25 towards detached two and three family homes.

1 And, obviously, we don't have that. We have a
2 preexisting building that has to be dealt with.

3 And there's actually -- you know, a court
4 case called Harilo (phonetic) versus the Board of
5 Adjustment, where the judge actually found that
6 -- in this case, it only dealt with a foundation,
7 and his -- and his point was that even -- because
8 there was a preexisting foundation that not being
9 able to reutilize that would certainly be a --
10 would be a waste, and was reason enough for
11 granting the bulk -- the bulk variances.

12 And so, in this case, we -- we already have
13 a very well designed and sturdy building. So, we
14 -- we need to recognize that.

15 And finally, in terms of parking, although
16 2.1 spaces are required, 1.4 spaces are proposed.
17 And I think that's very generous given this
18 location.

19 Two of the units could have two spaces.
20 Three would have one -- at least one space.

21 There's also on-street parking. Of course,
22 that's competitive, and everybody has to -- has
23 to vie for that.

24 But there's bus lines on Palisade, there's
25 bus lines on -- on Bergenline and New York

1 Avenue.

2 So, in an -- in an urban area such as Union
3 City, where it's very walkable, the car ownership
4 is usually lesser. And I think that the 1.4
5 spaces per unit is certainly sufficient, and
6 would not result in any -- any detriment to the
7 public welfare or to the -- or to the zone plan.

8 MR. RENDO: I have no further questions of
9 this witness.

10 VICE CHAIRMAN GRULLON: Do you have any
11 other witness?

12 MR. RENDO: Yes. I'd like -- I'd like to
13 bring up the applicant, because the applicant has
14 -- has built in Union City before, and he
15 provides a very unique concept that I wish he
16 would explain to the Board, as to the interior of
17 the unit and how the unit is constructed.

18 It's called a LEED certification. And I
19 think it's unique to Union City in many ways.

20 So, I think it's important that Mr.
21 Chartier explains what a LEED certification is,
22 and how the unit interacts with that concept.

23 MS. DILLON: Sir, right in front of the
24 microphone for me.

25 Do you affirm that the testimony you're

1 about to give this Board is the whole truth?

2 MR. CHARTIER: I do.

3 MS. DILLON: If you could please state your
4 name and spell it for me.

5 MR. CHARTIER: Thomas Chartier, T-H-O-M-A-S,
6 C-H-A-R-T-I-E-R.

7 MS. DILLON: Thank you.

8 MR. RENDO: Mr. Chartier, could you please
9 explain to the Board the design concept and the
10 LEED certification issues?

11 MR. CHARTIER: Sure.

12 LEED certification. It's a -- it's a point
13 based rating system. It's a green building
14 rating system, developed by the U.S. Green
15 Building Council.

16 It was -- it was established in 2000.
17 Since then, we've done over a dozen LEED
18 certified buildings. The first in Manhattan;
19 first LEED certified restaurant in -- in Hoboken;
20 I believe the first two in Union City.

21 And it's -- it's basically just a way of
22 building a more environmentally sustainable
23 building. It typically reduces energy
24 consumption, water consumption, improves the
25 indoor air quality, it absorbs the rainwater on

1 the property, so it prevents or reduces the
2 impact from flooding and stormwater runoff.

3 We typically put solar panels on the
4 buildings to generate our own power on-site,
5 which is renewable, pollution-free.

6 We typically put a lot of landscaping on
7 the property, so we restore ecosystems and
8 habitats, and -- you know, in urban areas.

9 Typically, this would be our fourth LEED
10 certified building in Union City. The first two,
11 which are completed and occupied, reduced energy
12 usage by about 70 percent.

13 So, our typical homeowner pays about \$60.00
14 a month in utility bills; about \$720.00 a year.
15 So, it's a fraction of what a typical home would
16 pay. So, it makes it more a affordable home.

17 It's typically more comfortable. We put in
18 triple pane windows, so -- and we put in usually
19 a spray foam type of insulation, so the buildings
20 are air tight and very well insulated.

21 So, it's a much more comfortable place. It
22 improves sound attenuation. It helps with pest
23 and rodent control, odor migration, things like
24 that that are typically problems in multi-family
25 buildings.

1 MR. RENDO: So, would you say that this
2 project is environmentally friendly?

3 MR. CHARTIER: Yes.

4 MR. RENDO: And especially in an urban
5 setting?

6 MR. CHARTIER: Yes. I would.

7 MR. RENDO: Okay.

8 And would you say that Union City has
9 basically taken the lead -- lead in LEED
10 certifications.

11 MR. CHARTIER: No pun intended.

12 MR. RENDO: No pun intended, in that you're
13 working with the municipality and with the powers
14 that be, to create more environmentally friendly
15 units?

16 MR. CHARTIER: Yes.

17 MR. RENDO: Okay.

18 I have no further questions of him.

19 VICE CHAIRMAN GRULLON: Thank you. Thank
20 you, Mr. Chartier.

21 MS. GUTIERREZ: Thank you.

22 MR. RENDO: I have no further witnesses,
23 Mr. Chairman.

24 VICE CHAIRMAN GRULLON: Mr. Rendo, I think
25 this is for the planner.

1 Could Mr. -- Mr. Kolling, could you come to
2 the front, please?

3 I have -- I have a concern with this
4 building. There's no -- currently, they don't
5 have any parking space. Those parking space are
6 --

7 MR. RENDO: I think maybe --

8 VICE CHAIRMAN GRULLON: -- going to be zero
9 parking space. There's no --

10 MR. RENDO: The architect will probably --

11 MR. KOLLING: Yeah.

12 VICE CHAIRMAN GRULLON: Yeah.

13 MR. KOLLING: There are seven spaces on-
14 site.

15 VICE CHAIRMAN GRULLON: There are?

16 MR. KOLLING: Yeah.

17 VICE CHAIRMAN GRULLON: Currently?

18 MR. KOLLING: Yeah.

19 VICE CHAIRMAN GRULLON: They're being used?

20 MR. KOLLING: I'm not certain what's there
21 -- no, right now there's --

22 VICE CHAIRMAN GRULLON: Because I heard
23 something about a fence that has to come down.

24 MR. KOLLING: Right. Let's -- the -- right
25 now, there's a fence and a wall, I believe,

1 across the front of the property. And there's a
2 gate.

3 So, you can enter the property through the
4 gate, and then there's garages in the back. So,
5 that -- that's coming down. But they'll still be
6 able to enter the property through the driveway
7 that's being provided new on-site, and access the
8 seven spaces that will be on -- on the property.

9 VICE CHAIRMAN GRULLON: Okay.

10 My question is because you have a daycare
11 adjacent to the property. It's a daycare
12 facility?

13 MR. KOLLING: Yeah. On the corner of
14 Palisade and 4th.

15 VICE CHAIRMAN GRULLON: And those -- and
16 the parking -- the proposed parking -- parking
17 area that you have is going to be adjacent to the
18 daycare.

19 MR. KOLLING: Yeah. I think -- and Adrian
20 can probably explain it better, since he did --

21 MR. RENDO: Yeah.

22 MR. KOLLING: He did the design.

23 MR. RENDO: Let's let the architect testify
24 as to the plans and the concept concerning the
25 parking.

1 VICE CHAIRMAN GRULLON: Yeah.

2 MR. MELIA: Okay. Just, I'll refer to A-2,
3 the aerial photo.

4 This is the daycare that you're talking
5 about. There's an emergency exit here. It's got
6 no windows or anything. It doesn't look like
7 it's used unless it's an emergency, fire,
8 whatever.

9 The main entry to the daycare is off
10 Palisade.

11 MS. GUTIERREZ: Um hum.

12 MR. MELIA: And this is a one way street,
13 down 4th. I think that most people would approach
14 it on Palisade and drop off here. There's a
15 loading zone right here on the corner.

16 I don't -- there's also ample parking area,
17 if they do come down 4th Street. But I -- you
18 know, it's --

19 VICE CHAIRMAN GRULLON: But I'm sure the
20 daycare has classroom adjacent to the -- to the
21 parking area, where you're going to have cars
22 creating pollution into those classrooms.

23 MS. GUTIERREZ: Um hum.

24 MR. MELIA: There'll be an eight foot
25 setback from those -- I have one photograph here,

1 on Z -- sorry -- A-3.

2 This is the -- the side of the property.
3 This is our property here, and this is a look
4 down along the side of their building, as it
5 abuts our property. It's about eight feet. It's
6 not --

7 VICE CHAIRMAN GRULLON: They -- they have
8 eight feet. Which are your side yards on that
9 side of the property?

10 MR. MELIA: They have an eight foot side
11 yard.

12 VICE CHAIRMAN GRULLON: Yes.

13 MR. MELIA: And then, we would be proposing
14 an additional side yard to our building.

15 But yes, we would be -- we would have --
16 referring back to the plan set, three parking
17 spaces along that fence line.

18 VICE CHAIRMAN GRULLON: And the side yards
19 along the fence?

20 MR. MELIA: Well, their setback from their
21 property to the -- to the daycare is eight feet.
22 We wouldn't have a setback. We would go right up
23 against the fence, with those three parking
24 spaces.

25 MR. RENDO: What type of fence will you be

1 having there? Is it a solid fence or --

2 MR. MELIA: The existing fence is chain
3 link, with a vinyl screen on it. I mean, we
4 could potentially do something.

5 A VOICE: We could put some solid fence.

6 MR. MELIA: We could replace it with a
7 solid fence for -- shield any noise.

8 MR. RENDO: Would a solid fence divert any
9 emissions from the cars upward, or would it be
10 better than a chain link fence?

11 MR. MELIA: Certainly it would be better
12 than a chain link fence. You know, it's -- it's
13 in an urban environment. It's right on Palisade
14 Avenue. There's -- there's traffic in the
15 immediate area. The three cars, I don't think
16 would generate -- they would just generate a
17 negligible increase.

18 MR. KOLLING: I -- I would also point out
19 that it's -- it's residential parking. It's
20 assigned to a residential unit.

21 It would be the same as if someone had a
22 two or three family house, and parked their cars
23 --

24 VICE CHAIRMAN GRULLON: Yeah.

25 MR. KOLLING: -- in the driveway.

1 So, they're not -- it's not going to be a
2 lot of coming and going, or a commercial parking
3 lot.

4 VICE CHAIRMAN GRULLON: Our -- our concern
5 is with the daycare.

6 MR. KOLLING: Right.

7 VICE CHAIRMAN GRULLON: And dropping off
8 the -- you know, the students in the morning and
9 in the afternoon. And also, at the same time,
10 the residents of the units trying to get out with
11 their cars.

12 That -- that's my concern. That's why I
13 asked the question.

14 MR. KOLLING: Okay.

15 VICE CHAIRMAN GRULLON: And the other
16 question that I have is unit four, is anything
17 existing there? Is that a new -- a new building
18 being proposed for unit four?

19 MR. MELIA: Unit four would be -- there's
20 an existing one story masonry garage in the rear.
21 So, unit four would be inside that first --

22 VICE CHAIRMAN GRULLON: Yes.

23 MR. MELIA: -- floor garage and also we're
24 constructing two stories on top of that.

25 VICE CHAIRMAN GRULLON: Because -- because

1 the side yard that you're leaving is two feet
2 when five feet is required.

3 MR. MELIA: Two feet is to the existing
4 structure on the first floor. And again, we're
5 trying to retain the brick. I don't think that
6 the client would have an issue coming in,
7 possibly, to the five feet on that first floor.

8 Where we're proposing a new structure above
9 this existing structure, we conform with the five
10 feet.

11 Again, the goal is to retain as much of the
12 existing masonry and foundations and everything,
13 is one of the green aspects of the project. We
14 don't have to --

15 VICE CHAIRMAN GRULLON: But is --

16 MR. MELIA: -- do new foundations, et
17 cetera.

18 VICE CHAIRMAN GRULLON: The side yard that
19 it has is existing.

20 MR. MELIA: The -- yeah.

21 MR. KOLLING: The first story.

22 MR. MELIA: Existing just for the first
23 floor, would be two feet.

24 VICE CHAIRMAN GRULLON: And back --

25 MR. KOLLING: And then above it was

1 stacked.

