

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

REGULAR MEETING : TRANSCRIPT OF RECORDED  
: PROCEEDINGS  
: \_\_\_\_\_

Robert Waters Elementary  
School Cafeteria  
2800 Summit Avenue  
Union City, New Jersey

Thursday, December 10, 2015  
Commencing at 6:17 p.m.

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

KHALED DARDIR  
MARGARITA GUTIERREZ  
MIGUEL ORTIZ  
DAVID W. PRESSEY  
JOHN MEDINA, Alternate No. 1 (Arrived at 6:36 p.m.)  
JOSEPH D. BONACCI, Alternate No. 2  
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  
PETER C. DOUMAS, Alternate No. 4  
ANDRES GARCIA, Chairman

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

CARLOS VALLEJO, Board Secretary  
  
DAVID SPATZ, Consultant  
Community Housing and Planning Associates

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

TOMAS R. PANEQUE, ESQ., Board Attorney,  
Recused at 6:27 p.m.

BRIAN E. EYERMAN, ESQ. Acting Board Attorney  
(Left at 7:43 p.m.)

WILFREDO J. ORTIZ, II, ESQ. Acting Board Attorney  
(Arrived at 7:43 p.m.)

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

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

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E X H I B I T S

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| A-1        | Notice of Hearing Served by Cert of Mailing, Affidavit of Publication for Hearing on 10/15/15; Carried to 11/12/15 at Union City Hall                                             | Pre-marked  |
| A-2        | Letter of 11/17/15 from Carlos H. Vallejo, Secretary Zoning Board to Applicant's Counsel relocating public hearing to Robert Waters Elementary School on 12/10/15 at 6:00 p.m.    | Pre-marked  |
| A-3        | Cover Letter from Applicant's Counsel to Carlos Vallejo, dated 12/1/15 Forwarding Original Notice, Certified Mail Receipts, Affidavit of Service for 12/10/15 Public Hearing Date | Pre-marked  |
| A-4        | Letter of 2/18/15 from Applicant's Counsel to Mayor Brian Stack Requesting                                                                                                        |             |

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|            | Meeting and Describing Applicant's Project                                                                                                      | Pre-marked  |
| A-5        | Email Correspondence from Niurka Alvarez to Mayor Stack, dated 3/6/15 Concerning Meeting which took place On 3/5/15                             | Pre-marked  |
| A-6        | Copy of Deed into Applicant for Subject Premises dated 6/18/15                                                                                  | Pre-marked  |
| A-7        | Copy of Survey by P.L. Caulfield, Jr., Dated 9/5/03                                                                                             | Pre-marked  |
| A-8        | Photo of 2417 Central Avenue Purchased by Applicant on 6/18/15                                                                                  | Pre-marked  |
| A-9        | Photo of Central Avenue Looking North Toward 2417 Central Avenue                                                                                | Pre-marked  |
| A-10       | Chart Comparing Existing Uses Surrounding Applicant's Present Location and Proposed Location at 2417 Central Avenue                             | Pre-marked  |
| A-11       | Notice of Informative Meeting Sent By Applicant to Mayor Stack and to Neighbors for 11/7/15                                                     | Pre-marked  |
| A-12       | Mayor Stack's Undated Letter Expressing to be in Favor of Project (in Spanish)                                                                  | Pre-marked  |
| A-13       | Mayor's Stack Undated Subsequent Correctory Letter that he is not in Favor of Project (in Spanish and English)                                  | Pre-marked  |
| A-14       | Third Undated Letter Sent by Mayor Stack to Neighbors Expressing his Opposition to Project and Urging Attendance on 12/10 at 2800 Summit Avenue | Pre-marked  |
| A-15       | Flyer Attributed to Mayor Stack Urging Attendance on 12/10/15 at City Hall Instead of Correct Address and Offering Transportation to City Hall  | Pre-marked  |
| A-15A      | Corrected Flyer                                                                                                                                 | Pre-marked  |
| A-16       | OPRA Request and Response from Union City re: 2418 Central Avenue                                                                               | Pre-marked  |
| A-17       | Aerial Photo of Present and Proposed Locations                                                                                                  | Pre-marked  |
| A-18       | Additional Photo of Intersection of 25 <sup>th</sup> Street and Central Avenue                                                                  | Pre-marked  |
| A-19       | Photo Showing Garage Bays Beneath Residential Units at 2418 Central Avenue                                                                      | Pre-marked  |

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| A-20       | Photo of Façade of<br>2418 Central Avenue                                                       | Pre-marked  |
| A-21       | Petition in Favor of Application<br>Signed by 952 People                                        | Pre-marked  |
| A-22       | Package of Four Inspection Reports<br>For Present Store                                         | Pre-marked  |
| A-23       | Cohecton Mills Letter Pertaining to<br>Feed that is Used in Business                            | Pre-marked  |
| A-24       | Fusion Systems Engineering, Resume<br>of Mark Cambria and Proposal for<br>Engineering Services  | Pre-marked  |
| A-25       | InSite Engineering: Resume of<br>Jason Fichter, P.P. and P.E.                                   | Pre-marked  |
| A-26       | Resume of Carlos V. Gendron                                                                     | Pre-marked  |
| A-27       | Study Report, Antimicrobial<br>Test Laboratories                                                | Pre-marked  |
| A-28       | Photo of Auto Repairs<br>Performed on Street Outside of<br>2418 Central Avenue                  | Pre-marked  |
| A-29       | Photo of Samples of<br>Stainless Steel Cages                                                    | Pre-marked  |
| A-30       | Photo of 2408 Bergenline Avenue                                                                 | Pre-marked  |
| A-31       | Sadat Associates, Inc., Letter of<br>8/12/14 Referencing Source of Outdoor<br>Air Contamination | Pre-marked  |
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1 THE SECRETARY: Please take notice that on  
2 Thursday --

3 MS. GUTIERREZ: Excuse me.

4 VICE CHAIRMAN GRULLON: Have your  
5 attention, please?

6 We're going to start the meeting.

7 THE SECRETARY: Everybody, please.

8 Please take --

9 Debbie?

10 MS. DILLON: Yes.

11 THE SECRETARY: Please take notice that on  
12 Thursday, December 10, 2015, at six p.m., a  
13 Regular Meeting is scheduled for the City -- for  
14 the Union City Zoning Board of Adjustment, to be  
15 held in the Robert Water Elementary School  
16 Cafeteria, located at 2800 Summit Avenue, New  
17 Jersey, 07087.

18 Please, everybody kindly rise to salute the  
19 flag.

20

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

23

24 THE SECRETARY: Thank you.

25 Notice of this meeting has been provided as

1 follows:

2 Notice of this meeting setting forth the  
3 time, date, location --

4 VICE CHAIRMAN GRULLON: Please.

5 THE SECRETARY: -- and the agenda, to the  
6 extent known, was sent to The Jersey Journal, The  
7 Record, and The Hudson Reporter, has been posted  
8 on the bulletin board of the City Hall, and has  
9 been made available --

10 A VOICE: We can't hear anything.

11 THE SECRETARY: -- to the public in the  
12 Office of the Municipal Clerk.

13 MS. GUTIERREZ: Hold on. Let's get a  
14 microphone because they're not going to be able  
15 to hear. Wait.

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

18

19 **ROLL CALL:**

20

21 THE SECRETARY: Roll call for tonight's  
22 meeting, please.

23 Vice Chairman Victor Grullon?

24 VICE CHAIRMAN GRULLON: Present.

25 THE SECRETARY: Margarita Gutierrez?

1 MS. GUTIERREZ: Present.

2 THE SECRETARY: Miguel Ortiz?

3 MR. M. ORTIZ: Present.

4 THE SECRETARY: David Pressey?

5 MR. PRESSEY: Here.

6 THE SECRETARY: Harlenny Javier? Absent.

7 Andres Garcia? Absent.

8 Khaled Dardir?

9 MR. DARDIR: Here.

10 THE SECRETARY: John Medina? Absent.

11 Joseph Bonacci?

12 MR. BONACCI: Here.

13 THE SECRETARY: Elisa Flores? Absent.

14 Peter Doumas? Absent.

15 Let the record indicate there are six  
16 present.

17 Those absent tonight are Andres Garcia,  
18 Harlenny Javier, John Medina, Elisa Flores and  
19 Peter Doumas.

20 So, we have a Board make up of six members.

21 \* \* \*

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**RESOLUTIONS :**

( 1) 419 13<sup>th</sup> Street, LLC - 419-421 13<sup>th</sup> Street - Block 61.02, Lots 12 & 13. Legalized existing five unit multi-family building to be converted to six unit multi-family building. Approved at previous meeting.

( 2) Ronmar Realty, LLC - 116-120 Peter Street and 121 34<sup>th</sup> Street - Block 203, Lots 10, 11 & 28. Proposes to construct a five story building with 972 square feet of commercial space and 72 residential units with 103 parking spaces. Withdrawn at previous meeting.

( 3) Iglesia Evangelica Apostoles y Profetas - 1709 New York Avenue - Block 90, Lots 4 & 5, House of Worship expansion. Approved at the previous meeting.

( 4) New J. LLC - 1613-1615 Summit Avenue - Block 83, Lot 5. Renovation of an existing store and the addition of two residential floors. Three dwelling units. Approved at the previous meeting.

( 5) Larry D'Arrigo - 207 New York Avenue - Block 8, Lot 4. Proposed two family dwelling. Approved at the previous meeting.

1 ( 6) 1901 Summit Avenue - Block 104, Lots 1-4;  
2 33. Proposed four story, 21 units multi-family  
3 dwelling. Ground floor and basement parking  
4 level. Approved at the previous meeting.

5 ( 7) 1312 Bergenline Avenue, LLC - 1312  
6 Bergenline Avenue - Block 64, Lot 18. Legalize  
7 two rear residential units, from three family  
8 units to five family units. Approved 9/10/15.

9  
10 THE SECRETARY: We have the agenda tonight  
11 is Resolutions.

12 The first set of Resolutions, number 7.

13 The first Resolution on tonight's agenda,  
14 419 13<sup>th</sup> Street, LLC, 419-421 13<sup>th</sup> Street. This  
15 was approved at the previous meeting.

16 Second Resolution for Ronmar Realty, LLC,  
17 116-120 Peter Street and 121 31<sup>st</sup> Street. This  
18 application was withdrawn at the previous  
19 meeting.

20 Number 3. Iglesia Evangelica Apostoles y  
21 Profetas, 1709 New York Avenue. Was approved at  
22 the previous meeting.

23 Number 4. New J. LLC, 1613-1615 Summit  
24 Avenue. Approved at the previous meeting.

25 Number 5. Larry D'Arrigo, 207 New York

1 Avenue. Approved at the previous meeting.

2 Number 6. 1901 Summit Avenue. Approved at  
3 the previous meeting.

4 Number 7. 1312 Bergenline Avenue, LLC,  
5 1312 Bergenline Avenue. Approved on September  
6 10, 2015.

7 Can I have a motion to approve these  
8 Resolutions?

9 VICE CHAIRMAN GRULLON: I make my motion to  
10 --

11 THE SECRETARY: Motion by --

12 VICE CHAIRMAN GRULLON: -- accept the  
13 Resolutions.

14 THE SECRETARY: -- the Chairman, Victor --

15 MS. GUTIERREZ: And I'm seconding.

16 THE SECRETARY: -- Grullon.

17 Second by Margarita Gutierrez.

18 Roll call on the motion.

19 Vice Chairman Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Margarita Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Miguel Ortiz?

24 MR. M. ORTIZ: Yes.

25 THE SECRETARY: David Pressey?

1 MR. PRESSEY: Yes.

2 THE SECRETARY: Khaled Dardir?

3 MR. DARDIR: Yes.

4 THE SECRETARY: Joseph Bonacci?

5 MR. BONACCI: Yes.

6 THE SECRETARY: Six, oh. Motion carries.

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1     **RESOLUTIONS :**

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3     ( 8) 310 4<sup>th</sup> Street, LLC - 308-310 4<sup>th</sup> Street -  
4     Block 14, Lot 27. Proposed addition and  
5     alteration to an existing building and garage  
6     structure to become three story, five unit  
7     building. Denied at the previous meeting.

8

9             THE SECRETARY: Resolution number 8; 310  
10    4<sup>th</sup> Street, LLC, 308-310 4<sup>th</sup> Street.

11            This application was denied at the previous  
12    meeting.

13            Can I have a motion to approve this  
14    Resolution?

15            VICE CHAIRMAN GRULLON: I motion to approve  
16    the Resolution.

17            THE SECRETARY: Motion to --

18            MS. GUTIERREZ: And I'm seconding.

19            THE SECRETARY: Motion by Victor Grullon.  
20    Second by Margarita Gutierrez.

21            Roll call on the motion.

22            Vice Chairman Victor Grullon?

23            VICE CHAIRMAN GRULLON: Yes to deny.

24            THE SECRETARY: Margarita Gutierrez?

25            MS. GUTIERREZ: Yes to deny.

1 THE SECRETARY: Miguel Ortiz?

2 MR. M. ORTIZ: Yes to deny.

3 THE SECRETARY: To deny the application.

4 Right?

5 MR. M. ORTIZ: Yes.

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: David Pressey?

8 MR. PRESSEY: Yes to deny.

9 THE SECRETARY: Khaled Dardir?

10 MR. DARDIR: What are --

11 THE SECRETARY: No. I'm sorry. I  
12 apologize. Give me two seconds, please.

13 MR. PANEQUE: Mr. Vallejo?

14 THE SECRETARY: I'm going to --

15 Go ahead, Mr. Paneque.

16 MR. PANEQUE: The only members who are able  
17 to vote on these were the four members who voted  
18 to deny the application at the last meeting.

19 And that would be Vice Chairman Grullon,  
20 member Margarita Gutierrez, member Miguel Ortiz,  
21 and member John Medina.

22 The other members who voted in favor of  
23 this application, which did not pass, are not  
24 eligible to vote on this Resolution.

25 THE SECRETARY: I'm going to roll call

1 again on this application. On this Resolution.

2 I apologize for that.

3 310 4<sup>th</sup> Street, LLC, 308-310 4<sup>th</sup> Street.

4 Motion to approve the Resolution, denied on  
5 the previous meeting on this application.

6 VICE CHAIRMAN GRULLON: I motion to --

7 THE SECRETARY: Motion by --

8 VICE CHAIRMAN GRULLON: I motion to -- to  
9 approve the Resolution, to deny the application.

10 THE SECRETARY: Motion by Victor Grullon.  
11 Second by?

12 MS. GUTIERREZ: Margarita.

13 THE SECRETARY: Margarita Gutierrez.

14 Roll call on the motion.

15 Vice Chairman Grullon?

16 VICE CHAIRMAN GRULLON: Yes to deny.

17 THE SECRETARY: Margarita Gutierrez?

18 MS. GUTIERREZ: Yes to deny.

19 THE SECRETARY: Miguel Ortiz?

20 MR. M. ORTIZ: Yes to deny.

21 THE SECRETARY: Three in favor. Motion  
22 carries.

23 \* \* \*

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**RESOLUTIONS :**

( 9) Resolution to Approve the Zoning Board of Adjustment Schedule for the year 2016.

(10) Resolution Appointing the Zoning Board of Adjustment Secretary for the year 2016.

THE SECRETARY: We have two more Resolutions.

Number 9.

Resolution to approve the Zoning Board of Adjustment Schedule for the year 2016.

And Resolution number 10. Resolution to appoint the Zoning Board of Adjustment Secretary for the year 2016.

Can I have a motion?

VICE CHAIRMAN GRULLON: I make a motion to accept these --

THE SECRETARY: Motion by --

VICE CHAIRMAN GRULLON: -- Resolutions.

THE SECRETARY: -- Chairman --

MS. GUTIERREZ: And I'm seconding.

THE SECRETARY: -- Vice Chairman Victor Grullon.

Second by Margarita Gutierrez.

1 Roll call on the motion.

2 Victor Grullon?

3 VICE CHAIRMAN GRULLON: Yes.

4 THE SECRETARY: Margarita Gutierrez?

5 MS. GUTIERREZ: Yes.

6 THE SECRETARY: Miguel Ortiz?

7 MR. M. ORTIZ: Yes.

8 THE SECRETARY: David Pressey?

9 MR. PRESSEY: Yes.

10 THE SECRETARY: Khaled Dardir?

11 MR. DARDIR: Yes.

12 THE SECRETARY: Joseph Bonacci?

13 MR. BONACCI: Yes.

14 THE SECRETARY: Motion carries. Six-oh.

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1     **HIMEJI, LLC - 1410-1418 Palisade Avenue:**

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3             THE SECRETARY: On tonight's agenda, we  
4 have the first hearing is HIMEJI, LLC, 1410-1418  
5 Palisade Avenue.

6             The applicant seeking for one year  
7 extension.

8             Mr. Mulkay, please?

9             MR. MULKAY: Good evening, Mr. Chairman,  
10 members of the Board.

11             Alain Mulkay, M-U-L-K-A-Y, on behalf of Ms.  
12 Himeji.

13             This is an application, we're requesting an  
14 extension of time.

15             We submitted all the building -- all the  
16 construction plans to the Building Department.  
17 They've reviewed it. They've made their  
18 comments.

19             We've gone back and forth a few times, and  
20 apparently, they're about to issue the permit,  
21 but my client was concerned with the Permit  
22 Extension Act expiring at the end of this year,  
23 at the end of December, that they want an  
24 extension.

25             As I read the Permit Extension Act, our

1 | approvals are valid through June. We're asking  
2 | that they be extended through June of 2017, for  
3 | one year.

4 |         We expect the permits to be issued some  
5 | time in January, though. But just in an  
6 | abundance of caution.

7 |         VICE CHAIRMAN GRULLON: Is your client  
8 | ready to proceed with the application?

9 |         MR. MULKAY: My client has already  
10 | submitted -- yeah. We're ready to start  
11 | building. We're waiting for the permits to be  
12 | issued.

13 |         All the engineer's been done, all the  
14 | permits have been done, the town has reviewed the  
15 | permit -- the plans, have made comments. We've  
16 | gone back and forth.

17 |         There's one final issue that they're trying  
18 | to resolve, that I understand from a conversation  
19 | with my client had with the Building Department  
20 | this week, it should be resolved in the next week  
21 | or so.

22 |         VICE CHAIRMAN GRULLON: Okay. And the  
23 | request for the extension is only to -- to have  
24 | enough time to complete the process of the  
25 | construction.

1           No?

2           MR. MULKAY: To have the Building  
3 Department issuing the permits. Once the permits  
4 are issued, that takes care of itself.

5           But these approvals would expire if the  
6 permits not issued by June of next year, the way  
7 I read the Permit Extension Act. June of 2016.

8           MS. GUTIERREZ: Yeah. Say, 2017.

9           VICE CHAIRMAN GRULLON: Okay.

10          MR. PANEQUE: Any other questions from the  
11 Board?

12          VICE CHAIRMAN GRULLON: Any other question  
13 from any member of the Board?

14          MS. DILLON: Excuse me.

15          Can the Board just speak up for me, because  
16 there's a lot of background noise.

17          MS. GUTIERREZ: Okay.

18          VICE CHAIRMAN GRULLON: Please, member of  
19 the public --

20          THE SECRETARY: Can you please, everybody?  
21 Quiet, please.

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

24          THE SECRETARY: Thank you.

25          MR. PANEQUE: No questions from the Board?

1 MS. GUTIERREZ: No. No questions.

2 MR. M. ORTIZ: No, we got no question.

3 MR. PANEQUE: Is there a motion to approve  
4 the request --

5 VICE CHAIRMAN GRULLON: I make a motion --

6 MR. PANEQUE: -- for the extension?

7 VICE CHAIRMAN GRULLON: -- to extend -- to  
8 approve the extension.

9 THE SECRETARY: Motion to grant the --

10 MS. GUTIERREZ: And I'm seconding.

11 VICE CHAIRMAN GRULLON: For one year.

12 THE SECRETARY: -- extension by Vice  
13 Chairman Victor Grullon.

14 Second by Margarita Gutierrez.

15 Roll call on the motion.

16 Vice Chairman Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Margarita Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Miguel Ortiz?

21 MR. M. ORTIZ: Yes.

22 THE SECRETARY: David Pressey?

23 MR. PRESSEY: Yes.

24 THE SECRETARY: Khaled Dardir?

25 MR. DARDIR: Yes.

1 THE SECRETARY: Joseph Bonacci?

2 MR. BONACCI: Yes.

3 THE SECRETARY: Six-oh. Motion carries.

4 Thank you, Mr. Mulkay.

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

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1     **2415-2417 Central Avenue:**

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3             MR. PANEQUE: Yes. Mr. Vallejo, on the  
4 next hearing, which is scheduled to come before  
5 the Board, for 2415-2417 Central Avenue, I will  
6 be recusing myself from that hearing.

7             THE SECRETARY: Okay, Mr. Paneque.

8             MR. PANEQUE: And we have the conflict  
9 attorney, who will be substituting me.

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

12            MR. PANEQUE: If we just could have one  
13 second, I'll bring him back.

14            VICE CHAIRMAN GRULLON: Yes. We going to  
15 take a five minute break.

16            THE SECRETARY: Have a five minute break,  
17 please.

18

19            (Whereupon, the Board recessed from 6:27  
20 p.m. to 6:36 p.m.)

21

22            (Whereupon, John Medina arrived at 6:36  
23 p.m.)

24

25            THE SECRETARY: May I have your attention,

1 please?

2 Let's put in the record that Mr. John  
3 Medina --

4 VICE CHAIRMAN GRULLON: Everyone please --  
5 (Whereupon, Margarita Gutierrez addressed  
6 the audience in Spanish.)

7 THE SECRETARY: Let's put in the record  
8 that Mr. John Medina arrived to the meeting. We  
9 are now seven Board members.

10 Next application on tonight's agenda, 2415-  
11 2417 Central Avenue.

12 VICE CHAIRMAN GRULLON: Members of the  
13 public, I want to ask you, please, this is the  
14 last application, and I know you are here for the  
15 same application.

16 I want you to -- we have a lot of people in  
17 this room, but we want to listen to whoever is  
18 speaking here in front.

19 Please keep it quiet. We're going to give  
20 you the opportunity to express yourself, but wait  
21 for your turn. Okay?

22 Don't make any noise while we're listening  
23 to whoever is standing here in front of us.

24 MR. EYERMAN: The law requires this to be  
25 recorded.

1           If we cannot hear the recording, if you  
2 speak and we cannot hear the recording, we're  
3 going to do it again some other day.

4           So, be quiet. We can get through it.

5           MR. SHALJIAN: Thank you. Good evening.

6           My name is Ronald Shaljian. I'm with the  
7 firm of Schumann Hanlon in Jersey City, and I  
8 represent the applicant, Central 25, LLC.

9           On an earlier date when I was before this  
10 Board, we had marked the Notice of Hearing for  
11 the hearing for October 15<sup>th</sup>, 2015, at which time  
12 the matter was carried to November 12<sup>th</sup>, 2015.

13           I have with me this evening the original  
14 Affidavit of Publication that I received from The  
15 Jersey Journal, this morning, that I hand to  
16 counsel. The photocopy was sent to the Secretary  
17 this afternoon.

18           MR. EYERMAN: The record shall reflect  
19 you've given me your notices. I've gone through  
20 them. They look correct.

21           All right. We're good.

22           You may present your case.

23           VICE CHAIRMAN GRULLON: You may proceed,  
24 Mr. Shaljian.

25           MR. SHALJIAN: Yes.

1 I have a series of exhibits that we could  
2 either mark now or mark as we proceed.

3 It's up to counsel or it's up to the  
4 Chairman, whatever is easier.

5 MR. EYERMAN: Why don't we pre-mark, and  
6 then we can --

7 MS. DILLON: You want to go off the record?

8 MR. EYERMAN: Yeah. We can do it.

9 MS. DILLON: So, then you have to tell me  
10 to do it.

11 MR. EYERMAN: We're going to go off the  
12 record, we can pre-mark them.

13

14 (Whereupon, the Board recessed at 6:39 p.m.  
15 to pre-mark exhibits.)

16

17 (Whereupon, Notice of Hearing Served by  
18 Cert of Mailing, Affidavit of Publication for  
19 Hearing on 10/15/15; Carried to 11/12/15 at Union  
20 City Hall, was received and pre-marked as Exhibit  
21 A-1.)

22 (Whereupon, Letter of 11/17/15 from Carlos  
23 H. Vallejo, Secretary Zoning Board to Applicant's  
24 Counsel relocating public hearing to Robert  
25 Waters Elementary School on 12/10/15 at 6:00 p.m.

1 was received and pre-marked as Exhibit A-2.)

2 (Whereupon, Cover Letter from Applicant's  
3 Counsel to Carlos Vallejo, dated 12/1/15  
4 Forwarding Original Notice, Certified Mail  
5 Receipts, Affidavit of Service for 12/10/15  
6 Public Hearing Date was received and pre-marked  
7 as Exhibit A-3.)

8 (Whereupon, Letter of 2/18/15 from  
9 Applicant's Counsel to Mayor Brian Stack  
10 Requesting Meeting and Describing Applicant's  
11 Project, was received and pre-marked as Exhibit  
12 A-4.)

13 (Whereupon, Email Correspondence from  
14 Niurka Alvarez to Mayor Stack, dated 3/6/15  
15 Concerning Meeting which took place on 3/5/15 was  
16 received and pre-marked as Exhibit A-5.)

17 (Whereupon, Copy of Deed into Applicant for  
18 Subject Premises dated 6/18/15, was received and  
19 pre-marked as Exhibit A-6.)

20 (Whereupon, Copy of Survey by P.L.  
21 Caulfield, Jr., dated 9/5/03, was received and  
22 pre-marked as Exhibit A-7.)

23 (Whereupon, Photo of 2417 Central Avenue  
24 Purchased by Applicant on 6/18/15 was received  
25 and marked as Exhibit A-8.)

1           (Whereupon, Photo of Central Avenue Looking  
2 North Toward 2417 Central Avenue was received and  
3 pre-marked as Exhibit A-9.)

4           (Whereupon, Chart Comparing Existing Uses  
5 Surrounding Applicant's Present Location and  
6 Proposed Location at 2417 Central Avenue was  
7 received and pre-marked as Exhibit A-10.)

8           (Whereupon, Notice of Informative Meeting  
9 Sent By Applicant to Mayor Stack and to Neighbors  
10 for 11/7/15 was received and pre-marked as  
11 Exhibit A-11.)

12           (Whereupon, Mayor Stack's Undated Letter  
13 Expressing to be in Favor of Project (in Spanish)  
14 was received and pre-marked as Exhibit A-12.)

15           (Whereupon, Mayor's Stack Undated  
16 Subsequent Correctory Letter that he is not in  
17 Favor of Project (in Spanish and English) was  
18 received and pre-marked as Exhibit A-13.)

19           (Whereupon, Third Undated Letter Sent by  
20 Mayor Stack to Neighbors Expressing his  
21 Opposition to Project and Urging Attendance on  
22 12/10 at 2800 Summit Avenue was received and pre-  
23 marked as Exhibit A-14.)

24           (Whereupon, Flyer Attributed to Mayor Stack  
25 Urging Attendance on 12/10/15 at City Hall

1 | Instead of Correct Address and Offering  
2 | Transportation to City Hall was received and pre-  
3 | marked as Exhibit A-15.)

4 |         (Whereupon, Corrected Flyer was received  
5 | and pre-marked as Exhibit A-15A.)

6 |         (Whereupon, OPRA Request and Response from  
7 | Union City re: 2418 Central Avenue was received  
8 | and pre-marked as Exhibit A-16.)

9 |         (Whereupon, Aerial Photo of Present and  
10 | Proposed Locations was received and pre-marked as  
11 | Exhibit A-17.)

12 |         (Whereupon, Additional Photo of  
13 | Intersection of 25<sup>th</sup> Street and Central Avenue was  
14 | received and pre-marked as Exhibit A-18.)

15 |         (Whereupon, Photo Showing Garage Bays  
16 | Beneath Residential Units at 2418 Central Avenue  
17 | was received and pre-marked as Exhibit A-19.)

