

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
: _____

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, January 14, 2016
Commencing at 6:12 p.m.

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

KHALED DARDIR
MARGARITA GUTIERREZ
MIGUEL ORTIZ, (Arrived at 6:36 p.m.)
DAVID W. PRESSEY
JOHN MEDINA, Alternate No. 1 (Arrived at 6:21 p.m.)
PETER C. DOUMAS, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman

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

HARLENNY E. JAVIER
JOSEPH D. BONACCI, Alternate No. 2
ELISA FLORES, Alternate No. 3
ANDRES GARCIA, Chairman

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

TOMAS R. PANEQUE, ESQ., Board Attorney

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Constantin & Marlene Hinova

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, International Management, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 4310 Hudson Ave., LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Lauren Sosa

I N D E X

	<u>PAGE</u>
CALL TO ORDER	8
SALUTE TO FLAG	8
ROLL CALL	8
RESOLUTIONS	11
HEARINGS	
Constantin & Marlene Hinova	13
International Management, LLC	52
4310 Hudson Avenue, LLC	86
Lauren Sosa	107
ADJOURNMENT	128

I N D E X

Constantin & Marlene Hinova
131 48th Street

<u>WITNESS</u>	<u>PAGE</u>
Orestes Valella	16
David Karlebach	23
Constantin Hinova	35

I N D E X

International Management, LLC
4606 Hudson Avenue

<u>WITNESS</u>	<u>PAGE</u>
Albert Arencibia	56
David Karlebach	61/77
John Rodriguez	82
 <u>SWORN PUBLIC</u>	
Larry Price	75

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Multiple Listing Advertisement	55
A-2	Printout of 2015 Tax Bill	55
A-3	Photograph Package (4 Photographs)	58

I N D E X4310 Hudson Ave, LLC - 4310-16 Hudson AvenueWITNESS PAGE

Manuel Pereiras 89

SWORN PUBLIC

Larry Price 101

E X H I B I T SNO. DOCUMENT PAGE

A-1 Rendering 92

I N D E XLauren Sosa, 1002 Central AvenueWITNESSPAGE

Manuel Pereiras

109

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

3 Please take notice that on Thursday,
4 January 14, 2016, at six p.m., a Regular Meeting
5 is scheduled for the City of Union City Zoning
6 Board of Adjustment, to be held in the Municipal
7 Chamber, located on the second floor, 3715
8 Palisade Avenue, Union City, New Jersey.

9 Can everybody kindly rise to salute the
10 flag?

11

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

14

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

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

24

25 **ROLL CALL:**

1

2

3

THE SECRETARY: Roll call for tonight's
meeting.

4

Andres Garcia? Absent.

5

Victor Grullon?

6

VICE CHAIRMAN GRULLON: Here.

7

THE SECRETARY: Margarita Gutierrez?

8

MS. GUTIERREZ: Here.

9

THE SECRETARY: Miguel Ortiz? Absent.

10

David Pressey?

11

MR. PRESSEY: Here.

12

THE SECRETARY: Harlenny Javier? Absent.

13

Khaled Dardir?

14

MR. DARDIR: Here.

15

THE SECRETARY: John Medina? Absent.

16

Joseph Bonacci? Absent.

17

Elisa Flores? Absent.

18

Peter Doumas?

19

MR. DOUMAS: Here.

20

21

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

22

23

Those absent tonight are Andres Garcia,
Miguel Ortiz, Harlenny Javier, John Medina,

24

Joseph Bonacci, Elisa Flores.

25

So, we have a Board made up of five

1 members, which constitutes a full quorum to
2 establish any decision.

3 * * *

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RESOLUTIONS:**

2

3 (1) HIMEJI, LLC - 1410-1418 Palisade Avenue,
4 Block 181, Lots 12, 13, 14 & 15. Resolution was
5 memorialized September 10th, 2009. Applicants
6 seeking one year extension. Approved at previous
7 meeting.

8

9 THE SECRETARY: Agenda. We have one
10 Resolution on tonight's agenda.

11 HIMEJI, LLC, 1410-1418 Palisade Avenue.

12 This Resolution -- this applicant was
13 seeking one year extension. This extension was
14 approved at the previous meeting.

15 Can I have a motion to approve the
16 Resolution, number 1?

17 VICE CHAIRMAN GRULLON: I make a motion to
18 --

19 THE SECRETARY: Motion by --

20 VICE CHAIRMAN GRULLON: -- approve the
21 Resolution.

22 THE SECRETARY: -- Victor Grullon.

23 Second by?

24 MS. GUTIERREZ: I'm seconding.

25 THE SECRETARY: Margarita Gutierrez.

1 Roll call on the -- to approve this
2 Resolution.

3 Vice Chairman Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Margarita Gutierrez?

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: David Pressey?

8 MR. PRESSEY: Yes.

9 THE SECRETARY: Khaled Dardir?

10 MR. DARDIR: Yes.

11 THE SECRETARY: Peter Doumas?

12 MR. DOUMAS: Yes.

13 THE SECRETARY: Motion carries. Five in
14 favor, zero against.

15 * * *

16

17

18

19

20

21

22

23

24

25

1 **Constantin & Marlene Hinova - 131 48th Street:**

2

3 THE SECRETARY: We are going to the first
4 application on tonight's agenda.

5 MR. SPATZ: Let me go get Al Alonso.

6 THE SECRETARY: Oh.

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

9 THE SECRETARY: Hi, Mrs. Pereiras.

10 MS. PEREIRAS: Hi.

11 THE SECRETARY: Happy new year.

12 MS. PEREIRAS: Happy new year.

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

15 THE SECRETARY: First application on
16 tonight's agenda, Constantin and Marlene Hinova,
17 131 48th Street, Block 278, Lot 30.

18 Mr. Alonso?

19 MR. ALONSO: Good evening.

20 MS. GUTIERREZ: Good evening.

21 VICE CHAIRMAN GRULLON: Good evening.

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

24 MR. PANEQUE: Let the record reflect that
25 Mr. Alonso has provided me with the following

1 documents.

2 He has provided me with an Affidavit of
3 Service indicating that all owners within 200
4 feet of the property located at 131 48th Street,
5 Union City, New Jersey, were properly served with
6 notice for tonight's meeting.

7 He has also provided me with a copy of the
8 200 foot list of all property owners, provided by
9 the Tax Assessor's Office, which is dated
10 December 22nd, 2015.

11 Also, I've been provided with a copy of the
12 notice that went to the property owners, and a
13 copy of the ad which appeared in The Jersey
14 Journal, on January 2nd, 2016. Said ad indicates
15 that the applicant, Constantin and Marlene
16 Hinova, 131 48th Street, are making an application
17 before this Board on Thursday, January 14, 2016.

18 I've also been provided with receipts for
19 the certified mail, as well as the return
20 receipts that have been received to date.

21 It appears that all of the proofs are in
22 order, and this Board has jurisdiction to proceed
23 and hear this matter.

24 MR. ALONSO: Thank you very much.

25 VICE CHAIRMAN GRULLON: You may proceed,

1 Mr. Alonso.

2 MR. ALONSO: Members of the Board, for --
3 for the record, Alvaro Alonso, from the firm
4 Alonso Navarette, on behalf of the applicant.

5 This is an application to legalize an
6 existing apartment. Currently, there are --
7 there are two legal apartments and an apartment
8 in the rear.

9 The property is located in CN zone. So,
10 this residential structure is not permitted.

11 The fact that the -- I'll refer to it as a
12 legal two family, because there's a two plus one
13 in the back, exists, it's a preexisting,
14 nonconforming use.

15 I've noticed for both, the D-1 use variance
16 and a D-2 use variance, depending on how the
17 Board sees it.

18 If it's an expansion of a preexisting,
19 nonconforming use, or if it's converting it from
20 a two to a three, which is not permitted. It's a
21 D-1.

22 I have Mr. Dave Karlebach here. He's a
23 planner. He'll be testifying with respect to the
24 justification of those variances.

25 In addition, we're asking for some D-5,

1 density variances. Based on your Ordinance, it
2 indicates the size -- the minimum size of the
3 apartments, based on the square footage and the
4 -- the number of bedrooms.

5 As the architect goes through the
6 application, we're going to indicate that
7 currently the front apartment is an existing two
8 bedroom apartment. The rear apartment, which is
9 the one that needs to be legalized is an existing
10 studio apartment.

11 I'm going to indicate how we're going to
12 put one of the bedrooms from the front to the
13 back, and make them both one bedroom apartments,
14 in effect, reducing the total number of bedrooms
15 by one in the existing apartment upstairs.

16 So, with that preliminary statement made,
17 I'm going to have Mr. Valella sworn in.

18 MS. DILLON: Sir, please raise your right
19 hand.

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

22 MR. VALELLA: I do.

23 MS. DILLON: Please state your name and
24 spell it for the record.

25 MR. VALELLA: Sure.

1 Good evening.

2 My name is Orestes Valella, V-A-L-E-L-L-A.
3 I'm a registered architect in the states of New
4 York and New Jersey, and my professional offices
5 are at 5809 Madison Street in West New York, New
6 Jersey.

7 VICE CHAIRMAN GRULLON: It's our pleasure
8 to have you.

9 MR. VALELLA: Thank you.

10 MR. ALONSO: Thank you very much.

11 Mr. Valella, did you have an opportunity to
12 personally inspect the property?

13 MR. VALELLA: Yes.

14 MR. ALONSO: Okay. And in looking and
15 inspecting the existing rear apartment, does it
16 appear to have been there for quite some time or
17 was --

18 MR. VALELLA: Yes.

19 MR. ALONSO: -- fairly new construction?

20 MR. VALELLA: No, no. It's been there for
21 awhile.

22 MR. ALONSO: Okay. But unfortunately, the
23 Building Department doesn't recognize it in their
24 records, so that's why we're here to --

25 MR. VALELLA: So I understand, --

1
2 (Whereupon, John Medina arrived at 6:21
3 p.m.)

4 MR. ALONSO: -- to legalize it.

5 MR. VALELLA: -- yes.

6 MR. ALONSO: Now, as part of this
7 application, are we making any interior
8 renovations?

9 MR. VALELLA: Yes. But there's only one
10 interior renovation, which is to block a door, so
11 that we can change the bedroom count for the
12 apartments.

13 But the building itself stays intact, with
14 regards to size, number of stories, number of
15 units, rear -- you know, setbacks and so forth.

16 If I may?

17 MR. ALONSO: Yes.

18 MR. VALELLA: Yeah.

19 Basically, the property is Lot 30 on Block
20 278, on 48th Street, between Hudson and Broadway.

21 THE SECRETARY: May I have a second,
22 please?

23 Let the record indicate that Mr. Medina
24 joined the meeting, please.

25 Thank you.

1 Go ahead, Mr. Valella.

2 MR. VALELLA: Thank you.

3 It's a -- so, it's a three -- it's a two
4 story building. It's a residential use.

5 The lot is approximately 2500 square feet,
6 but not quite. It's 25 feet wide, by 97.5 feet
7 in length, with a lot area of 2,437.5 square
8 feet.

9 The building is divided, as I mentioned,
10 two stories. On the second floor is an existing
11 three bedroom apartment, and that has a floor
12 area of 623 square feet. And it's an existing
13 apartment, and no work is proposed.

14 On the ground floor, where the unit in
15 question is in the rear, is -- is here before
16 you, are two dwelling units; apartment number 1,
17 and apartment number 2.

18 Apartment number 1, which is the existing
19 apartment to the front, is an existing two
20 bedroom apartment. And the one in question is a
21 studio in the back.

22 Now, the studio was approximately 300
23 square feet or so. So, our recommendation to the
24 owner is to transfer, which is readily enough,
25 because the apartment is in -- in the rear

1 | itself, just to close the door of the bedroom to
2 | the apartment in the front, eliminating a bedroom
3 | and going to a one bedroom in the front. And
4 | there, increasing the floor area of the apartment
5 | in the back and creating it as a -- as a one
6 | bedroom.

7 | Very little work needs to be done.

8 | The apartment in the front, as a one
9 | bedroom, is a 631 square feet. And the apartment
10 | in the back, as a one bedroom, is 467 square
11 | feet.

12 | Nothing is proposed with regards to the
13 | exteriors. The bedrooms how -- all have windows.
14 | They do meet fireman's access requirements and so
15 | forth.

16 | Of course, and should you approve, we have
17 | to do an additional investigation with regards to
18 | life safety, outlets, smoke detectors, and things
19 | like that. But that would be a step in the
20 | future.

21 | But that's it. There's really very little
22 | -- the closing of one door to equalize the
23 | bedroom count, and increase the floor area of the
24 | rear apartment before you, is really all that we
25 | are recommending.

1 MR. ALONSO: Now, Mr. Valella, on your
2 plans, on the rear apartment, under -- it
3 indicates bedroom 13 feet by 13 feet five inches.

4 MR. VALELLA: Right.

5 MR. ALONSO: Is that a typographical error?

6 MR. VALELLA: Yeah. That's a typo. It's
7 really a studio. There is no bedroom. It has a
8 -- is a room with a closet and a door.

9 So, that's a typo, yes.

10 MR. ALONSO: Right. So once -- so, should
11 this application be approved, where it indicates
12 a bedroom on the plans, that is not going to be a
13 bedroom. That's going to be the living space.

14 MR. VALELLA: Yes. That's the living area.
15 It's a studio right now. It would be a one
16 bedroom.

17 MR. ALONSO: Okay. And with respect to the
18 third floor, just -- second floor, just to keep
19 the record clear, what size is that three bedroom
20 apartment?

21 MR. VALELLA: That three bedroom apartment
22 is 623 square feet.

23 MR. ALONSO: And that apartment is
24 recognized by the Building Department. It's
25 currently existing and it's legal.

1 MR. VALELLA: Yes.

2 MR. ALONSO: And there is no proposed
3 modifications to that.

4 MR. VALELLA: No proposed modification.
5 No.

6 MR. ALONSO: Okay. Is there any parking
7 on-site?

8 MR. VALELLA: There is no parking. The
9 property, as I mentioned, is 25 by 100. The
10 building abuts the property line on 48th Street.