2 VICE CHAIRMAN GRULLON: Back for you, Mr.
3 Kolling.

4 The characteristic of the neighborhood.
5 Not on the Palisade side, on the -- on the New
6 York Avenue side. Could you explain that
7 characteristic of the neighborhood?

8 MR. KOLLING: Of the existing neighborhood?
9 Yes.

10 VICE CHAIRMAN GRULLON: Yes.

11 MR. KOLLING: Let me get my notes.

12 VICE CHAIRMAN GRULLON: Not the Palisade
13 side, on the other side of the --

14 MR. RENDO: The 4th Street side?

15 MR. KOLLING: As you're -- as you're
16 extending up the street towards Bergen -- no,
17 towards New York Avenue, there's a three family
18 home, a vacant lot. Then, there's a two story
19 frame with one unit. Then another three family.
20 And then -- and then two units.

21 Across the street are two units, three
22 units, two units, three units, two units, a
23 garage, a three unit and a six unit, as you go
24 up.

25 So, it's a mixture of two family, three

1 family, six family kind of combined in there.

2 VICE CHAIRMAN GRULLON: Yes.

3 MR. KOLLING: They're not taller
4 structures, like you find along Palisade or at
5 the corners of some places, where you have the
6 apartment buildings.

7 But it's sort of a mixed, two to three
8 family, with an occasional six family thrown in.

9 VICE CHAIRMAN GRULLON: And one more
10 question, because we have the experience from a
11 past application, have -- have you tested the
12 foundation to see if it's going to hold, like the
13 renovation of the building?

14 Because we had an application where we
15 grant approval, and then they came the next
16 month, that they have to demolish the building,
17 because it wouldn't hold the new proposed
18 building.

19 MR. MELIA: Well, for right now, we -- we
20 will certainly -- it won't support the existing
21 addition, particularly the one story garage in
22 the rear that's probably not designed for three
23 stories.

24 We would construct a structure inside that,
25 steel posts, for example, so that we could retain

1 the existing masonry.

2 VICE CHAIRMAN GRULLON: Keeping the
3 existing --

4 MR. MELIA: So -- so, we would have a new
5 foundation inside the existing foundation.

6 MR. RENDO: Fortifying the foundation,
7 basically.

8 MR. MELIA: Exactly.

9 MR. RENDO: Right.

10 MR. MELIA: You just -- you dowel and
11 anchor into what's there, beef it up.

12 MR. KOLLING: And I would say from a matter
13 of the planning side, the rationale for these --
14 the variances we're asking for is that the
15 buildings would be retained and are being reused.

16 If that should change, and the buildings
17 had to come down, I think you'd have to have a
18 whole new application here, so we'd have to come
19 back and maybe subdivide the lots, and do
20 something different.

21 So, I think that would be as a matter of --
22 of planning law, what we -- what we would have to
23 do.

24 So, we wouldn't be able to just go ahead
25 and rebuild it the way you approved it, because

1 it would be a different set of circumstances.

2 VICE CHAIRMAN GRULLON: Okay. That's fine
3 with me.

4 Any member of the public? I mean of the
5 Board?

6 MR. M. ORTIZ: Yeah. What was the size of
7 unit four again?

8 MR. KOLLING: Excuse me?

9 MR. M. ORTIZ: The size of unit four.

10 MR. KOLLING: Oh.

11 MR. MELIA: It's 2,232 square feet.

12 MR. M. ORTIZ: All right.

13 Thank you.

14 MR. MEDINA: I have a question.

15 You say you have the same parking spot. I
16 mean, space. How many unit exactly?

17 MR. MELIA: Five units.

18 MR. MEDINA: Okay. The reason is, it's
19 five units with parking, when -- what you said is
20 a condominium.

21 Right?

22 MR. MELIA: Condos are proposed.

23 MR. MEDINA: Okay.

24 Is a part of the deal, or the package,
25 included a parking spot?

1 MR. MELIA: I think maybe the client will
2 want to --

3 MR. RENDO: Come on up, Tom.

4 I think the owner could -- the applicant
5 could testify.

6 MR. MEDINA: My -- my reason is because if
7 it's just some park and some building, I just
8 want to make sure that don't using parking on the
9 street, because parking in Union City is very
10 hard for parking.

11 If you offer five units, seven parking
12 space, you have to make sure that usable.

13 MR. CHARTIER: These are going to be deeded
14 to each unit.

15 MR. MEDINA: Okay. So, that means it's
16 part of the --

17 MR. CHARTIER: It's part of each unit.

18 MR. MEDINA: Okay. All right.

19 That's it.

20 MR. CHARTIER: One other thing, I -- I
21 should have mentioned before, when I was talking
22 about some of the green building attributes, we
23 typically put in an electric vehicle charging
24 station at every one of our parking spots, to
25 encourage or incentivize people to buy electric

1 vehicles.

2 So, you know, there -- there's the
3 possibility that we are going to have non --
4 pollution free --

5 VICE CHAIRMAN GRULLON: To -- to avoid
6 pollution.

7 MR. CHARTIER: Exactly.

8 VICE CHAIRMAN GRULLON: Even though they
9 very expensive now, the electrical.

10 MR. RENDO: Yeah, the --

11 MR. CHARTIER: The --

12 MR. RENDO: -- Chevy Volt.

13 MR. CHARTIER: The Tesla is expensive, but
14 --

15 MR. RENDO: Yeah.

16 MR. CHARTIER: -- a lot of the cars have
17 become very reasonable. Yeah.

18 MR. RENDO: Yeah.

19 VICE CHAIRMAN GRULLON: Anymore? Any more
20 question, guys?

21 MS. GUTIERREZ: No.

22 VICE CHAIRMAN GRULLON: You don't have any
23 more witness?

24 MR. RENDO: No. No witnesses.

25 VICE CHAIRMAN GRULLON: At this -- at this

1 point, I want to open it to the public. Any
2 member of the public? Would you please --

3 MS. DELGADO: We live directly --

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

6 Please raise your right hand.

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

9 MS. DELGADO: Yes.

10 MS. DILLON: I need you to state your name,
11 spell it for the record, give your address.

12 MS. DELGADO: My name is Irela Delgado.

13 MS. DILLON: Spell your first name.

14 MS. DELGADO: I-R-E-L-A.

15 MS. DILLON: I'm sorry. I didn't catch it.

16 MS. DELGADO: I-R-E-L-A. Last name,
17 Delgado, D-E-L-G-A-D-O.

18 MS. DILLON: And your address?

19 MS. DELGADO: 311 4th Street.

20 MS. DILLON: Thank you.

21 MS. DELGADO: I live 311 4th Street. I
22 live directly from the property. My husband had
23 -- is the one that has the handicap space. He
24 has multiple sclerosis, which is a progressive
25 disease.

1 So, my concern, I heard that they would
2 make that into two spaces. The handicap. And in
3 that block, there's a lot of driveways, and I'm
4 concerned what would happen with -- you know, his
5 -- his space, in his condition.

6 MR. MELIA: If I may?

7 MR. RENDO: Yes.

8 MR. MELIA: Yeah. We can absolutely keep
9 the space. It's -- we're -- we're showing two
10 potential spaces there. But the reality is,
11 unless they are the world's smallest cars, it's
12 really better tailored to keep -- preserve the
13 existing handicap accessible space. So, we have
14 no problem doing that. The signage and striping
15 are already there.

16 VICE CHAIRMAN GRULLON: Let me see; I don't
17 understand.

18 Is that -- right now, it's being proposed
19 to remove one of the street parking?

20 MR. MELIA: Currently, existing, right
21 outside our property is a handicap accessible
22 space.

23 A-3, one of the photographs, shows -- this
24 is right outside our property.

25 VICE CHAIRMAN GRULLON: Is that -- is that

1 your --

2 MR. MELIA: It's -- it's striped.

3 VICE CHAIRMAN GRULLON: Is that -- okay.
4 That's your space.

5 Okay.

6 MR. MELIA: So you know, there's -- we --
7 we can retain it.

8 Our -- our thinking was, if we removed it,
9 it's quite long. You could gain possibly two on-
10 street spaces.

11 But the client --

12 VICE CHAIRMAN GRULLON: I mean, even if
13 they want, I don't think they're allowed to
14 remove it.

15 MR. PANEQUE: No.

16 VICE CHAIRMAN GRULLON: No.

17 MR. PANEQUE: That -- that space is
18 assigned --

19 VICE CHAIRMAN GRULLON: That -- that space
20 --

21 MR. PANEQUE: -- by the City.

22 VICE CHAIRMAN GRULLON: -- is assigned to
23 the resident --

24 MR. MELIA: Yeah.

25 VICE CHAIRMAN GRULLON: -- because he's a

1 handicap, and he has a condition. It's been
2 assigned -- assigned by the City Ordinance.

3 MR. PANEQUE: That's correct.

4 VICE CHAIRMAN GRULLON: Yes.

5 MR. MELIA: We have --

6 MR. PANEQUE: Now, Ms. Delgado, that space
7 is across the street from where you live.

8 Correct?

9 MS. DELGADO: Um hum.

10 MR. PANEQUE: So, your husband crosses the
11 street to get to that parking --

12 MS. DELGADO: Right.

13 MR. PANEQUE: -- space.

14 MS. DELGADO: Just crosses the street.

15 MR. PANEQUE: Okay. And how long has he
16 had that space?

17 MS. DELGADO: I would say about two to
18 three years.

19 MR. PANEQUE: Okay.

20 MR. RENDO: But we have no opposition to
21 keeping --

22 MR. MELIA: Absolutely not.

23 MR. RENDO: -- that space there. So, we
24 can make that as a condition of approval that we
25 keep the -- the space there.

1 I mean, he can't -- he can't take it off
2 anyway, because it's mandated.

3 VICE CHAIRMAN GRULLON: Yes.

4 MR. PANEQUE: Well, if I may, Mr. Spatz,
5 the reason they're showing --

6 MR. SPATZ: Yes.

7 MR. PANEQUE: -- those two spots in front of
8 the building is just to comply with the RSI --

9 MR. SPATZ: They're showing that they can
10 provide additional parking off-site, which our
11 Ordinance does allow credit for street parking,
12 directly adjacent to it.

13 But if it's already designated as a
14 handicap spot, and designated for somebody else,
15 they can't include it.

16 But you know, if you're going to be
17 granting a variance, you would include that. So,
18 the space would always have to remain as a
19 handicap spot, unless the -- Ms. Delgado asked to
20 have it removed at a certain point.

21 Other than that, it remains as per City
22 Ordinance.

23 VICE CHAIRMAN GRULLON: Okay.

24 MS. DELGADO: Okay.

25 Thank you.

1 VICE CHAIRMAN GRULLON: Thank you, Ms.
2 Delgado.

3 MS. GUTIERREZ: Thank you, Ms. Delgado.

4 VICE CHAIRMAN GRULLON: Any other member of
5 the public?

6 Can you please come forward?

7 MS. DILLON: Just over here, ma'am.

8 Please raise your right hand.

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

11 MS. SIPPO: Yes.

12 MS. DILLON: Okay. Right in front of the
13 microphone, and just repeat it.

14 You accept the oath?

15 MS. SIPPO: Yes. I accept the oath.

16 MS. DILLON: Okay. And can I have your
17 name?

18 MS. SIPPO: Dorothy, D-O-R-O-T-H-Y, Sippo,
19 S-I-P-P-O.

20 MS. DILLON: And your address?

21 MS. SIPPO: 318 4th Street.

22 MS. DILLON: Thank you.

23 MS. SIPPO: I'm sorry, but it was a little
24 hard to follow, because this was right between
25 us.

1 VICE CHAIRMAN GRULLON: Oh, it was. Yes,
2 behind you.

3 MS. SIPPO: And you couldn't see anything.

4 But I'm just concerned about parking
5 spaces, too, because there aren't that many on
6 the street. And the people from the daycare come
7 and park, and if people -- if there are five
8 units, they might not just have one car. They
9 might have more than one car. They might have
10 company.