18 |         (Whereupon, Photo of Façade of 2418 Central  
19 | Avenue was received and pre-marked as Exhibit A-  
20 | 20.)

21 |         (Whereupon, Petition in Favor of  
22 | Application Signed by 952 People was received and  
23 | pre-marked as Exhibit A-21.)

24 |         (Whereupon, Package of Four Inspection  
25 | Reports for Present Store was received and pre-

1 marked as Exhibit A-22.)

2 (Whereupon, Cohecton Mills Letter  
3 Pertaining to Feed that is Used in Business was  
4 received and pre-marked as Exhibit A-23.)

5 (Whereupon, Fusion Systems Engineering,  
6 Resume of Mark Cambria and Proposal for  
7 Engineering Services was received and pre-marked  
8 as Exhibit A-24.)

9 (Whereupon, InSite Engineering: Resume of  
10 Jason Fichter, P.P. and P.E., was received and  
11 pre-marked as Exhibit A-25.)

12 (Whereupon, Resume of Carlos V. Gendron was  
13 received and pre-marked as Exhibit A-26.)

14 (Whereupon, Study Report, Antimicrobial  
15 Test Laboratories, was received and pre-marked as  
16 Exhibit A-27.)

17 (Whereupon, Photo of Auto Repairs Performed  
18 on Street Outside of 2418 Central Avenue was  
19 received and pre-marked as Exhibit A-28.)

20 (Whereupon, Photo of Samples of Stainless  
21 Steel Cages was received and pre-marked as  
22 Exhibit A-29.)

23 (Whereupon, Photo of 2408 Bergenline Avenue  
24 was received and pre-marked as Exhibit A-30.)

25 (Whereupon, Sadat Associates, Inc., Letter

1 of 8/12/14 Referencing Source of Outdoor Air  
2 Contamination was received and pre-marked as  
3 Exhibit A-31.)  
4

5 (Whereupon, the Board went on the record at  
6 6:57 p.m.)  
7

8 VICE CHAIRMAN GRULLON: Mr. Shaljian? Mr.  
9 Shaljian, you may proceed now.

10 MR. SHALJIAN: Thank you.

11 MS. DILLON: Let him call it back to --

12 THE SECRETARY: May I have your attention,  
13 please?

14 Let's go back in business; 2415-2417  
15 Central Avenue.

16 Sir?

17 MR. SHALJIAN: Thank you, Mr. Secretary.

18 Commissioner, Chairman, and members of the  
19 Board, my name is Ronald Shaljian, as I said  
20 earlier. I'm the attorney for the applicant --

21 A VOICE: Can't hear.

22 A VOICE: Can you give him a microphone?

23 MR. SHALJIAN: Central --

24 A VOICE: We can't hear.

25 MR. SHALJIAN: Central 25, LLC, the --

1 A VOICE: Can't hear you.

2 MR. SHALJIAN: Hello? Can you hear me?

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

5 MR. SHALJIAN: Before proceeding with our  
6 case, I'd like to present an opening statement  
7 concerning initially the procedural history of  
8 this particular case, and -- and then, an opening  
9 -- some opening remarks.

10 A VOICE: We can't hear him.

11 MR. SHALJIAN: Our client, Central 25, LLC,  
12 purchased the property on June 28<sup>th</sup> -- June 18<sup>th</sup>,  
13 2015 from a company by the name of Westprint,  
14 which had been a printing business that had been  
15 located on that site, and occupied the entire  
16 building until it closed some time in 2015.

17 Before taking out a mortgage on his home to  
18 purchase the building for \$685,000.00, out of  
19 respect for Mayor Stack, first through counsel,  
20 and then on their own, they contacted the Mayor  
21 and asked for a meeting so they could get an  
22 honest answer of how he felt about their existing  
23 business, Panorama Poultry, at 2408 Bergenline  
24 Avenue, which is a storefront with residences  
25 above, and owned by the Paneque family, moving to

1 the new location.

2 This was necessary because the seller of  
3 the property would not agree to a zoning  
4 contingency in the contract.

5 You will hear testimony that when our  
6 clients walked into that meeting in the Mayor's  
7 Office on May -- March 5<sup>th</sup>, 2015, which was  
8 attended by Mr. and Mrs. Alvarez, the Mayor and  
9 the City Health Inspector, they certainly  
10 expected the Mayor to be honest and  
11 straightforward with them, so they could evaluate  
12 whether or not to go forward and risk their life  
13 savings on relocating their business.

14 There were no lawyers in attendance at that  
15 meeting. And frankly, Mr. and Mrs. Alvarez were  
16 seeking the Mayor's blessing before proceeding  
17 further on this project.

18 When they left the meeting, the Mayor asked  
19 them to send him an email describing the project,  
20 which they did the very next day.

21 We have pre-marked some exhibits. You saw  
22 me working with the court reporter a few moments  
23 ago.

24 Exhibit number 5 is the email that our  
25 client, Niurka Alvarez sent to the Mayor,

1 summarizing the meeting which took place on March  
2 5<sup>th</sup>.

3 Subsequent to that date, the Alvarez's  
4 closed title and purchased the property on June  
5 18<sup>th</sup>, 2015.

6 That is Exhibit 6 in the list of exhibits  
7 that were pre-marked.

8 They hired professionals to present an  
9 application to this Board, to which they were  
10 directed to do by the Mayor.

11 The development application was filed, was  
12 deemed complete and the matter was first listed  
13 to be heard by this Board at City Hall on October  
14 15, 2015.

15 Due to a scheduling conflict with  
16 applicant's planner, it had to be adjourned to  
17 November 12, 2015.

18 And at the same time, the Zoning Board  
19 Attorney, Tomas Paneque recused himself from  
20 participating in this hearing, presumably because  
21 his family owns the building where my client's  
22 existing poultry market is located.

23 At the same time, posters began appearing  
24 on telephone poles in the neighborhood of the  
25 project, spreading lies and propaganda about the

1 project.

2 Our clients decided, in good faith, to  
3 invite neighbors to a meeting at the -- at the  
4 new site on November 7<sup>th</sup>, to try to address  
5 concerns that they may have.

6 In fact, on November 3<sup>rd</sup>, by email, our  
7 clients invited Mayor Stack to the meeting, as a  
8 courtesy to him.

9 That is Exhibit 11, for the record.

10 On the date of the proposed neighborhood  
11 meeting, one of our client's customers produced  
12 two letters, over Mayor Stack's signature, in  
13 both Spanish and English, which had been slipped  
14 under the doorway of her home on official Union  
15 City stationary.

16 Those are Exhibits 12 and 13 in the package  
17 of exhibits that we have submitted.

18 On November 17<sup>th</sup>, counsel for the  
19 applicants then received a letter from the Zoning  
20 Board Secretary, advising that the location of  
21 the Regular Zoning Board Meeting had been  
22 inexplicably changed to 28 -- 2800 Summit Avenue,  
23 some nine blocks closer to the neighborhood where  
24 the project is located.

25 In addition, applicant was required to get

1 a new tax list and re-notice for the new  
2 application.

3 That is Exhibit 2.

4 Between November 17<sup>th</sup> and today, Mayor  
5 Stack sent another letter, on official  
6 stationary, opposing the project, and urging  
7 people to come to the December meeting.

8 That's Exhibit 14.

9 Thereafter, another flyer, with Mayor  
10 Stack's contact information, directing members of  
11 the public to attend the Zoning Board Hearing at  
12 City Hall, and not 2800 Summit Avenue, was sent.

13 That's Exhibit 15.

14 Subsequently, an additional flyer was sent  
15 out, which has been marked Exhibit 15A,  
16 correcting the address where the meeting was to  
17 take place.

18 And that brings us to tonight.

19 In terms of opening remarks, I would like  
20 to say that this is an application by an existing  
21 business to move approximately two blocks west  
22 from a rented storefront, with residential units  
23 above, to a one story, standalone building that  
24 was built in the 1940s, a masonry building.

25 Despite being located in the R zone, the

1 building has been used for industrial purposes  
2 until 2015, when it was sold to our clients, Mr.  
3 and Mrs. Alvarez.

4 It was used for heating oil distribution  
5 and delivery trucks from the 1950s until 1979.  
6 And from 2000 until 2015, the building housed a  
7 printing business, all industrial uses.

8 What is very significant is that we are  
9 asking for a use variance to move an existing  
10 business to another location. We are not  
11 introducing a new business into the city.

12 My client has been in business, at the  
13 Panorama location, on Bergenline Avenue, since  
14 2001. And the market he purchased, at that time,  
15 was an existing business at that location, I  
16 think known as Union City Poultry Corporation.

17 You will hear from Manny Alvarez, who is  
18 our first witness. He will tell you that he came  
19 here from Cuba with his family in 1980, to seek  
20 the opportunities that only America can provide.

21 And like all of us, his mother and father  
22 worked to give their children a better life, and  
23 they instilled in him a hard work ethic.

24 He did work hard, and eventually saved  
25 enough to buy Panorama Poultry in 2000.

1           He will tell you he worked long, hard hours  
2 in the business to take care of his wife and his  
3 three children, and make a success of himself.

4           He will also tell you that in 2003, he  
5 suffered a terrible accident, that left him  
6 totally blind in both eyes, for which every day  
7 -- every day he prays for a medical miracle to  
8 restore his sight.

9           As a result of that tragedy, in 2003, he  
10 must rely on his wife and family to do  
11 everything, including running the Panorama  
12 business, driving him from place to place, and  
13 helping him keep the business successful and  
14 operational.

15           Mr. Alvarez will tell you that his  
16 landlord, who we previously mentioned was Mr.  
17 Paneque, doubled his rent for some reason, and  
18 that forced him to look for another location near  
19 his present location, since 90 percent of his  
20 customers walk to his location to shop.

21           There are currently four live poultry  
22 markets in Union City. And as he will tell you  
23 --

24           Correction.

25           There are three live poultry markets in

1 Union City. One is on the border of Union City  
2 and West New York.

3 And there is a cultural need for his kind  
4 of business in Union City. And he will tell you  
5 that four markets can -- can succeed together in  
6 one city, if there is a cultural need for same.  
7 And there is.

8 In fact, as he will testify, he  
9 intentionally did not seriously look at the site  
10 near West New York, since Adolfo Lopez, a local  
11 attorney, has been the owner of that market, on  
12 52<sup>nd</sup> Street, for over ten years. And that, I  
13 submit to you, speaks volumes about Mr. Alvarez's  
14 character.

15 He will describe how this new location will  
16 allow him to modernize his business, provide the  
17 most up-to-date air filtration systems and  
18 refrigeration systems, and will permit him to  
19 make accommodations for persons with  
20 disabilities, like himself, and will permit him  
21 to comply with the Americans with Disabilities  
22 Act of 1990, as well as the New Jersey Law  
23 Against Discrimination Act.

24 You will also hear from his wife, Niurka  
25 Alvarez, who will describe to you the day-to-day

1 operations of the business, how she was forced to  
2 step in and assist Manny on a nonstop, 24 hour a  
3 day basis since 2003, when he had that horrible  
4 accident.

5           They had three children in college, and she  
6 balances her time between the business and taking  
7 care of her family.

8           Mrs. Alvarez will explain how important a  
9 more spacious location will be for their needs,  
10 and especially for Manny, since he is permanently  
11 disabled, and what can be installed at the new  
12 location that cannot be installed where they are  
13 now, to assist him and try to help in the  
14 business.

15           She will tell you that her husband's pride  
16 will not allow him to accept disability in any  
17 form, and that more than anything, he wants to  
18 carry his own weight, and he will be able to do a  
19 lot more than he does now in a larger spacious  
20 facility.

21           Our other witnesses will be Jerome Eben,  
22 the project architect, who is substituting for  
23 Manny Pereiras who could not be here tonight.

24           He will present a rendering of the exterior  
25 of the property, as well as an interior layout of

1 the property.

2 We will also produce Mark Cambria,  
3 professional engineer, who was retained by Mr.  
4 and Mrs. Alvarez to design the most up-to-date  
5 air filtration system that's available, in order  
6 to provide the most protection to customers,  
7 employees, and members of the public.

8 You'll hear from Jennifer Niper, a State  
9 representative, and Carlos Gendron, another air  
10 filtration engineer, who will explain in detail  
11 what the plans are for the filtration and the --  
12 and the plumbing system in the building.

13 And lastly, we will call Jason Fichter, who  
14 is a licensed professional planner to address the  
15 planning issues.

16 So, I appreciate your patience in listening  
17 to me, but I think it was important for you to  
18 hear the outline of where we have been up until  
19 now.

20 And at this time, I'd like to call Manny  
21 Alvarez, my first witness.

22 Mr. Alvarez?

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

25 MS. DILLON: Now, I'm going to swear you

1 in.

2 Please raise your right hand.

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

5 MR. ALVAREZ: Yes.

6 MS. DILLON: You need to speak up.

7 MR. ALVAREZ: Yes.

8 MS. DILLON: Okay. Can you please state  
9 your name and spell it for the record?

10 MR. ALVAREZ: My name is Manuel Alvarez,  
11 M-A-N-U-E-L, Alvarez, A-L-V-A-R-E-Z.

12 MS. DILLON: Thank you, sir.

13 MR. SHALJIAN: Mr. Alvarez, I'm going to  
14 ask you to keep your voice up, and I'm going to  
15 ask you to speak slowly, please, because  
16 everything has to be taken down by this young  
17 lady, so it forms a transcript.

18 MR. ALVAREZ: Yes.

19 MR. SHALJIAN: Okay?

20 MR. ALVAREZ: I will appreciate they don't  
21 if hear me back there, you let me know.

22 MR. SHALJIAN: Okay.

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

25 MR. SHALJIAN: Mr. Alvarez, you're -- you

1 are one of the owners of Panorama Poultry, are  
2 you not?

3 MR. ALVAREZ: Yes.

4 MR. SHALJIAN: And who is the other owner?

5 THE SECRETARY: Allow me one second,  
6 please.

7 The gentleman is complaining that he --

8 MR. DARDIR: He can't hear it all back  
9 there.

10 MR. SHALJIAN: Okay. I'll try --

11 THE SECRETARY: Speak a little loud,  
12 please.

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

15 MR. SHALJIAN: Mr. -- Mr. Alvarez, my -- my  
16 question was, you are the owner of Panorama  
17 Poultry Market.

18 Right?

19 MR. ALVAREZ: Yes.

20 MR. SHALJIAN: And you are the -- the owner  
21 with your wife, Niurka?

22 MR. ALVAREZ: Yes.

23 MR. SHALJIAN: And how long have you been  
24 the owner?

25 MR. ALVAREZ: I have been the owner for

1 | Panorama Live Poultry Market Corporation for 14  
2 | years.

3 | MR. SHALJIAN: Okay. Now, what -- how long  
4 | have you been in the United States?

5 | MR. ALVAREZ: I have been in the United  
6 | States since 1980, 35 years.

7 | MR. SHALJIAN: And where did you come from?

8 | MR. ALVAREZ: I came from Cuba.

9 | MR. SHALJIAN: And what is your educational  
10 | background?

11 | MR. ALVAREZ: I have three years of  
12 | college.

13 | MR. SHALJIAN: Okay. And in --

14 | (Whereupon, there was a pause in the  
15 | proceedings; a citizen approached the witness.)

16 | VICE CHAIRMAN GRULLON: Sir? Sir? Sir?

17 | MS. GUTIERREZ: Excuse me?

18 | VICE CHAIRMAN GRULLON: Sir, you have to  
19 | sit down.

20 | MS. GUTIERREZ: Excuse me.

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

23 | MR. SHALJIAN: Okay.

24 | Do you know -- what year did you buy  
25 | Panorama Poultry?

1           MR. ALVAREZ: I bought Panorama in 19 -- I  
2 mean, in 2001.

3           MR. SHALJIAN: Okay. And had it been in  
4 business before you bought it?

5           MR. ALVAREZ: I was a distributor for  
6 chickens.

7           MR. SHALJIAN: Had Panorama Poultry been in  
8 business at that location?

9           MR. ALVAREZ: It was in that location under  
10 another name, Union City Live Poultry Market, I  
11 believe.

12          MR. SHALJIAN: Okay. Now, the -- the  
13 building that you occupy, the space that you  
14 occupy is how many square feet?

15          MR. ALVAREZ: Is approximately 956 square  
16 feet.

17          MR. SHALJIAN: And it's located on  
18 Bergenline Avenue?

19          MR. ALVAREZ: Yes, at 2408 Bergenline  
20 Avenue.

21          MR. SHALJIAN: And I'm going to ask your  
22 wife, who is next to you, to identify exhibit --

23                Do you want to have her sworn?

24          MS. DILLON: Absolutely.

25          MR. SHALJIAN: Okay.

1 MS. DILLON: But we're not going to double  
2 team, right?

3 MR. SHALJIAN: No, we're not.

4 MS. DILLON: Okay.

5 MR. SHALJIAN: But I have to --

6 MS. DILLON: Just step in front of the  
7 microphone, 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. ALVAREZ: Yes, I do.

12 MS. DILLON: Would you please state your  
13 name and spell it for the record?

14 MS. ALVAREZ: Niurka Alvarez, N-I-U-R-K-A,  
15 Alvarez, A-L-V-A-R-E-Z.

16 MS. DILLON: Thank you.

17 MR. SHALJIAN: Okay.

18 Mrs. Alvarez, I'm just going to ask you one  
19 question.

20 Exhibit 30, which has been marked 30, is  
21 that a photograph of your existing location --

22 MS. ALVAREZ: Yes.

23 MR. SHALJIAN: -- for Panorama Poultry?

24 MS. ALVAREZ: Yes, it is. Yes, it is.

25 MR. SHALJIAN: Thank you. That's the only

1 question I have for you.

2 Now, that's the building that's -- that you  
3 rent 900 square feet in.

4 Is that correct?

5 MR. ALVAREZ: Yes.

6 MR. SHALJIAN: Okay. Now, who is your  
7 landlord at that location?

8 MR. ALVAREZ: My landlord at that location  
9 is Tomas Paneque, Sr.

10 MR. SHALJIAN: And Mr. Alvarez, how many  
11 poultry markets are there in Union City and West  
12 New York?

13 MR. ALVAREZ: In Union City, there are  
14 three poultry markets, including mine, and one in  
15 West New York.

16 MR. SHALJIAN: And where is the one in West  
17 New York?

18 MR. ALVAREZ: The one in West New York is  
19 located in Bergenline Avenue and 52<sup>nd</sup> Street.

20 MR. SHALJIAN: Okay. Now, is there --  
21 Strike that.

22 In the year 2000, or 2001, when you bought  
23 the business, you had your eyesight at that time.

24 Is that correct?

25 MR. ALVAREZ: Yes, sir.

1           MR. SHALJIAN: When did you lose your  
2 eyesight?

3           MR. ALVAREZ: In 2003, in a tragic  
4 accident, I lost my sight.

5           MR. SHALJIAN: Okay. And you're -- and  
6 you're totally blind.

7           Is that right?

8           MR. ALVAREZ: Totally blind. Legally  
9 blind.

10          MR. SHALJIAN: Now, before you had that  
11 accident, what were your duties at Panorama  
12 Poultry?

13          MR. ALVAREZ: I run my business. I run my  
14 business. I used to manage my business.

15          MR. SHALJIAN: Okay. And after you had the  
16 accident, tell us what happened? How did that  
17 change?

18          MR. ALVAREZ: After I -- after I had the  
19 accident, my wife had to become me. She had to  
20 take care for the poultry market. She had to  
21 start running the business, while I stay home.

22          MR. SHALJIAN: And how -- how did that make  
23 you feel?

24          MR. ALVAREZ: Very depressed. I feel --  
25 now, how I feel. I feel like a dead person.

1 Nobody -- nobody here knows what -- what disabled  
2 person feels under your own issues.

3 MR. SHALJIAN: Now, after 2003, did you  
4 have any further duties concerning the business?

5 MR. ALVAREZ: No. I help a little bit with  
6 my wife, trying to make some orders, but that's  
7 the maximum.

8 The more I tried to help, it's impossible  
9 because I am an obstacle in the middle of the  
10 workers, due so limited space.

11 MR. SHALJIAN: I'm just saying this for the  
12 court reporter.

13 You said obstacle.

14 MR. ALVAREZ: Yeah. I am like an obstacle.  
15 An obstacle.

16 MR. SHALJIAN: Okay. All right.

17 Now, did there come a time when Mr.  
18 Paneque, landlord, decided he was going to raise  
19 your rent?

20 MR. ALVAREZ: Yes.

21 MR. SHALJIAN: When was that?

22 MS. ALVAREZ: Last year.

23 MR. ALVAREZ: Last year.

24 MR. SHALJIAN: Okay. That's 2014?

25 MR. ALVAREZ: 2014.

1           MR. SHALJIAN: All right. And as a result  
2 of that rent increase, is that when you started  
3 to look for another location?

4           MR. ALVAREZ: Yes.

5           MR. SHALJIAN: Okay. And where did you  
6 look for another location?

7           MR. ALVAREZ: I looked around. I had a  
8 called up a broker, and I found a location close  
9 to me, and another one a little further north.

10          MR. SHALJIAN: Okay. And the one further  
11 north, what made you stop considering that  
12 location?

13          MR. ALVAREZ: Well, I was very happy at the  
14 -- move now -- because I didn't want to get close  
15 to 9<sup>th</sup> Street and Bergenline, or 42<sup>nd</sup> Street.

16          And at the same time, this other location  
17 was a little farther north. And I didn't want to  
18 have any conflict with the poultry market at 52<sup>nd</sup>  
19 and Bergenline, that is owned by Adolfo Lopez, a  
20 well known attorney here in town.

21          MR. SHALJIAN: So, you chose the Central  
22 Avenue location.

23          MR. ALVAREZ: Yes. I chose Central Avenue  
24 location.

25          MR. SHALJIAN: And who -- who showed you

1 | that location?

2 |         MR. ALVAREZ: A realtor.

3 |         MR. SHALJIAN: Okay. Now, that takes us to  
4 | the end of 2014. Is that about right? Beginning  
5 | of 2015?

6 |         MR. ALVAREZ: Yes.

7 |         MR. SHALJIAN: Okay. Now, did there come a  
8 | time when you entered into a contract to buy  
9 | 2417?

10 |         MR. ALVAREZ: Correct.

11 |         MR. SHALJIAN: And when was that?

12 |         MR. ALVAREZ: That was in February, 2015.

13 |         MR. SHALJIAN: And who was the seller of  
14 | the building?

15 |         MR. ALVAREZ: It was Timothy Bissell,  
16 | Westprint. Westprint was there.

17 |         MR. SHALJIAN: B-I-S-S-E-L-L, Miss court  
18 | reporter.

19 |         And Mr. Bissell entered into a contract.  
20 | Was he willing to give you a zoning contingency  
21 | in your contract?

22 |         MR. ALVAREZ: No. He didn't want to do  
23 | that because there was another person bidding on  
24 | the property.

25 |         MR. SHALJIAN: And what happened?

1           MR. ALVAREZ: And as a result of that, I  
2 end up paying more money for the offer that I  
3 have made.

4           MR. SHALJIAN: How much more?

5           MR. ALVAREZ: Fifty thousand more.

6           MR. SHALJIAN: All right. What did you  
7 eventually pay for the building?

8           MR. ALVAREZ: I paid \$685,000.00.

9           MR. SHALJIAN: Okay.

10          Now, after you signed the contract, did the  
11 contract have a provision where you can do an  
12 investigation?

13          MR. ALVAREZ: Yes.

14          MR. SHALJIAN: How long was that?

15          MR. ALVAREZ: I believe two months.

16          MR. SHALJIAN: Okay. And during that two  
17 month period, what did you do?

18          MR. ALVAREZ: During the leniency period, I  
19 -- I needed to -- before doing this investment, I  
20 needed to make sure that I was going to have the  
21 blessing by the Mayor.

22          I wanted to inform him of my plans to  
23 relocate this poultry market.

24          MR. SHALJIAN: Okay.

25          MR. ALVAREZ: I know the Mayor. There is

1 one day in the week that he receive people to  
2 listen to their problems.

3 I called his office and I made an  
4 appointment.

5 March 5<sup>th</sup>, I -- I went to his office.

6 MR. SHALJIAN: Who did you go with?

7 MR. ALVAREZ: I went with my wife, Niurka.

8 MR. SHALJIAN: The lady that's standing  
9 next to you?

10 MR. ALVAREZ: Yes.

11 MR. SHALJIAN: Okay.

12 MR. ALVAREZ: There was Mayor Stack and the  
13 head of the Health and Housing Department, Alex  
14 Velazquez.

15 MR. SHALJIAN: Alex Velazquez?

16 MR. ALVAREZ: Alex Velazquez.

17 MR. SHALJIAN: Okay. Was anybody else in  
18 the meeting?

19 MR. ALVAREZ: Nobody else.

20 MR. SHALJIAN: No lawyers were there.  
21 Right?

22 MR. ALVAREZ: No lawyers were there.

23 MR. SHALJIAN: Now, would you tell us what  
24 took place at that meeting?

25 MR. ALVAREZ: At that moment, I expressed

1 the Mayor my situation. My lease had expired.  
2 The rent had been raised approximate from 2100 to  
3 4,000. After negotiating, it was reduced 3,800,  
4 and have no lease.

5 And that I had found a property right on  
6 the same 25<sup>th</sup> Street, just two short blocks away,  
7 where 90 percent of my customers, I would think,  
8 walking distances.

9 MR. SHALJIAN: Now, when you say 90 percent  
10 of your customers, is that -- since 2001, is that  
11 your estimate as to how many people walk to your  
12 business to buy your goods?

13 MR. ALVAREZ: Well, out of 100, 90 percent  
14 of my customers are -- they live around, within  
15 walking distances.

16 MR. SHALJIAN: Okay. Now, tell us what  
17 happened at the meeting?

18 MR. ALVAREZ: At that moment, I explained  
19 to him that it was a location -- a larger  
20 location, that it would be good for ventilation,  
21 has no apartment above, contrary to the present  
22 location that I have, that I have apartments in  
23 the present location. I have apartments on the  
24 right, on the left, and on top.

25 MR. SHALJIAN: Okay.

1           MR. ALVAREZ: And at that moment, he said  
2 to me -- well, I'll mention also that it was a  
3 one single story building, standing free.

4           He told me that I needed to go to the  
5 Zoning Board.

6           MR. SHALJIAN: Where we are now?

7           MR. ALVAREZ: We are at the Zoning Board  
8 right now.

9           MR. SHALJIAN: Right.

10          MR. ALVAREZ: That he mentioned to me, he  
11 told me that was not his decision. It was up to  
12 the -- to the Zoning Board members, but that he  
13 had no objections.

14          At that moment, he turned to Alex Velazquez  
15 and asked for his opinion.

16          Alex Velazquez's answer was exactly like  
17 this: I think it's a magnificent idea, because  
18 that's a large building, which is good for  
19 ventilation, in a corner and has no apartments  
20 above.

21          After that being said, I left the office  
22 with the feeling that I have his blessing, and  
23 with the confidence that we could go out and ask  
24 for the loan to buy this property.

25          MR. SHALJIAN: And did you do that?

1 MR. ALVAREZ: And I did that.

2 MR. SHALJIAN: Is -- is the new location,  
3 2417 Central Avenue, more suitable to your  
4 business than the old location?

5 MR. ALVAREZ: It is more suitable. Is  
6 larger, has more space. I am planning to put  
7 there this -- build this poultry market, and to  
8 add a fish market.

9 MR. SHALJIAN: Now, Mr. -- Mr. Alvarez, if  
10 this Board grants this approval, and you're  
11 permitted to go forward, what do you intend to  
12 install in this business to help you and other  
13 people with disabilities?

14 MR. ALVAREZ: After -- after I lost my  
15 sight -- I was always sensitive of blind people,  
16 but I became even more sensitive for disabled  
17 people.

18 And if I -- when I build this poultry --  
19 this business there, I would make a facility that  
20 will be suitable for any disabled people, for any  
21 disabled person.

22 It's going to have a pathway, handrail,  
23 self-opening and closing -- and closing doors.  
24 And a lot of space for any person in a  
25 wheelchair, move around freely and choose the

1 chickens of their own.