11 Our planner will, I'm sure, go through the
12 zoning -- do you want me to go through twice, or
13 let him --

14 MR. ALONSO: No, no. We'll -- we'll let
15 the -- the planner go through --

16 MR. VALELLA: All right.

17 MR. ALONSO: -- that.

18 MR. VALELLA: But no, it abuts the property
19 line. So, no, there is no opportunity or parking
20 on the property.

21 MR. ALONSO: Mr. Chairman, I have no
22 further questions.

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

25 MR. ALONSO: I do have Mr. Karlebach.

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

3 MS. DILLON: Mr. Karlebach, please raise
4 your right hand.

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

7 MR. KARLEBACH: I do.

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

10 MR. KARLEBACH: David Karlebach,
11 K-A-R-L-E-B-A-C-H.

12 MS. DILLON: Thank you.

13 MR. ALONSO: Okay. Mr. Chairman, Mr.
14 Karlebach, I believe, has been here --

15 VICE CHAIRMAN GRULLON: Yes. He has been
16 in front of his Board on many occasion.

17 MR. ALONSO: Thank you.

18 VICE CHAIRMAN GRULLON: We accept his
19 qualification.

20 Thank you.

21 MR. ALONSO: Mr. Karlebach, for this
22 application, I've noticed for both the D-1 and
23 the D-2 use variance.

24 MR. KARLEBACH: Yes.

25 MR. ALONSO: The property is located in the

1 CN zone, which permits apartments only in the
2 upper floors, but in an apartment building.
3 Apartment building is defined by the Zoning
4 Ordinance is having more than four apartments.

5 So, the legal use is two apartments, two
6 units, which is not permitted in the zone. So,
7 it's preexisting. What we're doing is expanding
8 that to legalize an existing third unit.

9 MR. KARLEBACH: Right.

10 MR. ALONSO: So, I've noticed for both a
11 D-1, if it's totally not permitted, or a D-2, if
12 we're expanding that prior legal two family,
13 along with the -- the density issues that I cited
14 through the testimony of Mr. Valella.

15 So, I'm going to ask you to please provide
16 your analysis for the justification of the
17 variances.

18 MR. KARLEBACH: Certainly.

19 Let's talk a little bit about the property.

20 It's 24,037 square feet, rectangular. It's
21 flat. It's slightly undersized, relative to the
22 Ordinance requirements.

23 And it does contain a two story structure.

24 Now, if you go down the block, you'll see,
25 this is actually -- has a smallish appearance

1 relative to the other development on the block,
2 which mainly consists of three story buildings,
3 with retail and service establishments on the
4 ground floor, and then two floors of apartments
5 above.

6 So, looking from the street, it does look,
7 as I said, slightly underdeveloped, relative to
8 the other properties in this -- this
9 neighborhood.

10 It's bounded by mixed use buildings on both
11 sides. We have a restaurant, with apartments
12 above on one side, and a nail salon, with
13 apartments above on the other side.

14 And as I said, 48th Street is pretty much
15 developed in exactly that same fashion.

16 Across the street is a neighborhood type
17 mall, which -- which also contains a supermarket.

18 That mall does have its own off-street
19 parking. So, the significant part about that is
20 they're not competing with parking spaces with
21 residents and their store owners on the other
22 side of the street.

23 So, really no foreign use is being
24 introduced to the property. It's going to
25 function -- the site's going to function just as

1 it does today.

2 And visually, it's going to look, from the
3 street, exactly as it does today. It's a very
4 benign application. It's going to have no
5 intrusion onto the neighborhood. Very, very
6 passive type use.

7 Now, it is a D-1 use variance because the
8 use is not permitted in the zone.

9 A D-5 density variance, although I should
10 point out, normally, when we discuss density,
11 we're talking about dwelling units per acre. And
12 here, we're talking about the minimum size of the
13 apartments.

14 And as a planner, I'm almost reluctant to
15 talk about Ordinances that require minimum square
16 footage for an apartment, because it could be
17 considered to be exclusionary. When you start
18 requiring apartments to be larger than they need
19 to be, you're excluding certain classes of
20 people. And as planners, that's one thing we
21 really avoid trying to do.

22 But nonetheless, that -- that variance is
23 required.

24 And a C variance is required from the
25 parking spaces that are needed. Four are

1 required. Zero are existing and proposed. And
2 if you know that street, you know that there is
3 no -- there are no garages. They just -- every
4 building abuts the street, and it's a continuous
5 retail wall. There are no driveways. There are
6 no garages on that side of the street. There's
7 metered parking on both sides. And residential
8 parking permits are required.

9 So, again, that's just the way that this
10 neighborhood has developed without the use of
11 garages, or parking spaces. It relies on on-
12 street parking and always has.

13 Again, there's no expansion occurring here.
14 We don't have to wrestle with this notion of,
15 what happens if we approve this application?
16 What are the repercussions going to be?

17 There's no increase -- anticipated increase
18 in traffic. No increase in the amount of refuse
19 generated. There's no land disturbance. No
20 increase in the demand for municipal services.

21 The building is already there. It uses the
22 existing access. The same doorways are being
23 used.

24 So, it's a fairly innocuous proposal. I
25 believe that this site is particularly well

1 suited for this use by virtue of its condition.

2 Again, this building has the appearance of
3 a two family home from the street. And there's
4 going to be nothing to change that appearance.
5 All units will have safe, clean, livable
6 conditions.

7 And the building, of course, if it needs
8 to, will be brought up-to-date with all of the
9 applicable building codes and fire codes, but as
10 it stands now, I believe it does meet that
11 standard.

12 In terms of the positive criteria, I
13 believe this application does promote several
14 important purposes of the Municipal Land Use Law.

15 One is to encourage the appropriate use or
16 development of land in a manner which will
17 promote the public health, safety, and welfare.

18 And here, the public interest is served by
19 providing safe, code compliant housing, in an
20 area that has growing population, in a city
21 that's dominated by older housing.

22 For instance, in Union City, 69 percent of
23 all housing was built before 1950. So, this is
24 an opportunity to take a look at this building,
25 and make sure that we're bringing everything up

1 to code, if it needs to be brought up to code.

2 Purpose M of the Land Use Law is to
3 encourage land development with a view of
4 lessening the cost of such development into the
5 more efficient use of land.

6 And again, this is simply an occupancy
7 application. There's no expansion proposed.

8 Purpose G of the Land Use Law is to provide
9 sufficient space in appropriate locations for a
10 variety of uses, in order to meet the needs of
11 New Jersey citizens.

12 And this area does have a mix of uses. The
13 site, I think, integrates well with this
14 neighborhood.

15 New housing stock, or at least upgraded
16 housing stock is always welcome in an area where
17 it's capable of supporting that upgrade.

18 Regarding the parking variance, as I said,
19 there are no parking spaces existing. There are
20 none proposed. And that's pretty much endemic to
21 this neighborhood. There's just no parking
22 available off-street.

23 But the parking demand is not going to
24 shift, by virtue of what's being proposed
25 tonight. It's going to be exactly the same

1 parking demand.

2 In terms of the negative criteria, there's
3 no substantial -- substantial detriment to the
4 public good, because there's no change in the
5 building footprint or paved area, no proposed
6 reduction in setbacks, no external changes to the
7 building. And visually, the site remains
8 unchanged.

9 I think this building can safely
10 accommodate that third unit that's being sought,
11 or legitimizing that third unit with no ill
12 effects on the community.

13 And this neighborhood does already support
14 several multi-family buildings and mixed use
15 buildings.

16 I don't know if there's any -- believe
17 there's any substantial impairment to the Zoning
18 Ordinance.

19 This use, even with this very modest
20 modification, is far less intensive than what the
21 zone permits.

22 The zone permits mixed use buildings, which
23 are four stories in height, 50 percent building
24 coverage, and a hundred percent lot coverage.
25 That's what's permitted at this location. Versus

1 | what exists today, which is a two story building,
2 | 23 feet in height, and 51 percent building
3 | coverage.

4 | So, it's a vast departure over what's
5 | actually permitted.

6 | So, I'll just conclude by saying, I think
7 | there are sufficient reasons for the granting of
8 | the use variance. And I think the Board could
9 | feel very comfortable in granting the relief
10 | that's being sought.

11 | MR. ALONSO: Mr. Karlebach, with respect to
12 | the alternative -- our alternative relief, as to
13 | the D-2 variance, one other thing the courts look
14 | at is the -- the negative impact. And given that
15 | these three units already exist on this site for
16 | -- for a substantial amount of time, based on the
17 | testimony of the architect, there should be, as
18 | you indicated, no negative impact.

19 | MR. KARLEBACH: Right. As a matter of
20 | fact, the courts have told us when judging an
21 | application for an expansion of a nonconforming
22 | use, the negative criteria should be viewed with
23 | greater liberality because the use is already
24 | existing.

25 | So, the inference there is this; as

1 planners, we don't have to imagine what the
2 impacts of this type of use would be at this
3 location. We already know what those impacts
4 are, because it's -- it's already existing at the
5 current time.

6 And, certainly, looking at this
7 application, judging it by the basis of these
8 very slight modifications, it's not really an
9 expansion, per se.

10 Maybe by the letter of the law, it could be
11 construed as an expansion, but as a planner, I
12 don't view it as such.

13 MR. ALONSO: Okay.

14

15 (Whereupon, Miguel Ortiz arrived at 6:36
16 p.m.)

17

18 MR. ALONSO: But not only is there no
19 negative impact, but we're actually improving the
20 condition because we're going from a two bedroom
21 and a studio, which is three bedrooms, to two
22 bedrooms.

23 So, the parking demand, by virtue of the
24 elimination of one bedroom is going to --

25 THE SECRETARY: Mr. Alonso, I'm sorry to --

1 MR. ALONSO: Yes.

2 THE SECRETARY: -- interrupt you.

3 May the record indicate that Mr. Miguel
4 Ortiz joined the meeting, please.

5 Go ahead, Mr. Alonso.

6 MR. ALONSO: Thank you.

7 So, by virtue of the elimination of the one
8 bedroom, the parking demand, although slightly,
9 is going to diminish.

10 MR. KARLEBACH: I -- you know, I could see
11 that happening.

12 I mean, by -- if you examine it in terms of
13 the standard, using the bedrooms, yes, the
14 parking would diminish.

15 As a practical matter, it's probably going
16 to remain unchanged. But in any case, as I said,
17 it's existing. What's out there today is
18 existing.

19 MR. ALONSO: And in terms of the apartment
20 one, which is currently a two bedroom, which does
21 not comply with the zoning requirements of 750
22 square feet, by reducing it to a one bedroom,
23 it's now 631 square feet, which exceeds the 550
24 requirement for the one bedroom. So, we're
25 eliminating that condition.

1 MR. KARLEBACH: Right.

2 MR. ALONSO: The other condition that's --
3 that's deficient is the -- for the one bedroom,
4 the one in the rear, which is a studio, 400 feet
5 is required. The architect testified that it was
6 existing 300 square feet. So, that was a D-5
7 density variance.

8 MR. KARLEBACH: Um hum.

9 MR. ALONSO: We're eliminating that and
10 we're going to a -- to the one bedroom count of
11 467, so we're increasing it by 167 square feet.
12 So, we're -- again, we're improving another
13 condition --

14 MR. KARLEBACH: Right.

15 MR. ALONSO: -- of the site.

16 MR. KARLEBACH: It's a tradeoff. What
17 you're doing is you're -- you're balancing the
18 floor areas to create a more desirable condition.
19 It's -- it's just a tradeoff.

20 But yes, in terms of gaining compliance
21 with the Ordinance, yes, you are moving closer to
22 being compliant.

23 MR. ALONSO: Thank you.

24 Mr. Chairman, I have no further questions.

25 VICE CHAIRMAN GRULLON: Thank you, Mr.

1 Karlebach.

2 Do you have any other witness?

3 MR. ALONSO: No, that's it.

4 The -- the owner's here, if the Board has
5 any questions of the owner. It wasn't my
6 intention to have him testify.

7 VICE CHAIRMAN GRULLON: No, no.

8 My first question is going to be for you,
9 Mr. Alonso.

10 The memo from Building Department, could
11 you clarify this? It shows that this is a one
12 unit, residential, one commercial structure.

13 Are you aware of that?

14 MR. ALONSO: No. My --

15 MR. HINOVA: I'm sorry. What? What was
16 the question.

17 MR. ALONSO: Well, I have Mr. Hinoва come
18 up and testify as to that, because I wasn't aware
19 of that, so --

20 MS. DILLON: Mr. Hinoва, please raise your
21 right hand.

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

24 MR. HINOVA: I do.

25 MS. DILLON: Okay. Could you please state

1 your name and spell it for the record?

2 MR. HINOVA: Constantin Hinoва,
3 C-O-N-S-T-A-N-T-I-N, H-I-N-O-V-A.

4 VICE CHAIRMAN GRULLON: Yes, Mr. Hinoва.
5 Are you -- this property, do you -- when you
6 purchased the property, were you aware that
7 according to the Building Department, is a one
8 commercial unit, one residential?

9 MR. HINOVA: No, but thank you for bringing
10 that up to me. No, I had no idea.

11 MR. ALONSO: When did you buy the property?

12 MR. HINOVA: It's been about nine months.

13 MR. ALONSO: And at the time that you
14 bought it, the -- the three units were already
15 existing.

16 MR. HINOVA: Oh, yeah. That unit's been
17 there -- you know, I mean, that unit's been there
18 for awhile, and there was a gentleman living in
19 there. And he's kind of the reason I'm doing all
20 this, because I mean, honestly -- you know, I
21 could just rent the whole downstairs --

22 VICE CHAIRMAN GRULLON: Yes.

23 MR. HINOVA: -- and get the same amount of
24 money.

25 VICE CHAIRMAN GRULLON: Yes.

1 MR. HINOVA: But the guy was like --

2 VICE CHAIRMAN GRULLON: Looking at a
3 picture, I can see --

4 MR. HINOVA: Yeah.

5 VICE CHAIRMAN GRULLON: -- that it's very
6 -- kind of residential unit on the ground floor.

7 MR. HINOVA: Right. Yeah.

8 VICE CHAIRMAN GRULLON: And what I see from
9 the Building Department memo is that it's one
10 unit and one commercial structure.

11 MR. ALONSO: Yeah. One of the problems
12 with the Building Department is that their
13 records are substantially incomplete.