11 So, I -- I wasn't clear on the parking
12 spaces. I just couldn't hear it.

13 MS. GUTIERREZ: You have to explain. Um
14 hum.

15 MR. RENDO: You want to re-testify as to
16 that?

17 MR. MELIA: Well, okay. I'm sorry.

18 Just now that you can have a better view of
19 the plan, we're -- we're proposing five units,
20 with seven spaces on the property. So, there's
21 three in the back --

22 MS. SIPPO: How many are already there?

23 MR. MELIA: Well, the existing property
24 just has a two or three car --

25 MS. SIPPO: A garage?

1 MR. MELIA: -- garage in the back. And
2 this is all driveway, so nobody actually parks
3 here.

4 MS. SIPPO: Right.

5 MR. MELIA: I think there's only one car
6 that actually parks here right now.

7 MS. SIPPO: Um hum.

8 MR. MELIA: So, we're adding parking where
9 it's just a driveway. We're eliminating this
10 seeded area --

11 MS. SIPPO: Um hum.

12 MR. MELIA: -- to accommodate more spaces
13 on the site.

14 And this proposal, again, it's five units
15 where we could potentially divide the property in
16 two, and build two three families, which would
17 have a much higher parking requirement.

18 But it would conform with the Ordinance, so
19 this is less intensive than what would be
20 permitted.

21 MS. SIPPO: So, you're going to have
22 someone park in front of the building?

23 MR. MELIA: We're removing the -- the fence
24 that's there right now. So, this will all be
25 open.

1 MS. SIPPO: So, there won't be an entrance
2 here?

3 MR. MELIA: If I can refer to A-4. This is
4 a rendering of what it's going to look like --

5 MS. SIPPO: Um hum.

6 MR. MELIA: -- from the street.

7 We're going to remove the iron fence.
8 We're going to have a green wall here. There
9 will be a parking space right in front on our
10 property. And then, parking down the side,
11 toward the back.

12 MS. SIPPO: So you could still get in the
13 front door?

14 MR. MELIA: Yeah. We're going to have to
15 modify it slightly for our new plan, because
16 what's there is not going to work for the plans
17 that we're proposing.

18 So, we're going to demolish the existing
19 entry stair that's there, the planters that are
20 there, and put in new planters with new planting
21 and the green wall, to open up this whole area to
22 the sidewalk. So, we want --

23 MS. SIPPO: What do you mean green wall?

24 MR. MELIA: There's a -- it's -- it's a
25 living -- if I can have --

1 MS. SIPPO: Oh, okay.

2 MR. MELIA: -- the --

3 MS. SIPPO: Like vines and things coming
4 down.

5 MR. MELIA: It's a trellis system that is
6 -- has irrigation to it so it will grow.

7 So, it's a green feature.

8 MS. SIPPO: So, somebody would come across
9 the sidewalk and kind of back and forth their way
10 into that spot.

11 MR. MELIA: Correct.

12 MS. SIPPO: It would --

13 MR. MELIA: Yes.

14 MS. SIPPO: -- be kind of difficult, I
15 think, to swing. There's not that much room.

16 MR. MELIA: Well, you can drive into the
17 site, and you can --

18 MS. SIPPO: Back into it?

19 MR. MELIA: -- you can reverse into it, and
20 then drive directly back out.

21 MS. SIPPO: And then, the people that are
22 parking -- excuse me, I just want to --

23 MR. MELIA: Sure.

24 MS. SIPPO: The people that are parking
25 here, so they'll kind of parallel park into that?

1 MR. MELIA: Correct. You come in, you
2 reverse in, and then reverse back out.

3 MS. SIPPO: And, then, these would have to
4 --

5 MR. MELIA: Those --

6 MS. SIPPO: -- cooperate.

7 MR. MELIA: Those two would probably be
8 deeded to one unit --

9 MS. SIPPO: Um hum.

10 MR. MELIA: -- so that there was no issue
11 --

12 MS. SIPPO: So every unit --

13 MR. MELIA: -- moving one car.

14 MS. SIPPO: -- would get a parking space.

15 MR. MELIA: Every unit gets one and two of
16 the units get two.

17 MS. SIPPO: Okay. All right.

18 And the daycare, right here?

19 MR. MELIA: Yup.

20 MS. SIPPO: Okay.

21 So you're going to put a wall up to protect
22 the kids?

23 MR. MELIA: Well, as I said, there's a --
24 there's a chain link fence right there, and
25 there's an eight foot buffer to -- to the

1 daycare.

2 We can construct a solid fence.

3 MS. SIPPO: Um hum.

4 MR. MELIA: Mr. Chartier stated that --

5 MS. SIPPO: Um hum.

6 MR. MELIA: -- we'll have electric
7 stations, so they could potentially be electric
8 vehicles. That would resolve the issue right
9 there.

10 So, yes, there will be a solid fence.

11 MS. SIPPO: Okay.

12 And the handicap space would remain.

13 MR. MELIA: The handicap space would
14 remain. Yes.

15 MS. SIPPO: Okay.

16 Thank you.

17 MR. PANEQUE: Thank you, Ms. Sippo.

18 VICE CHAIRMAN GRULLON: Any other member of
19 the public?

20 Any -- no members from the public. Closed
21 to the public.

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

24 VICE CHAIRMAN GRULLON: In my opinion,
25 considering the characteristic of the

1 neighborhood, and considering that we have a
2 daycare right next to the property, I don't -- I
3 don't feel well seeing cars parked next -- next
4 to the daycare.

5 And also, the -- the one parking in front,
6 I don't think is going to do any good to the
7 building.

8 I think a different type of building would
9 be better in that location.

10 I will make my motion to deny the
11 application.

12 THE SECRETARY: Motion to deny the
13 application by Mr. Grullon.

14 MR. M. ORTIZ: Second.

15 THE SECRETARY: Any second the motion?

16 Second by Miguel Ortiz.

17 Roll call on the motion.

18 Victor Grullon?

19 MR. PANEQUE: Is there a request for any
20 other motions?

21 It's being asked by Mr. --

22 THE SECRETARY: Is any other motion?

23 See no other --

24 MR. DARDIR: So, the issue is the parking.
25 That's what -- that's why we're denying? That's

1 | why he's denying it?

2 | VICE CHAIRMAN GRULLON: Yeah. It's mainly
3 | parking and the design for the neighborhood. In
4 | my opinion, but you could do another motion if
5 | you want.

6 | To me, the characteristic of the
7 | neighborhood is what I see on the -- toward New
8 | York Avenue, not on Palisade. Is -- is no two
9 | and three family build -- houses. This looks
10 | more like a building to me. And I think it's
11 | going to change, to me, the characteristic of the
12 | neighborhood.

13 | MR. RENDO: We --

14 | VICE CHAIRMAN GRULLON: It's my -- just my
15 | opinion.

16 | MR. RENDO: We're trying to keep the
17 | character of the neighborhood by keeping the 90
18 | year old building, since it's -- it's
19 | architecturally pleasing with the brick in front
20 | and everything.

21 | If -- if the Board --

22 | Go ahead. I'm sorry.

23 | MR. DARDIR: Is there anything they could
24 | do to -- I mean, they -- they said they'll put a
25 | solid fence. That will protect the --

1 MR. RENDO: Correct.

2 MR. DARDIR: -- the kids from the daycare.

3 VICE CHAIRMAN GRULLON: I would ask them to
4 put the parking to the other side of the
5 building. I think that's impossible to do any
6 with the -- keeping the building.

7 MR. DARDIR: I think the --

8 MR. DOUMAS: What do we think -- out of the
9 three cars is against the kids? I'm just --

10 VICE CHAIRMAN GRULLON: It's pollution.

11 MR. DOUMAS: I mean, it's -- there's --

12 VICE CHAIRMAN GRULLON: Basically, when
13 they're warming up the cars.

14 MR. DOUMAS: Buses and --

15 VICE CHAIRMAN GRULLON: And also --

16 MR. DOUMAS: -- trucks and -- on both --

17 VICE CHAIRMAN GRULLON: Not on sidewalks.
18 And not next to a classroom.

19 MR. DARDIR: No, but it's eight -- there's
20 an eight foot buffer.

21 MR. RENDO: There is.

22 MR. DARDIR: And there will be the fence.

23 MR. RENDO: Right. And we -- we agree to
24 have a condition of approval, put a solid fence,
25 an architecturally pleasing solid fence. Not

1 your typical --

2 VICE CHAIRMAN GRULLON: Well, you can call
3 a motion.

4 MR. PANEQUE: Well, no. Excuse me, Vice
5 Chairman Grullon.

6 There's a motion on the floor, made by the
7 Chairman, to deny the application.

8 As a rule, now, we need -- is there a
9 second on that motion?

10 MS. DILLON: Mr. Ortiz seconded it.

11 MR. DARDIR: He seconded already.

12 MR. SPATZ: Right.

13 THE SECRETARY: Second by --

14 MR. PANEQUE: Mr. Ortiz seconded it.

15 THE SECRETARY: -- by Mr. Ortiz.

16 MR. PANEQUE: Okay. Since we have a
17 second, now we have to take a vote on it.

18 Depending on that vote, if the vote is not
19 -- if the denial is not approved, then there can
20 be another motion made by any other member.

21 Okay? So, we need to take a vote on the
22 motion that's been made by Mr. Grullon and
23 seconded by Mr. Ortiz.

24 THE SECRETARY: Okay.

25 Motion has been made to deny the

1 application by Mr. Victor Grullon.

2 Second by Mr. Ortiz.

3 Roll call on the motion.

4 Victor Grullon?

5 VICE CHAIRMAN GRULLON: Yes to deny.

6 THE SECRETARY: Mrs. Gutierrez?

7 MS. GUTIERREZ: Yes to deny.

8 THE SECRETARY: Mr. Ortiz?

9 MR. M. ORTIZ: Yes to deny.

10 THE SECRETARY: Mr. Pressey?

11 MR. PRESSEY: No.

12 THE SECRETARY: Mr. Dardir?

13 MR. DARDIR: No.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: No.

16 THE SECRETARY: Mr. Bonacci?

17 MR. BONACCI: No.

18 THE SECRETARY: Three in favor, four --

19 MR. SPATZ: Right. So it fails.

20 THE SECRETARY: Huh?

21 MR. SPATZ: That motion fails.

22 THE SECRETARY: Motion fails.

23 MR. SPATZ: Somebody can make another

24 motion, if they choose to.

25 MR. PANEQUE: Is there any other motion

1 before the Board?

2 MR. DARDIR: Yes. I'd like to make a
3 motion to approve the application.

4 THE SECRETARY: Motion -- motion to --

5 MR. DARDIR: Approve the application.

6 THE SECRETARY: Motion -- give me two
7 seconds.

8 VICE CHAIRMAN GRULLON: And you already
9 have the votes.

10 MR. PANEQUE: Okay.

11 Now, with respect to that motion to
12 approve, are there any conditions that you're
13 setting on that motion?

14 MR. DARDIR: The solid fence that they're
15 talking about is being --

16 MR. PANEQUE: Now, any type of solid fence?
17 Can we be more specific?

18 MR. DARDIR: I don't know what kind of
19 fence they plan to use.

20 Is there any specific fence that would be
21 --

22 MR. CHARTIER: Probably wood or -- or
23 vinyl.

24 MR. DARDIR: Just something lasting, I
25 guess. Something durable.

1 MS. DILLON: Speak up, Mr. Chartier,
2 please.

3 MR. CHARTIER: Probably either wood or
4 vinyl, something that's sort of low maintenance
5 and it won't fade, and it will kind of keep its
6 look.