2 MR. SHALJIAN: And right now, your -- in  
3 your property, it's not handicap access, is it?

4 MR. ALVAREZ: It is not.

5 MR. SHALJIAN: Where you are right now.

6 MR. ALVAREZ: It is not handicap.

7 MR. SHALJIAN: All right.

8 Now, will that help you, in addition to  
9 helping members of the public?

10 MR. ALVAREZ: Yes. At the same time, it's  
11 going to have a large waiting area, where in busy  
12 -- when holy days or busy days, all my customers  
13 is going to be a large area -- waiting area with  
14 heater and air conditioning and the customers  
15 doesn't have to wait outside while being -- while  
16 waiting to be served.

17 MR. SHALJIAN: And is that what goes on  
18 now? A lot of the people have to wait outside on  
19 the street?

20 MR. ALVAREZ: Some -- sometimes.

21 MR. SHALJIAN: Sidewalk?

22 MR. ALVAREZ: Sometimes.

23 MR. SHALJIAN: Yup.

24 MR. ALVAREZ: And also, the beauty of this  
25 property, the customers do not have to step out

1 of the waiting room when the delivery arrive,  
2 since the delivery has -- is going to be through  
3 another entry.

4 MR. SHALJIAN: Now, I asked you a few  
5 moments ago how these improvements that you  
6 envision for this building, in addition to  
7 helping members of the public, will help you?

8 Can you tell me that?

9 MR. ALVAREZ: Yes. As I said, after I lost  
10 my sight, 2003, I stay home, while I see my wife  
11 get up and go to work every day.

12 I feel like a dead person. In these -- in  
13 this facility, I will be able to be here  
14 everyday, and be -- and feel myself useful again.  
15 I will be able to feed the animals, to bring  
16 packages from -- from the processing area to the  
17 front. I will be -- I could -- I will be able to  
18 take orders on the phone, interact with the  
19 customers, with the people.

20 And at the same time, I believe I will be  
21 able to provide a position, employment for any  
22 other disabled person.

23 MR. SHALJIAN: How many employees do you  
24 have now?

25 MR. ALVAREZ: Four employees now.

1 MR. SHALJIAN: And if this Board grants  
2 this approval, and you move into this new  
3 facility, how many employees would you be hiring?

4 MR. ALVAREZ: I --

5 MR. SHALJIAN: In total?

6 MR. ALVAREZ: I will be hiring, in total,  
7 ten employees.

8 MR. SHALJIAN: Okay. And they would be  
9 local people?

10 MR. ALVAREZ: Yes.

11 MR. SHALJIAN: Okay.

12 MS. DILLON: Just uncover my mic please.

13 MR. SHALJIAN: Oh, I'm sorry. Okay.

14 Mr. Alvarez, in my opening remarks, I  
15 mentioned the Americans with Disabilities Act,  
16 and the New Jersey Law Against Discrimination.

17 Are you familiar with what those two  
18 statutes are?

19 MR. ALVAREZ: Yes.

20 MR. SHALJIAN: And are you prepared, if  
21 this Board does grant this approval, to install  
22 the improvements that you have just described to  
23 us?

24 MR. ALVAREZ: Yes.

25 MR. SHALJIAN: To further the interest of

1 both of those statutes, and to permit members of  
2 the public to have access?

3 MR. ALVAREZ: Yes. And also, I would like  
4 to add something.

5 In the poultry -- in the poultry business,  
6 I have contract a company to build a state-of-  
7 the-art stainless steel cages, which is going to  
8 be easy to clean. It's going to have a system  
9 that -- is going to have a system, each floor is  
10 going to have a dripping train independent that  
11 will have a drain in the back.

12 We will be able to clean thoroughly the  
13 wire mesh and like flush -- flush the cage every  
14 day. That will reduce -- that will reduce 90  
15 percent of the odor that exist in the poultry --  
16 in the area.

17 In addition -- in addition to that -- in  
18 addition to that, there -- I hired an engineer,  
19 I'm going to put a ventilation system that -- and  
20 for that, I hire an engineer that is here and  
21 will give explanation and details.

22 Another thing, going a little bit back, in  
23 this state-of-the-art cages, I will be able to  
24 clean all the debris in the floor of the -- of  
25 the cages.

1           Has a dripping tray, that has a push to the  
2 back with a drain, as I mentioned before.

3           Each floor is connected, and all the  
4 debris, all the manure will go through a grease  
5 trap. All that solid manure will be picked up  
6 and be -- and will be put in plastic bags, and  
7 goes into a walk-in freezer, only for garbage,  
8 together with all the intestine, any -- and all  
9 the -- all the garbage, goes into -- into a walk-  
10 in freezer.

11           That will keep a temperature of minus 18  
12 degrees. All the water -- the water goes to a  
13 sewer.

14           MR. SHALJIAN: Okay. Now, we have pre-  
15 marked Exhibit 29, which is --

16           MS. DILLON: Just don't swallow the mic --

17           MR. SHALJIAN: Okay.

18           MS. DILLON: -- because it's distorting  
19 your voice.

20           MR. SHALJIAN: Okay.

21           Photograph number 29 is pre-marked. If I  
22 can hand this to the Board?

23           Thank you.

24           Now, you -- you met with the two engineers  
25 that you just described a moment ago.

1           Is that correct?

2           MR. ALVAREZ:   Yes.

3           MR. SHALJIAN:   And they have made certain  
4 recommendations.

5           MR. ALVAREZ:   Yes.

6           MR. SHALJIAN:   Have they not?

7           And are you willing to install those  
8 recommendations, and that equipment in the event  
9 this Board grants this application?

10          MR. ALVAREZ:   Yes.

11          MR. SHALJIAN:   Okay.   Okay.

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

14          MR. SHALJIAN:   I have no further questions  
15 of Mr. Alvarez, at this time.

16          VICE CHAIRMAN GRULLON:   Just normally, we  
17 listen to all your witnesses and then we have  
18 question.

19          MR. SHALJIAN:   Okay.

20          VICE CHAIRMAN GRULLON:   After you present  
21 all your witnesses.

22          MR. SHALJIAN:   That's what you're going to  
23 do?   Okay.   That's fine.

24          VICE CHAIRMAN GRULLON:   Just bring your  
25 next witness, please.

1 MR. SHALJIAN: Okay. Would you -- would  
2 you assist Mr. Alvarez?

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

5 MR. EYERMAN: How many witnesses are you  
6 putting on?

7 MR. SHALJIAN: Seven.

8 MR. EYERMAN: And why don't -- why don't --

9 MR. SHALJIAN: Maybe eight.

10 MR. EYERMAN: You want to do question --  
11 Yeah. Why don't we do questions now.

12 Right?

13 Yeah. While you're here.

14 VICE CHAIRMAN GRULLON: You want to do  
15 that?

16 MR. EYERMAN: Yeah.

17 MS. GUTIERREZ: You don't have --

18 MR. EYERMAN: Probably easier.

19 MS. GUTIERREZ: You don't have to go back  
20 and forth.

21 MR. EYERMAN: Yeah.

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

24 VICE CHAIRMAN GRULLON: My question for Mr.  
25 Alvarez -- my first question is, could you please

1 | tell me your home address. Where do you live?

2 |       MR. ALVAREZ: Yes. 415 Cobblestone Court,  
3 | Franklin Lakes, New Jersey.

4 |       A CITIZEN: Franklin Lakes?

5 |       VICE CHAIRMAN GRULLON: What's it? Could  
6 | you repeat that again, please?

7 |       A CITIZEN: Franklin Lakes?

8 |       MR. ALVAREZ: 415 Cobblestone Court,  
9 | Franklin Lakes, New Jersey.

10 |       A CITIZEN: How did you select Union City?

11 |       VICE CHAIRMAN GRULLON: My next question,  
12 | you -- you purchased this property on 2014? Is  
13 | that when -- is that when you purchased it?

14 |       MR. ALVAREZ: No. This year. This year,  
15 | 2015.

16 |       VICE CHAIRMAN GRULLON: 2015? At that  
17 | time, when you purchased the property, did they  
18 | tell you that you will -- a zoning variance will  
19 | be required?

20 |       MR. ALVAREZ: Yes. I -- as I mentioned, I  
21 | went to see -- I -- originally, I went to the --  
22 | to the Building Department. I spoke with Marty  
23 | Martinetti. He told me, Manny, you need to go to  
24 | the Zoning Board.

25 |       After that, they -- I knew that I needed to

1 go to see the Mayor and have his opinion about  
2 it. I needed to have his blessing before doing  
3 this investment.

4 MR. EYERMAN: You were looking for his  
5 opinion, but you understood you still needed to  
6 make an application to this Board, before your --  
7 your business could go to that property.

8 You understood that. Correct?

9 MR. ALVAREZ: Yes.

10 MR. EYERMAN: Okay. And even after the  
11 meeting you had with him, the Mayor told you, you  
12 still had to come to this Board.

13 MR. ALVAREZ: Yes.

14 MR. EYERMAN: Is that correct?

15 MR. ALVAREZ: Yes.

16 MR. EYERMAN: And you understand that this  
17 Board is an independent Board.

18 Correct?

19 VICE CHAIRMAN GRULLON: And -- and the  
20 Mayor has no decision. We only -- we only  
21 consider the application based on what we listen  
22 on the record here.

23 MR. ALVAREZ: After -- after I had the  
24 meeting with the -- with the Mayor, he asked me,  
25 Manny, everything that we -- that you have told

1 me, that we have talked, I need you to put it in  
2 writing and send it by email. The sooner the  
3 better.

4 So, that -- that conversation took place  
5 March 5<sup>th</sup>, on Thursday, I believe.

6 The next day, March 6<sup>th</sup>, my wife send the  
7 email.

8 VICE CHAIRMAN GRULLON: I don't have any  
9 other question.

10 Any other member of the -- of the --

11 MR. BONACCI: The Mayor's --

12 VICE CHAIRMAN GRULLON: -- Board?

13 MR. BONACCI: I'm sorry.

14 MS. DILLON: Mr. Bonacci, I'm going to ask  
15 you to keep your voice up.

16 MR. BONACCI: Sure.

17 My question is for the attorney, counsel.

18 You mentioned this propaganda that was  
19 going around, and also letters that you said were  
20 official, Union City municipal letterheads.

21 MR. SHALJIAN: Yes.

22 MR. BONACCI: Okay. Now, did you say that  
23 those contrasted with each other?

24 MR. SHALJIAN: The first letter, which was  
25 -- just give me one minute, Mr. Bonacci.

1           Exhibit number 12, which was written in  
2 Spanish, above the Mayor's signature, was in  
3 favor of it.

4           MR. BONACCI:   Okay.

5           MR. SHALJIAN:   Then, a subsequent letter  
6 appeared with the Mayor's signature, saying,  
7 oops, correctory letter, I'm not in favor of this  
8 application.

9           MR. BONACCI:   So, you're saying that there  
10 was a letter going out saying that the Mayor was  
11 in favor of this application.

12          MR. SHALJIAN:   Right.

13          MR. BONACCI:   And then, one came out that  
14 said that the Mayor was against the application.

15          MR. SHALJIAN:   Right.  And it's been --

16          MR. BONACCI:   All right.

17          MR. SHALJIAN:   -- admitted -- it's been  
18 offered --

19          MR. BONACCI:   Okay.

20          MR. SHALJIAN:   -- in evidence.

21          MR. BONACCI:   I was just a little confused  
22 on that.

23          Now -- now, I got it.

24          Thank you.

25          MR. SHALJIAN:   Thank you.

1 VICE CHAIRMAN GRULLON: For the attorney.

2 I just want to clarify for the members of  
3 the Board that we don't -- we don't consider any  
4 letter of anybody that is not present in the --  
5 in the audience here, to defend themselves.

6 If you have a letter, and you want to --  
7 for that letter to stay in the record, that  
8 person has to be present.

9 With that said, we don't consider any  
10 letter that you have, or any propaganda. It's  
11 probably an opinion of a resident of Union City,  
12 but we don't consider that as anything that will  
13 guide our decisions here.

14 MR. SHALJIAN: Okay. I -- I appreciate  
15 that, but I also appreciate --

16 MS. DILLON: Just in front of the  
17 microphone, Mr. Shaljian.

18 MR. SHALJIAN: I also appreciate --

19 MS. DILLON: In front of my microphone.

20 MR. SHALJIAN: -- that the Mayor and  
21 Commissioners appoint each of the members of the  
22 Zoning Board.

23 MR. EYERMAN: Counsel?

24 MR. SHALJIAN: And -- and --

25 MR. EYERMAN: Counsel? Counsel? Counsel?

1           This is an independent body. Client just  
2 testified that he knew that this is an  
3 independent body --

4           MR. SHALJIAN: Right.

5           MR. EYERMAN: -- that has to make the  
6 decision.

7           I would tread softly on what you say next.

8           MR. SHALJIAN: And the Mayor's letter, all  
9 of the Mayor's letters, were sent out  
10 intentionally to enflame this application.

11          MR. EYERMAN: Counsel, again --

12          MR. SHALJIAN: And sabotage --

13          MR. EYERMAN: Counsel, I don't --

14          MR. SHALJIAN: -- this application.

15          MR. EYERMAN: The Mayor's not here to  
16 testify and he's a resident of the town. Any one  
17 of these residents can contact --

18          MR. SHALJIAN: The letter was in his  
19 official capacity, counsel. It wasn't a letter  
20 from a private citizen.

21          MR. EYERMAN: And -- and any -- and anybody  
22 could do that.

23          It doesn't -- my question for you --

24          MR. SHALJIAN: It's in the record.

25          MR. EYERMAN: -- and I think -- what I

1 think -- I think what -- and I think what the  
2 Chairman was saying is it doesn't really affect  
3 us.

4 A VOICE: Right.

5 MR. EYERMAN: It doesn't really affect this  
6 body.

7 And whether -- whether the Mayor was for it  
8 or against it, they don't -- it's not for their  
9 -- it's not for their ears.

10 MR. SHALJIAN: I --

11 MR. EYERMAN: They're not going to consider  
12 it.

13 MR. SHALJIAN: I appreciate that in a real  
14 world, sir. Okay? I appreciate that.

15 However, the letter went out, and they went  
16 out --

17 MR. EYERMAN: And they're --

18 MR. SHALJIAN: They were --

19 MR. EYERMAN: -- telling me they're not  
20 going to consider it.

21 MR. SHALJIAN: All right. That's -- that's  
22 -- and I appreciate that. I appreciate you're  
23 not going to consider it, because I'm looking at  
24 that sign, right outside that says: Honesty;  
25 stand up for what is right, even if you stand

1 alone.

2 (Applause.)

3 MR. EYERMAN: And I -- and I appreciate  
4 your client's honesty, in saying that when he  
5 bought this property, he knew it was going to  
6 need a variance.

7 So, you're here.

8 MR. SHALJIAN: And he also knew he needed  
9 --

10 MR. EYERMAN: And -- and you're here.

11 MR. SHALJIAN: -- the blessing of the  
12 Mayor, --

13 MS. DILLON: Wait.

14 MR. SHALJIAN: -- counselor.

15 MR. EYERMAN: And -- and we're not going to  
16 consider it.

17 MR. SHALJIAN: Okay.

18 MR. EYERMAN: So, we're here. Present your  
19 application.

20 MR. SHALJIAN: Okay.

21 MR. EYERMAN: But I would stop with the  
22 letter, because it's not really -- we're going to  
23 be honest --

24 MR. SHALJIAN: It's fine.

25 VICE CHAIRMAN GRULLON: It's irrelevant.

1 MR. EYERMAN: -- and we're -- and we're  
2 going to listen to what --

3 VICE CHAIRMAN GRULLON: Irrelevant.

4 MR. EYERMAN: -- your experts have to say.

5 MR. SHALJIAN: The letter -- the letters  
6 are in the record. They're part of this  
7 transcript, counsel, and we'll proceed.

8 Any other questions for my client?

9 VICE CHAIRMAN GRULLON: No more question.  
10 You can bring your next witness.

11 MR. SHALJIAN: Thank you.

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

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

15

16 (Whereupon, Wilfredo J. Ortiz, II, Esq.  
17 arrived at 7:43 p.m.)

18

19 (Whereupon, Brian E. Eyerman, Esq. left at  
20 7:43 p.m.)

21

22 THE SECRETARY: Okay. Can I have your  
23 attention, please?

24 Let's go back in business.

25 Go ahead, sir.

1 MR. SHALJIAN: Thank you.

2 MR. W. ORTIZ: Just for the record.

3 Wilfredo Ortiz. I'm filling in for Brian  
4 Eyerman at this point, attorney for the Board.

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

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

9 MR. EBEN: I do.

10 MS. DILLON: Please state your name and  
11 spell it for the record.

12 MR. EBEN: Name is Jerome, J-E-R-O-M-E,  
13 Eben, E-B-E-N.

14 MS. DILLON: Thank you.

15 MR. SHALJIAN: Mr. Eben, you are pinch  
16 hitting for the project architect, Manny  
17 Pereiras.

18 Is that correct?

19 MR. EBEN: Yes, that's correct.

20 MR. SHALJIAN: And are you familiar with  
21 this project?

22 MR. EBEN: Yes, I am.

23 MR. SHALJIAN: Can you give us your  
24 credentials, please?

25 MR. EBEN: I'm a licensed architect in the

1 State of New Jersey. I've been licensed for 31  
2 years.

3 I've testified on hundreds of boards and  
4 serve -- I've served on the West Orange Zoning  
5 Board, and the -- currently, am serving on the  
6 West Orange Planning Board.

7 Again, about 30 years of experience.

8 MR. SHALJIAN: I would ask that he be  
9 accepted.

10 VICE CHAIRMAN GRULLON: We accept your  
11 qualifications.

12 MR. EBEN: Thank you.

13 MR. SHALJIAN: Mr. Eben, would you please  
14 walk us through the building, and the proposed  
15 improvements to the building, in the event this  
16 Board grants the variance that we're looking for?

17 MS. DILLON: Are we marking anything, Mr.  
18 Shaljian?

19 MR. EBEN: These already marked, or are we  
20 going to mark these?

21 MS. DILLON: We did?

22 MR. EBEN: Oh, we didn't mark these. Or  
23 did we?

24 MS. DILLON: Oh, wait. Are these --

25 MR. SHALJIAN: No.

1 MS. DILLON: No, these aren't marked.

2 MR. EBEN: Okay.

3 MR. SHALJIAN: Going to mark those?

4 MR. EBEN: We're going to mark a -- mark a  
5 Rendering. Well, the Rendering is -- we'll mark  
6 that first, so I can just talk a little bit about  
7 that.

8 MS. DILLON: That will be A-32 for the  
9 record.

10

11 (Whereupon, Rendering was received and  
12 marked as Exhibit A-32.)

13

14 MR. EBEN: A-32.

15 And the first sheet here is the aerial site  
16 plan, all of the Code information, Zoning Code  
17 information.

18 And the sheet behind it is the existing and  
19 proposed floor plan.

20 MS. DILLON: So, it's going to be two  
21 pages.

22 MR. EBEN: Two pages. Yes.

23

24 (Whereupon, Site Plan Information, 2 pages,  
25 was received and marked as Exhibit A-33.)

1

2 MR. EBEN: Okay.

3

MR. SHALJIAN: Use this as the existing.

4

MR. EBEN: Okay.

5

MR. SHALJIAN: This was previously marked.

6

MS. DILLON: No, I didn't mark that.

7

MR. SHALJIAN: Okay.

8

MR. EBEN: All right.

9

MS. DILLON: Because it's in the record as  
10 a photo.

11

MR. SHALJIAN: Yeah.

12

MS. DILLON: Okay.

13

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

15

MR. EBEN: For the Board's information,  
16 this is an existing wood frame masonry building.  
17 In other words, the existing building is a block  
18 and brick building, dates to about the 1940s,  
19 industrial use building. Has a -- when I say  
20 wood frame, masonry that means that the roof has  
21 got wood framing on it.

22

So, it is a wood frame, masonry --  
23 classified as a wood frame, masonry building.  
24 It's a brick and block building.

25

It's condition currently is --

1 MS. DILLON: You're just booming too much.

2 MR. EBEN: Oh, okay.

3 MS. DILLON: So they can hear you, but  
4 understand you.

5 MR. EBEN: The condition of the building  
6 is, in my opinion, excellent. It's a clean  
7 building. Well maintained. Has some steel  
8 girders in the building, and wood frame  
9 perpendicular to it, for the roof. And existing  
10 windows.

11 Manny is proposing to adorn the building  
12 with canopies. I'll go through that on the -- on  
13 the proposed building.

14 And some in taste -- very tasteful signage  
15 to identify the building.

16 The building has a rollup -- existing  
17 rollup door for the delivery of the poultry. And  
18 I will also explain the interior of the building,  
19 and the operation of the building.

20 Do you want to do questions about the  
21 exterior first, or you want --

22 MR. SHALJIAN: Yes. Let's do the exterior  
23 first.

24 MR. EBEN: Any questions from them?

25 MR. SHALJIAN: Right.

1 MR. EBEN: Okay.

2 MR. SHALJIAN: The exhibit that's marked A  
3 -- Mr. Eben?

4 MR. EBEN: Yes.

5 MR. SHALJIAN: That's a photograph of the  
6 existing building now.

7 MR. EBEN: That's correct.

8 MR. SHALJIAN: Correct. And that's on the  
9 corner of 25<sup>th</sup> Street --

10 MR. EBEN: And Central.

11 MR. SHALJIAN: And Central. Right.

12 MR. EBEN: Okay.

13 MR. SHALJIAN: Okay.

14 MR. EBEN: The -- the neighborhood --  
15 again, it's more for the planner, but the  
16 neighborhood is a mixed use neighborhood, as is  
17 most of -- almost the entire City of Union City.

18 I've testified before this Board  
19 previously. I'm very familiar with Union City,  
20 in terms of its character of this -- character of  
21 the city. It's my favorite city because  
22 Mallomars used to be made here years ago.

23 Anyway, this is a -- this is a great  
24 building for the proposed use. And it would  
25 improve the current situation that the owners

1 have, just a few blocks away from this particular  
2 location, per their test -- per his test --  
3 Manny's testimony, in terms of keeping his  
4 business in -- the way it is right now, and --  
5 and because the customers are within walking  
6 distance of their homes where they -- where they  
7 live currently.

8 MR. W. ORTIZ: Could I just ask you a  
9 question?

10 MR. EBEN: Sure.

11 MR. W. ORTIZ: You're -- you're talking  
12 about the use, and you're referring to the use.  
13 But, in fact, the reason that you're here is  
14 you're applying for a use variance.

15 So, it's not a proper use in this zone,  
16 according to the Master Plan.

17 Is that correct?

18 MR. EBEN: It's not a proper use according  
19 to the Master Plan, but I'm -- I'm -- what I'm  
20 explaining is the architectural piece of this  
21 building, not -- not the planning piece of the  
22 building. We have a planner that's going to  
23 testify to that.

24 MR. W. ORTIZ: But -- but you would agree  
25 that the use is not a proper use under the Master

1 Plan.

2 MR. EBEN: Well, that's why we're here.

3 For a --

4 MR. W. ORTIZ: Okay.

5 MR. EBEN: -- use variance.

6 MR. W. ORTIZ: Well, I'm just --

7 MR. EBEN: But I'm talking about the use of  
8 the facility for its actual -- for the proposed  
9 use, in terms of the architectural background of  
10 the building.

11 The building has -- has a clear height of  
12 about 11 feet on the inside. It has concrete  
13 floor. It has an existing ramp for the ADA. It  
14 has -- it will have a bathroom, a toilet room  
15 that will be accommodated for the ADA.

16 There will be self-opening doors, self-  
17 closing doors. So, it's going to not only be ADA  
18 for the owner of the building, but for the  
19 public, which is more -- which, in this case, in  
20 my case, as an architect, is more important.

21 MR. SHALJIAN: Now, Mr. Eben, walk us  
22 through the improvements that the owner has  
23 recommended for the exterior, please.

24 MR. EBEN: All right. How far --

25 Let's see. Just hold this for me while I

1 flip over the --

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

4 MR. EBEN: Currently, there's a -- there is  
5 a large -- a large building. It's about 5,000  
6 square feet.

7 It is completely cleared. The previous  
8 owner has cleared out the front of the building.  
9 So, it's one, big open --

10 MS. DILLON: It's got to be --

11 MR. EBEN: Right here. I'm sorry.

12 MS. DILLON: It's booming --

13 MR. EBEN: I'm booming.

14 MS. DILLON: -- understand it.

15 MR. EBEN: It's one big open space. Manny  
16 has designed several buildings in -- in this  
17 community. I think you're well aware of his  
18 work.

19 The front half of the building is going to  
20 be set up so that there will be space for the  
21 customers to come in, to be seated, to wait for  
22 their particular order.

23 Also, there is a changing room for the  
24 employees. They'll come in with their street  
25 clothes. They change their clothes to go to the

1 back of the building, to do their operation of --  
2 of preparing chickens.

3           There are -- there is a ramp -- let's see  
4 if I can -- Mr. Shaljian, why don't you hold this  
5 for me, so I can point out the things?

6           I think its best if I -- best if I use a  
7 pointer here, so you can -- I can point out these  
8 items.

9           There's an existing ramp, because there's  
10 two -- there's two elevations in the building.  
11 The front half of the building is about 16 inches  
12 lower than the back half of the building.

13           So, what we've -- what Manny has done is  
14 prepared a ramp that is going to be able to bring  
15 people, including the owner, up to this -- up to  
16 the production level, where -- where the chickens  
17 come in, and where the chickens are taken --  
18 taken and slaughtered and -- and stored in -- in  
19 the -- in the stainless steel carrier -- cages in  
20 the back.

21           This allows for the washing down of the --  
22 of the cages, as Manny, the owner, has explained.

23           The interior wall at the rear of the  
24 building is a brand new interior wall that will  
25 be covered with a cemented -- cemetitious

1 material, and a water poof material, with a cove  
2 base onto the floor. And floor drains will be  
3 placed throughout.

4           So, in essence, the building -- the actual  
5 building can be washed down, from top to bottom.  
6 There will be floor drains throughout. There  
7 will be a mechanical system that takes whatever  
8 odor is there out through rooftop units, which  
9 are going to -- which the mechanical engineer  
10 will explain, scrubbing the -- the odor.

11           And there will be hand sinks throughout,  
12 and a three part sink, in accordance with the  
13 Health Code of the City of Union -- Union City.

14           There also is a -- a freezer. I think  
15 Manny explained that what's going to happen is  
16 the waste material is going to be frozen, so that  
17 there will be less odor. And that -- that  
18 material will be taken out.

19           The whole operation will be much cleaner,  
20 much more organized, and much better for the --  
21 for both him and his customers, and the  
22 neighborhood.

23           MR. SHALJIAN: Mr. Eben, is all the  
24 processes with respect to this business take  
25 place within the four walls of the business?

1           MR. EBEN: Correct. In fact, the -- all  
2 the process will be inside the building. The  
3 delivery of the chickens will be inside the  
4 building.

5           So, everything is a controlled facility,  
6 ready to be done in the most -- the cleanest  
7 method possible.

8           MR. SHALJIAN: And is the -- is this a  
9 standalone building?

10          MR. EBEN: This is a standalone building.  
11 It -- there are no attachments, as in the current  
12 building, there are residential apartments above  
13 the current building.

14          This is a standalone building. There are  
15 no other use in the building as proposed.

16          MR. SHALJIAN: All right. Would you  
17 explain the improvements to the exterior of the  
18 building that are shown on Mr. Pereiras'  
19 rendering?

20          MR. EBEN: The exterior improvements are  
21 really just a -- where there are going to be an  
22 awning over the windows, architectural addition  
23 over the windows and the doors.

24          There -- over the current doorways -- it's  
25 best if I -- if you would hold this for me?

1           Manny has added a fixed window over the  
2 current doorways to line up with the heads of the  
3 existing windows.

4           So, architecturally, he's improved the  
5 building, right here, as one of those examples.  
6 Right there.

7           And the awnings -- this rendering doesn't  
8 show awnings, but there will be awnings that will  
9 just protect -- protect the windows and give --  
10 and break up the large façade from ground to the  
11 -- to the rooftop.