14 I have many issues with a lot of different
15 buildings in Union City, where we wind up going
16 to -- to the Board here, for either an
17 interpretation, an appeal, a variance, or down to
18 the Construction Board of Appeals.

19 As far as we understood, my client
20 understood when he purchased the property, and I
21 didn't represent him, so I -- I'm not aware of
22 that -- the transactional issues, it was a one
23 unit in the front, one unit in the back.

24 MR. HINOVA: Right, and one on top of that.

25 MR. ALONSO: And one upstairs, and then

1 he's learned that unit in the rear is -- was not
2 registered.

3 MR. PANEQUE: Mr. Alonso, I don't know if
4 you've been privy to the tax record, I -- I
5 believe this may have been the Assessor's tax
6 record from the assessment back in 1973.

7 MR. ALONSO: '73.

8 MR. PANEQUE: Yeah. It might be, I don't
9 have a --

10 MR. ALONSO: Yeah.

11 MR. PANEQUE: -- date on it.

12 MR. ALONSO: I haven't --

13 MR. PANEQUE: I can't -- I can't read the
14 date on it.

15 Can you make out the date on that? On the
16 bottom?

17 VICE CHAIRMAN GRULLON: No.

18 MR. PANEQUE: It's -- on these copies, it's
19 very blurry. But at one point, there was only
20 one kitchen in this entire premises, and that's
21 why they're -- the Building Department is coming
22 up with one unit, and then the commercial floor
23 on the ground floor.

24 MR. ALONSO: Correct. The one unit
25 upstairs. And back in 1973, probably, it was a

1 commercial unit downstairs. But that's
2 40-something years ago.

3 MR. PANEQUE: Okay.

4 MR. ALONSO: And I'm sure that this
5 apartment is an old apartment. It's been there
6 for a long time.

7 The problem with the Building Department is
8 -- and I have many clients where they come and
9 they show me the permits that they have, and the
10 approvals, and the COs, and the Building
11 Department doesn't have any of those records.

12 So, we wind -- always wind up challenging
13 it.

14 This one, my client only purchased it nine
15 months ago. They're relying on the fact that
16 that apartment appears to have been there a long
17 time. We're here to legalize the whole thing.

18 So, if it is a commercial one, plus one
19 upstairs --

20 MR. PANEQUE: Okay.

21 MR. ALONSO: -- I don't know.

22 MR. PANEQUE: Well, see, what the Building
23 Department is showing in their records is that
24 it's one residential and one commercial.

25 MR. ALONSO: Yeah. But this is not the

1 Building Department records.

2 MR. PANEQUE: No, no.

3 But we have a letter, a memo from the
4 Building Department. They're basing it on the
5 Tax Assessor's records.

6 Now your application, as I understand it,
7 is to legalize from a two to a three. Okay?

8 MR. ALONSO: Correct.

9 MR. PANEQUE: All right. If I can ask if
10 you can inquire what, of your -- both your
11 planner and your architect, whether there's a
12 change with this new information in the type of
13 variances that you're seeking, since now, you're
14 -- we potentially have a situation where you're
15 asking from a one to a three, instead of two to a
16 three.

17 MR. ALONSO: That's why I asked, not
18 because of this information, but because of my
19 experience with the Building Department, I
20 noticed for both a D-1 and a D-2.

21 In my opinion, if it was an existing legal
22 apartment in the front, it should be a D-2,
23 expanding to the back, with the -- with the other
24 unit.

25 MR. PANEQUE: Um hum.

1 MR. ALONSO: If it is, as the Building
2 Department indicates, and again, this is not a
3 Building Department record. They're just saying,
4 we're relying on the '73 assessment from the Tax
5 Assessor. It's not their records. It's somebody
6 else's records.

7 Then it would be a D-1 because you're
8 eliminating a permitted -- well, it's not even a
9 permitted use, because permitted use, under the
10 new zoning, requires an apartment in an apartment
11 building, over commercial. An apartment building
12 is four units or more.

13 So, a commercial plus one is still not
14 permitted. So, it still would be a D-2,
15 expansion of a nonconforming.

16 MR. PANEQUE: I'll defer my question to the
17 City's planners.

18 Mr. Spatz?

19 MR. SPATZ: Yes.

20 MR. PANEQUE: I -- I don't know. I'm
21 repeating my question.

22 MR. SPATZ: No, I -- I understand it.

23 MR. PANEQUE: You understand?

24 MR. SPATZ: It -- the testimony really
25 doesn't change, because they're talking about the

1 conversion -- you know, from whether it was one
2 commercial, one residential, or two commercial to
3 -- to a third residential.

4 They provided the testimony for -- for
5 that. I would say that if the Board was going to
6 act favorably on this, that your -- the variance
7 should -- what your approval should be is
8 converting a one commercial and one residential,
9 which is what the records say, to three
10 residential units.

11 And that would -- and you'd approve the
12 variances and -- and that conversion. And then,
13 that way, the records of the Building Department
14 would be updated to show the three units that --
15 that are there.

16 MR. ALONSO: And this document actually
17 does demonstrate the frustration that we have,
18 because this is an old building. There's no
19 reason why the Building Department should not
20 have records on this building.

21 They have absolutely no records.

22 So -- you know, with that said, we -- we
23 provided proofs as to the D-1 use --

24 VICE CHAIRMAN GRULLON: Yes.

25 MR. ALONSO: -- or the D-2 use. And I

1 believe that the Board can grant both.

2 VICE CHAIRMAN GRULLON: The way we're going
3 to be looking at this application is one
4 commercial and one residential, to three
5 residential units.

6 MR. ALONSO: Okay.

7 VICE CHAIRMAN GRULLON: Okay? Just to --
8 to be consistent with what the Building
9 Department is showing us.

10 MR. ALONSO: Okay.

11 VICE CHAIRMAN GRULLON: Even though it's
12 not a clear --

13 MR. PANEQUE: And before we proceed, Mr.
14 Alonso, you don't have any objection to the Board
15 viewing this as an application from a one
16 commercial and one residential to three
17 residential units.

18 Correct?

19 MR. ALONSO: I would like to reserve
20 whatever rights I have, just in case we have to
21 go to court. You know what I'm saying?

22 That our position is that, at some time,
23 this was converted from a commercial to a store,
24 because it's been there and open for many, many
25 years. And there's never been a violation or a

1 | complaint that we're aware of.

2 | So, at some point, somebody got permits and
3 | this was converted.

4 | The fact that the Building Department
5 | doesn't have records and is relying on a '73
6 | assessment, I don't think should be enough to be
7 | viewed as a commercial plus a one.

8 | But I provided the proofs the Board can
9 | consider it and say, that we provided the proofs
10 | and you're satisfied -- you're satisfied with the
11 | proofs, or that you view it as a commercial plus
12 | one, or whether you view it as a -- as two
13 | residential units, going to a third.

14 | Either way, we've satisfied the proofs and
15 | -- and that way, at least I'm protected.

16 | MR. PANEQUE: Understood.

17 | And then, the end result that you're
18 | seeking is a legalization of a three family
19 | residential unit.

20 | MR. ALONSO: Correct.

21 | MR. PANEQUE: Okay. If the Board has any
22 | other questions?

23 | VICE CHAIRMAN GRULLON: No, I have other
24 | question.

25 | We can proceed with the application?

1 MR. PANEQUE: Yeah.

2 VICE CHAIRMAN GRULLON: Apartment number 2,
3 the -- the apartment that is changing from 300
4 feet -- square feet to 467, would that be a
5 studio still or --

6 MR. ALONSO: No. It's a one bedroom.

7 VICE CHAIRMAN GRULLON: One bedroom?

8 MR. ALONSO: Yeah. Where the top one that
9 says one bedroom, it's 13 by 13 and a half,
10 that's just a typo. That's living area.

11 The one below that is the bedroom that's
12 being taken from the front apartment and being
13 donated to the rear apartment.

14 So now you have two full one bedrooms, as
15 opposed to a two bedroom and a studio.

16 VICE CHAIRMAN GRULLON: And those three
17 apartment, being occupied now?

18 You have --

19 MR. ALONSO: Are they -- are the apartments
20 --

21 VICE CHAIRMAN GRULLON: And they rented?

22 MR. HINOVA: There's only -- right now,
23 there are only two apartments, legally, because
24 there was a guy that was living there before I
25 bought the apartment. And the front apartment

1 was illegally occupied.

2 I'm sorry.

3 The rear apartment was illegally occupied
4 and the front apartment was empty. And it was my
5 wife's intention to move downstairs, but the guy
6 that's in the back apartment -- you know, he's a
7 -- he's a working guy. He doesn't have a lot of
8 money. And he's begging me not to throw him out.
9 He says, I don't have anywhere to go. He's
10 waiting for his wife to come from Peru. He's
11 getting his green card.

12 So, he says, Chris, let me stay here. I
13 told him, I can't let you stay here legally,
14 because they came in -- you know, when I bought
15 -- when I bought the house, they came in to count
16 his kitchen.

17 I said, I'll tell you what. You stay in
18 the whole downstairs, pay me the same rent that
19 you're paying for the -- that you were paying for
20 the studio to the previous owner. You stay in
21 the whole downstairs, the five bedroom, it's all
22 yours now, until I get this whole mess fixed.

23 And that's the way the situation is. You
24 know, I'm not exactly making money on the
25 apartment downstairs. Upstairs is occupied. Is

1 a single mother of two -- two kids.

2 And again, I could empty that out also, and
3 renovate it and make -- and charge -- you know, a
4 lot more market rates, but I let them stay there
5 because I like them.

6 So, that's the way -- that's the way the
7 situation is right now.

8 VICE CHAIRMAN GRULLON: And I know you only
9 purchased the building, the apartments like nine
10 months ago.

11 MR. HINOVA: Yes.

12 VICE CHAIRMAN GRULLON: Maybe the -- the
13 architect could answer this question.

14 Any type of new construction inside the
15 apartments?

16 MR. HINOVA: Not yet.

17 Because we have -- we're waiting for this
18 to --

19 VICE CHAIRMAN GRULLON: Any --

20 MR. HINOVA: We're waiting --

21 VICE CHAIRMAN GRULLON: Any -- like
22 anything that --

23 MR. HINOVA: Yeah.

24 VICE CHAIRMAN GRULLON: -- that will say
25 that you will subdivide it after?

1 MR. VALELLA: No. No. This is decades in
2 the making. This isn't recent. This is -- could
3 be in the '70s, in the '80s, '90s. That type of
4 thing.

5 VICE CHAIRMAN GRULLON: I don't have any --
6 do you guys?

7 MR. DARDIR: I have a question.

8 Where did he get the idea that it was a two
9 unit? Two residential unit?

10 Was that like stated in some paperwork, or
11 --

12 MR. ALONSO: When you -- when you --

13 MR. HINOVA: I'm sorry. In the tax
14 records. Go online to tax records, it's a two
15 unit house.

16 MR. DARDIR: It says on --

17 MR. HINOVA: When we purchased it --

18 MR. DARDIR: -- on the tax record, a two
19 unit house?

20 MR. HINOVA: -- a two unit house. I got a
21 mortgage on a two unit house. My God, I hope
22 it's a two unit house.

23 Yeah. I mean, as far as -- they did a
24 title search on it, my closing attorney. She's a
25 -- you know, she does closings all the time, and

1 she did a title search on it.

2 The seller's attorney looked at it. It's a
3 two unit house. In the tax records, a two unit
4 house.

5 MR. DARDIR: Two residential -- like two
6 residential --

7 MR. HINOVA: Yeah.

8 MR. DARDIR: -- units?

9 MR. HINOVA: Yeah. This is the first I
10 heard of it, that it's a commercial, which I
11 don't even -- I don't even have to think of it,
12 but yeah. This is the first I heard of it.

13 VICE CHAIRMAN GRULLON: Okay. And the
14 footprint is going to stay the same.

15 MR. ALONSO: Yes.

16 VICE CHAIRMAN GRULLON: I don't have any
17 more -- do you?

18 Anybody else?

19 Any member of the public? Going to open it
20 to the public now.

21 Open the public.

22 Closed to the public.

23 Taking in consideration that it's
24 preexisting to the Zoning Ordinance, this has
25 been there prior to 1973. And there's no -- no

1 changes in the footprint and everything is
2 bringing the building up to Code, bringing it to
3 a better condition, I make a motion to grant this
4 application from one commercial unit, one
5 residential unit to three residential units.

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

8 MS. GUTIERREZ: Seconding.

9 THE SECRETARY: Second by Margarita
10 Gutierrez.

11 Roll call on the motion.

12 Victor Gullon?

13 VICE CHAIRMAN GRULLON: Yes.

14 THE SECRETARY: Mrs. Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Ortiz?

17 MR. ORTIZ: Abstain, since I didn't hear
18 most of -- the whole testimony.

19 THE SECRETARY: Mr. Pressey?

20 MR. PRESSEY: Yes.

21 THE SECRETARY: Mr. Dardir?

22 MR. DARDIR: Yes.

23 THE SECRETARY: Mr. Doumas?

24 MR. DOUMAS: Yes.

25 THE SECRETARY: Motion carries. Six in

1 favor, one abstain.

2 MR. ALONSO: Thank you.

3 MR. PANEQUE: Just --

4 MS. GUTIERREZ: You're welcome.

5 MR. PANEQUE: Just so the record is clear,
6 Mr. Vallejo, did you call Mr. Medina?

7 THE SECRETARY: I'm sorry. I apologize for
8 that.

9 Let me call roll call for Mr. John Medina?

10 MR. MEDINA: Yes.

11 MR. ALONSO: Thank you.

12 THE SECRETARY: Six in favor, one abstain.

13 MR. HINOVA: Thank you.

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

16 * * *

17

18

19

20

21

22

23

24

25

1 **International Management, LLC - 4606 Hudson**
2 **Avenue:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, International Management, LLC,
6 4606 Hudson Avenue.