7 THE SECRETARY: Any second, the motion of
8 Mr. Dardir, to approve this application?

9 Second by Mr. Pressey.

10 Roll call on the motion to approve this
11 application.

12 Mr. Grullon?

13 VICE CHAIRMAN GRULLON: No.

14 THE SECRETARY: Mrs. Gutierrez?

15 MS. GUTIERREZ: No.

16 THE SECRETARY: Mr. Ortiz?

17 MR. M. ORTIZ: No.

18 THE SECRETARY: Mr. Pressey?

19 MR. PRESSEY: Yes.

20 THE SECRETARY: Mr. Dardir?

21 MR. DARDIR: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: No.

24 THE SECRETARY: Mr. Bonacci?

25 MR. BONACCI: Yes.

1 MR. SPATZ: So, it's denied.

2 THE SECRETARY: Okay. Three in favor, four
3 against.

4 MR. DARDIR: Is there any condition you
5 want?

6 MR. SPATZ: It's denied.

7 VICE CHAIRMAN GRULLON: Another motion?

8 A VOICE: Just a fence.

9 MR. DARDIR: Huh?

10 A VOICE: The fence.

11 THE SECRETARY: It -- it fails. It's
12 denied.

13 MR. SPATZ: Right.

14 MS. GUTIERREZ: That never happened. First
15 time.

16 THE SECRETARY: The application has been
17 denied by four in favor and three against.

18 MR. PANEQUE: Mr. Vallejo, the application
19 to approve has failed with three affirmative
20 votes and four negative votes.

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

23 MR. PANEQUE: Please go off the record.

24

25 (Whereupon, Mr. Bonacci left the meeting at

1 8:36 p.m.)

2

3 (Whereupon, the Board recessed from 8:36
4 p.m. to 8:38 p.m.)

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

2

3 MS. DILLON: Okay. On the record.

4 VICE CHAIRMAN GRULLON: You have to
5 announce that Mr. Bonacci --

6 THE SECRETARY: Next application on
7 tonight's agenda, New J. LLC --

8 MS. DILLON: And just announce --

9 THE SECRETARY: -- 1613-1615 --

10 MS. DILLON: Announce Mr. Bonacci has left.

11 THE SECRETARY: Oh. Let the record
12 indicate that Mr. Bonacci left the meeting.

13 Next application on tonight's agenda, New
14 J. LLC, 1613-1615 Summit Avenue.

15 Mr. Rendo?

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

18 Carlos Rendo, representing New J. LLC,
19 1613-1615 Summit Avenue.

20 We're proposing the renovation of an
21 existing store to add two additional residential
22 floors above the existing store.

23 Just to address counsel, you may recall,
24 the last meeting, we provided the Affidavits of
25 Publication, Affidavits of Service, so we could

1 acquire jurisdiction. And then, we requested an
2 adjournment of the matter to come with our
3 architects and our experts.

4 That was previously provided at the last
5 meeting.

6 I have provided to counsel now a
7 certification that taxes are paid.

8 I believe that jurisdiction was found at
9 the last meeting to proceed. We just asked for
10 an adjournment, and this is a continuation of
11 that.

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

13 I will take your representation on that as
14 I --

15 MR. RENDO: Yes.

16 MR. PANEQUE: -- don't have a recollection
17 of that, but --

18 MR. RENDO: Okay.

19 MR. PANEQUE: -- I'm sure you're --

20 MR. RENDO: Yes. We did.

21 MR. PANEQUE: You did your --

22 MR. RENDO: Yes.

23 MR. PANEQUE: -- proofs.

24 MR. RENDO: I'd like to call up the -- the
25 architect.

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

3 VICE CHAIRMAN GRULLON: You may proceed,
4 Mr. -- Mr. Valella.

5 MR. RENDO: I believe our architect has
6 been sworn before, and has testified before this
7 Board many a times, so I'm sure you're familiar
8 with Mr. Valella.

9 VICE CHAIRMAN GRULLON: Yes, we are.

10 MR. RENDO: So --

11 MS. DILLON: And he was previously sworn.

12 MR. RENDO: He was.

13 MR. VALELLA: And I acknowledge that.

14 MR. RENDO: Okay, sir.

15 Were you able to draw some plans concerning
16 this project?

17 MR. VALELLA: Yes.

18 But before I go there, I want to personally
19 congratulate Mr. Rendo. He's our newly minted
20 Mayor of the Town of Woodcliff.

21 MR. M. ORTIZ: All right.

22 (Applause.)

23 MR. RENDO: Thank you.

24 This has no bearing on this application.

25 MR. VALELLA: Congratulations.

1 MR. RENDO: Thanks.

2 MR. VALELLA: Okay. All right. Let's get
3 back to it.

4 What we have before you, as counsel
5 mentioned, is a property on Summit Avenue,
6 between 16th and 17th Street, on Block 83, and
7 it's Lot 5.

8 This is an existing one story, retail
9 building, on Summit Avenue. It is a build -- a
10 retail building that has been empty for at least
11 a decade; at least ten years.

12 It's a space that is too big, and I'll go
13 into the sizes, to be commercial. It doesn't
14 seem to want a tenant.

15 Our client -- also, the other thing is,
16 it's -- it's the only one story building on the
17 block. It's like -- you know, it's a face, and
18 then all of a sudden, everything else there is
19 retail on the ground floor, and residential
20 above, like 90 percent of the main avenues in
21 Union City.

22 You have stores at the bottom, and you have
23 apartments on top.

24 So, my clients had came to me and said --
25 you know, I can't rent this place out. What do I

1 do?

2 I said, well, there's two things that I
3 would like to do. The space is too big, and
4 you're not going to get a tenant. It's too
5 expensive. Let's make two stores as opposed to
6 one.

7 So, I'd like to subdivide this -- the
8 retail space and create two stores.

9 The second thing is, it's empty at the top.
10 There's no life in this building at night.
11 Everyplace else has residential above.

12 So, I recommended that we add three
13 apartments on top of the store.

14 So, that's the application before you.
15 We'd like to add two floors to create three
16 apartments. Two on the second floor, and a third
17 apartment on the third floor.

18 And then, have the retail space be a
19 manageable size, so you can have two stores at
20 the bottom. Hopefully, get this building back
21 into -- into life. Into productive life.

22 Right now, it's -- as I said, it's been
23 empty for decades. It's just -- it's too big.
24 It seems to be not a good fit with the needs of
25 the -- of the retail stores and so on, in town.

1 So, the building itself is on a 1,664
2 square foot lot. It is 50 feet wide, by 33 feet
3 deep. And it covers the entire yard.

4 So, what I'd like to do, as mentioned, on
5 the ground floor is put a staircase in the
6 middle, and then have stores on the left, stores
7 on the right.

8 Each store would be about 640 -- well,
9 store number 1 would be 643 square feet. And
10 store number 2 would be 687.

11 On the second floor would be an apartment,
12 which would be a one bedroom, 666 square foot
13 apartment. And on the right side would be
14 apartment number 2, which would be 711 square
15 feet. And that also is a one bedroom.

16 On the third floor would be the third
17 apartment, and that is three bed -- four bedroom
18 apartment. And that would be 1,550.

19 The reason we have three apartments is
20 because when you go to a fourth apartment, the
21 ADA laws kick in, and the property is not big
22 enough to introduce an elevator and have four
23 dwelling units. So, we're holding it to three,
24 but the third floor, then, becomes bigger.

25 The properties all along Summit on this are

1 bigger. They're -- you know, they have the store
2 at the bottom, and they have three, four, five,
3 six stories of residential above.

4 This is an opportunity to make the building
5 more in keeping with the character, size-wise,
6 and use-wise of the -- of the block, and bring
7 the -- the retail back into productive life.

8 And that's -- that's basically -- you know
9 --

10 MS. DILLON: Can you hold on one second?
11 Go ahead. I'm sorry.

12 MR. VALELLA: You all right?

13 MS. DILLON: I may -- I may have to switch
14 systems. It just froze for a second, and I don't
15 know why.

16 MR. VALELLA: Take your time.

17 MS. DILLON: No. Go ahead. It's
18 recording, but if I stop you, I'm going to switch
19 out.

20 MR. VALELLA: Want to switch out?

21 MS. DILLON: Keep going. I'll --

22 MR. VALELLA: Okay.

23 So, that's it in a nutshell.

24 You know, I went -- I pass by there many a
25 time. It looks like not a happy building.

1 It's one story. It's empty. It's in
2 disrepair. It can't be rented, and this is an
3 opportunity to bring life back into this
4 property, which is an eyesore on the block. It's
5 the only one that's one story. It's the only one
6 that doesn't have residential above, and the only
7 one that's not being occupied.

8 MR. RENDO: And what is the exterior façade
9 now? And what would it look like if the
10 application is approved?

11 MR. VALELLA: Well, should you give me the
12 opportunity -- it's got black tinted glass. It's
13 -- it looks like it might have been a nightclub
14 or something in an earlier incarnation.

15 So, what I'd like to do is bring back clear
16 storefront that people can see in. Put brick on
17 the facades. Put proper safety lighting, and new
18 windows, et cetera.

19 So, make it like it must have been before.
20 At some point, this was built like this. An
21 apartment building was torn down to build this.
22 Make it what it was before. What it is, all
23 along the block. An apartment building with
24 residential stores on the bottom.

25 MR. RENDO: Correct.

1 I have no further questions of this
2 witness.

3 VICE CHAIRMAN GRULLON: Do you have any
4 other witness?

5 MR. RENDO: Yes. We have the planner.

6 MR. KAUKER: Good evening.

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

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

11 MR. KAUKER: I do.

12 MS. DILLON: Please state your name for the
13 record.

14 MR. KAUKER: Michael F. Kauker. It's
15 spelled K-A-U-K-E-R.

16 MS. DILLON: Thank you.

17 MR. RENDO: I believe Mr. Kauker has
18 testified before this Board and we move to accept
19 his qualifications.

20 VICE CHAIRMAN GRULLON: Yes. We -- it's
21 our pleasure to have Mr. Kauker.

22 MR. RENDO: Thank you.

23 Are we ready?

24 MS. DILLON: Yes.

25 MR. RENDO: Okay.

1 MR. KAUKER: Thank you.

2 MR. RENDO: Okay. Mr. Kauker?

3 MR. KAUKER: I certainly visited this site
4 and become familiar with this somewhat unique
5 property. It has characteristics, as Mr. Valella
6 has testified to, that are atypical and not
7 consistent with the surrounding buildings on
8 either side of Summit.

9 To give the Board a perspective, the block
10 that he described with retail on the first floor
11 and buildings ranging from three to five stories
12 in height, surround this subject site.

13 And on that block, essentially, between
14 16th and 17th Street, there are ten structures,
15 one of which rises to a level of five stories in
16 height.

17 The CN, neighborhood commercial zone within
18 which this property on this block is located
19 permits a total of four stories.

20 We, because certainly, we want to try to be
21 compatible, consistent with the neighborhood,
22 have proposed only two additional stories, for
23 three stories.

24 The average height of the ten structures on
25 that block, between 17th and 16th Street,

1 effectively is three stories in height.

2 There are essentially one five story
3 structure, seven three story structures, and two
4 two story structures, to give the Board an idea.

5 The key and the most difficult part of this
6 application, as the Board is well aware, is the
7 fact that this building covers the entire site.
8 It is on a very small lot. It has a -- the good
9 news is it has a street frontage of 50 feet,
10 which is in excess of the minimum requirement.