12           MR. SHALJIAN: Mr. -- Mr. Eben --

13           MR. EBEN: Go ahead.

14           MR. SHALJIAN: In -- in your opinion, is  
15 this building well suited for this use?

16           MR. EBEN: This building is extremely well  
17 suited, because of its size, because of its  
18 standalone ability, because it's on a corner.

19           It is what it is. It's an existing  
20 industrial use building. And so, it's -- it's  
21 generally a great building for the use that is  
22 proposed here.

23           MR. SHALJIAN: I don't have any further  
24 questions.

25           VICE CHAIRMAN GRULLON: Mr. Eben, I have a

1 --

2 MR. EBEN: Yes, sir.

3 VICE CHAIRMAN GRULLON: I have a question.

4 On the proposed building, could you -- are  
5 you going to have any demolition?

6 MR. EBEN: There's -- there's no demolition  
7 on the -- there's no demolition on the proposed  
8 building.

9 What we're doing, at the very least, if  
10 there's any masonry repair, we will -- we'll look  
11 at that, we'll repair the masonry.

12 Where -- what we're adding to the building  
13 are the awnings. The door is -- the rollup door  
14 is perfectly fine. It operates currently. It's  
15 -- it's in good repair.

16 The building is in -- in pretty good shape  
17 for a building that is about as old as I am.

18 VICE CHAIRMAN GRULLON: Could you go over  
19 the setback of the building?

20 MR. EBEN: There -- there are no set -- the  
21 building is sitting practically on the property  
22 line.

23 VICE CHAIRMAN GRULLON: On the property  
24 line.

25 MR. EBEN: It's been there for over 60

1 years.

2 VICE CHAIRMAN GRULLON: I don't know if you  
3 could answer this question.

4 For this type of use, do you know the  
5 parking requirement for the -- for this building?

6 MR. EBEN: It's one for 300 square feet.

7 VICE CHAIRMAN GRULLON: How many will this  
8 application require?

9 MR. EBEN: Well, there's no -- there's no  
10 -- it's a nonconforming use now in terms of  
11 parking.

12 VICE CHAIRMAN GRULLON: Yeah, but how many  
13 will be required by --

14 MR. EBEN: Well, it's 5,000 square feet.  
15 So, you make the -- make the division up and it's  
16 --

17 VICE CHAIRMAN GRULLON: Be about 15, would  
18 you say?

19 MR. EBEN: About 15 car parking. Yes.

20 But that's like most -- most of the  
21 buildings in -- in Union City have that parking  
22 -- parking problem.

23 VICE CHAIRMAN GRULLON: And how many  
24 employees?

25 MR. EBEN: I think Mr. Alvarez --

1           VICE CHAIRMAN GRULLON: I don't know if you  
2 can answer that.

3           MR. EBEN: -- he testified that he -- he  
4 hopes to increase the employees, and to be local.  
5 So, if they're local employees, they could either  
6 walk or take public transportation to the  
7 building.

8           And again, 90 percent of his -- his  
9 clientele are walking to the building, as -- as  
10 they do today.

11          So, the parking is not an issue.

12          VICE CHAIRMAN GRULLON: It is an issue in  
13 that area.

14          MR. EBEN: Well, it's an issue, but it's  
15 not an issue based on the fact of what Mr.  
16 Alvarez testified, and what I've been told as an  
17 architect.

18          VICE CHAIRMAN GRULLON: Okay.

19          I don't have any more question for the  
20 architect.

21          Any of you?

22          MR. PRESSEY: Yeah.

23          Something about the fish market.

24          MS. DILLON: Keep your voice up, Mr.  
25 Pressey.

1 MR. PRESSEY: I'm not hearing anything --

2 VICE CHAIRMAN GRULLON: Mr. Pressey?

3 MR. PRESSEY: I'm sorry?

4 MS. GUTIERREZ: You have to get your voice  
5 up.

6 MR. PRESSEY: I haven't heard anything  
7 about the fish market aspect.

8 MR. EBEN: No. Mr. Alvarez said he's  
9 expanding his business to a fish market. You  
10 really have -- that question should have been for  
11 Mr. Alvarez.

12 MR. SHALJIAN: Mrs. Alvarez will -- will  
13 address that when she testifies.

14 MR. EBEN: Oh, okay.

15 MR. PRESSEY: Okay.

16 A CITIZEN: How about delivery, if --

17 VICE CHAIRMAN GRULLON: The public, you  
18 will have -- you will have your opportunity  
19 later.

20 We don't have any more question. You could  
21 bring your next witness.

22 MR. EBEN: Okay.

23 Thank you.

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

1 MS. GUTIERREZ: Thank you.

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

4 MS. DILLON: Please raise your right hand.

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

7 MS. NIPER: Yes.

8 MS. DILLON: If you would please state your  
9 name and spell it for the record?

10 MS. NIPER: My name -- sorry -- my name is  
11 Jennifer, J-E-N-N-I-F-E-R, Niper, N-I-P-E-R.

12 MS. DILLON: Thank you.

13 MR. SHALJIAN: Jennifer, by whom are you  
14 employed?

15 MS. NIPER: New Jersey Department of  
16 Agriculture.

17 MR. SHALJIAN: And what is our position?

18 MS. NIPER: I'm an Animal Health  
19 Technician, with the Division of Animal Health.

20 MR. SHALJIAN: Are you familiar with the  
21 Panorama Poultry business?

22 MS. NIPER: Yes.

23 MR. SHALJIAN: And have you been made aware  
24 of the hysteria that has been advertised about  
25 the relocation of this business, two blocks east?

1 MS. NIPER: Yes.

2 MR. SHALJIAN: And I wonder if you could  
3 tell us what procedures a poultry market, not  
4 necessarily the Alvarez's poultry market, but the  
5 other -- even the other poultry markets in this  
6 City go through, in terms of inspections?

7 MR. W. ORTIZ: Counselor? Counselor?

8 Is she going to be offering an expert  
9 opinion?

10 MR. SHALJIAN: She's going to testify --  
11 she -- she is an on-the-site inspector.

12 MR. W. ORTIZ: Correct. But we didn't go  
13 through any of her credentials for the record.

14 MR. SHALJIAN: Okay.

15 A CITIZEN: We want to hear you.

16 MR. W. ORTIZ: I said, we didn't go through  
17 any of her credentials.

18 MR. SHALJIAN: Okay. I'll ask -- I'll ask  
19 her her credentials.

20 MR. W. ORTIZ: Thank you.

21 MR. SHALJIAN: Ms. -- Ms. Niper, would you  
22 tell us your credentials?

23 MS. NIPER: I'm an Animal Health Technician  
24 with the New Jersey Department of Agriculture.

25 MR. SHALJIAN: What is your educational

1 background?

2 MS. NIPER: I have a bachelors in animal  
3 science from Rutgers.

4 MR. SHALJIAN: And how many years have you  
5 been employed by the State of New Jersey?

6 MS. NIPER: This January, it will be nine.

7 MR. SHALJIAN: And is part of your duties  
8 inspecting poultry markets in the State of New  
9 Jersey?

10 MS. NIPER: Yes.

11 MR. SHALJIAN: And is -- and is that part  
12 --

13 THE SECRETARY: Quiet please.

14 MR. SHALJIAN: -- of your specific  
15 expertise, within the Department?

16 MS. NIPER: Yes.

17 MR. SHALJIAN: Okay.

18 Now, I direct your attention to the  
19 Panorama Poultry Market.

20 Is she acceptable to you?

21 VICE CHAIRMAN GRULLON: Yeah. We accept  
22 your -- her qualification.

23 MR. SHALJIAN: Thank you.

24 VICE CHAIRMAN GRULLON: Thank you, Ms.  
25 Niper.

1           MR. SHALJIAN: I direct your attention to  
2 the Panorama Poultry Market.

3           MS. NIPER: Okay.

4           MR. SHALJIAN: Is that one of the markets  
5 that you inspect on a -- on a frequent basis?

6           MS. NIPER: Yes, it is.

7           MR. SHALJIAN: Can you tell us, over the  
8 course of a year, how many inspections Panorama  
9 receives from the State of New Jersey?

10          MS. NIPER: They receive 12 unannounced,  
11 monthly inspections, in addition to four  
12 quarterly inspections -- quarterly closure  
13 inspections a year.

14          MR. SHALJIAN: What is an unannounced  
15 inspection, please?

16          MS. NIPER: An unannounced inspection is we  
17 conduct inspections based on poultry health. We  
18 look to see if there's disease in the market. We  
19 go in, we look at records, we look at  
20 cleanliness.

21                 And we are also looking to make sure that  
22 the birds were purchased from registered poultry  
23 distributors.

24          MR. SHALJIAN: Now, does Panorama know when  
25 they're going to be inspected?

1 MS. NIPER: No, they don't. Not for  
2 unannounced inspections.

3 They do for quarterly closure inspections.

4 MR. SHALJIAN: What is a quarterly closure  
5 inspection?

6 MS. NIPER: Quarter closure inspection is  
7 when the market completes sell down all poultry.  
8 They do a complete cleaning and disinfection.  
9 And after the disinfection is applied, they are  
10 closed for a minimum of 24 hours, to let the  
11 disinfection dry.

12 We come in. We do environmental sampling,  
13 and then if the inspection is satisfactory,  
14 they're allowed to reopen.

15 MR. SHALJIAN: Does Panorama get tested for  
16 avian influenza?

17 MS. NIPER: On a quarterly basis, yes, they  
18 do.

19 MR. SHALJIAN: Okay. Has Panorama ever  
20 failed a test for avian influenza?

21 MS. NIPER: Since I have been working with  
22 the Department of Agriculture, no. They've  
23 tested negative.

24 MR. SHALJIAN: Okay.

25 A CITIZEN: How long is that? Nine years.

1 MS. NIPER: Nine years.

2 MR. SHALJIAN: Now, does Panorama, in your  
3 opinion, follow the guidelines that the State of  
4 New Jersey set up for poultry markets?

5 MS. NIPER: Yes, they do. They have to  
6 abide by New Jersey Administrative Code 2:9,  
7 which is avian influenza.

8 Each market in New Jersey also has to abide  
9 by -- by a security protocol that's developed  
10 specifically for each market.

11 MR. SHALJIAN: Now, I'm going to show you  
12 what has been marked Exhibit 22, pre-marked  
13 Exhibit 22, which is a group of yellow pieces of  
14 paper.

15 I wonder if you could identify what these  
16 items are.

17 MS. NIPER: One item is a quarterly closure  
18 inspection form, which is marked satisfactory.

19 MR. SHALJIAN: For -- for what location?

20 MS. NIPER: For Panorama.

21 MR. SHALJIAN: And what's the date on it?

22 MS. NIPER: This is September 28<sup>th</sup>, 2015.

23 MR. SHALJIAN: Okay.

24 MS. NIPER: And then the other three  
25 inspection reports are routine live bird market

1 inspection reports from unannounced inspections.

2 MR. SHALJIAN: And were they -- did they  
3 pass those inspections?

4 MS. NIPER: It appears that they did. Yes.

5 MR. SHALJIAN: Okay.

6 Thank you.

7 You have heard the testimony -- you've been  
8 here listening to the testimony.

9 MS. NIPER: Correct.

10 MR. SHALJIAN: And you heard about the  
11 proposed location that Panorama is interested in  
12 moving to.

13 MS. NIPER: Yes.

14 MR. SHALJIAN: And that's why we're before  
15 this Board tonight.

16 MS. NIPER: Right.

17 MR. SHALJIAN: Can you tell us whether or  
18 not you see a benefit of moving Panorama from its  
19 present location to the larger location at 2417  
20 Central Avenue?

21 MS. NIPER: I do see a benefit, with --  
22 from what has been described tonight, with how he  
23 would construct the inside of the market;  
24 stainless steel cages, up-to-date equipment, and  
25 yes, I do.

1 MR. SHALJIAN: And that's a good thing.

2 MS. NIPER: Yes.

3 MR. SHALJIAN: Okay.

4 I don't have any further questions of this  
5 witness.

6 MR. DARDIR: You mentioned that you do 12  
7 inspections a month?

8 MS. NIPER: A year.

9 MR. DARDIR: A year.

10 MS. NIPER: Did I say a month?

11 MR. DARDIR: Twelve a month you said.

12 MS. NIPER: Oh, I'm sorry.

13 MR. DARDIR: So, 12 --

14 MS. NIPER: A year.

15 MR. DARDIR: Okay, so once a month.

16 MS. NIPER: Once a month. Yeah.

17 MR. DARDIR: How many --

18 MS. NIPER: Minimally.

19 MR. DARDIR: -- of those yellow sheets of  
20 paper have you -- is yours?

21 MS. NIPER: Let's see. Two out of the  
22 four.

23 We've -- the other two are from USDA. We  
24 work together with USDA.

25 MR. DARDIR: Okay.

1           How many places do you inspect in the Union  
2 City -- or Hudson County, in general?

3           MS. NIPER: I actually inspect the three  
4 markets in Union City, in addition to the one in  
5 West New York.

6           MR. DARDIR: Okay.

7           That's all I have.

8           Oh, one more.

9           Have you testified before in --

10          MS. NIPER: No.

11          MR. DARDIR: -- stuff like this?

12          No. Making sure.

13          Thank you.

14          MR. SHALJIAN: Just -- just one -- one  
15 question, because I'm a little confused.

16          You answered the Commissioner's question.  
17 You said 12 inspections.

18          Are there more than 12 or are there 12, or  
19 less than 12 over a given year?

20          MS. NIPER: We do 12 unannounced monthly  
21 inspections. So, one -- once a month, for 12  
22 months.

23          In addition to that, we do quarterly  
24 closure inspections. So, once every quarter.

25          MR. SHALJIAN: So 16 --

1 MS. NIPER: Every three months.

2 MR. SHALJIAN: At least 16 inspections.

3 MS. NIPER: A year. Correct.

4 MR. SHALJIAN: Okay.

5 MR. DARDIR: Thank you.

6 MR. SHALJIAN: Now I understand.

7 Thank you.

8 VICE CHAIRMAN GRULLON: Mrs. Niper, just to  
9 add to his question.

10 Your answer that you visit all three sites  
11 in Union City?

12 MS. NIPER: Correct.

13 VICE CHAIRMAN GRULLON: Do you know where  
14 they are located? Do you know the locations,  
15 where they are?

16 MS. NIPER: Exact addresses? I don't know,  
17 but I --

18 VICE CHAIRMAN GRULLON: More or less?

19 MS. NIPER: Oh, yes.

20 VICE CHAIRMAN GRULLON: Yeah.

21 MS. NIPER: Yes.

22 VICE CHAIRMAN GRULLON: Could you tell us?  
23 Could you tell the --

24 MS. NIPER: The one in West New York is  
25 around 52<sup>nd</sup> Street.

1           They're all on Bergenline Avenue.

2           VICE CHAIRMAN GRULLON: They're all on  
3 Bergenline?

4           MS. NIPER: Yes.

5           VICE CHAIRMAN GRULLON: Thank you.

6           MS. NIPER: So --

7           VICE CHAIRMAN GRULLON: Thank you.

8           MR. W. ORTIZ: So -- I'm going to follow  
9 up.

10          VICE CHAIRMAN GRULLON: Yes.

11          MR. W. ORTIZ: So, they're all in a  
12 commercial zone.

13          MR. SHALJIAN: She wouldn't know that,  
14 counselor.

15          MR. W. ORTIZ: Well, that's --

16          MR. SHALJIAN: Counselor, she's not a  
17 planner.

18          MR. W. ORTIZ: From your observation.

19          No, no. Hold on. Don't cut me off. Don't  
20 do that.

21          MR. ALVAREZ: There's one on 42<sup>nd</sup> Street.

22          MR. SHALJIAN: Okay. Don't you do that.

23          MS. NIPER: Oh, correct.

24          MS. ALVAREZ: I think one is in 42<sup>nd</sup>.

25          One's not on Bergenline.

1 MR. SHALJIAN: Wait. He's asking --

2 MS. NIPER: I apologize.

3 MR. W. ORTIZ: Well, most of these markets  
4 that you inspect are in the Bergenline area.

5 Correct?

6 MS. NIPER: Three are on Bergenline and one  
7 is on a side road --

8 MR. W. ORTIZ: And the one up --

9 Okay. Thank you.

10 MS. NIPER: -- 42<sup>nd</sup> Street.

11 MR. SHALJIAN: Thank you.

12 MS. GUTIERREZ: Forty-second between  
13 Bergenline and New York Ave.

14 A CITIZEN: Can she explain what this avian  
15 flu is? Can she explain that? She's an expert on  
16 that.

17 MR. SHALJIAN: That's a very good question.

18 A CITIZEN: Thank you.

19 MS. NIPER: Avian influenza, also known as  
20 bird flu, primarily affects poultry; wild birds,  
21 chickens, anything, basically.

22 So, it's prevalent all around the world,  
23 but that's why we do continued surveillance, and  
24 we're very strict on avian influenza sampling and  
25 testing.

1 A CITIZEN: Can humans catch it?

2 THE SECRETARY: One second, please.

3 MR. W. ORTIZ: Well, we're not doing --  
4 we're not doing --

5 VICE CHAIRMAN GRULLON: We're not doing the  
6 public --

7 MR. M. ORTIZ: No, no, no. We're not doing  
8 the public now.

9 A CITIZEN: Just a question. Just asked  
10 her to clarify.

11 THE SECRETARY: Will be a chance to ask  
12 questions. Just hold on --

13 MR. W. ORTIZ: Only because it would be  
14 disarray if we started letting everybody ask  
15 questions of every witness.

16 MR. SHALJIAN: Okay.

17 VICE CHAIRMAN GRULLON: Okay.

18 MS. NIPER: Okay.

19 VICE CHAIRMAN GRULLON: Yeah. You can  
20 bring your next witness.

21 MS. NIPER: Thank you.

22 MR. SHALJIAN: I'm sorry?

23 VICE CHAIRMAN GRULLON: Please bring your  
24 next witness.

25 MR. SHALJIAN: Yes.

1 Mrs. Alvarez?

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

4 MR. SHALJIAN: Please state your name.

5 MS. ALVAREZ: My name is Niurka Alvarez.  
6 My name is Niurka Alvarez.

7 MR. SHALJIAN: Okay. And you are Manuel  
8 Alvarez's wife?

9 MS. ALVAREZ: Yes, I am.

10 MR. SHALJIAN: Okay. And -- just one  
11 minute, Mrs. Alvarez.

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

14 MR. SHALJIAN: Mrs. Alvarez, you are a part  
15 owner of Panorama Poultry.

16 MS. ALVAREZ: Yes, I am.

17 MR. SHALJIAN: Right. And I'm going to try  
18 to save time by summarizing some of your  
19 husband's testimony --

20 MS. ALVAREZ: Yes.

21 MR. SHALJIAN: -- until we reach a point.  
22 And is it fair to say that you purchased  
23 the business in 2001?

24 MS. ALVAREZ: Yes.

25 MR. SHALJIAN: And is it fair to say that

1 in 2001, Mr. Alvarez ran the business?

2 MS. ALVAREZ: Yes.

3 MR. SHALJIAN: What did you do, if  
4 anything, outside the house in 2000?

5 MS. ALVAREZ: I was working for a company,  
6 MediMedia (phonetic).

7 I was working as a programmer for MediMedia  
8 Company.

9 MR. SHALJIAN: Okay. And in 2003, your  
10 husband was tragically injured.

11 MS. ALVAREZ: Yes.

12 MR. SHALJIAN: And as a result of that  
13 tragedy, how did that change your life?

14 MS. ALVAREZ: Three hundred sixty degree.

15 MR. SHALJIAN: Okay. Tell us what  
16 happened.

17 MS. ALVAREZ: I have to take care of my  
18 husband. He needs me to do everything for him,  
19 because he was not -- he was not born blind, so  
20 he got -- he got to get used to everything. And  
21 plus, I have to raise three kids, that, at that  
22 time, they were little.

23 And plus, I have to take care of the  
24 business. Start taking care of the business.

25 MR. SHALJIAN: Now, I'm going to show you

1 an exhibit, Exhibit number 10.

2 Can I have that board, the chart?

3 Ms. Alvarez, this is Exhibit number 10,  
4 which was pre-marked as an exhibit.

5 Can you do that?

6 That'd be great. Thanks.

7 Which -- which was marked -- pre-marked as  
8 an exhibit.

9 MS. ALVAREZ: Yes.

10 MR. SHALJIAN: Do you recognize that?

11 MS. ALVAREZ: Yes. I do.

12 MR. SHALJIAN: And you prepared that, as a  
13 matter of fact?

14 MS. ALVAREZ: I did it myself.

15 MR. SHALJIAN: You did it.

16 MS. ALVAREZ: Yes.

17 MR. SHALJIAN: Okay.

18 Now, the top of the chart shows a gold  
19 star, and what does the gold star represent?

20 MS. ALVAREZ: That's our present location.

21 MR. SHALJIAN: Okay.

22 Now, at your present location, is that the  
23 building that is shown on Exhibit number 30?

24 MS. ALVAREZ: Yes, it is.

25 MR. SHALJIAN: Okay.

1           Now, at your present location, are there  
2 any residences above your store?

3           MS. ALVAREZ: Yes, they are.

4           MR. SHALJIAN: How big is your store?

5           MS. ALVAREZ: 956 square feet.

6           MR. SHALJIAN: And that's like 20 by --

7           MS. ALVAREZ: I have to go with measure.

8           MR. SHALJIAN: -- 45, something like that.

9           MS. ALVAREZ: Yes.

10          MR. SHALJIAN: Right?

11          Okay. Now, is your building attached to  
12 another building?

13          MS. ALVAREZ: Yes. It is attached to both  
14 buildings, to the right and to the left.

15          MR. SHALJIAN: Okay.

16          Now, would you tell the members of the  
17 Board, looking at your chart --

18          MS. ALVAREZ: Um hum.

19          MR. SHALJIAN: -- what uses are next to  
20 your building?

21          MS. ALVAREZ: Okay. To my right is a  
22 dentist. And --

23          MR. SHALJIAN: This is as you're facing it.

24          MS. ALVAREZ: I'm facing it. So, to my  
25 right is a dentist, and right to the -- to the

1 dentist is a daycare.

2 Then, to my left, is a grocery store, and  
3 then a hair salon.

4 There's also another religion store and  
5 right on the corner, to my left -- to my right,  
6 is another dentist.

7 MR. SHALJIAN: Okay.

8 Now, above each of these businesses, are  
9 there residences?

10 MS. ALVAREZ: Yeah. There's all four are  
11 apartments.

12 MR. SHALJIAN: Okay. Now, what about  
13 across the street?

14 MS. ALVAREZ: Across the street is --  
15 there's restaurant, supermarket, restaurants,  
16 laundromat, hair salon, and a laundromat.

17 MR. SHALJIAN: And also apartments above.

18 MS. ALVAREZ: And all of them have  
19 apartment above.

20 MR. SHALJIAN: All right.

21 And can you tell us, since you've owned  
22 this business --

23 MS. ALVAREZ: Yes.

24 MR. SHALJIAN: -- whether or not you had  
25 received any complaints, either from the City, or

1 from neighbors complaining about your business?

2 MS. ALVAREZ: No, I haven't.

3 MR. SHALJIAN: Okay.

4 Now, I direct your attention to the lower  
5 part of the chart.

6 MS. ALVAREZ: Okay.

7 MR. SHALJIAN: And the lower part of the  
8 chart depicts your future proposed location.

9 MS. ALVAREZ: Yes, it is.

10 MR. SHALJIAN: Correct?

11 MS. ALVAREZ: Yes, it does.

12 MR. SHALJIAN: Now, the green star denotes

13 --

14 MS. ALVAREZ: For my future location, if  
15 they get approved.

16 MR. SHALJIAN: Right. What's immediately  
17 next to it?

18 MS. ALVAREZ: Next door, detach, is a  
19 daycare.

20 MR. SHALJIAN: What do you mean, detached?

21 MS. ALVAREZ: Well, it's not one building  
22 attached to the other.

23 MR. SHALJIAN: Like it is on Bergenline  
24 Avenue.

25 MS. ALVAREZ: Like it is on Bergenline.

1 It's like half a foot separate, one to the other.

2 A CITIZEN: Six inches.

3 MR. SHALJIAN: Okay. And --

4 MS. ALVAREZ: Half a foot. Six inches,  
5 half a foot.

6 MR. SHALJIAN: Okay.

7 And what about on the -- on the other side?

8 On the --

9 MS. ALVAREZ: The other side is a corner  
10 building -- building. I don't have anything on  
11 the -- on the left side.

12 MR. SHALJIAN: Okay. And what about on the  
13 -- and it faces Central Avenue.

14 MS. ALVAREZ: Oh, faces Central Avenue.  
15 There is a mechanic shop, that has six bay,  
16 mechanic.

17 MR. SHALJIAN: Now, you're talking about  
18 2418 Central Avenue.

19 MS. ALVAREZ: Yes.

20 MR. SHALJIAN: That's what's on there.

21 MS. ALVAREZ: Yes. That's what is on  
22 there.

23 MR. SHALJIAN: And there's a label that  
24 says six bay --

25 MS. ALVAREZ: Six bay mechanic shop.

1 MR. SHALJIAN: -- mechanic shop.

2 MS. ALVAREZ: Yes.

3 MR. SHALJIAN: Right?

4 And are there apartments above the mechanic  
5 shop?

6 MS. ALVAREZ: Yes, there are.

7 MR. SHALJIAN: Are you sure?

8 MS. ALVAREZ: I'm positive.

9 MR. SHALJIAN: Okay.

10 Now, are there any other businesses on this  
11 street?

12 MS. ALVAREZ: Yes. There are --

13 MR. SHALJIAN: On Central Avenue, between  
14 25<sup>th</sup> and 26<sup>th</sup>?

15 MS. ALVAREZ: Yes. Next to my -- to the  
16 building that we bought, there's a daycare.

17 MR. SHALJIAN: Okay.

18 MS. ALVAREZ: Then, a house. It's not a  
19 business. There's a bakery, with apartment  
20 above.

21 MR. SHALJIAN: Right.

22 MS. ALVAREZ: There's an open lot, and  
23 there's a -- then there's a building.

24 Then, across the street is the mechanic,  
25 then a house, then a restaurant and apartment

1 above, a laundromat, apartment above, a house,  
2 house, and a supermarket, with apartment above.

3 MR. SHALJIAN: Okay. Stay here. Don't go  
4 anywhere.

5 I need the board --

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

8 MR. SHALJIAN: What's the number on the  
9 back of that?

10 VICE CHAIRMAN GRULLON: Mr. Shaljian?

11 MR. SHALJIAN: Yes.

12 VICE CHAIRMAN GRULLON: Did you testify  
13 that you have a planner today with you?

14 MR. SHALJIAN: Yes.

15 MS. ALVAREZ: Yes.

16 MR. SHALJIAN: I do.

17 MR. W. ORTIZ: I think I know where the  
18 Chairman's going.

19 I think, although I understand what you're  
20 trying to do, in explaining the locations of  
21 where it was and --

22 MS. ALVAREZ: Um hum.

23 MR. W. ORTIZ: -- where -- where it  
24 arguably would be, however, wouldn't you think  
25 that's more appropriate for a planner to testify

1 to, since you do have that expert?