7 Mr. Alonso, please?

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

10 MR. PANEQUE: We're just trying to figure
11 out if Mr. Grullon is within the 200 foot radius.

12 VICE CHAIRMAN GRULLON: I live on Hudson,
13 right on the corner of Hudson.

14 MR. ALONSO: Okay.

15 MR. ARENCIBIA: You're on the corner of
16 Hudson? Which corner?

17 VICE CHAIRMAN GRULLON: (Indiscernible.)
18 Right in front of the school. But I didn't get
19 the mail.

20 MR. PANEQUE: He's not on the 200 foot
21 list.

22 MR. ARENCIBIA: No, he's not. No, he
23 shouldn't be.

24 VICE CHAIRMAN GRULLON: No. I didn't get
25 the mail.

1 MR. PANEQUE: Right.

2 For the record, I've been provided by Mr.
3 Alonso with an Affidavit of Service, which
4 indicates that all owners within the 200 foot
5 radius of the property, 4606 Hudson Avenue, were
6 notified of tonight's meeting.

7 I've also been provided with a copy of the
8 Tax Assessor's list of all property owners within
9 200 feet of the subject site. That Tax
10 Assessor's list is dated December 22nd, 2015.

11 I've also been provided with a copy of the
12 ad in The Jersey Journal, which is dated -- or
13 appeared on January 2nd, 2016, with respect to the
14 property at 4606 Hudson Avenue. Said ad placed
15 everyone on notice that there would be a meeting
16 tonight, Thursday, January 14th, 2016.

17 Mr. Alonso has also provided us with a copy
18 of the notice that went out to all property
19 owners within 200 feet. And that was published
20 in the newspaper.

21 Also, I've been provided with the certified
22 mail receipts that went out on December 31st,
23 2015, as well as copies of the return receipts
24 that have come back to date.

25 It appears that all notices were properly

1 sent out and that this Board has jurisdiction to
2 proceed and hear this matter.

3 MR. ALONSO: Thank you, Mr. Paneque.

4 Mr. Chairman, members of the Board, for the
5 record, Alvaro Alonso, Alonso Navarette, on
6 behalf of the applicant.

7 This is an application to legalize an
8 apartment going from three to four.

9 The property is located in the R zone,
10 where three -- three families are permitted.
11 Therefore, the fourth unit makes it a
12 non-permitted use, which requires a D-1 use
13 variance.

14 I will have two witnesses this evening. I
15 have Mr. Arencibia, the architect. I also have
16 Mr. Karlebach, the -- the planner. My client is
17 also here, should the Board have any questions
18 with respect to the ownership. However, it's not
19 my intention to -- to call him as a witness.

20 Preliminarily, I just want to indicate that
21 I'm going to provide you with two documents. One
22 that I marked A-1, with today's date, which is a
23 multiple listing advertisement when he purchased
24 the property three years ago, and it was sold as
25 a four family.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

(Whereupon, Multiple Listing Advertisement was received and marked as Exhibit A-1.)

MR. ALONSO: And also, I marked as A-2, it's a printout from the -- of the tax bill from 2015, which indicates 2F4U; 2F meaning two story frame, and 4U is four units.

(Whereupon, Printout of 2015 Tax Bill was received and marked as Exhibit A-2.)

MR. ALONSO: So, it was sold -- my client purchased it thinking it was a legal four family. And -- and it's taxed as a four family.

The reason -- and I'll provide this to counsel.

MR. PANEQUE: Mr. Alonso, are you asking that this be marked as an exhibit and introduced into evidence?

MR. ALONSO: I did. I marked them on the bottom.

MR. PANEQUE: Okay.

MR. ALONSO: A-1 and A-2.

The reason why we're here is after my

1 client purchased the property, there was a tenant
2 dispute. The tenant went to the city. My client
3 was issued a violation for having an illegal
4 apartment.

5 We were under the impression that it was
6 legal. So, we're here now to, hopefully, to
7 legalize that.

8 With that said, I'll have Mr. Arencibia
9 sworn in.

10 MS. DILLON: Certainly.

11 Please raise your right hand.

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

14 MR. ARENCIBIA: I do.

15 MS. DILLON: Please state your name and
16 spell it for the record.

17 MR. ARENCIBIA: Albert Arencibia,
18 A-R-E-N-C-I-B-I-A.

19 MS. DILLON: Thank you.

20 MR. ALONSO: Mr. Arencibia, did you
21 personally visit the -- the site?

22 MR. ARENCIBIA: Yes.

23 MR. ALONSO: Okay. And did you look at the
24 apartments?

25 MR. ARENCIBIA: Yes, I did.

1 MR. ALONSO: Okay. Is there any indication
2 as to the age of those units?

3 MR. ARENCIBIA: Well, they've been there
4 for a long time. As a matter of fact, I actually
5 brought some pictures --

6 MR. ALONSO: Okay.

7 MR. ARENCIBIA: -- of the existing
8 apartment that we're trying to legalize, so the
9 Board would like -- look at it, they could see
10 it.

11 MR. ALONSO: Okay. So, I think at this
12 time, let -- we introduce that into evidence.

13 Want me to mark them?

14 MS. DILLON: I can mark it.

15 MR. ARENCIBIA: That's the apartment.
16 That's the entrance.

17 MR. ALONSO: Okay.

18 MR. ARENCIBIA: This is the bedroom.

19 This is the kitchen area.

20 MR. ALONSO: Okay. So, and --

21 MR. ARENCIBIA: That's also part of the
22 living room --

23 MS. DILLON: Mark it as a package?

24 MR. ARENCIBIA: -- kitchen area.

25 MR. ALONSO: Yeah. Do it as a package.

1 Four photographs. Mark it as A-3.

2

3 (Whereupon, Photograph Package,
4 (4 Photographs), was received and marked as
5 Exhibit A-3.)

6

7 MR. ALONSO: Now, Mr. Arencibia, the -- the
8 apartment looks relatively new.

9 Did the -- did the client invest any money
10 into the apartments after they were purchased?

11 MR. ARENCIBIA: Not that I'm aware of, but
12 you'd have to check with the client as far as
13 that's concerned.

14 But it looks like those have been there for
15 a long time. The bathroom, the tiles have been
16 there for -- for a long time. The kitchen looks
17 like it's been there for a long time.

18 It is well maintained. That I can tell
19 you. So, the apartment is in good shape. It has
20 good ceiling heights, it has nice space.

21 So, as far as that's concerned, it's a nice
22 unit, but it looks like it's been there for a
23 long time.

24 MR. ALONSO: Okay. And did you prepare the
25 plans that are before the Board?

1 MR. ARENCIBIA: Yes, I did.

2 MR. ALONSO: Okay. Please review the --
3 the plans.

4 MR. ARENCIBIA: Yes.

5 Again, the existing structure is a two and
6 a half story wood frame structure. What you have
7 is, you have an existing concrete stair and porch
8 on the front right section of the house, as
9 you're facing the building. You walk in. You
10 have a center corridor, stairs going up to the
11 floor upstairs. And you have a corridor on the
12 ground floor, access to the one unit that we're
13 trying to legalize, and the existing unit that's
14 on the ground floor.

15 Right now, on the ground floor, you have a
16 two bedroom unit. It's roughly 680 square feet.
17 That goes out, has a little deck, porch in the
18 backyard. It goes out to the rear yard. And
19 then, off the main center corridor, we have also
20 the one unit that's, as you could see, it's
21 existing, that we're trying to legalize on the
22 ground floor.

23 And that's -- that would be a one bedroom
24 unit on the ground floor, roughly 420 square
25 feet.

1 As you go upstairs, you basically have
2 another two bedroom unit, and a one bedroom unit.

3 The existing structure is going to be
4 maintained. We are proposing on having a little
5 increase in the second floor unit. There is a
6 one and a half story section in the back of the
7 building that is actually incorporated in the
8 ground floor unit. And it's part of a bathroom
9 on the ground floor, two bedroom unit.

10 What we're proposing on doing is expanding
11 that same footprint, so we're not increasing the
12 footprint, we're just expanding straight up that
13 footprint, and throwing that space into the
14 kitchen of the second floor, two bedroom unit
15 upstairs.

16 So, that's basically the increase in
17 volume. On the second unit, it's roughly 47
18 square feet. And again, it's just increasing --
19 it's just going directly above the existing
20 footprint of the building.

21 MR. ALONSO: Okay.

22 Is there anything else that you need to --
23 to add to the testimony?

24 MR. ARENCIBIA: I think it's pretty
25 straightforward. I think the picture shows you

1 | what the apartment looks like. You can pretty
2 | much see that it's -- it's in good condition, and
3 | it's a nice habitable space.

4 | The building is clean, simple. It's not
5 | too articulate, not too detailed, but it's in
6 | good shape. And visually, from the street, it
7 | looks -- looks good.

8 | MR. ALONSO: Mr. Chairman, I have no
9 | further questions of the architect.

10 | VICE CHAIRMAN GRULLON: Do you have another
11 | witness?

12 | MR. ALONSO: Yes.

13 | Mr. Karlebach?

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

16 | MS. DILLON: Mr. Karlebach was previously
17 | sworn.

18 | MR. ALONSO: Thank you.

19 | Mr. Chairman, Mr. Karlebach testified in
20 | the prior application --

21 | VICE CHAIRMAN GRULLON: Yes.

22 | MR. ALONSO: -- so I'd ask that his --

23 | VICE CHAIRMAN GRULLON: Yes.

24 | MR. ALONSO: -- qualifications be accepted.

25 | VICE CHAIRMAN GRULLON: You may proceed.

1 MR. ALONSO: Thank you.

2 Mr. Karlebach, did you prepare a zoning
3 analysis in connection with this application?

4 MR. KARLEBACH: Yes, I did.

5 MR. ALONSO: Okay. Can you please review
6 that with the Board?

7 MR. KARLEBACH: Certainly.

8 I think there's very few planning incidents
9 with this particular application. You heard what
10 was said at the onset.

11 It's an existing four family dwelling. It
12 was taxed as a four family dwelling, or it
13 continues to be taxed as a four family dwelling.
14 It was marketed to the owner as a four family
15 dwelling. And it functions, today, as a four
16 family.

17 It probably deserves status as a
18 preexisting, nonconforming use, but again, just
19 to be safe, we're approaching this as a use
20 variance.

21 But be mindful, there's no foreign use
22 being introduced onto the property. It's a four
23 family unit today. If this application is
24 approved, it will continue to be a four family.

25 So, that's significant from a planner's

1 perspective.

2 In terms of the surrounding land uses, you
3 have mostly three story, three family dwellings
4 in the area of the site. There's actually a six
5 unit building abutting this site, that's 4604
6 Hudson Avenue.

7 And directly across from this site is a
8 four story apartment building. And there are
9 other apartment buildings in the area. I don't
10 think you can quite see all of them.

11 If you look at Sheet T100 as part of your
12 site plan set, it kind of gives you a feel for
13 the neighborhood, and you see those rather large
14 buildings across the street on the other side of
15 Hudson Avenue.

16 So, the application essentially is just to
17 legitimize, again, this four family building; to
18 upgrade the interior to include a up -- updated
19 kitchen, which consists of 47 square feet,
20 minimal, minimal area.

21 There's no change in the footprint of the
22 building, no new impervious area, no external
23 changes to the building, no land disturbance, no
24 increased demand on municipal services, no
25 increase in traffic and no additional refuse

1 generated.

2 Again, this is a very benign application.

3 Now, this is in the R low density
4 residential zone, which permits one, two and
5 three families. It does not permit four family
6 homes.

7 So, a D-1 use variance is required, a C
8 variance is required because eight parking spaces
9 are required, whereas zero exist today, and the
10 applicant proposes to continue that condition of
11 zero parking spaces. There's actually no
12 opportunity to provide parking here.

13 Then, there are several existing
14 nonconforming conditions related to setbacks,
15 that are outlined in the zoning information table
16 on T100.

17 Those setback deviations, as I said,
18 they're existing. They're proposed to be
19 continued, but not exacerbated.

20 Now, in terms of particular suitability, I
21 think this site has that virtue because of its
22 condition. There's no change in the outward
23 appearance of this building. There's no site
24 modifications. And what's being proposed really
25 is just a building with safe, clean, and livable

1 conditions.

2 And it's also particularly suitable by
3 virtue of its context. This is a neighborhood,
4 again, of mostly three family homes. But it also
5 includes a six unit building abutting and a four
6 story apartment building across the street.

7 I think several important purposes of the
8 Land Use Law are advanced.

9 I don't want to be redundant, but one of
10 them has to do with to encourage the appropriate
11 use or development of land, in a manner which
12 promotes the public health, safety and welfare.

13 And again, the public interest is advanced,
14 by providing safe, code compliant housing in an
15 area which has a growing population, and it's
16 dominated by older housing.

17 Purpose N of the Land Use Law, to encourage
18 land development with a view of lessening the
19 cost of such development, and to the more
20 efficient use of land.

21 I can't think of anything that's more
22 efficient than what's being proposed here. It's
23 just very little being proposed. Again, just
24 modification. No expansion, and the modification
25 is minimal.

1 And finally, purpose G. To provide
2 sufficient space in appropriate locations for a
3 variety of uses, in order to meet the needs of
4 New Jersey citizens.

5 And here, updated housing stock in this
6 particular neighborhood would always be welcome.
7 And I think this site does integrate well with
8 the neighborhood.

9 In terms of the negative criteria, I think
10 I've already went through that. It's a fairly
11 innocuous application. There's no proposed
12 change in the building footprint. No -- no
13 proposed reduction in setbacks.

14 Visually, the site remains unchanged. This
15 building can safely accommodate the proposed
16 changes, which are minimal, with no ill effects
17 on the community.

18 And this site integrates well with the
19 neighborhood, which already supports several
20 multi-family buildings.

21 In terms of the Zoning Ordinance, I don't
22 believe there's any substantial impairment of the
23 Zoning Ordinance, because as I said, it's an
24 existing four family. We already know what the
25 impacts are of a four family at this location,

1 | because it's in existence. We don't have to
2 | envision what impacts might present themselves.
3 | They're already present.

4 | And finally, if you walk up and down the
5 | street, again, this building seems underdeveloped
6 | relative to what's going on around it.

7 | It's a two story building, surrounded by
8 | mostly three story buildings, and a four story
9 | apartment building across the street.

10 | So, again, in context of the -- of the
11 | overall neighborhood, this site, to me, does seem
12 | somewhat underdeveloped.

13 | And they are smallish units. I know
14 | there's four of them, which surpasses the
15 | Ordinance requirement, but I'm not really
16 | concerned, in view of the -- the size of the
17 | units.