11 And essentially, you could effectively
12 place, and -- and it's done, two parking spaces
13 in front of the structure, even though they're
14 not -- certainly not guaranteed to be dedicated
15 to this building.

16 Right up the street, toward 17th Street, on
17 Summit, at the corner, is an established bus
18 station. That bus station, essentially, serves
19 three bus lines. Bus line number 83, 85, and 87.

20 One of the more unique natures of this
21 block, from a point of view that it is older and
22 well established, and the hard reality is, is
23 that there are virtually no off-street parking
24 spaces on this block.

25 And the reason I mention that one -- one

1 | could say, well, then, why are you asking for an
2 | additional two stories, which generate a need for
3 | parking, and you don't have any?

4 | The point that I'd like to make, because of
5 | that design and -- and unique nature of this
6 | particular block being a commercial block, which
7 | essentially does not -- your Ordinance does not
8 | require parking for commercial, but certainly for
9 | residential.

10 | And the point that I'd like to make is that
11 | the residents on this block, essentially because
12 | there is no on-street -- or off-street parking,
13 | have, over the years, learned to accommodate that
14 | -- that hardship that they have, and they -- for
15 | some way, shape or form, they -- they cope with
16 | that condition and find parking.

17 | We, essentially, when you calculate the
18 | need for parking in accordance with RSIS for the
19 | three units, would require six spaces.

20 | Essentially, as I recall over the years,
21 | the Board has recognized that this is a unique
22 | community. It's somewhat urban, and it doesn't
23 | really comport very well with the standards of
24 | RSIS, even though legally, it's a sounding block,
25 | and it's a -- it's a measuring stick.

1 Over the years, the Board has been
2 comfortable with a 1.4 standard, as I
3 respectfully recall.

4 And if you did the math on that, there
5 would be four spaces required, of which we,
6 essentially, cannot and certainly have a
7 reasonable, rational hardship associated with our
8 ability to upgrade this property, and provide not
9 the maximum building mass, at four stories, but
10 something that's more reasonable at three
11 stories, that comports with the average of the
12 development and the neighborhood.

13 And certainly, those three additional units
14 would, as the many, many other residents on this
15 street, find a way to cope and provide themselves
16 with adequate parking.

17 I think the fact that the bus station is so
18 proximate, near to this site, is another factor
19 that -- that, to some reasonable extent,
20 mitigates the nature of the variance that we're
21 asking for.

22 There are approximately 11 bulk standards
23 associated with this site. We, essentially, meet
24 eight of those particular requirements, with
25 three of them representing existing conditions.

1 We certainly have a lot area variance; 2500
2 square feet is required, and we, by virtue of the
3 unique limited size of this site have 1664 square
4 feet.

5 I might add that when you look at an aerial
6 of the building and become familiar with the
7 surrounding structural locations, there virtually
8 is no room whatsoever to, essentially, acquire
9 additional property to mitigate that situation.

10 So, what we have is all that we can get in
11 that context.

12 The other unique condition, which is an
13 existing condition that we have, is that the
14 depth of the lot is -- is 33 feet, where the
15 Ordinance contemplates or requires a hundred
16 feet.

17 That's mitigated somewhat by virtue of the
18 fact that the lot width minimum is 25 feet, but
19 we have double that because we have an oblong
20 lot.

21 One could look at this site and -- and try
22 to be rationally creative, in terms of providing
23 parking.

24 For all intents and purposes, you probably
25 could only get two parking spaces in -- directly

1 | into the first floor of the structure,
2 | theoretically, and still maintain maybe a
3 | thousand square feet for retail.

4 | Of course, that would obviate the two
5 | spaces that are in front of the lot, so --
6 | obviously, on the street, and not dedicated to
7 | this particular property.

8 | I think that's a 50/50 kind of a give and
9 | take situation. And at the end of the day, the
10 | building is, respectfully, not really large
11 | enough to accommodate that kind of redesign.

12 | So that -- I believe that, number one, that
13 | the nature of this application is a very modest
14 | one, one that is intended to take a property
15 | which is really inutile at this point, being
16 | vacant for ten years, and bringing it into some
17 | form of viability and -- and ability to be a
18 | expanded and enhanced contributor to this
19 | particular neighborhood.

20 | The buildings surrounding and on the block
21 | are very old. They've been there for years and
22 | years.

23 | I think that this particular design will
24 | represent a little bit of a breath of fresh air
25 | into the block itself. It's a very viable active

1 block, and in order to add some commercial
2 vitality and attract new tenants by virtue of a
3 new -- new structure, I think is certainly
4 another positive aspect of the application.

5 I believe that you could reasonably
6 consider the extreme nature of the variance that
7 we place before you, namely the parking. It's
8 very difficult to contemplate, and I can respect
9 that, a building not being able to provide
10 parking. But I think that this is a very unique
11 circumstance and situation, and one that I
12 believe deserves your reasonable consideration.

13 And thank you for your time. I know you've
14 had a long night.

15 MS. GUTIERREZ: That's all right.

16 MR. RENDO: Mr. Kauker, having grown up on
17 -- on Summit Avenue, I'm quite familiar with the
18 area. So -- but I'd like to direct you
19 concerning the -- the nature and character of the
20 neighborhood, as I remember it.

21 Is it your testimony that the vast majority
22 of structures on Summit Avenue are retail on the
23 bottom and residential up top.

24 MR. KAUKER: Yes, it is.

25 MR. RENDO: Okay.

1 And Summit Avenue is a thoroughfare that
2 goes north and south.

3 Is that correct?

4 MR. KAUKER: That's correct.

5 MR. RENDO: All right. And -- and
6 concerning the parking situation, Summit Avenue
7 is a metered, from what I recall, street.

8 MR. KAUKER: Absolutely. It's a -- it's
9 kind of a major collector. It has a great deal
10 of attractiveness and character, and I think it's
11 one of the backbones of the southerly end of
12 Union City.

13 And it certainly appears to have maintained
14 its appearance and viability over the years. And
15 I believe that this application would represent
16 an example to be able to continue that kind of
17 upgrade and maintenance of the -- I think the
18 physical environment is a very attractive one.

19 MR. RENDO: And concerning the -- the, I
20 guess, consistency of the thoroughfare of Summit
21 Avenue, if you put -- if you were able to provide
22 parking spaces there, would that break up the
23 metered parking that goes all the way from the
24 lower part of Union City, all the way up Summit
25 Avenue?

1 MR. KAUKER: Yes. It would break into that
2 -- that pattern.

3 MR. RENDO: That pattern.

4 MR. KAUKER: And I think that that pattern
5 is one of the reasons why, notwithstanding the
6 fact that it's on-street parking, that the on-
7 street parking has such a great degree of
8 effectiveness, in terms of supporting the
9 neighborhood and its continued success.

10 MR. RENDO: Would you say that this project
11 furthers the intent and purposes of the Union
12 City Zoning Ordinances?

13 MR. KAUKER: Absolutely. And I believe it
14 does. The theme of balanced housing and
15 rehabilitation of fallow properties, I think, is
16 one of the themes and objectives that's contained
17 within the new Master Plan.

18 MR. RENDO: And would you say that the
19 aesthetically pleasing building, the renovation
20 of the building, all the other items and issues
21 that you spoke outweigh any negative impact on
22 the Zoning Ordinance?

23 MR. KAUKER: Respectfully, I believe they
24 do.

25 MR. RENDO: Thank you.

1 I have no further questions of this
2 witness.

3 VICE CHAIRMAN GRULLON: Do you have any
4 other witness?

5 MR. RENDO: No. We don't have any other
6 witnesses, at this moment.

7 VICE CHAIRMAN GRULLON: Okay.

8 MR. RENDO: But I would reserve in case
9 there's testimony.

10 VICE CHAIRMAN GRULLON: Yes.

11 Mr. Kauker, --

12 MR. KAUKER: Yes?

13 VICE CHAIRMAN GRULLON: -- the existing
14 unit that is there now, is that conforming with
15 the -- with the Ordinance of the City?

16 MR. KAUKER: Yes, it is. Number one, in
17 terms of stories, obviously, because four stories
18 are permitted.

19 VICE CHAIRMAN GRULLON: No. I mean, the
20 existing. The existing condition.

21 MR. KAUKER: There are -- there are three
22 existing conditions. Namely, the depth of the
23 lot, and the size of the lot.

24 VICE CHAIRMAN GRULLON: I mean, is this
25 building permitted right now, as it is?

1 MR. KAUKER: That's -- that's the
2 structure.

3 VICE CHAIRMAN GRULLON: Is it permitted on
4 the -- on the zone?

5 This is the CN zone.

6 MR. KAUKER: That's right. Right now, the
7 -- the structure itself is conforming to the
8 Ordinance, because it's commercial in nature.

9 All other uses are permitted. So,
10 residential is permitted in addition to
11 commercial.

12 And we -- essentially, that building as it
13 sits there, conforms to existing parking
14 requirements --

15 VICE CHAIRMAN GRULLON: Mr. --

16 MR. KAUKER: -- which are zero.

17 VICE CHAIRMAN GRULLON: Mr. Spatz?

18 MR. SPATZ: Yes?

19 VICE CHAIRMAN GRULLON: Just to -- to
20 educate the Board, in the CN zone, is commercial
21 only permitted, or there has to be commercial and
22 residential?

23 MR. SPATZ: No. Commercial is permitted.
24 Residential is only permitted if it's -- if
25 there's a commercial unit in -- in the building,

1 and that it's only allowed on upper floors.

2 But it is possible to just have a
3 commercial building on that property. However,
4 what's proposed fits in with the Ordinance.

5 VICE CHAIRMAN GRULLON: Is --

6 MR. SPATZ: The only reason they're before
7 this Board is because of the way the Ordinance is
8 written. You have to have four or more units in
9 order to go to the Planning Board. Since they
10 only have three units, technically, it puts them
11 at this Board.

12 But it is what -- it is permitted within
13 that zone.

14 VICE CHAIRMAN GRULLON: Okay.

15 MR. RENDO: And Mr. Kauker, it does create
16 consistency with the rest of Summit Avenue, with
17 having commercial on the bottom.

18 MR. KAUKER: Yes, it does.

19 MR. RENDO: And residential --

20 MR. KAUKER: Right now, that -- that
21 property kind of stands out as being one of the
22 least attractive and desirable on the block.
23 That's for sure.

24 MR. RENDO: Thank you.

25 VICE CHAIRMAN GRULLON: Did you get an

1 opportunity to see what's on the back of the
2 unit, the property at the back of the unit?
3 Maybe Mr. --

4 MR. KAUKER: Orestes?

5 Chairman would like to know about the
6 design of the rear of the structure, I think.

7 MR. VALELLA: Yes. We would do all four
8 walls in brick, in finished brick. And we cannot
9 have windows --

10 VICE CHAIRMAN GRULLON: Let me rephrase my
11 question is that --

12 MR. VALELLA: Oh, I'm sorry.

13 VICE CHAIRMAN GRULLON: -- the mean of
14 egress, like is any exit proposed on the back of
15 the building?

16 MR. VALELLA: No. No. We are required --
17 we have a stair going down to the street, and at
18 the number of stories and the number of dwelling
19 units, one means of egress is required. We would
20 have that.

21 In addition to that, we would have fireman
22 egress -- fireman's access windows.

23 VICE CHAIRMAN GRULLON: Okay.

24 MR. VALELLA: So, the design, as -- as
25 proposed fully meets the Building Code in all

1 respects. It would also be fully sprinklered, it
2 would have an alarm monitor, it would be fully
3 compliant with all the egress, fire, et cetera,
4 et cetera, et cetera.