2 VICE CHAIRMAN GRULLON: Our question will  
3 be directed to the planner, not to her.

4 MS. ALVAREZ: Okay.

5 MR. W. ORTIZ: I mean I think you're  
6 getting outside of her expertise, quite honestly.

7 MR. SHALJIAN: Well, I'll ask her one  
8 question about this.

9 Does this picture accurately depict Central  
10 Avenue, between 25<sup>th</sup> Street and 24<sup>th</sup> Street?

11 MS. ALVAREZ: Yes.

12 MR. SHALJIAN: Okay.

13 Now, Mrs. Alvarez, I'm going to -- there's  
14 one more --

15 I need this one.

16 MR. EBEN: Number 17.

17 MR. SHALJIAN: Mrs. Alvarez, I want you to  
18 look at what has previously been marked as 17.  
19 Okay?

20 MS. ALVAREZ: Um hum.

21 MR. SHALJIAN: Now, what is this?

22 MS. ALVAREZ: That's a Google picture.

23 MR. SHALJIAN: Okay. And -- and it has two  
24 labels on it.

25 MS. ALVAREZ: It has two labels. Yes.

1 MR. SHALJIAN: And the label on the left --

2 MS. ALVAREZ: Is the new location, --

3 MR. SHALJIAN: All right.

4 MS. ALVAREZ: -- 2417 Central Avenue. And  
5 the second label is the present location where I  
6 am right now.

7 MR. SHALJIAN: Okay. And how far is the  
8 distance between --

9 MS. ALVAREZ: Two short -- two short  
10 blocks.

11 MR. SHALJIAN: Two blocks?

12 MS. ALVAREZ: Two blocks.

13 MR. SHALJIAN: Okay.

14 Thank you.

15 MR. ALVAREZ: Two short blocks.

16 MS. ALVAREZ: Two short blocks.

17 MR. SHALJIAN: Now, Mrs. Alvarez, I want  
18 you to tell us a little bit about your customer  
19 base.

20 Who are your customers? What countries do  
21 they come from? And tell us a little bit about  
22 the business, because you've been in this  
23 business since 2003, have you not?

24 MS. ALVAREZ: Well, my customers are all  
25 over around the world.

1 I have Cuba customers. I have Dominican.

2 I have --

3 MS. DILLON: Speak a little slower for me.

4 MS. ALVAREZ: I'm sorry.

5 I have Cuba customers. I have Dominicans.

6 I have Mexican, Venezuela, Costa Rica, Peru,

7 Argentina --

8 MR. ALVAREZ: Ecuadorian.

9 MS. ALVAREZ: -- Ecuadorian.

10 MR. ALVAREZ: Egyptian.

11 MS. ALVAREZ: I have Egyptian.

12 MR. ALVAREZ: Boyanese.

13 MS. ALVAREZ: Boyanese, Indian. I have all  
14 over the world.

15 MR. SHALJIAN: Okay.

16 And culturally, live poultry is a staple of  
17 many of those countries.

18 Is it not?

19 MS. ALVAREZ: It is.

20 MR. SHALJIAN: And is that why your  
21 business and the other three businesses that we  
22 discussed today, are successful businesses in  
23 this area?

24 MS. ALVAREZ: Yes, they are, because of the  
25 culture.

1 MR. SHALJIAN: Okay. Now --

2 MR. W. ORTIZ: Counselor, I mean -- I mean  
3 this with the utmost respect, but we'll take  
4 notice that people eat chicken.

5 MR. SHALJIAN: I need a record, my friend.

6 MR. W. ORTIZ: I -- I understand, but I'm  
7 -- we -- the Board will stipulate that people eat  
8 chicken.

9 MR. SHALJIAN: Okay.

10 MR. W. ORTIZ: There's no argument. And  
11 that people each fish, too.

12 MR. SHALJIAN: Okay.

13 MS. ALVAREZ: Yeah. But not everybody eat  
14 frozen chicken.

15 MR. W. ORTIZ: I understand that.

16 MS. ALVAREZ: So, the people that goes to  
17 America, they don't like the frozen chicken.

18 MR. W. ORTIZ: But I don't think --

19 MS. ALVAREZ: They don't like the --

20 MR. W. ORTIZ: But quite frankly, I don't  
21 think you can testify as to what people -- any  
22 people like.

23 MS. ALVAREZ: Okay.

24 MR. W. ORTIZ: I don't doubt -- I don't see  
25 how -- that you can do that.

1 MR. SHALJIAN: I think -- okay.

2 MS. ALVAREZ: Okay.

3 MR. SHALJIAN: All right.

4 THE SECRETARY: I'm going to find the  
5 microphone.

6 MR. W. ORTIZ: Okay. I'm just trying --  
7 I'm trying to talk louder.

8 And I mean that respectfully, but --

9 MS. ALVAREZ: Okay.

10 MR. SHALJIAN: In 2003, after your  
11 husband's horrific accident, and you started to  
12 manage the business, did your husband try to help  
13 you in any way, or could he help you in any way?

14 MS. ALVAREZ: He tried, but he can't.

15 MR. SHALJIAN: And does he come to the  
16 store at all with you now?

17 MS. ALVAREZ: No, he doesn't come to the  
18 store.

19 MR. SHALJIAN: And why can't he help you at  
20 the present location?

21 MS. ALVAREZ: Because there's nothing he  
22 could do there. There is no space for him to at  
23 least grab the bags from the preparation area and  
24 bring it to the front, he can't. He will be in  
25 the middle of the other employees.

1 MR. SHALJIAN: Okay. So, he would get in  
2 the way, you're saying?

3 MS. ALVAREZ: He could get in the way.

4 MR. SHALJIAN: Of the business.

5 MS. ALVAREZ: Yeah.

6 MR. SHALJIAN: Okay.

7 Now, when you realized that Mr. Paneque had  
8 increased your rent to the extent it was  
9 increased, and you decided that you were going to  
10 look for a building of your own, you looked at  
11 two buildings.

12 Right?

13 MS. ALVAREZ: Yes, we did.

14 MR. SHALJIAN: And you took your husband,  
15 obviously.

16 MS. ALVAREZ: Yes. Yes.

17 MR. SHALJIAN: Right? And you explained  
18 everything to your husband.

19 MS. ALVAREZ: Um hum. Yes.

20 MR. SHALJIAN: Because he can't see.

21 MS. ALVAREZ: No. I have to explain  
22 everything for him to feel around he said what  
23 he's facing.

24 MR. ALVAREZ: I have a brain.

25 MS. ALVAREZ: I know.

1 MR. SHALJIAN: Okay. All right.

2 So, when you found -- how many buildings  
3 did you find when you started looking?

4 MS. ALVAREZ: We saw two buildings.

5 MR. SHALJIAN: And they were where?

6 MS. ALVAREZ: One on 45<sup>th</sup> Street and the  
7 other one, this one, 24<sup>th</sup> Street.

8 MR. SHALJIAN: All right. And you  
9 eventually settled on -- on this one.

10 MS. ALVAREZ: On 24<sup>th</sup> Street.

11 MR. SHALJIAN: Is that right?

12 Okay. And you eventually signed a  
13 contract.

14 MS. ALVAREZ: Yes, we -- yes.

15 MR. SHALJIAN: Right? As your husband  
16 testified.

17 MS. ALVAREZ: Yes.

18 MR. SHALJIAN: All right. For \$685,000.00.

19 MS. ALVAREZ: Yes.

20 MR. SHALJIAN: All right. And you  
21 eventually decided that you were going to go meet  
22 with Mayor Stack.

23 MS. ALVAREZ: Yes, we did.

24 MR. SHALJIAN: All right.

25 MR. W. ORTIZ: All right. First of all,

1 the purchase of the building, there's no doubt --

2 THE SECRETARY: Let me have the microphone  
3 for a second, so he can -- please.

4 MR. W. ORTIZ: Counselor, you're all over  
5 the place --

6 MR. SHALJIAN: I can go --

7 MR. W. ORTIZ: -- and I don't --

8 MR. SHALJIAN: -- where I want.

9 MR. W. ORTIZ: No, counselor, let --  
10 counselor, I will tell you where you can go.

11 MR. SHALJIAN: I don't think so.

12 MR. W. ORTIZ: Respectfully. Okay?

13 MR. SHALJIAN: Respectfully, I don't think  
14 you can.

15 MR. W. ORTIZ: Now, first of all, I don't  
16 understand. We know she owns the building,  
17 that's why she's here.

18 I don't understand the necessity of going  
19 into the purchasing process and all that.

20 We -- there's no argument. She owns the  
21 building. But in all fairness to everybody here,  
22 including your client, including your experts,  
23 and -- and these volunteers on this Board,  
24 please, get to the point.

25 (Applause.)

1 MR. SHALJIAN: Most respectfully -- most  
2 respectfully, in 45 years, I have not seen a  
3 mayor go out of his way to sabotage a project  
4 like this mayor did in this case. And that's why  
5 I want to bring it out, sir.

6 MR. W. ORTIZ: It's not relevant.

7 (Applause.)

8 (Whereupon, there were shouts from the  
9 audience.)

10 MS. GUTIERREZ: Slow it down.

11 MR. W. ORTIZ: It's not relevant to this  
12 project. You're before this Board for a  
13 variance. For a use variance.

14 Please keep to the facts. Those are the  
15 facts.

16 MR. SHALJIAN: Okay. So -- so you're --  
17 you're directing me --

18 MR. W. ORTIZ: I'm asking.

19 MR. SHALJIAN: -- not to proceed along this  
20 line of questioning with this witness.

21 Right?

22 MR. W. ORTIZ: I'm asking you what the  
23 relevance is.

24 MR. SHALJIAN: And I gave you what the --

25 MR. W. ORTIZ: And you --

1 MR. SHALJIAN: -- relevance is.

2 MR. W. ORTIZ: But that's not relevant.

3 How is that relevant?

4 MR. SHALJIAN: Because if I'm not going to  
5 get a fair hearing before this Board because the  
6 mayor poisoned this Board, I want to put it on  
7 the record.

8 VICE CHAIRMAN GRULLON: Let me have --

9 MS. GUTIERREZ: Hold on, sir.

10 MR. W. ORTIZ: I find that offensive,  
11 counselor.

12 MR. SHALJIAN: Well, I find what the Mayor  
13 did --

14 MR. W. ORTIZ: I find that highly  
15 offensive.

16 MR. SHALJIAN: -- very offensive.

17 MS. DILLON: Okay. Stop.

18 (Whereupon, there were multiple comments  
19 from the audience.)

20 MS. DILLON: The audience has to be quiet.  
21 I'm trying to make a record.

22 THE SECRETARY: Please. Time. Everybody  
23 will have the opportunity to speak, ask  
24 questions. Yes, please.

25 VICE CHAIRMAN GRULLON: And I'm telling you

1 again that if the Mayor is not present here to  
2 answer your question, anything that you put out  
3 there, saying that the Mayor say, is irrelevant  
4 and it's not going to be considered in this case.

5 (Applause.)

6 MR. SHALJIAN: Is the Mayor going to  
7 testify?

8 MR. W. ORTIZ: Counselor, this is about --

9 MR. SHALJIAN: I'm asking.

10 MR. W. ORTIZ: Counselor, this is about a  
11 use variance.

12 MR. SHALJIAN: Yeah. And --

13 MR. W. ORTIZ: Please. Please. No, no.  
14 This is about a use variance.

15 You are way out of line.

16 MR. SHALJIAN: Ms. Alvarez, after you left  
17 the meeting with the Mayor, what did you decide  
18 to do?

19 MS. ALVAREZ: Since we have a good feeling,  
20 we went in to ask for a loan.

21 MR. SHALJIAN: And you purchased the  
22 building.

23 MS. ALVAREZ: And we purchased the  
24 building.

25 MR. SHALJIAN: And when did you purchase

1 the building?

2 MS. ALVAREZ: In June 18.

3 MR. SHALJIAN: And how much did you pay for  
4 the building?

5 MS. ALVAREZ: \$685,000.00.

6 MR. SHALJIAN: Okay.

7 Now, would you tell the members of the  
8 Board of your investigation of this building to  
9 determine if it was suitable for your business?

10 I'll rephrase the question.

11 Is this building more suitable for your  
12 business than your existing location?

13 MS. ALVAREZ: Definitely, it is.

14 MR. SHALJIAN: Tell me why.

15 MS. ALVAREZ: It's a -- it's a -- well,  
16 compare, we have 956 square feet where we are.  
17 Now, this one has 4,500.

18 It would be a nice facility to put a really  
19 big waiting area for the customers, the poultry.  
20 The delivery is going to go through another door.  
21 It's going to be better for the ventilation.  
22 Each room is going to have -- is separate  
23 ventilation.

24 And my husband, as he mentioned already,  
25 he's going to make it suitable for people --

1 people with disable -- people with disability.

2 MR. SHALJIAN: And that would give him an  
3 opportunity to work again?

4 MS. ALVAREZ: Yes. And that would be  
5 making -- give him an opportunity to feel alive  
6 again.

7 MR. ALVAREZ: I would feel alive again.

8 MR. SHALJIAN: Mrs. Alvarez, --  
9 Just one minute. Excuse me.

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

12 MR. SHALJIAN: Did there come a time when  
13 you decided to have a meeting of people in the  
14 neighborhood to explain to them what your plans  
15 were?

16 MS. ALVAREZ: Yes, I did.

17 MR. SHALJIAN: And when was that?

18 MS. ALVAREZ: That was -- I decide -- well,  
19 I decided, like two weeks before, that the  
20 meeting was supposed to be November 7.

21 MR. SHALJIAN: And did you have that  
22 meeting?

23 MS. ALVAREZ: I did have the meeting.

24 MR. SHALJIAN: And what happened, if  
25 anything?

1 MS. ALVAREZ: Only four -- only four  
2 people, beside my customers, show up, the place.

3 MR. SHALJIAN: And what did your customers  
4 give you, if anything?

5 MS. ALVAREZ: They gave me the letter --  
6 the flyer that the Mayor sent.

7 MR. SHALJIAN: And that's the letters that  
8 were marked in evidence already.

9 MS. ALVAREZ: Yes.

10 MR. SHALJIAN: Is that correct?

11 MS. ALVAREZ: It was. It's the same  
12 letter. Yes.

13 MR. SHALJIAN: Okay.

14 Now, your husband testified concerning some  
15 new cages --

16 MS. ALVAREZ: Yes.

17 MR. SHALJIAN: -- that he is going to have  
18 custom made --

19 MS. ALVAREZ: Yes.

20 MR. SHALJIAN: -- for this new location --

21 MS. ALVAREZ: Yes.

22 MR. SHALJIAN: -- if it is approved.

23 Is that --

24 MS. ALVAREZ: In the day of the meeting, my  
25 husband rent a truck -- a truck, and he put one

1 of the new cages there, so the customers and the  
2 neighbors could see that cage.

3 MR. SHALJIAN: And Exhibit 29 shows the --

4 MS. ALVAREZ: Yes.

5 MR. SHALJIAN: -- cages that you're talking  
6 about.

7 MS. ALVAREZ: Yes.

8 MR. SHALJIAN: And that's much better than  
9 what you have now.

10 MS. ALVAREZ: It's a lot better.

11 MR. SHALJIAN: And did you also, during  
12 your investigation, talk to engineers concerning  
13 air filtration --

14 MS. ALVAREZ: Yes.

15 MR. SHALJIAN: -- and filtering systems?

16 MS. ALVAREZ: Yes. We hired one and he's  
17 here today with us to testify.

18 MR. SHALJIAN: Okay.

19 All right. In the interest of saving time,  
20 I'm going to stop with her, but I may have to  
21 call her back.

22 Okay?

23 MS. ALVAREZ: Okay.

24 Thank you.

25 More question?

1           VICE CHAIRMAN GRULLON: Yeah. We may have  
2 questions.

3           MS. ALVAREZ: Okay.

4           VICE CHAIRMAN GRULLON: Mrs. -- Mrs.  
5 Alvarez? Mrs. Alvarez --

6           No, no. I think I'm going to speak loud  
7 enough.

8           Mrs. Alvarez, are you aware of the City --  
9 map of the City Ordinance? Did you know the City  
10 Ordinance and the City map?

11          MS. ALVAREZ: No, I'm not too familiar with  
12 it.

13          VICE CHAIRMAN GRULLON: You're not familiar  
14 with it?

15          MS. ALVAREZ: No.

16          VICE CHAIRMAN GRULLON: 2417 Central  
17 Avenue, the proposed location, what is the --  
18 what type of neighborhood is that? On the City  
19 Ordinance? Do you know?

20          MS. ALVAREZ: No.

21          VICE CHAIRMAN GRULLON: Because you been  
22 doing statements that we have questions for the  
23 planner, and those are the type of questions that  
24 I have for the planner.

25          MS. ALVAREZ: Okay.

1           VICE CHAIRMAN GRULLON: And I want to know  
2 if you -- before putting those statements out,  
3 did you investigate where the new location, the  
4 proposed location is going to be? Is a  
5 residential zone or it is a commercial zone? Or  
6 if it is a mixed use zone?

7           Did you know? Are you aware?

8           MS. ALVAREZ: No, I'm not aware. But what  
9 I see looks like a mixed zone.

10          A CITIZEN: It's a commercial building.

11          VICE CHAIRMAN GRULLON: Just for your  
12 information --

13          MS. ALVAREZ: And is an industrial  
14 building.

15          VICE CHAIRMAN GRULLON: -- it's -- it's a  
16 -- on the new Master Zone Plan that was adopted  
17 on January 4 --

18          MS. ALVAREZ: Um hum.

19          VICE CHAIRMAN GRULLON: -- 2011, that zone  
20 is purely residential.

21          Any building that is --

22          (Applause.)

23          VICE CHAIRMAN GRULLON: -- there -- the new  
24 --

25          (Whereupon, there was a pause in the

1 proceedings.)

2 VICE CHAIRMAN GRULLON: And my other  
3 question is that you mentioned that you -- you  
4 consider buying other properties in the area.

5 MS. ALVAREZ: We look at it.

6 VICE CHAIRMAN GRULLON: Yes.

7 MS. ALVAREZ: Um hum.

8 VICE CHAIRMAN GRULLON: Could you tell us  
9 which location?

10 MS. ALVAREZ: It was 45<sup>th</sup> Street and Park  
11 Avenue.

12 MR. ALVAREZ: Broadway.

13 MS. ALVAREZ: Broadway.

14 VICE CHAIRMAN GRULLON: On Broadway?

15 MS. ALVAREZ: Um hum.

16 VICE CHAIRMAN GRULLON: And was that a big  
17 building? Why did you -- or why didn't you  
18 pursue that location?

19 MS. ALVAREZ: I didn't proceed to that  
20 location because I was going to get closer to the  
21 two poultry markets that are there. One at 42<sup>nd</sup>  
22 Street and the other at 52<sup>nd</sup> Street.

23 VICE CHAIRMAN GRULLON: Was that commercial  
24 zone or residential?

25 MS. ALVAREZ: It looks to me like a mixed,

1 too. I'm not sure about it.

2 MR. W. ORTIZ: I think -- I think what the  
3 Chairman's asking, and if you don't mind --

4 VICE CHAIRMAN GRULLON: Yeah.

5 MR. W. ORTIZ: It would seem -- it would  
6 seem from your testimony -- it would seem from  
7 your testimony that you did your homework when  
8 you bought the current location that is the  
9 subject of this application.

10 Correct?

11 MS. ALVAREZ: Kind of. Yes.

12 MR. W. ORTIZ: But you never inquired as to  
13 what the building could be used for.

14 MS. ALVAREZ: It was industrial going to  
15 commercial. It's going down the level. It's not  
16 going --

17 MR. W. ORTIZ: But did you ever inquire  
18 from the Building Department, the Zoning Officer,  
19 what the building --

20 MS. ALVAREZ: I --

21 MR. W. ORTIZ: -- could be used for?

22 MS. ALVAREZ: I went to see Mr. Martinetti.

23 MR. W. ORTIZ: And Mr. Martinetti told you  
24 that --

25 MS. ALVAREZ: That I need to go to a

1 variance, which I am here today.

2 MR. W. ORTIZ: Okay. So, when you -- so,  
3 the point I'm making is that when you purchased  
4 the building, you knew that the use that you  
5 wanted to use it for, you would need a variance  
6 for.

7 MS. ALVAREZ: Yes. But since I spoke to  
8 the Mayor, he gave me the blessing. I thought it  
9 was going to be like an easy pass.

10 MR. W. ORTIZ: But you realized you had to  
11 come before a Board to do that.

12 MS. ALVAREZ: Yes. I was aware of it.

13 MR. W. ORTIZ: Okay.

14 MS. GUTIERREZ: Give me the microphone.

15 It sound like it's the third time that we  
16 tell you that the Mayor has to do nothing with  
17 our decision here.

18 MS. ALVAREZ: I haven't -- I --

19 MS. GUTIERREZ: I live in Union City for 40  
20 years. And I care about my city.

21 We're here, volunteers. We don't get paid  
22 for this. And we try always to take the right  
23 decision.

24 MS. ALVAREZ: Okay.

25 MS. GUTIERREZ: That's what we're here for.

1 MS. ALVAREZ: Okay. And I appreciate that.  
2 And don't you think that I care for Union  
3 City?

4 MS. GUTIERREZ: Well, you don't live over  
5 here.

6 MS. ALVAREZ: No. It doesn't matter. This  
7 is my business.

8 This is what's important to me, and I keep  
9 my business -- and I work on the -- for my  
10 business to keep it really clean and comply with  
11 everything that I have to comply.

12 So, I love Union City as much as you guys  
13 do.

14 (Applause.)

15 THE SECRETARY: One more time, they're  
16 recording the session. Please. Silence.

17 MS. ALVAREZ: Can I say something else?

18 MR. SHALJIAN: Of course.

19 MS. ALVAREZ: Living or not living in Union  
20 City, it doesn't make you different.

21 What it make you is what you do for and how  
22 you do it. And the way that I run my business, I  
23 think I run it really well, and I don't have any  
24 complaints, and I don't have anybody complaining  
25 that they have -- getting the avian disease, or

1 any kids that I have next -- next to me, the  
2 daycare, being sick of my -- my chicken. Not at  
3 all.

4 (Applause.)

5 MS. ALVAREZ: Thank you.

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

8 MR. PRESSEY: What about the fish market?

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

11 MR. BONACCI: I'm sorry. I have a quick  
12 comment to make.

13 The difficulty for the job that we do up  
14 here is that there's a zoning map. And the  
15 zoning map states residential, commercial, mixed  
16 use, because I've heard some people say that  
17 there's people who live in Bergenline, and  
18 there's places of business on Bergenline, mixed  
19 use.

20 So, we, in order to grant a variance, we  
21 have to outweigh the negative criteria, the  
22 positive criteria.

23 And when you look at the zoning map, we  
24 also have to match up with that, as well.

25 So, if this is a residential area, low

1 density residential zone, as stated here, then  
2 the Board has to comply with those things.

3 And before purchasing the building, looking  
4 at the zoning map would have been very helpful in  
5 running the risk that you take and possibly not  
6 getting the application approved.

7 And that's -- you know, stating it -- you  
8 know, as politely as I can, with -- you know, in  
9 reference to the zoning map and that kind of  
10 stuff.

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

13 MR. SHALJIAN: Mark Cambria. Mark.

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

16 MS. DILLON: Mr. Cambria, please raise your  
17 right hand.

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

20 MR. CAMBRIA: I do.

21 MS. DILLON: Please state your name and  
22 spell it for the record.

23 MR. CAMBRIA: My name is Mark Cambria. And  
24 that's spelled M-A-R-K, C-A-M-B-R-I-A.

25 MS. DILLON: Thank you.

1           MR. SHALJIAN: Mr. Cambria, would you give  
2 us the benefit of your credentials, your  
3 education?

4           MR. CAMBRIA: I graduated Stevens Institute  
5 of Technology in Hoboken, New Jersey, in 1998, on  
6 the Dean's List.

7           I worked as a professional engineer in the  
8 State of New York. I am now licensed in New  
9 Jersey and four other states in the northeast.

10          I'm a certified commissioning professional.  
11 So, I not only design the building systems, but  
12 I've tested them, and I've watched them operate,  
13 and I've proved their performance.

14          I sit on the United States Green Buildings  
15 Council. I am a past-president of our chapter --  
16 the Northeast Chapter of the American Society of  
17 Heating, Refrigeration and Air Conditioning  
18 Engineers.

19          And probably the most applicable credential  
20 that I could offer is I designed the bio-safety  
21 laboratory where the H1N1 vaccine was being  
22 researched. That's also known as the avian flu.

23          VICE CHAIRMAN GRULLON: Thank you, Mr.  
24 Cambria.

25          We --

1 MR. SHALJIAN: Mr. -- thank you.

2 VICE CHAIRMAN GRULLON: -- to have you on  
3 the Board.

4 Thank you.

5 MR. CAMBRIA: Thank you.

6 MR. SHALJIAN: Mr. Cambria, you were asked  
7 to assist Mr. Alvarez.

8 Were you not?

9 MR. CAMBRIA: I --

10 MR. SHALJIAN: Mr. and Mrs. Alvarez?

11 MR. CAMBRIA: I was.

12 MR. SHALJIAN: And what was your  
13 assignment?

14 MR. CAMBRIA: My assignment was to look at  
15 their existing facility, to identify where  
16 improvements may be made, and how to implement  
17 those improvements in their proposed new  
18 location.

19 MR. SHALJIAN: And based upon your  
20 inspection and your analysis, what conclusions  
21 did you reach?

22 MR. CAMBRIA: The conclusion that was  
23 reached was their existing facility is too small  
24 for their needs presently. And that the new  
25 facility offers up potential to install an

1 advanced heating, ventilation and air  
2 conditioning system that is specifically  
3 designed.

4 And I will go on to say that not only --  
5 and this is independent of the zoning -- with all  
6 due respect, I hear what you're saying about the  
7 zoning. And I'm speaking only to the building  
8 systems, and the ventilation design.

9 But I will say, from that perspective, the  
10 new building is not just particularly suited for  
11 the application, but it's optimally suited for  
12 the application.

13 Within the building, there is a commercial  
14 grade electrical service, so they could power  
15 industrial heating, ventilation and air  
16 conditioning equipment, power compressors for  
17 subzero refrigeration.

18 There's structural girders that are there  
19 that can support heavy duty air conditioning  
20 equipment, suspended from that structure, that  
21 you just can't do in their existing facility.

22 MR. SHALJIAN: And in -- in particular,  
23 what was the scope of the work that you were  
24 asked to examine?

25 MR. CAMBRIA: The scope of the work was how

1 to provide for a ventilation system that would  
2 improve the indoor air quality of the facility,  
3 optimize the indoor air quality of the facility,  
4 protect the occupants and the employees there, as  
5 well as limit any nuisance to the neighboring  
6 properties.

7 MR. SHALJIAN: And was this -- did you do  
8 any -- any plumbing analysis?

9 MR. CAMBRIA: The plumbing analysis -- not  
10 specific plumbing analysis, no. But what we were  
11 able to determine was, in this new facility,  
12 being that it's a wide open structure, with sub-  
13 slab plumbing, it's relatively straightforward to  
14 modify the plumbing system, with access from  
15 above, without having to infringe on other  
16 tenants, if you're in a multi-tenant building.  
17 As well as customizing it such that you can put  
18 in the appurtenances that you need for an  
19 adequately -- a healthy plumbing and sanitary  
20 system.

21 I think it's important to note that the --  
22 the way we approach our problems is to identify  
23 where the problem really resides first.

24 And it's pretty clear that if you want to  
25 deal with contaminants, if you want to deal with

1 bacteria, if you want to address health concerns,  
2 it's clear that you have to address those at the  
3 source.

4           And the new facility will afford Mr. and  
5 Mrs. Alvarez the ability to properly address them  
6 with state-of-the-art cages, with a custom -- a  
7 custom floor drainage system, with a solid  
8 separator to remove the refuse so it doesn't sit,  
9 to adequately clean the cages. And then install  
10 a proper cage wash system, so the cages can be  
11 washed right in place, without having to send  
12 them out, without having to move them around,  
13 without having to wreak havoc on a tight,  
14 confined space.

15           The space is optimal for a redesign.

16           MR. SHALJIAN: And did Mr. Alvarez indicate  
17 to you that if this Board approves this  
18 application, that he would move forward in  
19 installing equipment that you recommend?

20           MR. CAMBRIA: He did, but moreover, when I  
21 visited the site, I have to honestly say, Mr.  
22 Alvarez and Mrs. Alvarez were very transparent in  
23 allowing me to go through their entire facility  
24 and allowing me to see exactly the conditions  
25 that they're working in.

1           And then, even on top of that, voicing  
2 their specific frustrations and how we were going  
3 to address them.

4           So, we came up with some ideas about how to  
5 do that. And I think we've come up with  
6 something that will really make a difference.