18 | And as planners, I know when we talk about
19 | density, in this case, four units versus three
20 | units, you have to consider a number of factors,
21 | because studio apartment is one dwelling unit.
22 | Five bedroom house is one dwelling unit.

23 | So, I don't like to get bogged down in
24 | what's being proposed in terms of the number of
25 | units. I look at the overall context of the

1 design and what's being proposed, in terms of
2 building coverage and lot coverage.

3 And I find this lot is not overdeveloped in
4 any fashion. As a matter of fact, there's no new
5 development, except for that 47 square feet of --
6 of kitchen space.

7 I would really consider this to be a minor
8 technical variance, even though it is a use
9 variance and it does require -- you know, a
10 burden of proof, but again, there aren't many
11 planning incidents and I think the Board should
12 feel very comfortable in granting this D-1 use
13 variance application, and the parking variance.

14 MR. ALONSO: I have no further questions,
15 Mr. Chairman.

16 VICE CHAIRMAN GRULLON: Do you have any
17 other witness?

18 MR. ALONSO: I do not.

19 VICE CHAIRMAN GRULLON: For the planner.

20 Going from a three -- from three -- from
21 three units to a four unit, would that trigger
22 any additional variance than what you have right
23 now?

24 MR. ALONSO: The --

25 VICE CHAIRMAN GRULLON: The variance that

1 | you are requesting.

2 | MR. ALONSO: The variance we're requesting
3 | is a D-1.

4 | In terms of the -- the zoning table --

5 | VICE CHAIRMAN GRULLON: Yes.

6 | MR. ALONSO: -- with the -- with the C
7 | variances, that's what you're talking about? The
8 | bulk requirements?

9 | VICE CHAIRMAN GRULLON: Yes.

10 | MR. ALONSO: Under the law, those are
11 | subsumed within the D-1 variance, because since
12 | the four family is not permitted, there are no
13 | zoning requirements to comply with. So, under
14 | the law, they're -- they're considered by the
15 | Board, when -- when approving or denying --

16 | VICE CHAIRMAN GRULLON: But a four family
17 | is not permitted in that zone.

18 | MR. ALONSO: Correct.

19 | VICE CHAIRMAN GRULLON: And my next
20 | question would be for the architect.

21 | Come you come up, Mr. Arencibia?

22 | Could you explain again the proposed
23 | basement floor plan?

24 | MR. ARENCIBIA: The basement?

25 | VICE CHAIRMAN GRULLON: Yeah. The -- the

1 size of the bedrooms for the --

2 MR. ARENCIBIA: Well, it's on the ground
3 floor. The basement is an open space.

4 VICE CHAIRMAN GRULLON: Oh, okay.

5 MR. ARENCIBIA: And I think I have pictures
6 of the basement there, too.

7 VICE CHAIRMAN GRULLON: Oh, okay. Okay. I
8 see.

9 MR. ARENCIBIA: So, basically, the basement
10 is basically storage area. There's an existing
11 couple that's -- existing rooms are used for
12 storage before.

13 And probably what's going to happen, as
14 part of this application, we're probably going to
15 create that on an egress corridor, through the
16 basement, to come out to the front. But there's
17 no work being proposed in the basement, at this
18 point in time.

19 VICE CHAIRMAN GRULLON: So, according to
20 the -- to the site plan, it says proposed
21 basement floor plan.

22 MR. ARENCIBIA: Yeah. No. It's existing.
23 That's why, see the plans, says existing,
24 existing. So everything's existing there.

25 VICE CHAIRMAN GRULLON: So, that's an

1 error.

2 MR. ARENCIBIA: Yes.

3 VICE CHAIRMAN GRULLON: That should be
4 existing.

5 MR. ARENCIBIA: That's correct, sir.

6 VICE CHAIRMAN GRULLON: And the unit that
7 is going to be -- you're looking to legalize, is
8 unit number one?

9 MR. ARENCIBIA: Right. The one that's
10 shaded.

11 And if you see the pictures and the layout
12 is exactly what's there.

13 And the small little expansion area that we
14 propose on the second floor, if you look at the
15 plan to the right, on the top there, it says
16 proposed expansion of existing kitchen over
17 existing structure below. On the other plan. To
18 the right.

19 VICE CHAIRMAN GRULLON: And this unit is
20 going to be considered a studio -- a studio unit
21 or one bedroom?

22 MR. ARENCIBIA: No. It's a one bedroom.

23 VICE CHAIRMAN GRULLON: One bedroom?

24 MR. ARENCIBIA: Um hum.

25 VICE CHAIRMAN GRULLON: Because I don't see

1 a bedroom on the --

2 MR. ARENCIBIA: The bedroom's in the one in
3 the front. Because you come in, and it's
4 basically -- see, existing living room area?

5 VICE CHAIRMAN GRULLON: Yes.

6 MR. ARENCIBIA: Then your kitchen, living
7 room, basically, it's a small eat-in kitchen.
8 Living room area, small living room, but it has a
9 large big bedroom in front.

10 And again, that's the existing structure of
11 the building, so nothing's been touched.

12 VICE CHAIRMAN GRULLON: And those wall is
13 existing right now?

14 MR. ARENCIBIA: Yes.

15 VICE CHAIRMAN GRULLON: I don't have any --
16 I don't have any other question.

17 Do you guys?

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

20 VICE CHAIRMAN GRULLON: And any
21 construction at all you're proposing for this --
22 for the -- for the building?

23 MR. ALONSO: Other than the addition on the
24 second floor.

25 MR. ARENCIBIA: Correct.

1 MR. ALONSO: Correct? For the kitchen?

2 MR. ARENCIBIA: Right.

3 MR. ALONSO: Right almost where your hand
4 is.

5 VICE CHAIRMAN GRULLON: Here.

6 MR. ALONSO: A little further up, you'll
7 see the -- is the construction of --

8 MR. ARENCIBIA: Yeah. Little arrow
9 pointing to that -- that area, the diagonal
10 shading.

11 VICE CHAIRMAN GRULLON: Yes.

12 MR. ARENCIBIA: Proposed expansion. That
13 small little area.

14 VICE CHAIRMAN GRULLON: And nothing is
15 being proposed on the ground floor.

16 MR. ARENCIBIA: No.

17 MR. ALONSO: It's all existing.

18 MR. ARENCIBIA: Correct.

19 VICE CHAIRMAN GRULLON: All existing.

20 It's a little confusing, because looking at
21 the tax record, it shows that it's -- it shows
22 four units, without a finished basement, the way
23 you have it right now.

24 MR. ALONSO: That -- and that -- and that's
25 the confusing part, because on the one hand, in

1 the other application, the Building Department
2 relies on the tax records to say it was
3 commercial and one residential.

4 But in this case, what we have, if an
5 existing four bedroom where the tax record says
6 four -- four apartments, and the tax record says
7 four apartments, this says, well, no, it's really
8 three units.

9 My client received a violation. We're
10 currently in Municipal Court adjudicating that
11 issue, but we wanted to come here first.

12 VICE CHAIRMAN GRULLON: Is the apartment
13 rented right now? The -- the unit that you're
14 trying to legalize?

15 MR. ALONSO: Yes.

16 VICE CHAIRMAN GRULLON: You have tenants
17 there?

18 MR. ALONSO: So, if you -- if you utilize
19 the same records that the Building Department
20 has, it's a four family. So, I don't know why
21 we're here. But they issued a violation, so
22 we're here.

23 VICE CHAIRMAN GRULLON: Okay. I'm going to
24 open it to the public at this time.

25 Open to the public.

1 Mr. Price?

2 MS. DILLON: Mr. Price, please raise your
3 right hand.

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

6 MR. PRICE: Yes, I do.

7 MS. DILLON: Please just state your name
8 and address for the record.

9 MR. PRICE: Larry Price, 1006 Palisade
10 Avenue.

11 Mr. Arencibia?

12 MR. ARENCIBIA: Yes.

13 MR. PRICE: Okay. This is a three level
14 building.

15 Correct?

16 A basement, a ground -- a first floor, and
17 a second floor.

18 MR. ARENCIBIA: Correct.

19 MR. PRICE: Are there any apartments in the
20 basement?

21 MR. ARENCIBIA: No.

22 MR. PRICE: Okay. So, there's -- okay.
23 Okay. On the first floor -- the apartment that
24 you're legalizing is on the first floor.

25 MR. ARENCIBIA: Correct.

1 MR. PRICE: But in the back.

2 MR. ARENCIBIA: In the front.

3 MR. PRICE: Oh, excuse me. In the front.

4 Okay.

5 Okay. How big -- what is that apartment?

6 If it's legalized, what will it be? A one
7 bedroom?

8 MR. ARENCIBIA: One bedroom.

9 MR. PRICE: One -- how big is it? Four
10 hundred --

11 MR. ARENCIBIA: Four hundred and twenty
12 square feet, roughly.

13 MR. PRICE: Okay. And how about the
14 apartment in the back, on the -- on the first
15 floor.

16 MR. ARENCIBIA: What size?

17 MR. PRICE: Yes. Well --

18 MR. ARENCIBIA: It's a two bedroom.

19 MR. PRICE: It's a two bedroom.

20 MR. ARENCIBIA: And it's roughly 680 square
21 feet.

22 MR. PRICE: Six hundred and eighty square
23 feet.

24 Okay. And then, there are two apartments
25 upstairs.

1 MR. ARENCIBIA: Correct.

2 MR. PRICE: And you're going to add to one
3 of them in the kitchen area --

4 MR. ARENCIBIA: Correct.

5 MR. PRICE: -- before you --

6 Okay. Okay. Okay. Only thing I would
7 point out is that they really also need a D-5
8 density variance here, because a one bedroom
9 requires 550 square feet, and they've got 420.

10 So, and that's not subsumed. That's --
11 that's a D variance, which has to stand by
12 itself.

13 Okay. That's it.

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

16 MR. ALONSO: If the Board wants, I know the
17 notice that was submitted indicated or delineated
18 the variances that are being requested, plus any
19 additional variances required.

20 The D-5 is a use variance, which was -- you
21 could argue that we did notice for the use
22 variance.

23 I could have Mr. Karlebach come back up and
24 testify as to the justifications for the -- the
25 D-5 density variance and the one bedroom --

1 MS. DILLON: Mr. Karlebach, just in front
2 of the microphone.

3 MR. KARLEBACH: Sure.

4 Applicants seeking a D variance are
5 actually subject to a different standard of
6 review of an applicant seeking a use variance.

7 What must be proven is that the site can
8 continue to accommodate the problems that might
9 be associated with that increase in density.

10 And here, the supreme benefit is the site
11 functions exactly the way today, as it would if
12 this application were approved, because there's
13 no new building area.

14 So, really, we're not increasing the
15 density. Technically, yes. A density variance
16 is required, but as I said, we have the -- this
17 site has the virtue of not being developed with
18 new floor area.

19 So, how would you judge whether or not this
20 site can continue to be appropriate and
21 accommodate the problems that you might have with
22 additional density?

23 We already know what the -- if there are
24 any problems because it exists. And to my
25 knowledge, this building is operating without

1 incident.

2 So, I would -- I would submit to the Board
3 that there are no problems associated with the
4 increase in density.

5 MR. ALONSO: And -- and also, just to be
6 clear, density typically is measured by number of
7 units per acre. And if you look at your Zoning
8 Ordinance, under the definitions, it says units
9 per acre.

10 There is a section in the Ordinance that
11 talks about the -- the required minimum size, and
12 this Board has interpreted that to mean density.

13 So, the density, instead of increasing by
14 increasing the number of units, it actually
15 increases by making the apartments smaller.

16 So, it's a -- it's a little different than
17 -- than the typical density variances that --
18 that we see.

19 But the -- the problem associated with
20 making a smaller apartment, I believe have been
21 addressed by Mr. Karlebach. And I think that the
22 Board can also accept that as further
23 justification for the granting of this
24 application.

25 VICE CHAIRMAN GRULLON: Mr. Alonso, going

1 back to the variance. Are we considering this
2 application as a D-5?

3 MR. ALONSO: D-1.

4 VICE CHAIRMAN GRULLON: D-1?

5 MR. ALONSO: It's a D-1, because the four
6 family, although it's preexisting, we can argue
7 -- I mean, I could have -- I didn't file the
8 original application. I'm stepping in for the
9 attorney.

10 It could have been filed a number of
11 different ways. It could have been filed as an
12 appeal of the determination under Subsection 70A,
13 saying that this is something that preexisted
14 previous the -- the new Zoning Ordinance.

15 The records reflect that the -- the city
16 has, even in the 1973, that's '73 tax records,
17 show it as a four family.

18 So, we could technically appeal that
19 determination and the Board can make a finding
20 that, in fact, it's been taxed by the Tax
21 Assessor since 1973 as a four family, and
22 continues to be a four family.

23 MR. PANEQUE: Just -- just for --

24 MR. ALONSO: Sure.

25 MR. PANEQUE: -- a point of clarification,

1 Mr. Alonso, the Tax Assessor's record from 1973
2 shows it as a three units, although they do find
3 that there are two kitchens on the first floor,
4 and two kitchens on the second floor.

5 Although they're finding the number of
6 fixtures, they're still labeling it as a three
7 units, which doesn't coincide it. It's a
8 contradiction.

9 MR. ALONSO: Right.

10 MR. PANEQUE: So, they're finding proofs
11 that the property is being used as a four, at
12 least according to how I read this Tax Assessor's
13 record, but they're still labeling it as a three
14 unit.

15 MR. ALONSO: Right. So, again, to
16 alleviate all the confusion, we're coming in and
17 we say, give us the D-1 use variance, because a
18 four family is not permitted.

19 The D-5 variance, for the density, is
20 required because of the size of the unit.

21 So, it's actually both.

22 And then, the -- the bulk variance is
23 subsumed within the D-1.

24 VICE CHAIRMAN GRULLON: Okay. And I have
25 one more concern.

1 MR. ALONSO: Sure.

2 VICE CHAIRMAN GRULLON: Since the basement,
3 it says that it's an unfinished basement. And
4 there's not -- there's not a small apartment
5 downstairs.

6 I see you have the -- you're showing a full
7 bathroom in the basement.

8 Could that be converted to like half a
9 bathroom?

10 Could you change that?

11 MR. RODRIGUEZ: Can it be converted to
12 what?

13 MR. ALONSO: A half bathroom.

14 VICE CHAIRMAN GRULLON: It's a full
15 bathroom.

16 MR. RODRIGUEZ: Oh, I could take out --
17 from the basement.

18 MR. ALONSO: Half bathroom is okay?

19 MR. RODRIGUEZ: Take it out.

20 MR. ALONSO: Take it out altogether.

21 MR. RODRIGUEZ: It's -- it's not working.
22 It hasn't worked for I think 15 years.

23 MS. DILLON: He can't speak from --

24 MR. ALONSO: Yeah. My -- my client is
25 indicating that he will just --

1 VICE CHAIRMAN GRULLON: He will have to
2 come -- he will have to -- here. He will have to
3 come in front of the mic.

4 MR. RODRIGUEZ: Hi.

5 MS. DILLON: Hi.

6 Sir, please raise your right hand.

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

9 MR. RODRIGUEZ: Yes.

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

12 MR. RODRIGUEZ: John Rodriguez, J-O-H-N,
13 Rodriguez, R-O-D-R-I-G-U-E-Z.

14 MS. DILLON: Thank you.

15 MR. ALONSO: Mr. Rodriguez -- Mr.
16 Rodriguez, what's your relationship to
17 International Management, LLC, the owner of the
18 property?

19 MR. RODRIGUEZ: I'm the principal.

20 MR. ALONSO: Okay. The Chairman had asked
21 you if you would consider reducing the bathroom
22 in the basement from a full bathroom to a half
23 bathroom, and you were indicating, from the back,
24 that you were willing to eliminate it altogether.

25 MR. RODRIGUEZ: Yes. I'll eliminate it.

1 VICE CHAIRMAN GRULLON: Yes. Okay.

2 Thank you, Mr. Rodriguez. Thank you.

3 MR. RODRIGUEZ: Thank you.

4 VICE CHAIRMAN GRULLON: Any other member of
5 the public?

6 At this time, closed to the public.

7 I'm going to make the motion to grant this
8 application with the condition to remove the
9 bathroom from the basement.

10 I make the motion to grant the application.

11 THE SECRETARY: Motion to grant the
12 application by Vice Chairman Victor Grullon.

13 Second?

14 David Pressey.

15 Roll call on the motion.

16 Victor Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Mrs. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Mr. Pressey?

23 MR. PRESSEY: Yes.

24 THE SECRETARY: Mr. Dardir?

25 MR. DARDIR: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Mr. Doumas?

4 MR. DOUMAS: Yes.

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

7 MR. ALONSO: Thank you very much. Have a
8 good evening.

9 MS. GUTIERREZ: Good evening.

10 MR. RODRIGUEZ: Thank you.

11 MS. GUTIERREZ: You're welcome.

12 MR. ARENCIBIA: Thank you so much,
13 everybody.

14 Good-bye.

15 MS. GUTIERREZ: Okay. Good night.

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

18 * * *

19

20

21

22

23

24

25

1 **4310 Hudson Avenue, LLC - 4310-16 Hudson Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 4310 Hudson Avenue, LLC,
5 4310-16 Hudson Avenue.

6 Mrs. Pereiras?

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

9 MR. PANEQUE: Okay. For the record, I've
10 been provided with a certification as to the
11 publication and service, indicating that all
12 owners within the 200 foot radius of the property
13 located at 4310 Hudson Avenue were served with
14 notices for tonight's meeting.

15 Those notices went out January 2nd. The
16 stamp from the Post Office says 2015, but --

17 VICE CHAIRMAN GRULLON: Yeah.

18 MR. PANEQUE: -- let's -- let's go --
19 actually, you know what? She must have realized,
20 because then she switched to --

21 MS. PEREIRAS: They switched to the 2016?

22 MR. PANEQUE: -- 2016. Okay. I was going
23 to say --

24 MS. PEREIRAS: We're in trouble.

25 Right?

1 MR. PANEQUE: The stamp from the Post
2 Office on the certified mail receipts indicates
3 January 2nd, 2015, and then was corrected to 2016.

4 I've also been provided with a copy of the
5 notice that was placed on the -- in the
6 newspaper, The Jersey Journal, on January 4th,
7 which gives notice of tonight's meeting for
8 January 14th, with respect to the property in
9 question, 4310 Hudson Avenue.

10 I've also been provided with a certified
11 list of all owners within 200 feet, provided by
12 the Tax Assessor.

13 For the record, the list that was attached
14 with these proofs is dated October 30th, 2015.
15 But I believe Ms. Pereiras is going to make a
16 representation on the record.

17 Correct, Ms. Pereiras?

18 MS. PEREIRAS: Yes, counsel.

19 We did receive an updated list from the Tax
20 Assessor's Office. I believe it was the last
21 week of December.

22 I personally reviewed that and confirmed
23 that all the notices went out accordingly.

24 MR. PANEQUE: Okay.

25 MS. PEREIRAS: I will submit a copy of that

1 to Mr. Vallejo first thing in the morning.

2 MR. PANEQUE: Thank you.

3 Your representation is accepted and Mr.
4 Vallejo will receive that copy.

5 Ms. Pereiras has also provided me with
6 copies of the return green receipts that have
7 come back to date. It appears that based on the
8 representation made by counsel, that the notices
9 were properly served, and this Board has
10 jurisdiction to proceed and hear this matter.

11 MS. PEREIRAS: Thank you very much.

12 Good evening, Board.

13 May it please the Board, Bianca Pereiras,
14 on behalf of the applicants, Marc Fried.

15 This is in regards to property located at
16 4310-16 Hudson Avenue, Block 253, Lot 21.

17 This is a mixed use structure. I'm
18 actually very happy to come before the Board and
19 change the current use. This was a go-go bar.
20 So, we definitely don't want to see a lot of
21 these in town.

22 So, our application is to add one unit.
23 We're removing part of that commercial unit on
24 the ground floor, make it a new apartment with
25 its own driveway.

1 And then, the space that used to be
2 occupied by the go-go bar will now be converted
3 into two commercial spaces.

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

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

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

11 MR. PEREIRAS: I do.

12 MS. DILLON: Please state your name and
13 spell it for the record.

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

18 VICE CHAIRMAN GRULLON: Good evening, Mr.
19 Pereiras.

20 I'll accept your qualifications.

21 MR. PEREIRAS: Thank you.

22 VICE CHAIRMAN GRULLON: You may proceed.

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with 4310-4316 Hudson Avenue?

25 MR. PEREIRAS: I am.

1 MS. PEREIRAS: And did you prepare the
2 drawings before the Board this evening?

3 MR. PEREIRAS: They were prepared under my
4 direct supervision.

5 MS. PEREIRAS: And can you please describe
6 the proposed project for the Board?

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

8 Counsel explained the gist of it.

9 We have an existing building that occupies
10 the entire site. It's a 25 by almost a hundred
11 foot site. It's actually 99 point something in
12 -- in length.

13 And the building sits on the property line.
14 So, those are preexisting, nonconformities for
15 all the bulk variances, side yard, front yard,
16 that we have.

17 The building is a commercial structure on
18 the ground floor. It goes across the entire
19 building. And includes also, as you go to the
20 back of the building, there's a two story area
21 that's part of the commercial structure, as well.

22 There is -- my patron purchased the
23 building, and he's in a huge dilemma. There's --
24 he doesn't want another go-go bar. He wants to
25 fix this and do the right thing, but you have

1 | this absolutely enormous commercial space that
2 | will simply not rent.

3 | So, we looked and explored different
4 | options, and the best idea I came up with is to
5 | go back to a more conforming use to go towards
6 | residential, which is to take that back portion
7 | and create a residential, small apartment there.

8 | And the way we're doing it is, as best as
9 | we could do it, is to make it -- the ground
10 | floor, create a parking spot.

11 | So, what we're doing is we're introducing a
12 | new curb cut, a 12 foot curb cut, so that we have
13 | a parking spot on the ground level, breaking it
14 | open at the street, creating a parking spot for a
15 | garage, and having a new entryway for the
16 | residential component, with stairs that lead up
17 | to a nice studio apartment that's 480 square feet
18 | in size.

19 | So, it doesn't get any better than that.
20 | We have a nice, small residential unit, with a
21 | parking spot.

22 | But we had the dilemma that we had an
23 | extremely ugly, horrible building on the corner.
24 | So, I pushed my patron, and we decided to
25 | renovate the entire façade of the building, and

1 make this an even more attractive application.

2 So, what we're doing is, our entire ground
3 floor level, we're making it brick, and the two
4 stories above, we're providing new stucco across
5 that new thing.

6 And I created a rendering.

7 Counsel, shall I mark this as -- as A-1?

8 MR. PANEQUE: Yes. Thank you, Mr.
9 Pereiras.

10 MR. PEREIRAS: You'll mark it for us?

11 MS. DILLON: Yes.

12 MR. PEREIRAS: Great.

13

14 (Whereupon, Rendering was received and
15 marked as Exhibit A-1.)

16

17 MR. PEREIRAS: I just made four copies of
18 what this façade would look like, and I did a
19 very simple color rendering of it.

20 I'd like the Board to see it. I'll keep
21 one to use as a demonstration tool.

22 Thank you.

23 So, we're creating brick along the entire
24 front ground level. Brick along the new entry,
25 for the new residential portion of it. We

1 created, at the entry level, we made a two story
2 brick portion, to accentuate it, and really make
3 a nice little beautiful apartment out of
4 something that was really ugly.

5 In addition to that, we're opening the
6 ground floor. It was a -- there was a dark go-go
7 bar, solid walls. We're making it to feel more
8 commercial and we're creating new storefronts on
9 it.

10 So, we're creating new storefronts across
11 the whole thing. And then, I'm going to turn
12 right now to page Z02. And Z02, we can actually
13 explore the floor plan.

14 As you could see here, the go-go bar had
15 two entrances along the side. And they covered
16 up what used to be a very beautiful entrance at
17 the corner. This was one of the -- you see this
18 in Union City a lot. They have beautiful corner
19 entrances.

20 We're reopening that entrance in the
21 corner, and creating the first commercial space,
22 which is 732 square feet along the front of the
23 building. And we're adding a bathroom for that
24 commercial space.

25 The other commercial space, from here to

1 here, has the existing entry door that was over
2 here. We're beautifying that, creating new
3 openings along the side, to bring light into the
4 space, and making that the second commercial
5 space. And then, finally, the residential unit
6 that I just described before, with the ground
7 floor and second floor.

8 There are preexisting nonconformance for
9 rear yard and side yard. And then, of course,
10 for parking. There are four existing units on
11 the second floor, plus an existing commercial
12 space, which would require about 16 parking
13 spaces.

14 We have one studio apartment that we're
15 adding, and we're adding one spot for that one
16 apartment. So, in a way, we're reducing the
17 nonconformity, because we're reducing the number
18 of -- the square footage of the commercial area,
19 and we're providing a parking spot. So, we're
20 actually reducing the nonconformity, as far as
21 parking.

22 I'm open for questions.

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

25 MS. PEREIRAS: No, we do not.

1 VICE CHAIRMAN GRULLON: Mr. Pereiras?

2 Mr. Pereiras, in the basement, are you
3 proposing to do any renovation, existing basement
4 plan?

5 MR. PEREIRAS: There is an existing
6 basement in this space. We are not doing much to
7 it. There is a -- there's existing bathrooms
8 that we are still using for the commercial space.

9 VICE CHAIRMAN GRULLON: Okay.

10 MR. PEREIRAS: So, the stairs are going to
11 lead there. And then, the rest is just non-
12 habitable, basement space. It's for storage, for
13 whatever commercial business will be there.

14 VICE CHAIRMAN GRULLON: And is a --

15 MR. PEREIRAS: And it houses the mechanical
16 systems.

17 VICE CHAIRMAN GRULLON: It's a really old
18 building.

19 MR. PEREIRAS: Yes.

20 VICE CHAIRMAN GRULLON: It might need some
21 renovation.

22 MR. PEREIRAS: It needs, actually, a few
23 things from the Building Department standpoint.

24 We're adding a sprinkler system for the
25 basement, because it's a windowless story, so

1 we're adding a sprinkler system in that level.

2 We're adding a sprinkler system to the new
3 residential unit.

4 We're taking this as an opportunity to
5 really bring the building up to Code. There's a
6 lot of fire separation issues that have to go.
7 There's a fire alarm system that's going to go
8 throughout all the commercial spaces, and the
9 building in general.

10 So, there's a -- so, let me correct what I
11 said.

12 What I said, there's no changes from a
13 zoning standpoint. There's no real changes to
14 the basement. But there's a lot of construction
15 that's going into it, to make it a safe building.

16 VICE CHAIRMAN GRULLON: And you -- and you
17 going to divide that into two commercial spaces.

18 MR. PEREIRAS: Correct.

19 VICE CHAIRMAN GRULLON: The ground floor.

20 MR. PEREIRAS: Correct.

21 VICE CHAIRMAN GRULLON: And the unit in the
22 back, going to have -- the ground floor is going
23 to be a parking space.

24 MR. PEREIRAS: Correct.

25 VICE CHAIRMAN GRULLON: And the unit's

1 going to be above.

2 MR. PEREIRAS: We're taking away from the
3 commercial space --

4 VICE CHAIRMAN GRULLON: Yeah.

5 MR. PEREIRAS: -- to create this new
6 residential unit that's going to have its own
7 parking on the ground floor, and the apartment
8 above.

9 VICE CHAIRMAN GRULLON: And the -- the unit
10 above, do you have the layout?

11 MR. PEREIRAS: Yes. Your hand is on top of
12 it.

13 VICE CHAIRMAN GRULLON: All right. It's
14 here. Okay. I see it.

15 MR. PEREIRAS: It's -- this is the floor
16 plan for the unit above.

17 As you could see, it's a nice open --

18 VICE CHAIRMAN GRULLON: It's going to be a
19 studio.

20 MR. PEREIRAS: It's going to be a studio.

21 VICE CHAIRMAN GRULLON: Studio unit.

22 MR. PEREIRAS: We have 479.45 square feet.

23 We wanted to be compliant with the -- the
24 Ordinance, so we -- we kept it a studio.

25 VICE CHAIRMAN GRULLON: Yeah. I was

1 | checking for my name on the list, but I'm -- I'm
2 | in that neighborhood. I'm not on the -- I'm like
3 | two -- two or three blocks away.

4 | MR. PEREIRAS: Two hundred and one feet
5 | away.

6 | VICE CHAIRMAN GRULLON: And I'm really
7 | happy -- I'm really happy this type of use in
8 | this -- are being -- you know, removed from the
9 | -- from the residential area.

10 | Again, you mentioned it's going to be --
11 | you're proposing to use brick on the -- on the
12 | ground floor.

13 | MR. PEREIRAS: Correct. We have brick
14 | along the entire ground floor. Stucco on the
15 | second and third floor of the existing building.

16 | And I want to clarify that we have signage
17 | proposed. On my elevations, they show a signage
18 | for the -- the commercial spaces, all within the
19 | Ordinance.

20 | And something that's not within the
21 | Ordinance, but it's a preexisting condition, we'd
22 | like to keep the -- the projection sign that's at
23 | the corner.

24 | So, if you look at our drawing, our
25 | elevation, it shows the projection sign. We

1 don't want to remove that. It's grandfathered
2 in. The Building Department accepts it as being
3 there, and that's staying, and I just want to
4 clarify that, also.

5 VICE CHAIRMAN GRULLON: Going to stay there
6 with the same name.

7 MR. PEREIRAS: Obviously, a different name.

8 They actually removed the name already, I
9 believe. They -- they spray painted over it.

10 VICE CHAIRMAN GRULLON: And the other thing
11 is that you know how we feel about stucco. Is
12 there any other material you can use?

13 MR. PEREIRAS: Yeah.

14 VICE CHAIRMAN GRULLON: If the application
15 is granted.

16 MR. PEREIRAS: But my understanding is,
17 with stucco, you don't want EIFS, which is
18 Exterior Insulated Finishing System, which is a
19 synthetic stucco.

20 What we propose to do is what's called a
21 Roman stucco, which is -- I mean, that's what the
22 Romans use. It's still around. It's a strong
23 hard surface.

24 So, that's what the Building Department has
25 been accepting, and that's what I believe the

1 City wants.

2 That's what we were planning to do.

3 If you want us to change it to another
4 material, we'll be happy to. But I think that's
5 a more attractive material then, let's say,
6 siding.

7 So, but we'd be happy to change that.

8 VICE CHAIRMAN GRULLON: For Mr. Spatz, I
9 know the new -- they have a listing of the type
10 of material that are recommended by the City.

11 MR. SPATZ: They -- they don't have any
12 that's recommended. They have what is prohibited
13 and the synthetic stucco is what is prohibited.
14 But the concrete stucco, or more permanent
15 stucco, is permitted, and I think it's an
16 improvement over the siding that currently exists
17 on the building.

18 VICE CHAIRMAN GRULLON: And do you feel
19 that be the -- that last long, without changing
20 colors and --

21 MR. PEREIRAS: Yes. It's -- it's a very
22 durable material.

23 VICE CHAIRMAN GRULLON: I don't have any
24 other questions.

25 Do you guys?

1 MR. PRESSEY: Yes. The apartment above. Is
2 that occupied now?

3 MR. PEREIRAS: They're all occupied. Yes.
4 And they're all two bedroom apartments.

5 MR. PRESSEY: Two bedroom apartments.

6 MR. PEREIRAS: Yes.

7 MR. PRESSEY: How many?

8 MR. PEREIRAS: Four two bedrooms.

9 MR. PRESSEY: Four two bedroom apartments.

10 MR. PEREIRAS: Yes.

11 MR. PRESSEY: Okay.

12 MR. PEREIRAS: And there's no change being
13 proposed, too.

14 MR. PRESSEY: No change.

15 MR. PEREIRAS: Other than the exterior of
16 the building.

17 MR. PRESSEY: I see. Okay.

18 Thank you.

19 VICE CHAIRMAN GRULLON: Any other member of
20 the Board?

21 No?

22 I'm going to open it to the public.

23 Mr. Price?

24 MR. PRICE: Larry Price, 1006 Palisade.

25 I'll just make a comment.

1 You know, we've had some very weird
2 applications this evening, from a zoning point of
3 view, and this -- this is one of them.

4 I mean, I kind of question whether any use
5 variance is really required.

6 Let me -- you know, doesn't matter.

7 But let me -- let me point out something.

8 This thing had a go-go -- the upstairs
9 isn't changing except they're going to -- they're
10 going to put a little lipstick on the pig. You
11 know, put stucco instead of the siding, which
12 doesn't look so hot.

13 Okay. That doesn't change. So, it's the
14 ground floor we're concerned with. It was a go-
15 go bar. Filled the entire place.

16 Okay. The go-go bar closed. If they
17 converted the go-go bar to three commercial
18 spaces, I think it's pretty clear -- you know,
19 commercial space to a commercial space. They
20 divide it, but there's no variance required for
21 that.

22 Okay. So, in this case, we're taking part
23 of the commercial space, and we're turning it in
24 residential. But this is a residential zone.
25 We're going from a prohibited use to a permitted

1 use.

2 I kind of question -- you know, maybe,
3 technically, a use variance is required. But I
4 mean, we're going in the right direction. We're
5 going to partially residential.

6 So, I kind of wonder whether --

7 This one isn't going to end up in court.
8 But anyway, guaranteed.

9 I -- I really kind of question whether a
10 variance is really required here.

11 And it doesn't matter. You know, but --
12 but if it is, it's for, I think, a good reason,
13 because we're going from a commercial space to a
14 residential space, and it's a residential zone.

15 Thank you.

16 By the way, the earlier ones were a little
17 weird, too, but for reasons which I won't bother
18 to go into. But they were -- whether it was D-1
19 or D-2, that's -- that's kind of an interesting
20 question to get into, but on something other than
21 a Thursday night.

22 Thank you.

23 MS. PEREIRAS: Thank you.

24 VICE CHAIRMAN GRULLON: Any other member of
25 the public?

1 No other member of the public.

2 Closed to the public.

3 Mr. Spatz --

4 MR. SPATZ: Yes.

5 VICE CHAIRMAN GRULLON: -- I have a
6 question.

7 This -- I mean, change of use --

8 MR. SPATZ: Um hum.

9 VICE CHAIRMAN GRULLON: -- from commercial
10 on the ground to residential, I know it's --

11 MR. SPATZ: Right.

12 VICE CHAIRMAN GRULLON: -- beneficial --

13 MR. SPATZ: Right.

14 VICE CHAIRMAN GRULLON: -- for the
15 neighborhood, do they require an additional
16 variance or something?

17 MR. SPATZ: No, they are seeking the use
18 variances, which -- I mean, Mr. Price -- you
19 know, provided good testimony in support of the
20 application.

21 And -- and that would be some of the things
22 that the Board consider, but I think that because
23 commercial uses are not permitted at all in that
24 zone, that they are making significant changes,
25 so I think to be on the conservative side, I

1 think granting a use variance would clean the --
2 the whole project up, because it is different
3 types of commercial uses, part of it's becoming
4 residential.

5 So, I think the use variance is
6 appropriate, but I think that the testimony that
7 was provided this evening, I think, certainly
8 supports what is being proposed.

9 VICE CHAIRMAN GRULLON: Thank you, Mr.
10 Spatz.

11 I mean with all that said, this is going to
12 be beneficial for the neighborhood. This is
13 going to bring the -- an old building and a
14 nonconforming use to a better use, I make a
15 motion to grant the application.

16 MS. GUTIERREZ: And I'm seconding.

17 VICE CHAIRMAN GRULLON: Without any
18 conditions.

19 THE SECRETARY: Motion to grant the
20 application by Victor Grullon.

21 Second by Margarita Gutierrez.

22 Roll call on the motion to grant this
23 application.

24 Mr. Grullon?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: Mrs. Gutierrez?

2 MS. GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Pressey?

4 MR. PRESSEY: Yes.

5 THE SECRETARY: Mr. Dardir?

6 MR. DARDIR: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Mr. Doumas?

10 MR. DOUMAS: Yes.

11 THE SECRETARY: Seven in favor, motion
12 carries.

13 MR. PANEQUE: Mr. Vallejo?

14 THE SECRETARY: Yes, sir?

15 MR. PANEQUE: Did we miss --

16 THE SECRETARY: Oh, Mr. Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Motion carries.

19 I apologize.

20 Seven in favor.

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

23 * * *

24

25

1 **Lauren Sosa - 1002 Central Avenue:**

2

3 THE SECRETARY: May I have your attention,
4 please?

5 Next application on tonight's agenda,
6 Lauren Sosa, 1002 Central Avenue.

7 Mrs. Pereiras, please?

8 MR. PANEQUE: For the record, I've been
9 provided by Mrs. Pereiras with a certification as
10 to publication and service, that indicates that
11 notices went out to the property owners within
12 200 feet of the subject site, located at 1002
13 Central Avenue.

14 I've also been provided with the certified
15 mail receipts, presumably done by the same postal
16 clerk, because they started stamping on June --
17 January 2nd, '15, and then ended up on '16. So,
18 it took her a whole year to stamp these things.

19 We also have a notice that was published in
20 The Jersey Journal, and the notice indicates that
21 the property in question is 1002 Central Avenue,
22 and it advises the public that there will be a
23 meeting tonight on January 14th, 2016.

24 And I've also been provided with a list
25 from the Tax Assessor's Office, which is

1 certified and dated as of December 30th, 2015.

2 Ms. Pereiras as always -- also provided me
3 with the return notices that have come back to
4 date. As such, jurisdiction has been met to come
5 before this Board.

6 Thank you.

7 MS. PEREIRAS: Thank you.

8 Again, Bianca Pereiras, on behalf of the
9 applicant, Lauren Sosa, in regards to property at
10 1002 Central Avenue, Block 46, Lot 2.

11 What we are seeking before the Board this
12 evening is to legalize the ground floor
13 apartment.

14 My client recently purchased this property.
15 This was used as a four family home that suffered
16 some fire damage.

17 So, my client is coming before this Board
18 now to legalize that ground floor, and also to
19 renovate the upstairs apartments.

20 The apartments upstairs all had three
21 bedrooms. We're now reducing those to two
22 bedrooms, and greatly improving them.

23 We are also proposing a carport, to provide
24 parking space.

25 We have one witness to testify before the

1 Board this evening, that is our architect, Mr.
2 Manuel Pereiras.

3 MR. PEREIRAS: I remember I am still under
4 oath, still Manuel Pereiras.

5 MS. PEREIRAS: Mr. Pereiras, did you
6 prepare the drawings before the Board this
7 evening?

8 MR. PEREIRAS: I have.

9 MS. PEREIRAS: And can you please describe
10 the proposed application to the Board?

11 MR. PEREIRAS: Yes.

12 Counsel made a good representation of the
13 building. It's a four story, frame building.
14 It's on the east side of -- of Central Avenue,
15 right off of 10th Street. It's the second one
16 from the corner.

17 There was a fire there. Fire really
18 damaged the corner building. Damaged this one
19 significantly, and what the fire didn't damage,
20 water damage really did.

21 The building had a bunch of violations.
22 There was an illegal unit on the -- in the
23 basement.

24 New owners. My patron purchased the
25 building, and now we're seeking to fix this up,

1 make this legal, make this right.

2 It's going to be an owner occupied
3 building, which is a great thing, because they're
4 actually spending more money on the building,
5 making it even nicer. The owner is going to
6 occupy the first floor.

7 We're drastically changing the interiors of
8 the units. We are, basically, gutting the
9 building and we're creating a very contemporary,
10 modern layout, so when you walk into the
11 building, you have a big, open living room/dining
12 room space, that opens up into a kitchen, as
13 well. And then, we're taking the base of the
14 building, and we're putting two bedrooms. One a
15 master suite, with a big walk-in closet, and the
16 second one as the kid's bedroom along the back.

17 We're doing very similar layouts for the
18 two floors on top of that. And -- and they're
19 going to be beautiful apartments.

20 What we're doing on the -- the basement is
21 we're taking the -- we're modifying the existing
22 basement, the apartment use to fit across the
23 entire thing. There was a bedroom along here,
24 along the front, where the driveway is. We are
25 gutting all of that and we're creating a carport.

1 So, we're adding this one unit, in theory,
2 legalizing before this Board. And we're
3 providing a carport for that one unit.

4 So, similar to the last project, even
5 though we're adding a unit in the preexisting
6 building, it's very hard to make conform, we're
7 creating a carport out of it.

8 So, we're going to have a carport there.
9 It's actually typical of neighborhood. Two
10 houses over, they have a similar carport.

11 So, it's a -- it's something that's been
12 introduced on Central Avenue already.

13 We are providing a new curb cut on that.
14 And we're creating the access to the apartment
15 through the rear of that. And creating a simple
16 one bedroom apartment.

17 That one bedroom apartment is going to go
18 through a lot changes to make it Code compliant.
19 We're creating emergency escape and egress
20 windows for the bedrooms.

21 We're providing a sprinkler system in that
22 unit to make that fully fire suppressed on that
23 level.

24 And we're creating at two hour fire
25 separation between that floor and the floors

1 above.

2 So, it's going to meet all Code
3 requirements that are required for this type of
4 construction.

5 And taking advantage of that and fixing the
6 entire building upstairs, too.

7 One of the key things that we're doing that
8 I think are important from a zoning plan
9 standpoint, also, but slightly from a zoning
10 standpoint, is that we're taking the landing at
11 the top riser entry of the building, and we're
12 enlarging that landing so that now, each of the
13 tenants have their own individual entrance.

14 So, the homeowner is going to have their
15 own entrance into the apartment, where through
16 this door and the two tenants above will have
17 entrance to apartment along the left hand side.

18 And then, the basement tenant has their own
19 entrance from the front of the building.

20 So, it's splitting up the entrances and
21 makes it a lot cleaner, a lot more attractive.
22 People take more ownership of their entrances and
23 the -- more ownership of their building.

24 Beyond that, we're creating that carport in
25 the front, we're repairing the steps and the

1 | planters that are there. We're not proposing any
2 | other changes to the façade of the building,
3 | other than repairs of the fire damage, which
4 | mostly happened along the rear of the building.
5 | The southeast corner. So, all that southeast
6 | corner is going to get reconstructed.

7 | It's going to have new wood framing and new
8 | siding along that building.

9 | There's a series of existing
10 | nonconformities. We have an existing
11 | nonconformity for our front yard, which we're not
12 | modifying at all. It's on the property line.
13 | Most of the buildings on the block are set back,
14 | so that is a nonconformity.

15 | Side yard. We are on the property line on
16 | one side. So that's an existing nonconformity.

17 | And the building height, we're -- I'm
18 | interpreting this as a four story structure. But
19 | from a zoning standpoint, architectural
20 | standpoint, whereas three stories are permitted
21 | in the neighborhood, that ground floor is almost
22 | completely above ground. I think there's 14
23 | inches below grade along the front. And it's at
24 | -- at grade along the rear of the building.

25 | So, I'm considering this a four story

1 structure, so we need a -- that's a preexisting
2 nonconformance, as well.

3 And we're actually reducing the -- well,
4 we're not reducing. It's a -- we're -- it's
5 status quo with the parking count.

6 Actually, no. We're -- we're expanding the
7 count -- parking count, because we would be
8 required more spaces. We're providing one.

9 That concludes my testimony and I'm open
10 for questions.

11 VICE CHAIRMAN GRULLON: And you don't have
12 another witness?

13 MR. PEREIRAS: No.

14 MS. PEREIRAS: We do not.

15 VICE CHAIRMAN GRULLON: Mr. Pereira, the
16 parking garage that you're proposing is in front
17 of the building?

18 MR. PEREIRAS: It's not going to be a
19 garage. It's actually going to be a carport.
20 The back of the car is going to stick out a
21 little bit, if they have a big car.

22 Actually, I think the Mini Cooper in there,
23 a smaller car.

24 So, a Volkswagen Beetle, which, as I show,
25 it fits inside. If they have anything bigger, it

1 will stick out a little bit.

2 That's also typical of the block. The
3 entire block has that.

4 So, it's a carport. It's not going to have
5 a garage door. It's going to be open. We're
6 going to finish it nicely inside. It's going to
7 be brush stucco finish inside the carport. It's
8 going to be visible from the exterior.

9 MR. MEDINA: Bless you.

10 MS. GUTIERREZ: Bless you.

11 MR. DARDIR: Thank you.

12 VICE CHAIRMAN GRULLON: It was not damaged
13 by the fire, or only the back portion?

14 MR. PEREIRAS: The front wasn't damaged
15 much by the fire. The apartment down there was
16 damaged significantly, particularly from water
17 damage.

18 But -- but that wasn't -- the front of the
19 building wasn't damaged by fire.

20 VICE CHAIRMAN GRULLON: And what's existing
21 there right now where you're going to --

22 MR. PEREIRAS: The door to get into the
23 apartment that was there.

24 So, now, it's bricked up, and there's a
25 door right on the front. There's a picture of it

1 on my cover sheet.

2 You could see here, it's all brick, with a
3 door in it. We're actually going to knock out
4 all that brick and keep it open.

5 VICE CHAIRMAN GRULLON: And you mentioned
6 that the entrance for the tenants on all of the
7 floors, it's going to be through the left side of
8 the building.

9 MR. PEREIRAS: No. In a way.

10 So, right now, you enter -- you go up
11 steps, and you go up these steps, and there's one
12 door. We're going to make it two doors.

13 So, we're just taking that one door that
14 was in the middle, and we're going to shift that
15 one over, and put a new one next to it, so that
16 now you have two doors.

17 So, they're in the same spot, just open.
18 And the floor landing that was this wide is now
19 going to be this wide to accommodate the entrance
20 opening.

21 VICE CHAIRMAN GRULLON: The both -- the
22 both entrance are going to be --

23 MR. PEREIRAS: In the same spot.

24 VICE CHAIRMAN GRULLON: -- one next to the
25 other.

1 MR. PEREIRAS: Yeah.

2 VICE CHAIRMAN GRULLON: Are you proposing
3 any renovation of the building?

4 MR. PEREIRAS: We're not proposing -- it's
5 a young couple that purchased the building.
6 Their money is extremely tight. They're going to
7 live there. I'm sure they're going to want to be
8 repairing and making the building better and
9 better, as they go along.

10 Right now, their budget is extremely tight.

11 VICE CHAIRMAN GRULLON: On that -- on that
12 same block, any other curb cuts in the -- in the
13 street?

14 MR. PEREIRAS: Yes, there are.

15 VICE CHAIRMAN GRULLON: Are you bringing
16 the building up to Code as you're --

17 MR. PEREIRAS: Yes, we are. There's
18 significant Code changes that we're doing,
19 including a fire suppression system for that
20 floor, including fire separations, alarm system.
21 It's going to be fully compliant with Code.

22 VICE CHAIRMAN GRULLON: And the unit that
23 you're looking to legalize, is the ground -- the
24 ground floor unit.

25 MR. PEREIRAS: The ground floor. Yes.

1 It's actually 14 inches below grade in the
2 front, but it's a ground floor unit. Yes.

3 VICE CHAIRMAN GRULLON: And according to
4 your experience, it's a preexisting use.
5 Preexisting unit.

6 MR. PEREIRAS: It's definitely a
7 preexisting building -- unit. Yes. In a
8 completely different configuration. The bedrooms
9 were horrible, they were tiny.

10 VICE CHAIRMAN GRULLON: Yes.

11 MR. PEREIRAS: It was -- it was actually a
12 very bad unit. We're going to make it beautiful.

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

15 MR. PEREIRAS: I think they just closed on
16 it.

17 MS. PEREIRAS: It was very recent.

18 VICE CHAIRMAN GRULLON: Very recent.

19 MR. PEREIRAS: Yeah.

20 VICE CHAIRMAN GRULLON: I don't have any
21 further questions.

22 You guys? Any questions, member of the
23 Board?

24 At this time, I'm going to open it to the
25 public.

1 No question from the public.

2 Closed to the public.

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

5 MR. PANEQUE: One of the issues that we
6 have in this plan, Mr. Pereiras, is that you're
7 -- you're proposing a 14 foot parking spot. I'm
8 being told that minimum is 16 feet for a parking
9 apron.

10 And by your own testimony, if you put in
11 anything other than a Mini Cooper there, you
12 would be sticking out and protruding into the
13 sidewalk.

14 MR. PEREIRAS: That's correct.

15 MR. PANEQUE: Okay. So, that's an issue.
16 That's an issue that the Board --

17 Are you asking this Board for a variance
18 for a 14 foot carport?

19 MR. PEREIRAS: Let's clarify that. Yes.
20 We are. We are undersize in our carport -- in
21 our -- in our parking space. We are requesting
22 very clearly a variance for -- for the parking
23 space, would it be?

24 MR. SPATZ: Right. For the depth of the
25 parking space.

1 MR. PEREIRAS: The depth of the parking
2 space.

3 We are at 14 feet at the best spot, which
4 is at the nose of the car to the -- to the edge
5 of the carport. The car would protrude past into
6 the sidewalk, which is very typical of this
7 entire block. And actually, and further down
8 towards the next block also.

9 There's a house, I think it's three doors
10 over, that has the same exact condition. They
11 actually park a minivan, and it's always parked
12 there. And we have the nice -- the comfort that
13 it's a very wide sidewalk, so it doesn't -- it
14 doesn't hinder walking across the sidewalk at
15 all, in any way.

16 I think it's -- the positive criteria
17 really outweighs the negative in this case
18 because parking is such a critical issue for us
19 here in Union City. Whenever we could take
20 another car off the street and park one inside,
21 and obviously, park one in the -- the driveway
22 spot, those are two cars, whereas one that will
23 have only been parked in the street.

24 So, I think that in Union City, in
25 particular, it's always a benefit to have an

1 additional parking space for a residential unit.
2 And that simply outweighs the negative criteria
3 of having it protrude into the sidewalk.

4 MR. PANEQUE: Since you have testimony that
5 the brick wall, the stair now, is going to be
6 eliminated, is there any possibility to have an
7 extension of that 14 feet protruding into the
8 property?

9 MR. PEREIRAS: Not with significant cost
10 different for our -- our patron, because it's a
11 structural -- this wall is a structural wall, and
12 the building is sitting on there. So, to break
13 that open and come across, we'd have to have some
14 significant steel to make that work.

15 It's -- it would be a significant hardship.
16 If this Board thinks that that's important, that
17 we need to explore that option, we could go with
18 our patron and talk to them, and see if we can
19 find those monies. But it's a significant
20 hardship to our patron.

21 MR. SPATZ: If I could add to that?

22 I think that the building, as it exists
23 now, goes right up to the front property line.

24 MR. PEREIRAS: Correct.

25 MR. SPATZ: So that construction would

1 actually then extend beyond the property line,
2 which they wouldn't be permitted to do.

3 I think the Building Department, when -- if
4 the Board grants the variance, and the site plan
5 approval, the Building Department then, when they
6 review it, they -- they do take into account the
7 width of the -- of the sidewalk, as to how much
8 -- I think they have a minimum space that has to
9 be available for pedestrians to walk by.

10 So, if it's a wide sidewalk, it should not
11 be any issue with the Building Department.

12 But they couldn't actually physically
13 enlarge the building to -- to put the car
14 completely into it.

15 MR. PEREIRAS: Right.

16 MR. PANEQUE: Okay.

17 VICE CHAIRMAN GRULLON: Mr. Spatz, they
18 have to go to the Building Department before they
19 get permit to do the -- do the parking garage? I
20 mean, the space?

21 MR. SPATZ: Well, any --

22 VICE CHAIRMAN GRULLON: For the car?

23 MR. SPATZ: Once --

24 VICE CHAIRMAN GRULLON: The curb cut.

25 MR. SPATZ: If this Board was to approve

1 the application and -- and grant the variance for
2 the parking space, as well as the other
3 variances, they would need to go for the Building
4 Department for their building permits to do all
5 the construction, as well as for the curb cut.
6 And then, that -- at that point, that's where the
7 Building Department would -- you know, would
8 review that.

9 But they need to go to the Building
10 Department anyway.

11 MR. PANEQUE: I think, just as a point of
12 clarification --

13 MS. DILLON: Can you just come to the
14 microphone?

15 MR. PANEQUE: I think, as a point of
16 clarification, Mr. Spatz, what I was asking of
17 the architect was whether the building can be cut
18 into, so the car will drive underneath the
19 building?

20 MR. SPATZ: Go further in.

21 MR. PANEQUE: Yeah.

22 MR. SPATZ: Okay.

23 MR. PANEQUE: And I think that's where I
24 think Mr. Pereiras referred --

25 MR. SPATZ: Okay.

1 MR. PANEQUE: -- to the steel that has --

2 MR. SPATZ: Okay.

3 MR. PANEQUE: -- to be used to basically
4 take the place of that supporting wall.

5 MR. SPATZ: Right.

6 MR. PEREIRAS: Yes.

7 MR. SPATZ: Okay. I -- I follow you.

8 MR. PEREIRAS: Does the Board have concerns
9 with that or -- I'd like to understand your --
10 your feelings behind that --

11 VICE CHAIRMAN GRULLON: No, actually --

12 MR. PEREIRAS: -- before we --

13 VICE CHAIRMAN GRULLON: I -- that's why --
14 that's why I asked, the question, since I -- in
15 the same block, they have the same type of
16 houses, if they have the same type of condition,
17 do they have a curb cut, they're parking cars
18 there, if -- they may not be interfering with the
19 pedestrians, on the sidewalk.

20 But that's the other question that I asked
21 Mr. Spatz, if we grant this application, just
22 they have to go over to Building Department to
23 get all permits. And at that time, they will
24 probably ask you to measure the sidewalk.

25 Do you have an idea how wide is the

1 sidewalk?

2 MR. PEREIRAS: I think it's about a ten
3 foot sidewalk.

4 And just as a typical process, every time
5 we ever do a parking space in Union City, we
6 provide a site plan that has the sidewalk width
7 stipulated, the curb cut location stipulated, any
8 type of obstruction that there is in the street,
9 whether it be an existing light pole, or fire
10 hydrant.

11 And then, that drawing actually gets
12 submitted to the Building Department, it gets
13 reviewed by the Construction Official. It
14 actually gets taken to the Mayor's Office, where
15 it gets reviewed there, as well.

16 And then, it gets brought back to the
17 construction -- the Building Department, where
18 they finally issue the permit on that.

19 That's in a typical project.

20 As far as a package with the -- the
21 construction documents, I am sure they go through
22 the same process. I've never seen it outlined,
23 but it's similar.

24 VICE CHAIRMAN GRULLON: I don't have any --
25 any other question, I don't have any objection

1 with that.

2 And I understand the Building Department
3 will have -- will ask for in this.

4 MS. GUTIERREZ: Exactly.

5 VICE CHAIRMAN GRULLON: I mean, with all
6 this said, I make the motion to grant the
7 application to legalize the unit and you will be
8 seeking for the permits for the -- for the curb
9 cuts.

10 I make a motion to grant the application.

11 THE SECRETARY: Motion to grant the --

12 MS. GUTIERREZ: And I'm second.

13 THE SECRETARY: -- application by Vice
14 Chairman Victor Grullon.

15 Second by Margarita Gutierrez.

16 Roll call on the motion to grant this
17 application.

18 Miguel Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Margarita Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Mr. Dardir?

25 MR. DARDIR: Yes.

1 THE SECRETARY: Mr. Pressey?

2 MR. PRESSEY: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Mr. Doumas?

6 MR. DOUMAS: Yes.

7 THE SECRETARY: Motion carries. Seven in
8 favor.

9 MS. PEREIRAS: Thank you all very much.

10 Good night.

11 * * *

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADJOURNMENT :**

2

3 THE SECRETARY: May I have your attention,
4 please?

5 There being no other application on
6 tonight's agenda, can I have a motion to close
7 tonight's meeting?

8 MS. GUTIERREZ: I make a motion.

9 THE SECRETARY: Motion by Mr. Ortiz.

10 Second by Mr. Pressey.

11 All in favor to the motion?

12

13 (Whereupon, there was a chorus of ayes.)

14

15 THE SECRETARY: The ayes have it.

16 Thank you.

17 Have a good night.

18 Let the record show that the meeting has
19 ended.

20

21 (Whereupon, the proceedings concluded at
22 8:10 p.m.)

23

24

25

1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, January 14, 2016,
10 and digitally recorded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Monitored and proofread by: Deborah Dillon