5 VICE CHAIRMAN GRULLON: And --

6 MR. VALELLA: If I may add, I'm sorry. I
7 don't want to be out of -- out of --

8 VICE CHAIRMAN GRULLON: No. I think my
9 next question will be to you, Mr. --

10 MR. VALELLA: Okay.

11 VICE CHAIRMAN GRULLON: -- Valella.

12 The building material that you're going to
13 be using. Is it all brick?

14 MR. VALELLA: It's all brick. It would all
15 be real brick, no decorative thin brick. It
16 would have clear glass in the storefront, which
17 is something that is sorely needed right now.
18 New storefront.

19 The building, for all intents and purposes,
20 will be a brand new building by the time we
21 finish. We'll have security lighting,
22 sprinklers, et cetera.

23 Now, if I may diverge a second, there was a
24 consider -- you postulated the option of having a
25 garage on the ground floor.

1 I considered that and I came to the
2 conclusion that maintaining the stores, and
3 stores that are rentable, is better to keep life
4 on the street than to stop the stores, and then
5 --

6 So, I contemplated. I came to the
7 conclusion that this is the better way.

8 And the reason I put the residential is to
9 keep life in the building 24 hours a day. I did
10 not want to have a dark building after seven
11 o'clock or so.

12 This is -- these are -- this proposal has
13 been thought through.

14 MR. RENDO: And Mr. Valella,
15 architecturally, it's consistent with the whole
16 --

17 MS. DILLON: Just one step closer, Mr.
18 Valella, please.

19 MR. VALELLA: Yeah.

20 MR. RENDO: Architecturally, it's
21 consistent with the rest of the block --

22 MR. VALELLA: Yes.

23 MR. RENDO: -- and the neighborhood, where
24 you have the storefronts in the front, in the --
25 in the bottom, and the apartments up top.

1 MR. VALELLA: Yes.

2 MR. RENDO: So it would break the
3 consistency if you try to put a garage in the
4 middle.

5 MR. VALELLA: Yes.

6 MR. RENDO: Just doesn't fit into the --

7 MR. VALELLA: No.

8 MR. RENDO: -- architectural --

9 MR. VALELLA: No. And also, from an urban
10 standpoint, this is what it wants to be.

11 Anything else?

12 VICE CHAIRMAN GRULLON: Just one more.

13 But let me --

14 Mr. Spatz?

15 MR. SPATZ: Yes.

16 VICE CHAIRMAN GRULLON: On Summit Avenue --

17 MR. SPATZ: Yes.

18 VICE CHAIRMAN GRULLON: -- is a curb cut
19 permitted there, if they request for parking?

20 MR. SPATZ: I don't think the City would
21 permit a curb cut there. In fact, the Ordinance
22 for -- does not require parking for the
23 commercial uses, I think to keep the curb cuts
24 off the street.

25 VICE CHAIRMAN GRULLON: Even if they want

1 to try to provide parking, that would not be
2 permitted because --

3 MR. SPATZ: That -- that's correct. I
4 don't believe that the City would permit a curb
5 cut on -- on Summit Avenue. Certainly not one
6 that would take away needed parking spaces.

7 VICE CHAIRMAN GRULLON: And my last -- my
8 last question, Mr. Valella.

9 MR. VALELLA: Yes.

10 VICE CHAIRMAN GRULLON: Could you explain
11 again the -- the third unit? It's only one unit.

12 MR. VALELLA: Yes.

13 VICE CHAIRMAN GRULLON: Fifteen hundred
14 square feet --

15 MR. VALELLA: Yes.

16 VICE CHAIRMAN GRULLON: -- 1550. Could you
17 explain that unit again?

18 MR. VALELLA: Sure.

19 The -- the third floor is basically the
20 space that we have left over. I wanted to
21 maintain the façade of the building, so I have a
22 large space. I have 1550 square feet. I have a
23 -- you come in, you have a living room/dining
24 area. And then, you have four bedrooms, and the
25 bathroom for the apartment. Two bathrooms.

1 VICE CHAIRMAN GRULLON: And why making that
2 only one unit?

3 MR. VALELLA: Because --

4 VICE CHAIRMAN GRULLON: When -- if you had
5 two unit there, you wouldn't have to be in front
6 of this Board.

7 MR. VALELLA: If -- no, no. I -- I would
8 not have to be in front of the Board if I went to
9 four units, but the density would increase.

10 And also, at four units, I would need to
11 have an elevator, because then I would be
12 triggering the ADA, the Americans with
13 Disabilities Act.

14 And the building is not big enough to
15 handle an elevator. I would be destroying my
16 stores.

17 So, I -- my client wanted four units, but I
18 said at four with -- the building doesn't work.

19 VICE CHAIRMAN GRULLON: Yes. I think this
20 is --

21 MR. VALELLA: So I went to three.

22 VICE CHAIRMAN GRULLON: This is the first
23 time that we asking for more units.

24 MR. VALELLA: No, but it hurts -- see,
25 again, the same way as I want to keep the stores

1 -- I want to keep that building alive. I want to
2 keep it alive during the day, while people are at
3 work, with the stores, and at night, when the
4 store is closed, with the people.

5 But having a fourth unit, I could not have
6 my stores.

7 VICE CHAIRMAN GRULLON: Mr. Rendo, did you
8 say that the building is being unoccupied for --
9 for a long time?

10 MR. RENDO: I think I would rather have the
11 expert testify.

12 MR. VALELLA: At least for a decade. It's
13 too big and too dark.

14 MR. RENDO: It's been abandoned, basically.

15 VICE CHAIRMAN GRULLON: I don't have any
16 more question.

17 Any -- any member?

18 Any member of the public want to step
19 forward?

20 MS. DILLON: Mr. Price, please raise your
21 right hand.

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

24 MR. PRICE: I do.

25 MS. DILLON: Name and address for the

1 record.

2 MR. PRICE: Larry Price, 1006 Palisade
3 Avenue.

4 First a comment, and then I have a
5 question.

6 Lot of talk about parking here. Let me
7 just read from the Land Development Ordinance,
8 the original -- whatever.

9 And this goes to the requirement for
10 residential parking. And it's footnote 1-6 -- 5.
11 Sorry. C5. Okay.

12 No off-street parking spaces shall be
13 required for the first six dwelling units in a
14 building located on Bergenline Avenue, between
15 30th Street and 47 -- 47th Street, or on Summit
16 Avenue between 5th Street and 18th Street.

17 This is in that zone. There is no parking
18 require -- no residential parking requirement.
19 And by the way, there's no non-residential
20 parking -- store requirement.

21 VICE CHAIRMAN GRULLON: What page is that,
22 Mr. Price?

23 MR. PRICE: Well, you -- well, I --

24 VICE CHAIRMAN GRULLON: That's okay.
25 That's okay.

1 MR. PRICE: -- it's on page 92 --

2 VICE CHAIRMAN GRULLON: Ninety-two. Okay.

3 MR. PRICE: -- of the original. You know,
4 it's all been converted to gibberish. You know,
5 Chapter 223, but --

6 So, I could -- but this is the old one.
7 But it --

8 VICE CHAIRMAN GRULLON: Okay. You may --

9 MR. PRICE: It still --

10 VICE CHAIRMAN GRULLON: You may continue,
11 Mr. Price. You said a comment and a --

12 MR. PRICE: Yeah. That -- that's the
13 comment.

14 Anyway, so there's no --

15 MR. VALELLA: I can attest to that. I --
16 I've read the active zoning and there is no
17 parking requirement.

18 VICE CHAIRMAN GRULLON: Yes.

19 MR. PRICE: No parking. Now --

20 VICE CHAIRMAN GRULLON: Yeah. I mean
21 that's why I was confused because --

22 MR. PRICE: I have a --

23 VICE CHAIRMAN GRULLON: -- I was hearing --

24 MR. PRICE: Question.

25 Oh, yeah, by the way, this is a very unique

1 lot. I've never seen a lot that had 50 feet of
2 frontage and 33 feet of --

3 MR. VALELLA: Yeah.

4 MR. PRICE: -- depth.

5 MR. VALELLA: It's very unusual.

6 MR. PRICE: Unusual lot.

7 Okay. The building in the back goes to the
8 lot line.

9 MR. VALELLA: The building in the back --
10 the frame -- there's a garage that goes -- a
11 frame garage, small garage in the back.

12 And the -- the one to the side of it has a
13 piece of it, maybe four feet, that goes to the
14 back.

15 MR. PRICE: Where is this garage?

16 MR. VALELLA: No. The other property in
17 the rear.

18 MR. PRICE: Oh, okay. Well, my -- I'm
19 talking about your property.

20 MR. VALELLA: Yes.

21 MR. PRICE: The proposed building goes to
22 the property.

23 MR. VALELLA: My proposed building fully
24 covers the site.

25 MR. PRICE: Goes to the property.

1 MR. VALELLA: Thirty-three by 50.

2 MR. PRICE: Okay.

3 How high will the building be in the back?

4 MR. VALELLA: The building will be 35 feet.

5 MR. PRICE: Okay.

6 And then, the next question I have is,
7 what's behind -- you got, basically, sort of two
8 lots.

9 What's behind that lot?

10 MR. VALELLA: Behind our lot is a rear yard
11 and a small residential frame garage.

12 MR. PRICE: So, there must be a house on
13 the --

14 MR. VALELLA: There must be a house on the
15 opposite side.

16 MR. PRICE: On --

17 MR. KAUKER: Seventeenth Street.

18 VICE CHAIRMAN GRULLON: Seventeen.

19 MR. PRICE: Seventeenth Street and one on
20 16th Street, but you -- you front on the backyards
21 of those two.

22 MR. VALELLA: Yes.

23 MR. PRICE: So, there are no buildings
24 behind you.

25 Okay. Very good.

1 Thank you.

2 MR. VALELLA: You know, this is -- if I may
3 expand on it.

4 This is something I really considered when
5 my client came to me and said, what can I do with
6 this building?

7 This is not something that is frivolously
8 thought out. This is how I think the street can
9 be repaired.

10 It's an unusual situation that calls for an
11 unusual solution.

12 I'm very proud of it.

13 Thank you.

14 MR. RENDO: Thank you.

15 VICE CHAIRMAN GRULLON: Thank you.

16 Any other member of the public?

17 No one else?

18 Closed to the public.

19 Okay. Taking in consideration that this
20 building is going to be conforming to the zone,
21 and is going to provide residences -- needed
22 residences to the -- to the neighborhood, I make
23 a motion to grant the application.

24 THE SECRETARY: Motion to grant the
25 application by Vice Chairman Victor Grullon.

1 Second the motion by Mr. Pressey.

2 Roll call on the motion.

3 Mr. Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Mrs. Gutierrez?

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: Mr. Ortiz?

8 MR. M. ORTIZ: Yes.

9 THE SECRETARY: Mr. Pressey?

10 MR. PRESSEY: Yes.

11 THE SECRETARY: Mr. Dardir?

12 MR. DARDIR: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mr. Doumas?

16 MR. DOUMAS: Yes.

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

19 MR. RENDO: Thank you. Have a good
20 evening.

21 VICE CHAIRMAN GRULLON: Thank you.

22 MS. GUTIERREZ: Thank you.

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

25 * * *

1 **1901 Summit Avenue, LLC - 1901 Summit Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 1901 Summit Avenue, LLC, 1901
5 Summit Avenue.

6 Mr. Alonso, please.

7 MR. ALONSO: Thank you.

8 Members of the Board, for the record,
9 Alvaro Alonso, Alonso Navarette, on behalf of the
10 applicant.

11 I provided counsel with my proof of
12 publication and notices that he's reviewing for
13 jurisdictional purposes.

14 MR. PANEQUE: For the record, I've been
15 provided, by Mr. Alonso, with an Affidavit of
16 Publication, which indicates that on October 30th,
17 notices were sent out, via certified, return
18 receipt mail, giving notice to all neighbors --
19 property owners within the 200 foot radius of
20 tonight's meeting.