7           MR. SHALJIAN: Now, Mr. -- Mr. Cambria, you  
8 introduced Mr. and Mrs. Alvarez to another  
9 gentleman, Carlos Gendron. And he's here this  
10 evening, is he not?

11          MR. CAMBRIA: He is.

12          MR. SHALJIAN: And what would he lend to  
13 this application?

14          MR. CAMBRIA: So, if I could start by  
15 speaking to the systems and what they are.

16          The way a system like this would be  
17 designed, if once we could agree on handling  
18 where sources of contamination are, and getting  
19 them out of the building, and getting them frozen  
20 so they're not a problem, once we agree that we  
21 won't have any contaminants in the space for long  
22 periods of time, because we're affording the  
23 ability to wash it away, now the next step, at  
24 that point, is provide adequate ventilation.

25          So, the way we discussed putting this

1 together was putting in a separate ventilation  
2 system for the front of house spaces, the offices  
3 and the point-of-sale areas. And then, a once  
4 through, industrial ventilation system for the  
5 poultry, livestock areas.

6         So, if you're bringing in air, a hundred  
7 percent outside air. We don't have any  
8 recirculation, like you do in the air  
9 conditioning systems in your house. This is a  
10 hundred percent outside air. Whether it's a  
11 hundred degrees out, or zero degrees out, this  
12 air comes into the building and is heated and  
13 cooled, brought through the space, where it takes  
14 the contaminants out of the building, through  
15 exhaust fans.

16         So, having a once through system, and then  
17 having not one, but two exhaust fans for  
18 redundancy, we're also installing in series, two  
19 specific high efficiency filters. So that in  
20 case one fan goes down, the other fan can be  
21 operating to deliver the proper quantity of air.  
22 So, it's a redundant system.

23         On top of that, in the summer months, we  
24 now allow the ability to turn on both fans, to  
25 get even more ventilation, when the contamination

1 | issue is more prevalent.

2 |         So, if we've got this once through system,  
3 | if we're exhausting, if we're filtering the air  
4 | before it comes out, we're giving clean air to  
5 | the environment.

6 |         But what's -- what was the most advanced  
7 | development, which is what Mr. Gendron is going  
8 | to speak to is, is we're putting in a state-of-  
9 | the-art device, inside the supply air that's  
10 | coming in from the outside, that ionizes the air  
11 | going through the space.

12 |         And the positively charged oxygen atoms  
13 | that this creates attaches to bacteria, to  
14 | pathogen, to -- to odors, to viruses and kills  
15 | them.

16 |         And there's proven technology, and  
17 | mountains of research that support this.

18 |         This technology has been tested in many,  
19 | many locations and I'll let Mr. Gendron speak to  
20 | it, where it's reduced the amount of pathogens  
21 | inside occupied space dramatically.

22 |         And then, on top of that, like I said, this  
23 | air is moving through the space, and is being  
24 | changed, literally, up to ten times an hour.

25 |         Fresh air brought in, ten air changes an

1 hour.

2 MR. SHALJIAN: And how much of an  
3 improvement is that from their present location?

4 MR. CAMBRIA: The improvement, honestly,  
5 would be immeasurable.

6 Looking at their existing ventilation  
7 system, it's nowhere near the size of the  
8 ventilation system we'd be specifying for the new  
9 space.

10 And certainly, not -- not as advanced or  
11 redundant.

12 MR. SHALJIAN: I don't have any further  
13 questions of this witness.

14 I don't know if the Board --

15 Wait.

16 MR. CAMBRIA: Oh, sorry.

17 MR. PRESSEY: Yeah, I do.

18 Could you talk a little bit about the fish  
19 market side, as far as the air quality and  
20 everything like that?

21 MR. CAMBRIA: I -- I can't speak to the  
22 fish market side of things.

23 I could -- I could speak to the -- the  
24 ventilation of the facility. And I would  
25 ventilate a fish market no different than I would

1 ventilate the -- the poultry facility.

2 I'd have a once through system, the exact  
3 same way.

4 MR. PRESSEY: All right. Because I haven't  
5 heard anything about fish market at all. All I  
6 heard is about poultry, poultry.

7 Okay.

8 THE SECRETARY: Use the microphone?

9 MR. PRESSEY: No. I'll get back to that.

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

12 MR. SHALJIAN: Carlos Gendron, please?

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

15 MS. DILLON: Mr. Gendron, please raise your  
16 right hand.

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

19 MR. GENDRON: Yes.

20 MS. DILLON: Could you please state your  
21 name and spell it for the record?

22 MR. GENDRON: My name is Carlos -- Carlos  
23 Gendron, spelled C-A-R-L-O-S, G-E-N-D-R-O-N.

24 MR. SHALJIAN: Mr. Gendron, you work with  
25 Mr. Cambria, do you not?

1 MR. GENDRON: I do, on various projects.

2 MR. SHALJIAN: All right. And what are  
3 your credentials?

4 MR. GENDRON: I studied in a masters  
5 program in architecture at City College in New  
6 York City. And I've been in sales and marketing  
7 for my entire career. And the last ten years in  
8 environmental services and indoor air  
9 purification.

10 This particular company that I'm working  
11 for now has probably one of the most advanced air  
12 purification systems in the world and has been in  
13 use worldwide for about 50 years.

14 MR. SHALJIAN: Okay. And -- and you're --  
15 and you're the company that would supply the  
16 equipment.

17 MR. GENDRON: Correct.

18 MR. SHALJIAN: Okay.

19 Would you tell us what equipment would be  
20 suitable for this location, as you know it?

21 MR. GENDRON: Well, it's actually an  
22 unusual application, because it's not often that  
23 we get people in this business, this dedicated to  
24 purifying the air.

25 And so, the purpose of including our air

1 purification system into the ventilation system  
2 is to prevent any airborne bacteria, pathogens,  
3 odors, mold spores from surviving in the air in  
4 that space.

5         So, it's actually an added measure of  
6 protection, to make sure that the air is  
7 bacteria, pathogen-free.

8         MR. SHALJIAN: How does it work?

9         MR. GENDRON: Basically, it's a technology  
10 that was developed early -- 50 years ago in  
11 Europe by Albert Einstein and a colleague of his.

12         And it takes the oxygen that's in the air,  
13 runs it over the system, and the oxygen molecules  
14 pick up a positive or negative charge, and they  
15 become positive or negative oxygen ions.

16         This occurs naturally in the mountains.  
17 People with tuberculosis used to be sent to the  
18 Swiss Alps and to mountains, to heal from  
19 tuberculosis by breathing ionized air, because  
20 ionized air kills bacteria.

21         This technology replicates indoors the very  
22 same natural phenomenon by ionizing oxygen  
23 molecules and distributing them throughout the  
24 air, throughout the space to accomplish exactly  
25 the same thing.

1           MR. SHALJIAN: Now, when you were in my  
2 office earlier today, you had an opportunity to  
3 look at some of the posters --

4           MR. GENDRON: Yeah.

5           MR. SHALJIAN: -- that were -- that were  
6 plastered around the neighborhood.

7           MR. GENDRON: Yes.

8           MR. SHALJIAN: Which we have right here.

9           MR. GENDRON: Yeah.

10          MR. SHALJIAN: And expressing some of the  
11 concerns of the neighbors, with respect to the  
12 location of the Alvarez's business at the new  
13 building.

14          MR. GENDRON: Yes.

15          MR. SHALJIAN: What was your answer to me,  
16 out loud, when you read the posters?

17          MR. GENDRON: Well, I find this entire  
18 situation very ironic, to tell you the truth.

19                The documentation that I saw represents  
20 very well founded fears of something that you  
21 would not want to have happen.

22                It represents an entire industry of how  
23 poultry is raised, and chicken is processed and  
24 brought to the supermarkets.

25                And if this community is afraid of that,

1 | they should, in fact, welcome this particular  
2 | lady and her business, because from everything  
3 | that I'm seeing, and everything that I'm reading,  
4 | she is actually going overboard, compared to your  
5 | average business, to go in the opposite direction  
6 | of that industry, to do all of the things that --  
7 | not to do all of the things that an industry  
8 | does.

9 |         So, if this community is interested in  
10 | eating healthy, bacteria-free chicken, they  
11 | should be interested in welcoming her into your  
12 | community, to give you another -- an opportunity  
13 | to buy something else than what you're buying  
14 | now.

15 |         And so, that's why I found this situation  
16 | ironic.

17 |         (Applause.)

18 |         MR. SHALJIAN: Now, Mr. Gendron, we've  
19 | marked an Exhibit 27, a study report,  
20 | Antimicrobial Test Laboratories.

21 |         MR. GENDRON: Yes.

22 |         MR. SHALJIAN: All right. And is there any  
23 | mention in this report about how your equipment  
24 | deals with avian flu?

25 |         MR. GENDRON: In this particular one, not

1 avian flu, because it wasn't requested by this  
2 hospital.

3       There are other tests that have been  
4 performed, with this technology on avian flu.

5       But to give you an idea, this test was  
6 requested by a hospital in Houston that was  
7 interested in our technology, and wanted proof of  
8 its ability to kill bacteria.

9       Bacteria have a common type of cellular  
10 structure. And so, the hospital said, if you  
11 could -- we would like to test against three  
12 specific types of bacteria that we're always very  
13 afraid of in hospital; three families of  
14 bacteria.

15       And we said, well, how would you like the  
16 test conducted?

17       They said, we would like it done in a  
18 reputable lab, and we want them to apply it  
19 against these three families of bacteria. So,  
20 they designed the test concern to address their  
21 particular fears.

22       The test was done by this lab, and we  
23 received this report about a month ago. And the  
24 -- and the test results showed, to the hospital,  
25 that in these three categories of -- of viruses

1 -- and some of these are much more severe than  
2 H1N1, in fact, some of them can't be released  
3 outside at all, because they're too dangerous,  
4 and it showed a 98.5 to 99.7 reduction of any  
5 airborne bacteria.

6 MR. SHALJIAN: Thank you.

7 I don't have any further questions.

8 MR. GENDRON: Any questions from you guys?

9 VICE CHAIRMAN GRULLON: Yes. I have a  
10 question, Mr. -- Mr. Gendron.

11 MR. GENDRON: Sure.

12 VICE CHAIRMAN GRULLON: We thank you for  
13 your expert testimony and how the -- comparing  
14 the -- the existing site with the new site, and  
15 how it would be more effective -- you know, like  
16 controlling the bacterias and -- and all that.

17 But did you get a chance to investigate  
18 what the -- the location of the existing site and  
19 the new site, where they're proposing to -- where  
20 they're proposing to be? Are you familiar with  
21 the City or the neighborhood where they -- where  
22 they are proposing to do the business?

23 MR. GENDRON: Well, I've been living in  
24 this area for some 45 years. And I've had  
25 occasion to do business in this area, in Hoboken,

1 in Palisades, and I've driven through this area  
2 many, many times over the year, so I'm very  
3 familiar with the local culture, the  
4 architecture, the layout of the buildings.

5       There's a lot of mixture of residential,  
6 school, small businesses, apartments above them.

7       So, the two specific sites -- I have not  
8 had a chance to visit them.

9       VICE CHAIRMAN GRULLON: And with your  
10 experience, this type of businesses, are they  
11 located in residential zone or commercial zone?

12       MR. GENDRON: It depends. A little bit  
13 everywhere.

14       I mean, I was speaking about ironies. The  
15 -- the propaganda piece that you're talking  
16 about, the companies that are guilty of doing  
17 that, they put their plants in very remote  
18 places, that are very inaccessible, like in the  
19 middle of Delaware, in the middle of the Dakotas,  
20 in the middle of Ohio somewhere, so that you, who  
21 are buying their chicken, can't go and inspect  
22 how they produce them.

23       And they've got guards and barriers and you  
24 can't go in there with cameras. And it's very,  
25 very difficult for you to inspect them.

1           What I find ironic is that this lady is  
2     inviting anybody here to come and visit her  
3     place, and come and see her business. And you've  
4     got her right under your nose, and you can  
5     inspect what she's doing.

6           And I look at the history of -- in a  
7     building that was less suited than the one that  
8     is now, there's not been one iota of an incident  
9     of any kind.

10          And so, this fabrication of an avian flu  
11     that you might want to worry about, has never  
12     existed in her old business, and she's investing  
13     a tremendous amount of --

14                 (Applause.)

15          MR. GENDRON: She's investing a tremendous  
16     amount of business, in an unusual way, I find  
17     from my experience, to make her business  
18     extremely safe and extremely very, very good.

19          VICE CHAIRMAN GRULLON: Just to tell you,  
20     we -- we haven't seen any of that propaganda, and  
21     we don't take any of that into consideration.

22          We -- our guidance is we go according to  
23     the Master Plan, and also we are residents of  
24     Union City. And we -- we know what's best for  
25     Union City.

1           And we also want to hear what the public  
2 has to say.

3           They have people in favor. We listen to  
4 that, because they live in the neighborhood. And  
5 if we have people against, we also listen to  
6 them, because they live in the neighborhood.

7           MR. GENDRON: Well, I can appreciate that  
8 you're in a position to gather the facts and make  
9 a rationale, intelligent decision.

10          And I applaud you for that.

11          VICE CHAIRMAN GRULLON: Thank you.

12          MR. W. ORTIZ: Counselor, how many more  
13 witnesses do you have?

14          MR. SHALJIAN: I'm going to recall her for  
15 a couple of questions, a planner, and then I'm  
16 done.

17          MR. W. ORTIZ: So you got two.

18          MR. SHALJIAN: Yeah. I'm going to recall  
19 her about the fish market for a few minutes.

20          MR. W. ORTIZ: Talk about the business  
21 itself and any other nonsense, please.

22          MR. SHALJIAN: No. That's all.

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

25          MR. SHALJIAN: Mrs. Alvarez, you're still

1 under oath from testifying earlier.

2 MS. ALVAREZ: Okay.

3 MR. SHALJIAN: I want to ask you a couple  
4 questions that one of the Commissioners brought  
5 to my attention, frankly, that I had forgotten to  
6 ask you about.

7 Part of this application concerns -- part  
8 of the application concerns --

9 No, you can stay there.

10 -- an application for a portion of the  
11 store to be a fish market.

12 Now, the architect mentioned it, and -- but  
13 didn't get into any detail about it.

14 MS. ALVAREZ: Okay.

15 MR. SHALJIAN: Do you have any details  
16 about the fish market, or is that something your  
17 husband should talk about?

18 MS. ALVAREZ: What kind of details? We're  
19 -- we're trying to split the facility and make a  
20 fish market and poultry market.

21 MR. SHALJIAN: Well, how did that decision  
22 come about?

23 MS. ALVAREZ: Well, because a lot of  
24 customers come to our store and say they -- you  
25 know, we would like to also buy fish, since fish

1 is also part of our diet.

2 And I said, well -- you know, if we get a  
3 big -- bigger facility, then we can put together  
4 the both diet -- both meat, so it would be good.

5 MR. SHALJIAN: And that's when you asked  
6 Mr. Pereiras to design --

7 MS. ALVAREZ: Yes.

8 MR. SHALJIAN: -- the layout he did.

9 MS. ALVAREZ: Yes.

10 MR. SHALJIAN: All right. And you also  
11 heard some testimony about parking.

12 MS. ALVAREZ: Yes.

13 MR. SHALJIAN: That a parking variance --

14 MS. ALVAREZ: Um hum.

15 MR. SHALJIAN: -- is required.

16 MS. ALVAREZ: Yes.

17 MR. SHALJIAN: Can you tell us, if you  
18 know, what percentage of your people walk to your  
19 facility?

20 MS. ALVAREZ: I would say 90 percent of my  
21 customers are walking -- with walking distance.

22 MR. SHALJIAN: And -- and that's been your  
23 experience over the past --

24 MS. ALVAREZ: Fifteen years. Fourteen  
25 years.

1 MR. SHALJIAN: Fourteen years.

2 MS. ALVAREZ: Yes. Fourteen years.

3 MR. SHALJIAN: Okay.

4 All right. I don't have anything else of  
5 this witness.

6 MR. DARDIR: I have a question.

7 The first question is about the trucks.

8 How often do trucks come in?

9 MS. ALVAREZ: My trucks?

10 MR. DARDIR: Yeah.

11 MS. ALVAREZ: I receive delivery twice,  
12 from two or three companies, daily.

13 MR. DARDIR: Two, three -- so, two, three  
14 trucks a day.

15 MS. ALVAREZ: Yes.

16 MR. DARDIR: Around what time?

17 MS. ALVAREZ: They don't have time. Could  
18 be in the morning, or some -- some of it could be  
19 like in the mid-day.

20 MR. DARDIR: Can that --

21 MS. ALVAREZ: Morning, like 7:30 in the  
22 morning.

23 MR. DARDIR: 7:30 in the morning.

24 MS. DILLON: You have to answer verbally.

25 MR. DARDIR: So, around school time.

1 MS. ALVAREZ: What?

2 MS. DILLON: You were shaking your head  
3 yes. You have to --

4 MS. ALVAREZ: Oh, I'm sorry. Yeah.

5 MR. DARDIR: How -- how are the chickens  
6 slaughtered? I'm sorry. Are they just knife  
7 slaughtered or how are they killed?

8 MS. ALVAREZ: Knife slaughter.

9 MR. DARDIR: It's knife?

10 MS. ALVAREZ: Yes.

11 MR. DARDIR: The hours of operation?

12 MS. ALVAREZ: Is eight o'clock to 5:30.

13 MR. DARDIR: And that's for customers, or  
14 just in general?

15 If the trucks come 7:30?

16 MS. ALVAREZ: Well --

17 MR. DARDIR: Are they waiting outside?

18 MS. ALVAREZ: No, no. That's for  
19 customers.

20 MR. DARDIR: Okay.

21 MS. ALVAREZ: Yeah. The -- the employees  
22 they should get in like around 7:30.

23 MR. DARDIR: Okay.

24 MS. ALVAREZ: It's mine?

25 MS. DILLON: No, no.

1           MR. BONACCI: No, it's the microphone.  
2 It's not that.

3           MR. DARDIR: That's around the school that  
4 has about 3,000 kids coming in.

5           MS. ALVAREZ: As of tonight, we haven't had  
6 any problem.

7           But anyway, if we get approving to this new  
8 location, the --

9           MR. DARDIR: You could arrange that? You  
10 could move it around?

11          MS. ALVAREZ: No. I don't think I'm going  
12 to have any problem with the traffic.

13          I have a loading -- a loading area that is  
14 very wide. And also, the street is wider than on  
15 Bergenline.

16          MR. DARDIR: Okay.

17          Thank you.

18          MS. ALVAREZ: You're welcome.

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

21          MR. W. ORTIZ: Folks, we're going to be  
22 taking a five minute break. The -- the Board  
23 members are looking to take a break for five  
24 minutes.

25          THE SECRETARY: Thank you.

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(Whereupon, the Board recessed from 9:04 p.m. to 9:15 p.m.)

THE SECRETARY: May I have your attention, please?

We're going back in business.

Mr. Shaljian? Please.

MR. SHALJIAN: Okay?

THE SECRETARY: Go ahead, sir.

MR. SHALJIAN: Thank you.

MS. DILLON: Mr. Fichter, please raise your right hand.

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

MR. FICHTER: I do.

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

MR. FICHTER: Jason Fichter, F-I-C-H-T-E-R.

MS. DILLON: Thank you.

MR. FICHTER: Right on to credentials?

MR. SHALJIAN: Yes. Mr. Fichter, could you tell us your name and address and your credentials, please?

MR. FICHTER: Yeah.

1 I'm with InSite Engineering. We're out of  
2 Wall Township, New Jersey. I'm a licensed  
3 professional engineer and professional planner in  
4 New Jersey.

5 I'm also a licensed professional engineer  
6 in several other states.

7 I have a degree in civil engineering from  
8 Lehigh University. And I've been accepted by  
9 many boards throughout the state as a  
10 professional engineer and/or professional  
11 planner, probably about 70 different boards.

12 VICE CHAIRMAN GRULLON: Thank you.

13 We accept your qualifications.

14 MR. FICHTER: Thank you.

15 VICE CHAIRMAN GRULLON: You may proceed.

16 MR. SHALJIAN: Mr. Fichter, we've -- we've  
17 identified your resume as Exhibit 25.

18 MR. FICHTER: Correct. Yup.

19 MR. SHALJIAN: Is that correct?

20 MR. FICHTER: That's the one. Yes.

21 MR. SHALJIAN: Okay. Good.

22 Now --

23 MR. FICHTER: Okay. So, I -- I've prepared  
24 an outline of testimony from a planning  
25 perspective. And I've been listening to the

1 testimony that's been going on so far tonight.

2 And I'm hearing the questions.

3 I tried to put my testimony in kind of a  
4 natural flow of information, to -- to make it  
5 more of a story than -- you know, a robotic  
6 presentation.

7 And the questions that I heard throughout  
8 the evening are all addressed, I believe, in this  
9 testimony.

10 So, if you'll allow me the indulgence, if I  
11 can run through this whole thing, I may answer  
12 all of your questions. When I'm done, if we  
13 missed anything, certainly, we'll -- we'll take  
14 some questions. But I think I can hit it all  
15 with the direct testimony.

16 Okay. So, this lot is a 50 by 100 foot  
17 lot. It's a 5,000 square foot lot. It's located  
18 in the R low density residential zone. This zone  
19 permits one, two, and three family dwellings.

20 The lot size for these dwellings is a  
21 minimum of 2500 square feet. So, this lot would  
22 be double that size.

23 What's unique about this property is its  
24 existing structure, and the prior industrial uses  
25 within the building.

1           The building was constructed in the '40s,  
2 and was used as a fuel oil depot for decades.

3           Most recently, the site was used for  
4 Westprint, Inc., which is a printing press.  
5 Those uses are industrial uses. They are much  
6 more intense than the use that is proposed here.

7           For example, the industrial uses would  
8 require larger trucks, more trucks, and the use  
9 of potentially hazardous materials.

10           In terms of the variances, the crux of what  
11 we're asking for tonight is known as a D-1  
12 variance. D-1 referring, of course, to the  
13 Municipal Land Use Law. This is a -- requesting  
14 approval for a use that's not permitted in the  
15 zone. That is the main variance that we're  
16 requesting tonight.

17           There's also some bulk variances related  
18 with the application. In this case, they would  
19 be C-1 applications. The one referring to the  
20 fact that these are hardships.

21           I'll just run through briefly what these  
22 variances are, and I'll give you the numbers and  
23 then, we can talk about them a little bit.

24           You require, in this -- now, remember, this  
25 is an existing industrial building being compared

1 | against residential zone standards. So,  
2 | naturally, it's not going to work out.

3 |         The front yard, you require a ten foot  
4 | setback. What's existing is zero feet.

5 |         The side yard is required to be six feet on  
6 | one side, 12 feet when you combine both sides.  
7 | We have zero feet.

8 |         Rear yard is required to be 25 percent of  
9 | the lot depth. Again, we have zero feet. You  
10 | heard testimony earlier. The building occupies  
11 | the entire site.

12 |         You permit a maximum building coverage of  
13 | 60 percent. We have a hundred percent.

14 |         You permit a maximum lot coverage of 75  
15 | percent. We have a hundred percent.

16 |         You also require one parking space per 300  
17 | square feet of gross floor area. In this case,  
18 | that math calculates out to 17 spaces required.  
19 | We have none.

20 |         I also took a look, just for my own  
21 | curiosity, and maybe you're wondering the same,  
22 | the industrial use I estimated would require  
23 | about 13 or 14 parking spaces. So, you're  
24 | talking about the addition of three or four --  
25 | four -- about four parking spaces.

1           The C variances are classic hardships,  
2 based on the fact that the building exists, and  
3 it's in perfectly serviceable condition for the  
4 use that's proposed.

5           There's no changes proposed to the exterior  
6 of the building, except for some aesthetic façade  
7 improvements.

8           There's no opportunity to cure these  
9 existing nonconformities.

10           Furthermore, historically, the property was  
11 used for industrial purposes, which would clearly  
12 not conform to the bulk standards. Therefore,  
13 the C variances are considered to be subsumed  
14 within the nonconforming use.

15           The use variance.

16           So, the site is particularly suitable for  
17 the proposed use. And I'm going to give you a  
18 bunch of reasons to detail why I came to that  
19 conclusion. I started with the conclusion.

20           I walked through the area of both sites;  
21 the existing store and the proposed store, which  
22 was a quick walk between the two sites.

23           The two neighborhoods feel the same, as you  
24 walk through them. The existing development  
25 pattern is the same. You've got ground floor

1 commercial with residential above. Not on every  
2 lot, but more or less you've got ground floor  
3 commercial, residential above.

4 The poultry market provides a product  
5 that's in very high demand, particularly to  
6 certain cultures. This has been a big education  
7 for me. It all jumps off the page. It's very  
8 clear this is a -- this is a cultural thing.

9 Those cultures are present in high numbers  
10 in Union City, which is culturally diverse as  
11 outlined in your Master Plan.

12 The high demand for this product is further  
13 evidenced by the applicant's existing operation,  
14 which has been thriving since 2001, only two  
15 short blocks away.

16 That makes approval of this application  
17 very important, because the applicant's products  
18 can continue to be available to the residents of  
19 the neighborhood, since the two locations are so  
20 close to one another.

21 The applicant advised me, and you heard  
22 testimony earlier, that 90 percent of their  
23 customers arrive at their store by foot. Which,  
24 by the way, further supports the parking variance  
25 we're requesting.

1           Ground floor residential would not be  
2 compatible with -- with the existing mixed use  
3 character of this block.

4           The existing construction of the building  
5 does not lend itself to residential use. You  
6 heard the prior witnesses talk about that in  
7 their own capacities.

8           On the contrary, the building is very well  
9 suited to the proposed use. The applicant's  
10 current business operates in a space of about 950  
11 square feet right now. Thankfully, their  
12 business has grown and they're looking to acquire  
13 additional space to better accommodate their  
14 operations. Not only that, but also provide some  
15 space for Mr. Alvarez to become a contributor to  
16 this business.

17           So, they found the two spaces. The one  
18 space is very close, which obviously is  
19 beneficial to their customers and to the  
20 community, since the community is accustomed to  
21 this business being here for so long.

22           The other space was -- was closer to one of  
23 their competitors, and -- and the Alvarez's did  
24 not feel that was the appropriate thing to do.  
25 They did not want to intrude upon their market.

1           They wanted to keep these businesses  
2 separate for continued -- continued mutual  
3 success.

4           Union City is very densely populated, and  
5 by spreading out these poultry businesses,  
6 everyone in Union City can -- can be provided  
7 this product.

8           So, when they found this building, they did  
9 their due diligence. And unfortunately, as you  
10 heard earlier, the seller was not willing to sell  
11 with any contingencies. So, the applicants had  
12 to move quickly.

13           They knew the use was not permitted. There  
14 was questions about that earlier. The question  
15 was being answered, but everything was kind of  
16 choppy, so I'll clarify.

17           They did their homework. They knew it  
18 wasn't -- it wasn't permitted. But they pressed  
19 on, because they felt it was a logical location,  
20 based on the ground floor commercial character  
21 throughout this block.

22           So, they asked around, as part of their due  
23 diligence. They spoke to their customers, they  
24 spoke to some people at the City. And as a  
25 result, they gained a level of confidence that

1 their long established business would be welcome  
2 at this new site, and continue -- their customers  
3 would continue to come to their store.

4           They -- you heard testimony, the applicants  
5 actually arranged a sort of meet and greet, to  
6 invite people there.

7           I thought this was a great idea on their  
8 part. It was a great effort for them to provide  
9 transparency of what they're trying to do, and  
10 also request feedback to see if there's anything  
11 they can be doing better.

12           So, the new space is going to provide about  
13 4800 square feet. The building's 5,000 square  
14 feet gross floor area. You take out the walls  
15 and such, you're somewhere around 4800 square  
16 feet.

17           That's going to give them adequate space  
18 for point-of-service, storage, operations,  
19 refuse, and display.

20           They also, as you heard, they have an  
21 ongoing desire to add fish to their business.  
22 They feel there's a demand.

23           This building gives them the additional  
24 space to provide that additional product.

25           A fringe benefit of this business plan by

1 the applicant, is that there's likely going to be  
2 an increase in the number of jobs available to  
3 the local residents.

4           You heard Mr. Alvarez talking earlier about  
5 hiring ten additional people.

6           To reiterate again testimony you heard  
7 earlier, the existing space has a couple of  
8 residential units above. The proposed building  
9 doesn't have any residential units above or  
10 adjacent.

11           This building can easily accommodate ADA  
12 accessibility, which obviously is very key. The  
13 applicant, being blind, is determined to find a  
14 way to actively contribute to his business. And  
15 you heard his testimony to that end.

16           He's going to, therefore, ensure full ADA  
17 accessibility to this -- to this building.

18           Now, that is law. They have to do that.  
19 They don't have a choice. But what you're going  
20 to find is they're going to go above and beyond  
21 so that Mr. Alvarez can, then, actually work and  
22 contribute to this business.

23           The building's constructed of solid block,  
24 which provides ample insulation to the outside,  
25 particularly related to noise and odors.

1           There's some substantial steel beams  
2 supporting the roof, which further support this  
3 building being well suited to the roof. And you  
4 heard testimony on that earlier, as well.

5           For these reasons, it becomes clear that  
6 the proposed site is particularly suitable, and  
7 uniquely significant for the proposed use.

8           I also took a look, as I always do, when  
9 analyzing a project from a planning perspective,  
10 at the State Development and Redevelopment Plan,  
11 otherwise known as the SDRP.

12           Union City is located in the Metropolitan  
13 Planning Area One, commonly referred to as PA1.  
14 These areas are intended to provide for much of  
15 the State's future redevelopment, and protect the  
16 character of existing stable communities.

17           It further identifies these areas, the SDRP  
18 identifies the PA1 as such, because they have the  
19 existing infrastructure to accommodate this  
20 redevelopment.

21           So, I find this application to be  
22 consistent with the SDRP.

23           So, when evaluating the use variance, there  
24 -- from the positive criteria side, there's  
25 really two things you're looking for. Is it

1 inherently beneficial or are there special  
2 reasons why this variance should be granted?

3       It's not inherently beneficial. That's  
4 hospitals, and schools, and that type of thing.

5       So, we have to evaluate whether there are  
6 special reasons for the grant of this variance.  
7 We do that by evaluating this application against  
8 the purposes of planning.

9       So, I did that. I feel there are several  
10 purposes of planning that are advanced by this  
11 application. I'll go through them for you now.

12       Subsection A. Encourage municipal action  
13 to guide the appropriate use of all lands in the  
14 state, in a matter (sic) which promotes public  
15 health, safety, morals and general welfare.

16       Well, by approving this application, the  
17 applicant may continue to provide their product  
18 to their long established customer base in the  
19 same neighborhood. This serves the general  
20 welfare.

21       The applicant's shown a high level of  
22 attention to maintain a clean and safe operation,  
23 as evidenced in detail by the other witnesses.

24       The proposed commercial retail use is  
25 consistent with the ground floor commercial

1 character along Central Avenue.

2 And this is adaptive reuse, which is  
3 significant. This is a strongly preferred  
4 planning principle as compared to demolition and  
5 reconstruction.

6 Subsection C, to provide adequate light,  
7 air and open space.

8 Well, the building exists and it's proposed  
9 to continue to exist, with no expansions in size.

10 For example, the zone permits three stories  
11 and 40 feet. This building is just a single  
12 story, and there's no expansion there proposed.  
13 All improvements are going to occur to the  
14 interior only, except obviously for some very  
15 welcome façade improvements.

16 This reinforces the fact that the building  
17 is very well suited to accommodate the proposed  
18 use through adaptive reuse.

19 Subsection G says to provide sufficient  
20 space, in appropriate locations, for a commercial  
21 use, according to the respective environmental  
22 requirements, in order to meet the needs of New  
23 Jersey citizens.

24 Well, the existing building provides  
25 adequate space for the proposed use. So, that's

1 key.

2           The product serves the need of the people  
3 of the community, as evidenced by their success,  
4 since 2001.

5           The proposed use reduces the intensity of  
6 the preexisting use and blends in with the mixed  
7 use development pattern throughout this block.

8           Subsection I, promotes a desirable visual  
9 environment. Well, the applicant is proposing  
10 façade improvements to enhance the building's  
11 aesthetic appeal by creating a more commercial  
12 look, rather than the industrial look that its  
13 had through the years.

14           This is going to create a look that's more  
15 harmonious, again, with the existing mixed use  
16 development throughout this block.

17           Subsection M. To encourage coordination of  
18 various public and private procedures and  
19 activities shaping land development, with a view  
20 of lessening the cost of such development, and to  
21 the more efficient use of land.

22           So, in order to create a conforming  
23 development, the existing building would have to  
24 be demolished, and that would be inconsistent  
25 with this purpose of planning.

1           The building is solidly constructed. It's  
2 well suited to adaptive reuse for this less  
3 impactful commercial use.

4           Converting -- converting this building to  
5 retail commercial is more compatible, again, with  
6 the neighbor -- the neighborhood's residential  
7 uses, as compared to the preexisting industrial  
8 use.

9           And that is to say the residents of this  
10 neighborhood can immediately benefit from the  
11 product being offered by the applicant.

12           It promotes the maximum --

13           This is Subsection O.

14           -- promotes the maximum practicable  
15 recovery and recycling through the use of  
16 planning practices.

17           This, again, goes back to the fact that if  
18 we were to demo the building, we would create  
19 waste, create the need for more materials to  
20 build a new building.

21           So, the proper planning practice is  
22 adaptive reuse wherever possible. So, that's  
23 where the adaptive reuse thing comes in.

24           Again, this development lends itself to  
25 this particular commercial use.

1           Now, in terms of the negative criteria, the  
2 business already exists two blocks away. The  
3 community is -- is accustomed to it being there.

4           It also co-exists with other businesses in  
5 its existing location.

6           And as I mentioned earlier, having walked  
7 both streets, and the look and the feel being  
8 essentially the same, since they've co-existed  
9 since 2001 in their current location, I would  
10 expect the same in their proposed location.

11           There was --

12           Did we submit, Ron, the feed letter?

13           MR. SHALJIAN: It's -- it's an exhibit, but  
14 I'll offer it now.

15           MR. FICHTER: Okay.

16           We're going to offer an exhibit now. This  
17 -- we call it the feed letter, informally.

18           This is a letter provided from the  
19 applicant's vendor that provides the feed for the  
20 chickens that they bring to their place. This is  
21 Exhibit 23.

22           And to sum -- I mean, it's only two  
23 sentences long, but I'll sum it up anyway.

24           What it says is they use natural grain  
25 products, and they don't contain any type of

1 growth hormone.

2           These standards are actually demanded by  
3 the applicant; not just now, but they have been.

4           You heard testimony from the Health  
5 Inspector, which I think is very important. You  
6 know now that 16 times a year, the State is  
7 popping in there, taking tests, making them close  
8 down from time to time, making sure that this  
9 place is safe, and the -- the food being offered  
10 to the public passes those stringent standards.

11           You heard from two engineers about  
12 filtration. What I heard from that is the  
13 existing space cannot be retrofitted to this high  
14 standard. The proposed space can provide this  
15 high standard. It will have state-of-the-art  
16 technology.

17           So, this substantial improvement provides a  
18 benefit to the community.

19           We also have advanced cages here. You  
20 heard Mr. Alvarez talk about the difference  
21 between their existing cages and the cages they  
22 would like to get in the new facility.

23           The cages they have now, they clean daily.  
24 It's a little bit tricky because they're layered.  
25 And as you clean the top cage, everything below

1 gets wet.

2           The new cages are different. They can  
3 continuously clean these cages throughout the  
4 day, because you clean the top cage, and the  
5 cages below stay dry.

6           We have the ability, with this additional  
7 space, to maintain this operation within the  
8 interior of the building.

9           The building occupies the entire site.  
10 There's no windows. We have masonry  
11 construction; that makes the operations isolated.

12           You also heard about a large waiting area  
13 to accommodate, during holidays and what not, the  
14 customers can wait in that -- in that waiting  
15 area.

16           The facade improvements are always welcomed  
17 by any community, in my experience. I -- I think  
18 you'll have the same here.

19           You heard testimony from Mr. Alvarez about  
20 the refuse generated during their operations.

21           They're frozen immediately, in subzero  
22 temperatures. And they remain frozen until  
23 they're carted away. And this, obviously, would  
24 eliminate the potential for odor from the waste.

25           So, for those reasons, I don't believe this

1 application would cause a substantial detriment  
2 to the public good.

3 Furthermore, I took a look at your Master  
4 Plan and a few things jumped out that I'll share  
5 with you.

6 It talks about preserving the character of  
7 the community. And not to reiterate, we've all  
8 talked about it.

9 There's an existing building, can be used.  
10 It's been there for a long time.

11 That is preserving the character of the  
12 community.

13 It encourages economic development. You've  
14 got a vacant building right now. A business is  
15 looking to come in there, create jobs, and bring  
16 this building back to life, and -- and provide  
17 something that will be useful to the residents of  
18 this neighborhood.

19 There's a section in your Master Plan that  
20 says, encourage neighborhood service, oriented  
21 retails, only on preexisting lots in residential  
22 neighborhoods.

23 I think that hits home to this application.

24 In other words, we have residential  
25 neighborhoods. Please stick to residential

1 | there. But if there's a commercial builder --  
2 | building there, it might make sense to continue  
3 | that.

4 |         And that has to be weighed. That can't be  
5 | taken in a vacuum. You have to weigh all the  
6 | positives and negatives, and so on. But I do  
7 | think that one speaks volumes.

8 |         It goes on to say capitalize on the unique  
9 | cultural diversity that sets Union City apart  
10 | from other towns and cities.

11 |         Well, the applicant's product serves the  
12 | people's needs from these various cultures, as  
13 | you've been hearing throughout the night.

14 |         Bless you.

15 |         Master Plan says, recognize newer corridors  
16 | where commercial activity has become predominant,  
17 | by encouraging uses such as supermarkets, coffee  
18 | houses, book stores, et cetera.

19 |         Well, I think you do have an established  
20 | commercial pattern here, along Central Avenue. I  
21 | want to say it's -- it's something like two-  
22 | thirds of the uses along this block are  
23 | commercial.

24 |         So, I think it fits into that purpose of  
25 | the Master Plan. And again, we're not creating

1 | it. It's there. We just want to fill it in with  
2 | a less intensive commercial use.

3 |         Master Plan says capitalize on the ethnic  
4 | diversity of the City as a tool for economic  
5 | development, by encouraging ethnic businesses to  
6 | recognize the diversity of the marketplace.

7 |         That one speaks for itself. Again, to the  
8 | culture.

9 |         Master Plan says ensure that any  
10 | redevelopment efforts in the City are  
11 | inextricably linked to and consider pedestrian,  
12 | bicycle and mass transit circulation access.

13 |         This is the circulation element of your  
14 | Master Plan.

15 |         This goes back to the fact that 90 percent  
16 | of their customers arrive by foot. So, that  
17 | certainly takes a burden off the roadway.  
18 | They've got their customer base established.  
19 | Ninety percent of them walk there. They can  
20 | continue to walk to the new location.

21 |         The Master Plan says, encourage reduction  
22 | of waste and promote recycling. This is  
23 | accomplished through adaptive reuse.

24 |         It says, preservation of the neighborhoods  
25 | -- well, actually, I can sum up for you. The

1 Master Plan just kind of throughout, talks about  
2 preservation of neighborhoods as an important  
3 land use objective.

4 And that's what we have here. You've got a  
5 commercial building. It's actually been  
6 industrial. We just want to adaptively reuse  
7 that building, and put in a less intensive  
8 commercial use.

9 In your Master Plan, you also identify a  
10 couple -- a few things out of the County's Master  
11 Plan that I think are applicable to this  
12 application.

13 One is to provide for the economic  
14 revitalization of the County's commercial and  
15 industrial use.

16 You've got a vacant commercial building  
17 right now. We can revitalize it and bring it  
18 back to life.

19 It says, preserve the character of  
20 existing, well established neighborhoods.

21 Well, this clearly is a well established  
22 neighborhood. It's been here for awhile. This  
23 building has been here since 1940. So, this is  
24 -- we want to preserve that character.

25 So, we're consistent with all these goals

1 and objectives.

2           So, furthermore, continuing the industrial  
3 use I believe would be contrary to the intent of  
4 the zone plan.

5           The proposed commercial use is more  
6 compatible with the existing mixed use character  
7 along this block. It's going to meet the needs  
8 of many residents.

9           And it can co-exist with the other  
10 businesses, as evidenced by its existing  
11 operation.

12           We keep saying '01. They've been operating  
13 since '01, but it was the same operation, with a  
14 different owner far prior to that.

15           So, for those reasons, I don't feel this  
16 application would be a substantial detriment to  
17 your zone plan.

18           Now, there's the two prongs of the negative  
19 criteria. I just want to call your attention to  
20 the word substantial.

21           So, as you're evaluating the negative  
22 criteria, you're not looking for a detriment to  
23 the public or an impairment to the zone plan.

24           You're looking for a substantial detriment,  
25 or a substantial impairment. And I don't believe

1 | that this application rises to the level of  
2 | substantial in either case.

3 |       Furthermore, and more importantly, when you  
4 | balance the two, I feel that the benefits of this  
5 | application far outweigh, substantially outweigh  
6 | any detriments, giving you the ability to approve  
7 | this application with confidence.

8 |       I hope I've answered all your questions.

9 |       VICE CHAIRMAN GRULLON: Thank you, Mr.  
10 | Fichter.

11 |       I have a question, Mr. Fichter.

12 |       MR. FICHTER: Yes.

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

15 |       VICE CHAIRMAN GRULLON: You covered most --  
16 | most of our questions, most of my questions. But  
17 | there is one.

18 |       You -- I know that you are familiar with  
19 | the -- with the Zoning Ordinance. And this  
20 | proposed location is a residential zone, and it's  
21 | close to commercial zone, where they have the  
22 | business right now.

23 |       The commercial zone for Union City, you are  
24 | aware that entire commercial zone is -- is  
25 | parking meter -- meters, that -- that they have

1 to -- when they come to visit the business, they  
2 will stay there for 15, 20 minutes and then  
3 leave, any -- to any business, because it's a  
4 commercial zone, and they have parking meters.

5 MR. FICHTER: Okay.

6 VICE CHAIRMAN GRULLON: And in the  
7 residential zone, we don't have that. There will  
8 be no spaces available for the cars, for  
9 customers to come over and park the car -- you  
10 know, to go to the business.

11 Are you aware of that? And this 17  
12 parking spaces, you say is not going to be a  
13 detriment to the community in that residential  
14 zone?

15 MR. FICHTER: So, a couple things -- that's  
16 a good question.

17 A couple things. We're talking about 17  
18 spaces. That's what's required. So, that's the  
19 variance we're requesting.

20 But remember, we're not adding 17 parking  
21 spaces. We're adding four. We're adding four by  
22 a calculation. Right?

23 In reality, 90 percent of their customers  
24 arrive by foot. So, I would opine that that 17  
25 is -- is way too big.

1           So, I think that the parking demand that's  
2 created by this application would be at most the  
3 same, probably well under what that industrial  
4 use required.

5           The second part I would offer to you is  
6 that this is a business that operates during the  
7 day, when many people would be off to work. So,  
8 there is a parking offset there. There will be  
9 some parking spaces available.

10           This is not the type of place where you're  
11 going to go stay for a long time. When I spoke  
12 with the applicants, I asked, how long from  
13 placing an order to receiving product?

14           Part of that answer goes to, well -- you  
15 know, they asked me, how long of a line are we  
16 talking about here? And -- and I said, no, no,  
17 no line. You know, how -- how long does it take?  
18 It's ten minutes.

19           So, if there's some people in front of you,  
20 20 minutes. I mean, it's -- it's a quick visit  
21 type thing.

22           Then, they close at night. People come  
23 home from work, and the parking offset should  
24 benefit one another.

25           I hope that helps.

1           VICE CHAIRMAN GRULLON: Just to add to --  
2 to your answer.

3           I don't believe that there will be -- 90  
4 percent of the customers will walk to the place,  
5 because I know by experience. I live on 45<sup>th</sup>  
6 Street, and I go to a place that is nearby on 52<sup>nd</sup>  
7 Street, and I drive over to go to that business.

8           And I'm pretty sure that -- I will say 90  
9 percent of the customer will go by car.

10          MR. FICHTER: If only 20 percent of their  
11 customers arrive by foot, you essentially have  
12 the same effect, where there's no net parking  
13 impact because of that 17 versus the industrial  
14 use.

15          MR. W. ORTIZ: But in a residential area.

16          As far as this being a residential area,  
17 being zoned accordingly, there was testimony  
18 earlier that there's two to three delivers every  
19 day.

20          We're talking about trucks here. We're not  
21 talking about cars. We're not talking about  
22 customers.

23          And obviously, off loading is going to take  
24 some time. And it's just that simple.

25          So, what affect does that have to a

1 residential neighborhood, in your opinion?

2 MR. FICHTER: Fair question.

3 My response would be, there are a lot of  
4 businesses along Central Avenue there. How do  
5 they receive?

6 When this building was operating as an  
7 industrial use, there was a lot of trucks going,  
8 that was their business. Fuel oil. Trucks in  
9 and out all the time. Printing press. Product  
10 in and out all the time.

11 I don't really think there's going to be  
12 any difference.

13 Now, however, this building, again, talking  
14 about its particular suitability, has a loading  
15 drive, an overhead door on 25<sup>th</sup>, that will  
16 accommodate that loading without being out on  
17 Central Avenue.

18 So, I think there is a benefit there.

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

21 VICE CHAIRMAN GRULLON: Anyone? Anyone --

22 MS. GUTIERREZ: The public. Let's open up  
23 to the public.

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

1 MS. GUTIERREZ: Thank you.

2 MR. FICHTER: I think he's got -- you want  
3 to go?

4 MR. SHALJIAN: Yeah. I just have to finish  
5 up and then -- and then we'll be done. Okay?

6 Mr. Fichter, did you have an opportunity to  
7 walk the vicinity around the subject property?

8 MR. FICHTER: I did.

9 MR. SHALJIAN: And are there other  
10 businesses that are mingled with the residential  
11 uses on Central Avenue --

12 MR. FICHTER: On Central?

13 MR. SHALJIAN: -- and 25<sup>th</sup> Street?

14 MR. FICHTER: Absolutely.

15 MR. SHALJIAN: Tell the Board what you  
16 observed. And you can use that chart, if you  
17 want to use it, if it's helpful.

18 MR. FICHTER: It's over here.

19 MR. SHALJIAN: I'll hold it for you.

20 MR. FICHTER: That's all right. I got it.

21 I'm referring to A-10. This was put  
22 together by the applicant.

23 I did walk the area and observe its  
24 accuracy. And without going into detail, what  
25 we're looking at, on the top, there's a gold star

1 | there. That is their existing location.

2 |       Each of the properties are identified with  
3 | an existing use. They're all businesses.

4 |       Going down to Central Avenue, the -- the  
5 | property that's the subject of this application  
6 | has the green star. And the applicant did the  
7 | same thing. Noted all the properties with their  
8 | uses.

9 |       You have about two-thirds of those uses  
10 | being commercial uses.

11 |       Now, there's a lot of talk about this being  
12 | a residential zone. We're talking a lot about  
13 | the mixed use character of the neighborhood.

14 |       It really is evidenced on A-10 here. About  
15 | two-thirds of those uses on the ground level,  
16 | Central Avenue, being business.

17 |       So, we don't dispute the fact that this is  
18 | a residential neighborhood. We agree. But what  
19 | we offer to you is that the existing -- the long  
20 | existing character of this neighborhood really is  
21 | mixed use.

22 |       Your Master Plan, the County's Master Plan,  
23 | planning principles, they all talk about  
24 | preserving the existing character of the  
25 | neighborhood.

1           Now, if the building was a mess, and there  
2 was going to be demolition -- you know, things  
3 could be very different.

4           But in this particular case, this building  
5 is uniquely suited to this use -- to this use.  
6 It's unique significant to this use.

7           MR. SHALJIAN: Now, Mr. Fichter, I'm going  
8 to show you what's been marked --

9           MS. DILLON: Just stand up, Mr. Shaljian.

10          MR. SHALJIAN: -- as Exhibit 18.

11          Does that accurately predict (sic) --  
12 depict the intersection?

13          MR. FICHTER: Yes. This -- what we're  
14 looking at here on Exhibit 18, on the right side,  
15 that is the building that's the subject of this  
16 application, 2417 Central Avenue, the red brick  
17 building.

18          On the left side, they actually have 2418  
19 Central Avenue noted as well.

20          And you are looking, I believe, that would  
21 be south along the street. And that is accurate  
22 of what it looks like today.

23          MR. SHALJIAN: Now, 2418 Central Avenue,  
24 how far away is that from the subject property of  
25 this application?

1 MR. FICHTER: I didn't measure that.  
2 Building to building, I'm going to estimate about  
3 75 feet away.

4 MR. SHALJIAN: And what is located at 2418?

5 MR. FICHTER: That is -- I believe, in  
6 looking at some records from the town, there's an  
7 auto body shop there. I believe there's also a  
8 used car dealership.

9 MR. SHALJIAN: And residential above.

10 MR. FICHTER: Residential above. Sorry.  
11 Yes.

12 MR. SHALJIAN: Okay. And that's 50 or 60  
13 feet away from our property.

14 MR. FICHTER: I -- I think the buildings  
15 are probably closer to about 75.

16 MR. SHALJIAN: And is that in a residential  
17 zone?

18 MR. FICHTER: That is in a residential  
19 zone.

20 MR. SHALJIAN: Okay.

21 Thank you.

22 MR. W. ORTIZ: One last question.

23 Since the new Zoning Ordinance been  
24 replaced -- let me take that back.

25 Those businesses were most likely there

1 previous to the new Zoning Ordinance, which was  
2 put in 2012, I believe.

3 With that being said, there are other uses  
4 for this building other than the chicken market  
5 that -- there's other uses, other than this  
6 chicken market for this building.

7 Correct?

8 That could have equal impact or less --  
9 lesser impact.

10 MR. FICHTER: I don't know about that.

11 MR. W. ORTIZ: So, this is the only use  
12 that --

13 MR. FICHTER: No, no, no. Let me --

14 A CITIZEN: Stationery store.

15 MR. FICHTER: Could another commercial use  
16 go in there?

17 MR. W. ORTIZ: Yeah.

18 MR. FICHTER: Sure.

19 A CITIZEN: Book store.

20 MR. FICHTER: They're not here. The  
21 building's vacant. This applicant's here.  
22 You've heard a lot of testimony about how this  
23 could be safe, how it can contribute to the --  
24 continue to contribute to the community.

25 What we're evaluating here is the subject

1 of this application. Is this building, is this  
2 site particularly suitable to this application?  
3 I think absolutely yes.

4 I went through the negative criteria. The  
5 detriment to the public. I don't think it's  
6 there.

7 MR. SHALJIAN: Now, Mr. -- Mr. Fichter,  
8 does this application, in your opinion, as a  
9 licensed professional planner, meet the enhanced  
10 proof standard for a use variance, as required by  
11 the Medici case and the line of cases that  
12 followed Medici?

13 MR. FICHTER: I believe that in my  
14 testimony, I have satisfactorily reconciled the  
15 omission of this use from this zone.

16 So, yes, I believe so.

17 MR. SHALJIAN: Okay.

18 I don't have any further questions.

19 MR. W. ORTIZ: All right. At this point,  
20 we might as well open to the public.

21 MS. GUTIERREZ: Yeah. Open to the public.

22 MR. W. ORTIZ: Are you done? You're done?  
23 You're done with your case?

24 MR. SHALJIAN: I'm done with testimony. I  
25 just want to look at the exhibits, and see if

1 | there's anything else.

2 |           MR. W. ORTIZ: So, we're going to start  
3 | taking public comment, then.

4 |           MR. SHALJIAN: Hold on just one second.  
5 | Just give me one minute.

6 |           All right?

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

9 |           MR. W. ORTIZ: We're going to be taking  
10 | public comment as soon as counsel verifies he's  
11 | done with his presentation.

12 |           However, because of the vast number of  
13 | people that are here, that would probably like to  
14 | express their opinion on this, either in the  
15 | negative or the positive, we are going to have to  
16 | limit your statements to about a minute or two.  
17 | Tops, two minutes.

18 |           This way, everybody has a chance to speak.

19 |           So, I -- I'd ask -- and I'm going to  
20 | actually keep time, so I'm going to ask you to  
21 | limit your comments.

22 |           A CITIZEN: But you didn't keep time for  
23 | them.

24 |           MR. W. ORTIZ: They're -- they're the  
25 | applicants. That's why they're here. That's why

1 we're here.

2 A CITIZEN: Okay. But within reason,  
3 please.

4 MR. W. ORTIZ: We're going to -- we're  
5 going to -- we need to limit.

6 A CITIZEN: Luckily, we don't have to drive  
7 anyplace.

8 MR. W. ORTIZ: That's going to happen.

9 A CITIZEN: Yeah. Luckily we can walk.

10 A CITIZEN: Yeah. We walk home from here.  
11 We don't have to drive home.

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

14 VICE CHAIRMAN GRULLON: For the members of  
15 the public that are here, hello? Hey, could you  
16 -- could you pay attention for one second?

17 For the ones that are in favor of the  
18 application, could you raise your hand please?

19 A CITIZEN: That are what?

20 VICE CHAIRMAN GRULLON: The ones that are  
21 in favor of the application.

22 (Whereupon, there were multiple comments  
23 from the audience.)

24 VICE CHAIRMAN GRULLON: Okay. Okay. All  
25 right.

1 MR. W. ORTIZ: It's not an election.

2 VICE CHAIRMAN GRULLON: Okay.

3 MR. W. ORTIZ: It's not an election.

4 VICE CHAIRMAN GRULLON: It's not an  
5 election. I just want to -- I just want to know  
6 something.

7 And now -- and now, people that against  
8 this application, could you raise your hand?

9 A CITIZEN: May the record show --

10 VICE CHAIRMAN GRULLON: Okay.

11 A CITIZEN: -- the difference.

12 MR. W. ORTIZ: Sir, you need to remain  
13 sitting down.

14 Thank you.

15 VICE CHAIRMAN GRULLON: I just want to say  
16 something. I just want to say something for the  
17 record. It's going to be a general question for  
18 everyone.

19 When you come -- when you come to the  
20 front, you've got to state your name and address,  
21 where you live.

22 And also, you're going to, please, state  
23 whether -- when you were notified, because I see  
24 a lot of new faces here that were not present on  
25 the two previous meetings that we had.

1           And I want to know your address, and I also  
2 want to know if you were notified previously, to  
3 the previous meetings that we had, because I see  
4 a lot of new faces here. And we're going to take  
5 the comments from everybody.

6           Okay?

7           Thank you.

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

10          VICE CHAIRMAN GRULLON: Okay. Open to the  
11 public.

12          Open to the public now.

13          THE SECRETARY: Open to the public.

14          VICE CHAIRMAN GRULLON: Try -- try to make  
15 a line.

16          MS. GUTIERREZ: One by one, please.

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

19          THE SECRETARY: Be quiet, please.

20          VICE CHAIRMAN GRULLON: Name and address.

21          MS. DILLON: No, no, no.

22          Sir, please raise your right hand.

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

25          MR. OCEGUERA: I do.

1 MS. DILLON: Okay. Could you please state  
2 your name, spell it for the record, and give your  
3 address?

4 MR. OCEGUERA: My name is Cristobal  
5 Ocegüera. C-R-I-S-T-O-B-A-L, last name's  
6 Ocegüera, O-C-E-G-U-E-R-A.

7 My address is 2504 Summit Avenue, Union  
8 City.

9 MS. DILLON: Thank you, sir.

10 MR. OCEGUERA: Okay. First of all, I'm a  
11 50 year resident of 2504 Summit Avenue, and 25<sup>th</sup>  
12 Street, in Union City.