21 I've also been provided with a copy of the
22 Affidavit of Publication, indicating that notice
23 was published of today's meeting, with respect to
24 this application for 1901 Summit Avenue, LLC, on
25 The Jersey Journal newspaper, which was published

1 on --

2 MS. GUTIERREZ: Bless you.

3 MR. PANEQUE: -- October 31st, 2015,

4 Mr. Alonso has also provided me with a list
5 from the Tax Assessor's Office with the names of
6 all property owners within 200 feet of the
7 subject site.

8 The proofs appear to all be in order, and
9 this application can be heard by the Board, as it
10 has jurisdiction.

11 VICE CHAIRMAN GRULLON: You may proceed,
12 Mr. Alonso.

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

15 The Board may recall that several years
16 ago, this -- there was an application that was
17 approved. At that time, the architect was Manny
18 Pereiras, and the attorney was Mrs. Pereiras.

19 My client was not the applicant at the
20 time. My client subsequently bought the project
21 with the approvals.

22 We came before this Board a couple of
23 months ago and we had requested amended approvals
24 in order to make certain revisions.

25 Ultimately, this Board approved an

1 application with 24 units. And we made certain
2 concessions and certain revisions based on the
3 comments that were made by the Board, as well as
4 some of the members of the public -- as a matter
5 of fact, one of the -- the neighbors was here,
6 and he had certain concerns.

7 So, we made some -- some modifications and
8 -- and the application was approved.

9 As of right now, the Resolution has not yet
10 been memorialized, but after the hearing, my
11 client took further note of some of the comments
12 and recommendations with respect to the side
13 yards.

14 What we did was we filed a new application.
15 We increased the setbacks. We reduced the units
16 from 24 to 21, and made some other modifications.

17 So, what we're here to do is hopefully have
18 the final version what this application,
19 hopefully, is going to be.

20 I have two witnesses this evening. I have
21 Albert Arencibia, who is the architect. Mr.
22 Arencibia testified at the last meeting with
23 respect to the first round of -- of amendments.

24 And also, Mr. Kauker. Mr. Kauker was the
25 planner in the first application, the second

1 application, and now the third application.

2 So, with that said, I will have Mr.

3 Arencibia --

4 MR. ARENCIBIA: Hasn't been that long ago.

5 MS. DILLON: Please raise your right hand.

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

8 MR. ARENCIBIA: I do.

9 MS. DILLON: Please state your name for the
10 record.

11 MR. ARENCIBIA: Albert Arencibia.

12 MS. DILLON: Thank you.

13 MR. ALONSO: Mr. Chairman, I'll ask that
14 Mr. Arencibia's qualifications be accepted in the
15 field of architecture.

16 VICE CHAIRMAN GRULLON: Yes. It's our
17 pleasure. He's been in front of this Board on
18 many occasions.

19 MR. ARENCIBIA: Thank you very much.
20 Appreciate it.

21 MR. ALONSO: Thank you.

22 Mr. Arencibia, this is the third go around
23 for this application.

24 You reviewed the original application that
25 you were not an expert witness on, but you

1 reviewed the original application.

2 MR. ARENCIBIA: That's correct.

3 MR. ALONSO: Is that correct?

4 MR. ARENCIBIA: Yes.

5 MR. ALONSO: You also presented the -- the
6 amended application, which was approved several
7 months ago.

8 Correct?

9 MR. ARENCIBIA: That is correct.

10 MR. ALONSO: Okay.

11 And at that time, there were certain
12 revisions that were made, and you prepared to
13 submit the -- the revised plans, in accordance
14 with those approvals.

15 Correct?

16 MR. ARENCIBIA: That is correct.

17 MR. ALONSO: Okay.

18 And there were revisions made based on the
19 comments made by the Board, as well as members of
20 the public.

21 MR. ARENCIBIA: That's correct.

22 MR. ALONSO: Okay.

23 After all that was done, and after we
24 agreed to make certain revisions, and downsize
25 the project, were there further discussions, in

1 terms of how to further reduce this project?

2 MR. ARENCIBIA: Yes. Thank you very much,
3 everybody on the Board.

4 Yeah. One of the things that really came
5 out of the -- the last application was that we
6 heard a lot of concern with respect to the -- the
7 frontage of the building, the interior lot
8 setback from the adjacent neighbor's property,
9 and so forth.

10 And at the end of the day, while we did get
11 the approval of the application for the number of
12 units, some of the -- some of the things that we
13 had to do in order to make the actual project
14 comply with some of the requirements of the
15 Board, we had to shrink the building. And as a
16 result of that, we had to shrink the drive aisle
17 of the actual parking in order to make that
18 happen.

19 That, to us, created more of a more -- more
20 difficult situation for the cars to move in and
21 out of the parking area.

22 And we also needed to consider also the
23 adjacent neighbor, and also the setbacks from the
24 corner, which was another issue.

25 So, we actually went back and revisited the

1 entire application. Rather than go back and
2 provide something to the Board that would be kind
3 of somewhat -- complying with the Board, but
4 something that we -- I know my client would not
5 be happy with not having a project that was
6 really well designed and well developed, we went
7 back and said -- you know, let's really rethink
8 this a little bit.

9 We know -- we know the issues. We know
10 what the Board wants. We know what the concerns
11 were of the Board. So, let's see if we can kind
12 of make this project a little better.

13 So that's what we did. We went back ahead,
14 and considered some of the options.

15 One of the things, of course, was to create
16 more of a setback scenery from 19th Street. And
17 also, to create more of a buffer between the
18 adjacent neighbor who had some concerns.

19 So, we did that.

20 We were also able to maintain the parking
21 structure pretty much the way it was. We -- we
22 limited the number of parking by reducing part of
23 the excavation we were doing to provided two full
24 floors of parking. So, we're only excavating
25 part of the floor below, so we will minimize

1 parking. But the parking ratio is basically
2 going to stay the same, based on the fact that we
3 also dropped down three units in -- in the
4 building itself.

5 So, in essence, what we did was we reduced
6 the density of the building. We reduced the
7 coverage of the building itself. We increased
8 side yards. We increased landscaped area. In
9 essence, we basically have an application here
10 that's, other than the fact that for a parking
11 variance, there really is no -- there really is
12 no other variance involved.

13 MR. ALONSO: And also, D-1 use variance.

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

15 MR. ALONSO: Which was already approved by
16 the --

17 MR. ARENCIBIA: Which was approved
18 previously. Right.

19 So, as you can see before you, you have
20 basically a much improved more application than
21 what was already approved previously.

22 Our setbacks comply. Like I said, our side
23 yards comply. And, in essence, the building
24 itself is roughly pretty much fairly similar to
25 the building that we presented before. It was a

1 nice modern building, brick finishes. We were
2 going to have also some cement stucco on the
3 building itself.

4 I have a rendering here I'd like to --

5 VICE CHAIRMAN GRULLON: Oh, yes, please.

6 MR. ARENCIBIA: -- mark as an exhibit.

7 MR. ALONSO: So, we'll mark this as A-1.

8

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

11

12 MR. ALONSO: And please identify what A-1
13 is.

14 MR. ARENCIBIA: A-1 is basically a
15 rendering of the building as we propose.

16 Again, you see the nice corner. We're
17 going to have the stone work along the bottom of
18 the base here, flanked by brick columns and
19 piers.

20 These piers are going to continue up to the
21 top of the building.

22 We're all going to have like metal facing,
23 on the front and between the panels themselves.
24 So, again, a nice modern clean crisp building,
25 very similar to the building that was approved

1 here previously.

2 A little bit maintaining the same movement
3 that we had before, with some areas that punch
4 out, and areas that set back again.

5 Again, it creates some nice interest to the
6 actual building.

7 Height-wise, we're basically at the same
8 height, so we have not increased the height at
9 all.

10 To -- to us, it felt like a much better
11 application. The building is going to read much
12 better from the corner, with the additional
13 setbacks.

14 So, we feel that it's a very good project
15 and --

16 MR. ALONSO: And the exterior materials
17 that you were demonstrating on the board, they
18 comply with the Ordinance with respect to
19 materials.

20 MR. ARENCIBIA: That is correct. That is
21 correct.

22 MR. ALONSO: All right.

23 So, I'm going to ask you just to go over
24 the site plan, and just indicate what the actual
25 setbacks are now.

1 MR. ARENCIBIA: Okay.

2 MR. ALONSO: And before you do that, the
3 first application was approved based on a
4 Greyfield development.

5 Is that correct?

6 MR. ARENCIBIA: That is correct.

7 MR. ALONSO: And the second application, we
8 actually were going away from that and which is
9 the demolition of the building, and just building
10 a new structure.

11 MR. ARENCIBIA: Correct.

12 MR. ALONSO: Okay.

13 MR. ARENCIBIA: As presently, the Board to
14 know, the building has actually been taken down.

15 VICE CHAIRMAN GRULLON: Yes.

16 MR. ARENCIBIA: So, it is an open -- open
17 site right now as it is.

18 MR. ALONSO: Right.

19 And what we're trying to do is bring it
20 back more in conformity with the original
21 Greyfield development, in terms of the setbacks.

22 MR. ARENCIBIA: That is correct. Yes.

23 MR. ALONSO: Like I said, if you could just
24 please describe the setbacks.

25 MR. ARENCIBIA: Okay.

1 So, roughly, on 19th Street, off Summit
2 Avenue, you roughly have over eight feet on the
3 corner. Again, as you recall last application,
4 this lot is actually skewed a little bit.

5 So what you have is eight foot and change
6 on the corner of Summit Avenue and 19th Street.
7 And at the rear, with the one section, the stair
8 actually projects out. It's five feet, but at
9 the rear -- actually, end of the building is over
10 about seven feet at the end of the building
11 itself. So --

12 MR. ALONSO: And the last application, the
13 amendment actually, we agreed to do two feet,
14 which would go to three feet.

15 MR. ARENCIBIA: Correct.

16 MR. ALONSO: And now we're doing seven feet
17 to eight feet.

18 MR. ARENCIBIA: Correct. That is correct.

19 So, you could see, there's much more
20 greenery involved here. And on the interior
21 yard, we're proposing on having two feet. We
22 basically have ten feet, and it goes up to about
23 11 feet.

24 So, in essence, it reduces the density of
25 the building tremendously. Gives it much more of

1 a street presence and sets it back much more from
2 the street.

3 MR. ALONSO: Okay.

4 Now, I see you have the zoning analysis
5 table. And Mr. Kauker will testify as to the
6 variances.

7 But being that it's a D-1 use variance, the
8 bulk variances would be subsumed.

9 Can you identify -- comparison -- for
10 comparison purposes, whether or not we comply
11 with the bulk requirements?

12 MR. ARENCIBIA: Yes. All -- we comply with
13 all of the bulk requirements, in the -- in the
14 zone.

15 MR. ALONSO: Okay.

16 MR. ARENCIBIA: Yeah.

17 MR. ALONSO: Can you just show us a typical
18 floor layout?

19 MR. ARENCIBIA: Again, the -- the actual
20 entrance of the lobby area is on the interior
21 side of the lot, off of Summit Avenue.

22 What you have is, you have a lobby, then
23 you have the elevator that brings you up to a
24 center spine corridor, where you have your
25 apartments along the perimeters of the space.

1 The two means of egress. One -- one stair
2 goes out -- out to the street in the back. The
3 other stair goes down to the lobby in the front,
4 and it goes out the building in the front.

5 All the units are going to have an eating
6 area, two bedrooms, the bathrooms. All the
7 mechanical systems are going to be within the
8 units, just like it was before.

9 Bathrooms are going to be -- master bedroom
10 is going to have their own bathrooms with a
11 closet.

12 So, very modern building, very much in
13 demand in this -- in this area, in the zone right
14 now.

15 MR. ALONSO: And in order to accommodate
16 the additional setbacks, we went from eight units
17 per floor to seven units per floor.

18 MR. ARENCIBIA: That is correct. Yes.

19 MR. ALONSO: Were there any additional
20 modifications made to this plan, as -- as
21 compared to previously approved?

22 MR. ARENCIBIA: Well, I mean, the
23 configuration, of course, changed significantly,
24 because we actually shrunk the building itself,
25 but roughly the same -- the square footage on the

1 units pretty much stayed the same, between 900
2 and change and about a little bit under 1100
3 square feet.

4 So, the size of the units all stayed pretty
5 much what we had on the previous application.

6 MR. ALONSO: Is there anything else you
7 need to add?

8 MR. ARENCIBIA: I would just like to say
9 that I really like -- would like to commend our
10 client, because he really did want to do
11 something much better than we had gotten approval
12 for before.

13 So, really, my -- my hat's off to him for
14 -- for being the impetus of doing this.

15 MR. ALONSO: Mr. Chairman --

16 VICE CHAIRMAN GRULLON: Thank you.

17 MR. ALONSO: -- I have no further questions
18 for the architect.

19 VICE CHAIRMAN GRULLON: Could you bring
20 your next witness?

21 MR. ALONSO: Sure.

22 Mr. Kauker?

23 MR. ARENCIBIA: And I apologize. I left my
24 easel in my office.

25 VICE CHAIRMAN GRULLON: That's okay.

1 MR. ALONSO: He's got to hand off the mic.

2 MS. DILLON: If he stands -- Mr. Kauker,
3 you can just stand in front of the mic.

4 MR. KAUKER: I can do that.

5 MS. DILLON: Mr. Arencibia just --

6 MR. ARENCIBIA: Hold on to it? Take it?

7 MS. DILLON: -- you're still on, so just
8 don't talk.

9 MR. KAUKER: Take it home with you.

10 MS. DILLON: Mr. Kauker was previously
11 sworn.

12 MR. KAUKER: Yes, ma'am. Thank you.

13 MR. ALONSO: Mr. Chairman, I would just ask
14 that his qualifications be continued. He was
15 qualified previously this evening.

16 VICE CHAIRMAN GRULLON: Yes. We accept his
17 qualifications.

18 MR. ALONSO: Thank you.

19 MR. KAUKER: Thank you.

20 MR. ALONSO: Mr. Kauker, you testified in
21 the original application several years ago.

22 Is that correct?

23 MR. KAUKER: Yes, I did.

24 MR. ALONSO: Okay. And you testified at
25 the last application, which was approved a couple

1 months ago.

2 Is that correct?

3 MR. KAUKER: I did. I did, which was an
4 amendment to the original application.

5 MR. ALONSO: Right. And -- and
6 essentially, in both of those applications, the
7 applicant requested a D-1 use variance.

8 MR. KAUKER: That is correct.

9 MR. ALONSO: And that D-1 use variance
10 continues in this application.

11 Is that correct?

12 MR. KAUKER: Yes, it does.

13 MR. ALONSO: Okay.

14 Now, based on -- on the changes that were
15 made, do you have an opinion as to the standard
16 of proof, with respect to the D-1?

17 MR. KAUKER: I believe that the
18 modifications and improvements that have been
19 made, making this a much more acceptable
20 redevelopment, which compliments the
21 neighborhood, but also respects the property
22 rights and lifestyle amenities that are -- that
23 accrue to adjacent property owners.

24 I think that that's a significant change in
25 the application, that represents an improvement

1 of the positive criteria, testified to, I
2 believe, a year and a half or two years ago.

3 And it also, by virtue of the productive
4 suggestions of the Board, and the members of the
5 public, makes this a much more attractive and
6 compliant building, which essentially improves
7 the negative criteria aspect of my original
8 testimony.

9 MR. ALONSO: Right. Now, in Union City, we
10 don't define density any longer by number of
11 units per acre, now it's really more as to the
12 size of the units.

13 MR. KAUKER: That's correct.

14 MR. ALONSO: The size of the units haven't
15 changed, so really the density impact hasn't
16 changed.

17 MR. KAUKER: That is correct.

18 MR. ALONSO: But from an intensity
19 perspective, the fact that we reduced it by three
20 units, does that also go towards the positive or
21 negative criteria?

22 MR. KAUKER: That reduces the intensity,
23 and it reduces essentially, even though it's not
24 in play, it reduces the net density ratio for
25 this particular property.

1 MR. ALONSO: Now, in terms of the parking.
2 We -- we do require a parking variance.

3 Originally, this was approved with a 1.8 parking
4 spaces per unit ratio, and now it's down to 1.7.

5 Can you give us any testimony with respect
6 to the comparison and the changes?

7 MR. KAUKER: Well, again, I believe the
8 standard is -- from which we deviate is 2.0 for
9 the property.

10 And the 1.7 is midway between the -- the
11 Board's commonly used 1.4 standard and somewhat
12 in excess of that.

13 I believe that the 1.7 ratio is so close to
14 the original approval that it makes -- that the
15 difference is -- is absolutely minimal.

16 MR. ALONSO: And -- and the Board
17 previously granted the parking variance. So that
18 would -- that would continue.

19 MR. KAUKER: That's correct.

20 MR. ALONSO: Can you -- would your
21 testimony, other than what you've already
22 testified to, would it change at all?

23 MR. KAUKER: No, it would not.

24 MR. ALONSO: Okay.

25 And other than a D-1 use variance, which we

1 -- which we addressed, and the parking variance,
2 there are no bulk variances which would be
3 subsumed.

4 MR. KAUKER: That is correct. And in
5 addition to the fact that taken independently,
6 all of the bulk requirements are met, or
7 exceeded.

8 For one simple example, this lot is
9 oversized; 7500 square feet required, we have
10 12,500, to give you -- give the Board an example
11 of one area where we exceed minimum requirement
12 of the Ordinance.

13 MR. ALONSO: Okay.

14 Is there anything else you need to add to
15 your testimony with respect to the variances?

16 MR. KAUKER: No. No, there is not.

17 MR. ALONSO: Mr. Chairman, I have no
18 further questions.

19 VICE CHAIRMAN GRULLON: Thank you. Mr.
20 Kauker.

21 Do you have any other witness?

22 MR. ALONSO: That's it.

23 VICE CHAIRMAN GRULLON: I only have one
24 question for Mr. Arencibia.

25 Could you explain the -- the parking? You

1 have two curb cuts.

2 MR. ARENCIBIA: Yes.

3 VICE CHAIRMAN GRULLON: I believe one goes
4 to one -- one level.

5 MR. ARENCIBIA: One goes --

6 VICE CHAIRMAN GRULLON: Can you explain
7 that, please?

8 MR. ARENCIBIA: Yes. One goes to one --
9 actually, the site actually slopes. So, what
10 happens is the one goes out to the internal
11 parking area that's enclosed. And the other one
12 goes to a parking area that's accessed from the
13 rear yard.

14 And what we did is we designed this so
15 you'd have sort of garages off of the rear yard,
16 into the actual parking area.

17 You can see it on Sheet A-100.

18 VICE CHAIRMAN GRULLON: Yeah, okay.

19 MR. ARENCIBIA: Right there. So, you're
20 coming in off of the street. You're ramping down
21 a little bit, and then you basically have your
22 parking -- sort of like on a regular house.

23 VICE CHAIRMAN GRULLON: Yes.

24 MR. ARENCIBIA: Where you're parking one
25 car behind the other so --

1 VICE CHAIRMAN GRULLON: That will be like
2 the lower level.

3 MR. ARENCIBIA: That is correct.

4 VICE CHAIRMAN GRULLON: Lower level.

5 MR. ARENCIBIA: That is correct.

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

8 Do you?

9 I mean, we -- we heard a lot about this
10 application, and I don't think there's much to
11 add.

12 The only thing that I want to say is that I
13 want to thank Mr. DeMattheis, for addressing our
14 concerns, and bringing this building -- it's a
15 beautiful building. And I think it's -- it's
16 something that is going to beautify the area
17 there.

18 And I will make a motion to grant the
19 application.

20 MR. ALONSO: Do you have to open it to the
21 public?

22 VICE CHAIRMAN GRULLON: Oh, I'm sorry.
23 Yeah.

24 Mr. Price? Forgot.

25 Open to the public, before I make my

1 motion.

2 MR. PRICE: After you approve it.

3 VICE CHAIRMAN GRULLON: No. I mean, I -- I
4 --

5 MR. PRICE: Okay.

6 VICE CHAIRMAN GRULLON: I think it's a
7 beautiful building.

8 MR. PRICE: Larry Price, 1006 Palisade.
9 Just a quick comment from --

10 The problem that I think we all sort of had
11 last time, about the -- the application, was the
12 fact that -- you know, it's a greyfield
13 development. They're required to have 15 feet of
14 setbacks, five and ten.

15 And the original application didn't have
16 that, but we had the original build -- with the
17 -- the original building, the industrial building
18 was going to be used, and what could you do?

19 VICE CHAIRMAN GRULLON: Yeah.

20 MR. PRICE: You had to -- okay. But then
21 they decided to demolish the building, but they
22 were still not going to have the setbacks.

23 That has been changed. So, with that, my
24 reservations about this -- whatever.

25 I think it's a -- I think it's an excellent

1 project.

2 VICE CHAIRMAN GRULLON: Yes.

3 MR. PRICE: I think they -- you know, it's
4 a -- it's a good looking project. I don't want
5 Mr. Arencibia to hear that, but -- but in any
6 case.

7 But the other thing, they take advantage of
8 the site. There's a slope on 19th Street. So, we
9 have two levels of parking.

10 They have 36 parking spots for 21
11 apartments. I mean, that doesn't meet the
12 requirement. But that's a lot better ratio than
13 we see on most of the applications --

14 VICE CHAIRMAN GRULLON: Yes.

15 MR. PRICE: -- we get. So, you know, with
16 the changes, my reservations are gone and I would
17 endorse the project.

18 VICE CHAIRMAN GRULLON: And --

19 MR. PRICE: It's a good -- it's a good
20 project, I think.

21 VICE CHAIRMAN GRULLON: Okay. Thank you,
22 Mr. Price.

23 And again, I want to thank the applicant
24 for considering -- complying with the site with
25 the side yards.

1 And I make a motion to grant the
2 application.

3 MS. GUTIERREZ: And I'm seconding.

4 THE SECRETARY: Motion to grant the
5 application by Mr. Grullon.

6 Second by Margarita Gutierrez.

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

9 THE SECRETARY: Roll call on the motion.
10 Mr. Grullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Mrs. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Ortiz?

15 MR. M. ORTIZ: Yes.

16 THE SECRETARY: Mr. Pressey?

17 MR. PRESSEY: Yes.

18 THE SECRETARY: Mr. Dardir?

19 MR. DARDIR: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Doumas?

23 MR. DOUMAS: Yes.

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

1 MR. ALONSO: Thank you very much.

2 VICE CHAIRMAN GRULLON: Thank you, Mr.
3 DeMattheis.

4 MR. ALONSO: Have a good evening.

5 VICE CHAIRMAN GRULLON: Thank you.

6 MR. ARENCIBIA: Thank you very much
7 everybody.

8 MR. ALONSO: Have a happy Thanksgiving.

9 MR. PRESSEY: You too.

10 Thank you.

11 MS. GUTIERREZ: Thank you.

12 MR. ARENCIBIA: There's no more meetings?

13 MR. ALONSO: I don't think there's another
14 one before then.

15 MS. GUTIERREZ: Don't eat that much turkey.

16 * * *

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1 **ADJOURNMENT :**

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3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 Motion by Margarita Gutierrez.

7 Second by David Pressey.

8 All in favor say aye.

9

10 (Whereupon, there was a chorus of ayes.)

11

12 THE SECRETARY: The aye have it.

13 Let the record show that the meeting has
14 ended.

15 Thank you everyone and good night.

16

17 (Whereupon, the proceedings were concluded
18 at 9:35 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, November 12, 2015
10 and digitally recorded.

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