13 Unfortunately, I never received -- and I  
14 live 200 feet within the vicinity, never received  
15 a notice.

16 I read the paper every so often, and I see  
17 they're having this meeting here.

18 I'm opposed to change of the zoning  
19 variance for being residential. I have lived in  
20 the area, as I stated before, 50 years, as a  
21 child and my family home is there.

22 Now, what -- what are you proposing here?  
23 You're proposing to change an industrial site  
24 into a commercial site, to bring in additional  
25 foot traffic, additional vehicle traffic,

1 additional trucks into our neighborhood, which is  
2 currently changing to add into a residential,  
3 well built homes, make -- the essence of what  
4 Union City is growing.

5 I'm not against the business at all. I'm a  
6 fan of Panorama. It's been around forever. It's  
7 a very, very profitable, very, very busy  
8 business. And that's the type of thing that we,  
9 as residents of the area, not the hysteria, not  
10 the H1N, it's about keeping a residential area  
11 residential.

12 We talk about, in this meeting here, about  
13 the commercial zone on Central Avenue. We all  
14 know -- we all know, who live in Union City, that  
15 Central Avenue is not a commercial avenue.

16 The businesses that have been there, have  
17 been there for years. And they're not -- they're  
18 not vital. They don't bring foot traffic. They  
19 don't bring any kind of traffic.

20 And then, we also have to think about,  
21 where you're having these trucks delivery every  
22 day, through the school year, when you have 25<sup>th</sup>  
23 Street is full of children going to our new high  
24 school, going to our new middle school, going to  
25 Robert Waters, going to Jose Marti on Central

1 Avenue.

2 MR. W. ORTIZ: I'm going to have to ask you  
3 to wrap it up.

4 VICE CHAIRMAN GRULLON: Thank you. Thank  
5 you, Mr. --

6 MR. OCEGUERA: So, in other words wrap it  
7 up; we're against this. Not necessarily because  
8 of the hysteria. We're against this because  
9 we're looking for our town to have proper  
10 residential zones and proper residential growth.

11 Thank you.

12 VICE CHAIRMAN GRULLON: Thank you.

13 MS. GUTIERREZ: Thank you, sir.

14 THE SECRETARY: Next.

15 MS. DILLON: Same thing.

16 Sir, please raise your right hand.

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

19 MR. MARCHESI: I do.

20 MS. DILLON: Okay. Please state your name,  
21 spell it for me.

22 MR. MARCHESI: Gary Marchesi,  
23 M-A-R-C-H-E-S-I. I live at 714 24<sup>th</sup> Street, in  
24 Block 135.

25 MS. DILLON: Okay. I'm sorry. I didn't

1 catch your first name.

2 MR. MARCHESI: Gary, G-A-R-Y.

3 MS. DILLON: Thank you.

4 MR. MARCHESI: Okay. While you've been  
5 told that -- okay.

6 You've been told that there's a cultural  
7 need for slaughterhouses in Union City. Well, I  
8 have a cultural need not to throw up.

9 Okay. Slaughterhouses, first of all, are  
10 the epitome of animal cruelty. All right. I  
11 have seen those chickens stuffed into those  
12 cages.

13 You're six foot six. How would you like to  
14 be stuffed into a cage?

15 All right. Also, we've been told that  
16 there's -- there isn't any substantial detriment  
17 to the community. Why do we have to face a  
18 substantial detriment?

19 A detriment is a detriment. Bacteria  
20 mutate very quickly. Okay.

21 You've been told that these chickens are  
22 fed whole grain. Give me a break.

23 Chickens are fed a diet of hormones and  
24 antibiotics, tetracycline, which causes mutations  
25 in their intestine -- intestinal system and make

1 -- makes their intestinal flora produce  
2 penicillin resistant bacteria, which comes out in  
3 their feces and is airborne, and can be inhaled  
4 by little children.

5 And this place is going to be built right  
6 next to a daycare center, where there's little  
7 children that can be exposed to this infectious  
8 disease.

9 Now, they're talking about all these  
10 countries that these people come from; Egypt,  
11 Desnuda (phonetic), whatever, what do you think  
12 they have so many infectious diseases in those  
13 places, because they have slaughterhouses there.

14 Let's use some common sense, people. All  
15 right.

16 I don't want to live with a substantial  
17 detriment. Why don't we build it down -- down in  
18 Franklin Park, or Franklin Lake, wherever the  
19 hell he come from and build it there.

20 (Applause.)

21 MR. MARCHESI: And you take the substantial  
22 detriment and leave us the hell alone.

23 VICE CHAIRPERSON GRULLON: Sorry, sorry,  
24 sorry.

25 MR. W. ORTIZ: All right.

1 MR. MARCHESI: Thank you.

2 MS. GUTIERREZ: Thank you.

3 MR. W. ORTIZ: I'm going to have to ask  
4 everybody to remain respectful.

5 Anybody that is not respectful, the police  
6 officers will remove from this meeting.

7 MS. DILLON: 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. W. ORTIZ: And that was to everybody.

11 MS. TRIGG: Yes.

12 MR. W. ORTIZ: Not to anybody in  
13 particular.

14 MS. DILLON: Please state your name and  
15 spell it for the record, and give your address.

16 MS. TRIGG: My name is Mary Trigg, M-A-R-Y,  
17 T-R-I-G-G.

18 And I live at 2507 Central Avenue.

19 MS. DILLON: Thank you.

20 MS. TRIGG: I first have to submit to the  
21 Board a petition of over 175 signatures, from  
22 people who live in the immediate area, who  
23 protest this business establishment.

24 A CITIZEN: People that are not present,  
25 they're not allowed to take stuff like that.

1 MS. TRIGG: It's --

2 A CITIZEN: Bring them here.

3 THE SECRETARY: Please.

4 MS. TRIGG: It's a petition.

5 THE SECRETARY: Please.

6 (Whereupon, there were multiple comments  
7 from the audience.)

8 MS. TRIGG: I am sympathetic to the  
9 financial situation of the people who have  
10 purchased this business. Overbidding and  
11 purchasing the property for \$685,000.00, in order  
12 to outbid the other potential buyer was a  
13 conscious decision.

14 It will be great to see a business come to  
15 the community that is suitable for the people  
16 with disabilities and to create jobs, but not at  
17 the expense of the people who already live in the  
18 neighborhood.

19 Their existing business is currently in a  
20 commercial area. The new area is residential.

21 Whatever previously existed in this  
22 location is not a current concern.

23 I'm against this -- the existence of this  
24 business because it will compromise the quality  
25 of life for myself, my family, and my neighbors.

1           I own my home, about four doors down from  
2 where this business wants to take residence. I  
3 am raising my two daughters, Olivia (phonetic)  
4 who is 7, and Scarlet (phonetic) who is 3.

5           I do not want Olivia, Scarlet, myself or  
6 any neighborhood resident to be exposed to the  
7 smell, the disease and the cruelty to the  
8 animals.

9           The neighborhood has gone through a lot of  
10 transition during the eight years that we have  
11 lived on the block.

12           The Mayor and the City have worked very  
13 hard to clean up the immediate area. Allowing a  
14 live poultry and fish market to house and  
15 slaughter animals in this residence would be a  
16 colossal setback.

17           They are stating that the trucks that will  
18 be unloaded inside. I am not sure how this will  
19 be, because the current location unloads the huge  
20 semi-trucks on the street. They are very large  
21 and dirty, have horrible odor, and only display  
22 live chickens stuffed into crate-style cages, on  
23 flatbed trucks.

24           MR. W. ORTIZ: I'm going to ask you to wrap  
25 it up, please.

1 MS. TRIGG: Okay. But I -- they -- you  
2 know, we sat here.

3 Any person on the block that is walking  
4 past, or sitting on their steps, will be exposed  
5 to this.

6 There was also a comment about the business  
7 on the block receiving other deliveries. I do  
8 not know of any other business that receives  
9 deliveries from trucks that large.

10 In addition to the filth of the animals,  
11 the manure, the blood, the filthy -- the filthy  
12 food trays, the building is directly next to the  
13 Board of Ed run Junior Prep Pre-K, six inches  
14 apart.

15 Live animals can carry many diseases. The  
16 children that attend this school will be in  
17 direct danger of compromised health, and also,  
18 positive/negative emotional side effects.

19 In addition to the Junior Prep Preschool,  
20 there's a public water park on 24<sup>th</sup> and Central,  
21 there's the high school on Summit, there's Robert  
22 Waters that we're standing in right now, are all  
23 in close proximity.

24 Hundreds of kids pass this location, on  
25 foot, every day.

1 MR. W. ORTIZ: Ma'am, respectfully, we're  
2 limiting everybody.

3 MS. TRIGG: Okay. Well, I'm -- I have a  
4 right to speak. I'm sorry.

5 A CITIZEN: I yield my time to her.

6 MS. TRIGG: If you --

7 Thank you.

8 If you really care about the children and  
9 the quality of life of the people in the  
10 neighborhood, you will not make an exception for  
11 this business.

12 The business should take establishment away  
13 from any residential area, especially Union City  
14 that is densely populated.

15 Please do not grant an exception.

16 Thank you.

17 MR. W. ORTIZ: Thank you.

18 MS. GUTIERREZ: Thank you, ma'am.

19 VICE CHAIRMAN GRULLON: Thank you for your  
20 comments.

21 MS. TRIGG: Oh, one last thing.

22 I'm sorry. One last thing.

23 I mentioned the kids at the schools.

24 Here's pictures of the kids from the high school,  
25 standing right outside the building, during a

1 fire drill or some kind of security drill.

2 They're standing literally across the street.

3 And here's a picture of the kids from the  
4 daycare, standing next to the building, during  
5 Halloween.

6 So, this is not a -- this is not the  
7 appropriate place for this business. They can  
8 have it somewhere else, but here is not the space  
9 that it should be.

10 MR. W. ORTIZ: Thank you.

11 MS. GUTIERREZ: Thank you.

12 MS. DILLON: Sir, please raise your right  
13 hand.

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

16 MR. PERAGINE: Yes, I do.

17 MS. DILLON: State your name, spell it for  
18 me, give me your address.

19 MR. PERAGINE: Mike Peragine, M-I-K-E,  
20 P-E-R-A-G-I-N-E.

21 My address is 522 26<sup>th</sup> Street, Union City.  
22 I live two blocks away from the proposed site.  
23 And I'd like to address the Board personally, as  
24 one Union City citizen to a Union City Board.

25 MS. DILLON: It's a little too close to

1 your mouth.

2 Thank you.

3 MR. PERAGINE: Thank you.

4 To begin with, I know the Alvarez's don't  
5 live in Union City. They live in Franklin Lakes,  
6 yet they want this Union City Zoning Board to  
7 change the rules so they can put a chicken  
8 slaughterhouse in my neighborhood, affect my  
9 neighborhood, effect my property.

10 All these experts that came in, made this  
11 chicken market sound like it's the best thing for  
12 Union City. I don't know how we're going to live  
13 without it in the future.

14 But unless I'm very much mistaken, this  
15 gentleman that walked through my neighborhood, I  
16 didn't see him there.

17 I don't know what day you were there, sir.  
18 But I live there, I didn't see you.

19 MS. DILLON: Sir, you have to address your  
20 comments to the mic.

21 MR. PERAGINE: I will.

22 I don't think any of these gentlemen and  
23 ladies that gave testimony, live in Union City.  
24 But I may be mistaken.

25 I'm going to give them the chance now.

1 Anybody that does live in Union City, raise your  
2 hand now.

3 Any of those live in my neighborhood, raise  
4 your hand now.

5 Any of you, whatever neighborhoods you're  
6 living, do you have a chicken market in your  
7 neighborhood? Raise your hand now.

8 One does.

9 How many want to entertain -- entertain the  
10 idea of having one in their neighborhood? Raise  
11 your hand now.

12 Okay. So, the Alvarez's, maybe they can  
13 move to your neighborhood.

14 Thank you very much.

15 Let me just stress the Board, we do not  
16 want this in our neighborhood. Do not change the  
17 rules and have the slaughterhouse in my  
18 neighborhood, or experts, from out of town, for  
19 proprietors from out of town.

20 Thank you very much.

21 MS. DILLON: Please raise your right hand.

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

24 MR. RODRIGUEZ: Yes.

25 MS. DILLON: State your name and spell it

1 for the record.

2 MR. RODRIGUEZ: John Rodriguez, J-O-H-N,  
3 Rodriguez, R-O-D-R-I-G-U-E-Z, from International  
4 Management, 2416 Central Avenue.

5 I also live in Franklin Lakes, but I just  
6 bought that building across the street, which is  
7 probably 40 to 50 feet away from that building.  
8 I didn't get a notice until about two weeks ago.

9 If I would have -- I just bought it two to  
10 three months ago.

11 I own over 150 units in Union City alone.  
12 If I would have known there was a chicken place  
13 across the street, I would have never bought this  
14 building.

15 I mean, the smell, no matter -- you know,  
16 how much the expert witnesses for a few hundred  
17 dollars will tell you, it's -- it's a shame. You  
18 know, it's a disaster what they're going to do to  
19 a community like that.

20 Basically, that's it. It would be a total  
21 disaster. They knew what they were getting into.  
22 Now they're suffering the consequences.

23 Please vote against it.

24 MS. DILLON: Right here, sir.

25 Please raise your right hand.

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

3           MR. RAMOS: Yes.

4           MS. DILLON: Okay. Can you state your name  
5 and spell it for me?

6           MR. RAMOS: My name is Ever Ramos, E-V-E-R,  
7 R --

8           MS. DILLON: I'm sorry. I'm sorry.  
9 Slower. E-V --

10          MR. RAMOS: E-V-E-R, R-A-M-O-S. I live on  
11 25<sup>th</sup> Street, 615 25<sup>th</sup> Street Avenue, across from  
12 where they want to open a poultry chicken market.

13          MS. DILLON: Okay.

14          MR. RAMOS: My name is Ever Ramos, and I am  
15 11 years old.

16          I live on 2418 Central Avenue, across from  
17 where they want to open a poultry chicken market.

18          I think they should not be allowed to open  
19 this kind of business next to my bedroom window,  
20 and several other bedroom windows because they  
21 will cause bugs to show up and cause a horrible  
22 smell, also cause disease to children and adults.

23          Finally, people won't be able to open their  
24 windows for fresh air because of the bad quality  
25 of the air.

1           Thank you for listening to my opinion. I  
2 hope they won't be able to open this kind of  
3 business.

4           VICE CHAIRMAN GRULLON: Thank you.

5           MS. GUTIERREZ: Thank you.

6           (Applause.)

7           MS. DILLON: Do you affirm the testimony  
8 you're about to give this Board --

9           MR. AVALOS: Yes, I do.

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

11          MR. AVALOS: Yes, I do.

12          MS. DILLON: Name for the record.

13          MR. AVALOS: Ricardo,. R-I-C-A-R-D-O,  
14 Avalos, A-V-A-L-O-S.

15          MS. DILLON: And your address.

16          MR. AVALOS: 206 Westervelt Place.

17          MS. DILLON: I'm sorry. 206 --

18          MR. AVALOS: 206 Westervelt Place,  
19 Westervelt -- Westervelt Place, Lodi, New Jersey.

20          MS. DILLON: Spell the name of the street.

21          MR. AVALOS: W-E-S-T-E-R-V-E-L-T.

22          MS. DILLON: Okay.

23          MR. AVALOS: So, my father is the owner of  
24 the -- of 24 -- 2412 Central Avenue, restaurant,  
25 Buen Gusto. Me, as a future owner of my father's

1 restaurant, I think the property is inappropriate  
2 -- is somewhat inappropriate for the area, due to  
3 the recreational and educational areas located  
4 around it, like the high school, the kindergarten  
5 or the small park that we have just right across  
6 on 23 Central Avenue.

7           So, in the long term, I believe this could  
8 bring diseases or bad odors that could ruin the  
9 environment and the construction of the -- of the  
10 -- of our community, which could damage the --  
11 the structure that we're building to make this  
12 place a better community and a better residential  
13 place.

14           VICE CHAIRMAN GRULLON: Thank you.

15           MS. GUTIERREZ: Thank you.

16           A CITIZEN: I took my time before.

17           MR. SHALJIAN: Most respectfully, I think  
18 he gave us his time.

19           MS. DILLON: You gave up your time.

20           A CITIZEN: Okay. No problem.

21           MS. DILLON: Please raise your right hand.

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

24           MS. NIN: Yes.

25           MS. DILLON: Please state your name and

1 spell it for the record.

2 MS. NIN: My name is Tiziana Nin,  
3 T-I-Z-I-A-N-A, last name, N as in Nancy, I-N.

4 MS. DILLON: And your address?

5 MS. NIN: 716 26<sup>th</sup> Street -- 24<sup>th</sup> Street.  
6 Wait; 26<sup>th</sup> Street. I just moved.

7 MS. DILLON: Okay.

8 MS. NIN: So, I've moved three times in  
9 this neighborhood, and the first time I lived  
10 next to the chicken live poultry on 9<sup>th</sup> Street.

11 I do feel that we can open something more  
12 beneficial for the city, for the taxpayers.

13 I am against it, because we already have  
14 enough live poultry here. And there's a reason  
15 why major manufacturers take their live poultry  
16 elsewhere, because many people don't want that in  
17 their backyard.

18 And people will have to take their children  
19 there, and sometimes children will not want to  
20 go. Parents will get disgusted and the daycare  
21 will eventually close down.

22 Now, we have a population of children  
23 that's a lot larger than older folk here, and  
24 they need as much education as possible.  
25 Schools, daycares, anything that benefits the

1 youth, because they are the future.

2 We have many supermarkets that sell meat.  
3 We have live poultry places, a number of them.  
4 We don't need anymore.

5 And you know, as unfortunate as the  
6 situation is, I think that it's something to be  
7 addressed, because many people, my parents  
8 themselves, have immigrated from the Caribbean to  
9 get away from the lifestyle of having your food  
10 where you sleep. You don't want to deal with  
11 that when you're a first generation, when your  
12 parents are trying to leave that behind.

13 So that's all.

14 Thank you.

15 MS. GUTIERREZ: Thank you.

16 MS. DILLON: Sir, please raise your right  
17 hand.

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

20 MR. MUNOZ: Yes.

21 MS. DILLON: Can you state your name and  
22 spell it for me?

23 MR. MUNOZ: Washigton Munoz.

24 MS. DILLON: Spell your name for me.

25 MR. MUNOZ: W-A-S-H-I-G-T-O-N, M-U-N-O-Z.

1 MS. DILLON: And your address.

2 MR. MUNOZ: Seven A -- 711A 25<sup>th</sup> Street.

3 MS. DILLON: Seven 11 --

4 MR. MUNOZ: 11A.

5 MS. DILLON: A?

6 MR. MUNOZ: Yeah.

7 MS. DILLON: 25<sup>th</sup> Street?

8 MR. MUNOZ: Yeah.

9 MS. DILLON: Go ahead.

10 MR. MUNOZ: I live in that area like about  
11 ten years ago. I have a house right there. And  
12 I have one little children and two -- one 8 and  
13 one 17.

14 So, I don't think it's a good idea to put  
15 kind -- that kind of business around that area,  
16 because the smell is bad, especially for my kid.  
17 I work everyday around the corner, going to the  
18 store to buy anything.

19 So, that's not a good idea.

20 I think they have to take it away from  
21 there.

22 THE SECRETARY: Anybody else?

23 VICE CHAIRMAN GRULLON: Any other member of  
24 the public?

25 MS. JANSSEN: Can I say something?

1 MR. W. ORTIZ: We can't do it in Spanish.  
2 We can't do it in Spanish because the transcripts  
3 have to be -- it has to be -- no it'd have to be  
4 actually --

5 MS. DILLON: Right here, ma'am.

6 MS. JANSSEN: Okay.

7 MS. DILLON: Please raise your right hand.

8 MR. W. ORTIZ: -- an actual --

9 MS. DILLON: Do you affirm the testimony  
10 you're about to give --

11 MR. W. ORTIZ: -- court interpreter.

12 MS. DILLON: -- this Board is the whole  
13 truth?

14 MS. JANSSEN: Yes.

15 MS. DILLON: Please state your name and  
16 spell it for the record.

17 MS. JANSSEN: My name is Catherine with a  
18 C, Janssen, J-A-N-S-S-E-N.

19 MS. DILLON: And your address.

20 MS. JANSSEN: 717 27<sup>th</sup> Street, Union City.

21 MS. DILLON: Thank you.

22 MS. JANSSEN: What I want to say is I -- I  
23 live at my residence, I own my house 57 years  
24 this November. And I would like to say, we had a  
25 chicken market when I bought my house, and it was

1 no pleasure. It was on 26<sup>th</sup> between Bergenline  
2 and Central.

3 MR. W. ORTIZ: Just give me one second.

4 Please, if we can give respect to this  
5 young lady, like everybody else would like  
6 respect if they speak.

7 MS. JANSSEN: The smell was unbelievable.  
8 That's the only thing.

9 I just couldn't stand it. Whenever I went  
10 through that block, I tried to avoid it, and I  
11 just thought you'd like to know.

12 So, thank you very much.

13 MR. W. ORTIZ: Thank you, ma'am.

14 MS. GUTIERREZ: Thank you, ma'am.

15 VICE CHAIRMAN GRULLON: Any other member of  
16 the public in favor or against this application?

17 THE SECRETARY: Make a line against this  
18 wall, please.

19 MS. DILLON: Sir, please raise your right  
20 hand.

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

23 MR. CALLEJAS: Yes.

24 MS. DILLON: State your name and spell it  
25 for me.

1 MR. CALLEJAS: Maurice Callejas, Maurice  
2 M-A-U-R-I-C-E, last name is C-A-L-L-E-J-A-S.

3 MS. DILLON: C-A-L-L-E-J --

4 MR. CALLEJAS: E-J-A-S.

5 MS. DILLON: And your address?

6 MR. CALLEJAS: It's 304 40<sup>th</sup> Street.

7 MS. DILLON: 304 --

8 MR. CALLEJAS: 304 --

9 MS. DILLON: 40<sup>th</sup>?

10 MR. CALLEJAS: 40<sup>th</sup> Street.

11 MS. DILLON: 40<sup>th</sup>.

12 Go ahead.

13 MR. W. ORTIZ: Sir, you don't live within

14 --

15 VICE CHAIRMAN GRULLON: How would that  
16 affect --

17 MR. CALLEJAS: Well, the reason that I'm  
18 here tonight is because I saw one of the flyers  
19 posted with the Mayor's signature on it, and I  
20 was interested in attending.

21 MR. W. ORTIZ: Okay. But you don't live in  
22 the 200 foot.

23 MR. CALLEJAS: No.

24 MR. W. ORTIZ: Just so the record's clear.

25 MR. CALLEJAS: For the record, yeah. But I

1 | did saw the flyer posted, up in the uptown, in  
2 | Union City, where it had the Mayor's signature  
3 | opposing this project.

4 |           VICE CHAIRMAN GRULLON:   Okay.   You may  
5 | proceed.

6 |           MR. CALLEJAS:   Okay.   I don't know how this  
7 | --

8 |           MS. DILLON:   Can you ask the audience to be  
9 | quiet?

10 |           MR. W. ORTIZ:   Folks, there's --

11 |           VICE CHAIRMAN GRULLON:   Please?

12 |           MR. W. ORTIZ:   There's a transcript being  
13 | made of this, and if the translator -- I mean,  
14 | translator -- excuse me.

15 |           If we can't get a proper transcript, that  
16 | could be a problem for anybody, regardless of the  
17 | side that you're on.

18 |           So, please, keep it down.

19 |           Thank you.

20 |           MR. CALLEJAS:   I'm in favor of this  
21 | business.   I don't know how it will be  
22 | detrimental to the city in the place it's been.  
23 | I live in Union City.   I drive around on nights  
24 | seeing what's in my neighborhood and I've been  
25 | there.   And as one of the gentleman that owns the

1 | local business there, I don't know if he goes  
2 | around at night, but one of his business, I  
3 | wouldn't walk around there by myself at night.

4 |       I'm a pretty big guy. I have -- could  
5 | defend myself, and by the fact that they're  
6 | saying that this business will bring pollution, I  
7 | think it will be the opposite, because the  
8 | owners, I think, will help clean up the area, and  
9 | I'm in favor.

10 |       Like some of the members of the Board, I do  
11 | buy live poultry, so -- and that's one of the  
12 | places that I frequent, along with U.S. on  
13 | Bergenline.

14 |       So, I'm in favor of this business being  
15 | there.

16 |       And like they mentioned, I lived on 40<sup>th</sup>  
17 | Street and I just -- on a Saturday, I take a  
18 | walk, and I pick up my poultry from -- from the  
19 | different places where I go.

20 |       So, I don't see how this would be in danger  
21 | of that neighborhood.

22 |       MR. W. ORTIZ: Anybody else?

23 |       THE SECRETARY: Anybody else?

24 |       MR. W. ORTIZ: Motion to close the public  
25 | portion.

1 MR. SHALJIAN: Mr. --

2 THE SECRETARY: One second.

3 MR. SHALJIAN: Can I speak to you just for  
4 a moment?

5 MR. W. ORTIZ: Yeah, sure.

6 MR. SHALJIAN: Excuse me.

7 MS. DILLON: Do you want to go off the  
8 record?

9 MR. W. ORTIZ: Yeah, go off the record.

10

11 (Whereupon, the Board recessed from 10:17  
12 p.m. to 10:18 p.m.)

13

14 MS. DILLON: On the record.

15 VICE CHAIRMAN GRULLON: At this time, I  
16 want to thank everyone for being here. I want to  
17 close it to the public right now.

18 And I'm going to make -- I'm going to make  
19 my motion.

20 But first, I want to say, as a resident of  
21 Union City, I appreciate the business that the  
22 applicant has been doing for the existing  
23 location for many years, serving -- doing a  
24 service for the community.

25 But my motion -- I'm going to make my

1 motion to deny the application because it's going  
2 to change characteristic of the neighborhood,  
3 established residential zone and we -- we are  
4 here to respect the Zoning Ordinance.

5 And for that reason, my motion is to deny  
6 the application.

7 A CITIZEN: Thank you.

8 THE SECRETARY: Motion to deny the  
9 application --

10 MS. GUTIERREZ: And I'm seconding.

11 (Applause.)

12 THE SECRETARY: -- by Vice Chairman Victor  
13 Grullon.

14 Second by Margarita Gutierrez.

15 Roll call on the motion.

16 Vice Chairman Victor Grullon?

17 VICE CHAIRMAN GRULLON: Yes to deny.

18 THE SECRETARY: Margarita Gutierrez?

19 MS. GUTIERREZ: Yes to deny.

20 THE SECRETARY: Miguel Ortiz?

21 MR. M. ORTIZ: Yes to deny.

22 MR. W. ORTIZ: We got to keep it down. A  
23 vote is being taken, please.

24 THE SECRETARY: David Pressey?

25 MR. PRESSEY: No.

1 VICE CHAIRMAN GRULLON: Please. Please.

2 THE SECRETARY: Khaled Dardir?

3 MR. DARDIR: Yes to deny.

4 THE SECRETARY: John Medina?

5 MR. MEDINA: Yes to deny.

6 THE SECRETARY: Joseph Bonacci?

7 MR. BONACCI: Yes to deny.

8 THE SECRETARY: Motion carries. Six in  
9 favor, one against of the motion.

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**ADJOURNMENT:**

THE SECRETARY: There being no other application on tonight's agenda, can I have a motion to close tonight's meeting?

MS. GUTIERREZ: I make a motion.

THE SECRETARY: Motion by Mr. David.

Second by Margarita Gutierrez.

All in favor?

(Whereupon, there was a chorus of ayes.)

THE SECRETARY: The ayes have it.

Thank you.

Have a good night.

MR. W. ORTIZ: Have a good night, folks.

THE SECRETARY: Happy holidays.

(Whereupon, the proceeding was concluded at 10:20 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,  
7 do hereby affirm that the foregoing is a true and  
8 accurate transcript in the matter of the REGULAR  
9 MEETING of the UNION CITY ZONING BOARD OF  
10 ADJUSTMENT held on Thursday, December 10, 2015  
11 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon