

City Hall
3715 Palisade Avenue
Union City, New Jersey

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

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

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

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1 THE SECRETARY: Please take notice that on
2 Thursday, March 10, 2016, at six p.m., a Regular
3 Meeting is scheduled for the City of Union City
4 Zoning Board of Adjustment to be held in
5 Municipal Chamber, located on second floor, 3715
6 Palisade Avenue, Union City, New Jersey.

7 Can everybody kindly rise to salute the
8 flag, please?

9

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

12

13 THE SECRETARY: Thank you.

14 Notice of this meeting has been provided,
15 as follow:

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

23

24 **ROLL CALL:**

25

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

3 Chairman Andres Garcia? Absent.

4 Vice Chairman Victor Grullon?

5 VICE CHAIRMAN GRULLON: Here.

6 THE SECRETARY: Margarita Gutierrez?

7 MS. GUTIERREZ: Here.

8 THE SECRETARY: Miguel Ortiz? Absent.

9 David Pressey?

10 MR. PRESSEY: Here.

11 THE SECRETARY: Harlenny Javier? Absent.

12 Khaled Dardir?

13 MR. DARDIR: Here.

14 THE SECRETARY: John Medina?

15 MR. MEDINA: Here.

16 THE SECRETARY: Joseph Bonacci? Absent.

17 Elisa Flores? Absent.

18 Peter Doumas?

19 MR. DOUMAS: Here.

20 THE SECRETARY: Let the record indicate
21 there are six present.

22 Those absent tonight are Andres Garcia,
23 Miguel Ortiz, Harlenny Javier, Joseph Bonacci,
24 Elisa Flores.

25 Okay.

1 So, we have a Board made up six members.

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1 **RESOLUTION:**

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3 (1) Gloria Restrepo, 4115 Palisade Avenue,
4 Block 241, Lot 29. Legalization of two apartment
5 units on the ground floor and convert existing
6 multi-family to six units including hair salon.
7 Approved appeal at previous meeting.

8

9 THE SECRETARY: On tonight's agenda, we
10 have one Resolution.

11 Gloria Restrepo, 4115 Palisade Avenue. It
12 was an appeal, approved at the previous meeting.

13 Can I have a motion to adopt the
14 Resolution?

15 VICE CHAIRMAN GRULLON: Make a motion to
16 adopt the Resolution.

17 THE SECRETARY: Motion to adopt the
18 Resolution by Vice Chairman Victor Grullon.

19 Second by?

20 Second by David Pressey.

21 Roll call on the motion.

22 Mr. Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Mrs. Gutierrez?

25 MS. GUTIERREZ: I'm abstain, because I

1 wasn't here for that application.

2 THE SECRETARY: Mr. Pressey?

3 MR. PRESSEY: Yes.

4 THE SECRETARY: Mr. Dardir?

5 MR. DARDIR: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Mr. Doumas?

9 MR. DOUMAS: Yes.

10 THE SECRETARY: Motion carries. Five in
11 favor, one abstention.

12 * * *

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1 **720 14th Street, LLC - 720 14th Street:**

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3 THE SECRETARY: We are going to hear some
4 applications. In tonight's agenda, we have four
5 application.

6 The first application on tonight's agenda,
7 720 14th Street, LLC, 720 14th Street.

8 Mr. Diaz?

9 MR. DIAZ: Good evening, Board members.

10 Luis Diaz for the applicant.

11 I'm going to provide counsel with the
12 documents for jurisdiction.

13 MR. PANEQUE: Thank you --

14 MR. DIAZ: Thank you.

15 MR. PANEQUE: -- Mr. Diaz.

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

18 MR. PANEQUE: Let the record reflect that
19 I've been provided by Mr. Diaz with the certified
20 mail receipts, indicating that notices were sent
21 to all property owners within the 200 foot radius
22 of the property in question.

23 Said notices were sent out certified mail,
24 return receipt requested, on the 23rd of February,
25 2016.

1 Mr. Diaz has provided me with the certified
2 mail receipts, as well as the green cards that
3 have come back to date, and a number of actual
4 envelopes that have been returned from the Post
5 Office.

6 Also, in the packet provided by Mr. Diaz is
7 an Affidavit of Service, which has been executed
8 by Mr. Diaz, as well as a copy of the notice that
9 was published in The Jersey Journal.

10 Said notice indicates that on the 10th of
11 March, this Board will hear the application for
12 the property at 720 14th Street, in the City of
13 Union City.

14 That notice was published on the 24th of
15 February. And attached to that is also the
16 actual notice that went out.

17 Also attached to this packet is the
18 certified mailing list provided by the Office of
19 the Tax Assessor of the City of Union City, dated
20 December 23rd, 2015, listing all of the property
21 owners within the 200 foot radius.

22 The proofs appear to be in order, giving
23 this Board the jurisdiction to proceed with the
24 matter.

25 VICE CHAIRMAN GRULLON: You may proceed,

1 Mr. Diaz.

2 MR. DIAZ: Thank you, Mr. Paneque.

3 Prior -- well, the -- the applicant before
4 you is Antonio Santarella, who is here with the
5 property owned under an entity that he -- he owns
6 totally, 720-14th Street, UC --

7 Prior to having my -- my expert sworn in
8 and qualified, prior to being sworn in, I'd like
9 to provide the Board with a package that we have
10 prepared, which have the cutting card of this
11 property. Also, a list of the variances and the
12 surrounding properties. One for each Board
13 member.

14 MR. PANEQUE: Okay. Mr. Diaz, are you
15 having --

16 VICE CHAIRMAN GRULLON: Thank you, Mr.
17 Diaz. This marking to --

18 MR. PANEQUE: Yeah.

19 Are these exhibits also part of --

20 MR. DIAZ: Yes, they are.

21 MR. PANEQUE: Okay. Can we have them
22 marked, please?

23 MR. DIAZ: You can have the package also
24 marked, it complies with -- composes three
25 different exhibits.

1 MR. DILLON: Just tell me what you want
2 marked.

3 MR. DIAZ: I'm going to provide --

4 MR. PANEQUE: Okay. Mr. Diaz --

5 MR. DIAZ: -- my friend, Mr. Price.

6 MR. PANEQUE: Mr. Diaz?

7 MR. DIAZ: Yes.

8 MR. PANEQUE: Since you're familiar with
9 your packet, can you let our court reporter --

10 MR. DILLON: Yeah. How do you --

11 MR. PANEQUE: -- mark them --

12 MR. DILLON: -- want them marked?

13 MR. PANEQUE: -- starting with A-1.

14 MR. DIAZ: A-1, which is the --

15 MR. PANEQUE: And just describe what it is.

16 MR. DIAZ: The Cutting Card from the
17 Assessor's Office of the City of Union City.

18 MR. DILLON: That's what now?

19 MR. DIAZ: Cutting Card.

20 MR. DILLON: Cutting Card? Okay.

21

22 (Whereupon, Cutting Card from Union City
23 Assessor's Office was received and marked as
24 Exhibit A-1.)
25

1 MR. DIAZ: Then, the second exhibit is the
2 Zoning Schedule, which are in the plans.

3 MR. PANEQUE: Mark it --

4 MR. DIAZ: But --

5 MR. PANEQUE: -- A-1.

6 MR. DIAZ: -- are expanded, so that it's
7 easier to read.

8 And that will be --

9 MR. DILLON: And that will be A-2?

10 MR. DIAZ: That would be A-2.

11 MR. DILLON: Sure.

12

13 (Whereupon, Zoning Schedule was received
14 and marked as Exhibit A-2.)

15

16 MR. DIAZ: And the third is a 200 Foot
17 Radius Map of the Property.

18 And that would be A-3.

19

20 (Whereupon, 200 Foot Radius Map of Property
21 was received and marked as Exhibit A-3.)

22

23 MR. DILLON: Okay.

24 VICE CHAIRMAN GRULLON: And this will be
25 marked as a package.

1 MR. DIAZ: And that could be marked as a
2 package. I think we could put it all in as --

3 MR. DILLON: You want that to be an exhibit
4 or --

5 MR. DIAZ: Yes.

6 MR. DILLON: Just photos?

7 MR. DIAZ: Just photos of the property from
8 different angles.

9 MR. PANEQUE: How many photos do you have
10 there?

11 MR. DIAZ: There's one, two, three, four,
12 five, six, seven, eight, nine, ten, 11, 12.

13 MR. PANEQUE: So, A-4 will be --

14 MR. DILLON: Be 12 color photos.

15 MR. DIAZ: Correct.

16 MR. DILLON: As a set.

17 MR. DIAZ: Of the property. Correct. From
18 different angles.

19 MR. DILLON: Okay.

20

21 (Whereupon, Package of 12 Photos were
22 received and marked as Exhibit A-4.)

23

24 MR. IZQUIERDO: May I use the photos for
25 the presentation?

1 MR. PANEQUE: Sure.

2 VICE CHAIRMAN GRULLON: It's better we all
3 can see it.

4 MR. DIAZ: Yes, exactly.

5 And again, prior to -- to starting the
6 presentation, I'd like to bring to the attention
7 the -- the Cutting Card.

8 I believe that the Building Department
9 coincides in recognizing that this is a five --
10 preexisting five residential units, structure.

11 But it's curious that on the Cutting Card,
12 you can see on the bottom, and I highlighted in
13 yellow, that it shows that there are six units at
14 the time of the -- this evaluation, with regard
15 to the Cutting Card.

16 It shows that there is one unit on the
17 first floor, two units on the second floor, three
18 units on the third floor, and one unit in the
19 basement.

20 And if you go to the second page of the
21 Cutting Card, again highlighted in yellow, it
22 shows that there are six units, 19 rooms. And
23 then, underneath, you can see that there are six
24 kitchens.

25 So, what we have here is an existing six

1 unit structure, legal five.

2 And we are before the Board in order to
3 legalize the -- the six units and bring the whole
4 structure to compliance, and to Code.

5 My expert in this matter, both as an
6 architect, and as a planner, is Mr. Jose
7 Izquierdo.

8 Mr. Jose Izquierdo has been before this
9 Board on a number of occasions, and I would like
10 to have him qualified as an expert, both as an
11 architect and as a planner.

12 VICE CHAIRMAN GRULLON: We accept his
13 qualifications, Mr. Izquierdo --

14 MR. IZQUIERDO: Thank you.

15 VICE CHAIRMAN GRULLON: -- at this time.
16 Thank you.

17 MR. DIAZ: Can we have Mr. Izquierdo sworn
18 in, if he's qualified?

19 MR. DILLON: Sure.

20 Please raise your right hand.

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

23 MR. IZQUIERDO: Yes, I do.

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

1 MR. IZQUIERDO: My name is Jose Izquierdo.
2 I'm an architect, license number 09143,
3 representing the office of Orestes Valella,
4 Architect.

5 Also, New Jersey planner, 03385. My office
6 is at 207 60th Street in West New York, New
7 Jersey.

8 MR. DILLON: Thank you.

9 MR. DIAZ: Mr. Izquierdo, are you familiar
10 with the plans that have been provided to the
11 Board?

12 I understand that they were prepared by Mr.
13 Valella, who was not able to attend, but that he
14 -- you and he were through -- went through the
15 plans.

16 Are you familiar with them?

17 MR. IZQUIERDO: Yes.

18 MR. DIAZ: And are you familiar with the
19 location, the property that is before the -- the
20 Board?

21 MR. IZQUIERDO: Yes. I am.

22 MR. DIAZ: Could you give us your
23 presentation with regard to the architecture part
24 of -- well, the architectural hat that you're
25 going to wear first.

1 MR. IZQUIERDO: Okay.

2 Good evening, members of the Board.

3 Of the pictures that were submitted, the
4 property, 720 14th Street, is the three and a half
5 vinyl siding structure that has entrance -- it's
6 actually the first lot of the residential zone,
7 adjacent to the commercial neighborhood zone.

8 The house has the fire escape in the back.
9 And as the Cutting Card from 1968 shows, there is
10 an apartment in the basement; two here, in the
11 ground floor; two in the third floor; and one in
12 the attic.

13 That is exactly the -- the building. The
14 building has existed in that condition at least
15 since 1968, when the Cutting Card reflected the
16 condition of the building.

17 The Building Department of the City has
18 this building as a five unit building. And as
19 such, the units in the basement are illegal.

20 The -- this other picture shows also a fire
21 escape in the back of the building, because
22 actually, you have two units on the second floor
23 that have front -- there's a front unit and
24 there's a back unit.

25 In terms of the neighborhood, it's just off

1 of -- east of Summit Avenue. This being the
2 building on the corner of 14th and Summit. And
3 these being a number of garages. And there are
4 at least five doors.

5 There are other pictures of the
6 neighborhood here. But I just wanted to identify
7 exactly the house and the environs.

8 The Zoning Board of Adjustment of Union
9 City gains jurisdiction because this is a D-2
10 variance, according to N.J.S.A. 40:55D-70, and
11 it's an extension of a nonconforming use because
12 the five unit multi-family building is not an
13 allowed use in the R zone. It was not an allowed
14 use in the previous zone either, but this use was
15 made illegal by the enactment of the Ordinance,
16 in 1974. And additionally, of the Ordinance in
17 2012.

18 So, both Ordinances have taken the existing
19 building that has existed in that form, and have
20 called it illegal.

21 And that is the definition, the legal
22 definition of a grandfathered use.

23 So, back in 1968, there were six units.
24 Somehow, it ended up in the Building Department
25 being five units.

1 However, turning to the architectural
2 drawings, which are the drawings prepared by
3 Orestes Valella, my peer, we see that on the
4 bottom he's got the existing basement floor plan,
5 which is -- he calls 3, and a number 4, that is
6 the apartment 1A to be legalized.

7 In reality, the way the apartment existed
8 back in 1968, and has existed since then is in
9 that form. All the fixturing is originally from
10 that time, bathrooms and what not.

11 However, Mr. Santarella sees an opportunity
12 now that he can actually make it nicer and bring
13 the entire ground floor, the basement up to Code.

14 There's some issues with the door. He may
15 have the door here, or he may have the existing
16 door there. But in reality, the apartment, as
17 it's going to be configured, and as was designed
18 by Mr. Valella, is 550 square feet. And as such,
19 the extension of the nonconforming use, that
20 basement apartment conforms to the density
21 requirements of the City of Union City, because
22 it meets the minimum unit size for a low rise
23 building, per Section 1.26.9 and because the one
24 bedroom is 550 square feet.

25 The other apartments in the -- in the house

1 have smaller dimensions. They're smaller, but
2 they are grandfathered in. They are not subject
3 to review by this Board.

4 This property has no parking. And
5 actually, very few of the properties on 14th
6 Street have any garages. But most of them have
7 been granted front yard driveways, by -- by the
8 Board. They exist.

9 And if we turn to the sheet 11 by 17, which
10 is the colored sheet, which is the 200 foot
11 radius map, we see that the property there, 720
12 14th Street, is the first property along the
13 residential zone. It existed as in 1968, has
14 existed since then, and now it has the
15 opportunity to conform it to the Building
16 Department record, but to make it conforming to
17 Code.

18 So, the -- the renovations to be done on
19 the apartment conform to the positive criteria.
20 The apartment is going to be sprinklered. The
21 apartment is going to have new windows, new
22 floor. It's going to be a brand new apartment.
23 And in this specific case, because the D-2
24 extension requires the planner to show that in
25 specific cases and for particular reasons, this

1 variance may be granted.

2 In this specific case, this is a building
3 that has existed since 1968 in that form, with
4 the six units. And as the legal definition goes,
5 the use is grandfathered.

6 The positive criteria is also met because
7 the City is going to legalize one apartment,
8 bring it into the Building Department records,
9 because I believe the taxes are being paid as a
10 six, and gives the owner the opportunity of
11 enhancing the property.

12 The residential apartment, which is in the
13 residential zone, is served by a number of -- of
14 establishments along Summit Avenue. They're all
15 within the commercial neighborhood zone.

16 There are no intrusion of commercial uses
17 within this area, so as such, this application
18 furthers the intent of the Master Plan and -- and
19 enhances the purposes of zoning, as granting this
20 variance would advance the -- the purposes of
21 zoning.

22 MR. DIAZ: Mr. Izquierdo, you have provided
23 a 200 foot radius map.

24 Could you give us your opinion with regard
25 to whether this struc -- with this structure

1 before the Board, conforms with the adjoining
2 structures in the -- at least the 200 foot
3 radius.

4 MR. IZQUIERDO: This building is the taller
5 building in that group of frame structures, until
6 you come to the corner of Summit Avenue, or you
7 come to the corner of Central Avenue.

8 I consider this to be one of the pristine
9 areas of -- of Union City. There is the Roman
10 Catholic Church and the Catholic Club on Central
11 and 14th. There's a new elementary school on the
12 corner of 14th and -- and 15th and -- and Central.

13 Central Avenue's that lovely street,
14 separated by streets.

15 So, legalizing this is -- right across the
16 street from us, they're all two and three
17 families. So, most of this area is like three,
18 four families. I guess, some have illegal
19 basements, like this.

20 However, most of these properties here have
21 a parking space, a driveway in the front. It
22 would be -- and it's possible for the owner to do
23 it, to provide a parking space in the front, and
24 to provide -- to modify the application and have
25 a driveway in the front, if the Board seems most

1 | inclined to -- to do that.

2 | But if there was any modification of the
3 | application that I would make, is maybe for a
4 | parking space in the front.

5 | Because as we see from the 200 foot radius
6 | map, right next door to us, we have five garages.
7 | And then, we have a front yard parking with Lot
8 | 26 and Lot 27 and Lot 29, Lot 31, Lot 30, Lot 29,
9 | 21 of the other block.

10 | So, that would be my only criteria as a
11 | planner, if the applicant would wish to, or if
12 | the -- if the Board would encourage the applicant
13 | to modify the application to have a front yard
14 | parking space.

15 | MR. DIAZ: Mr. Izquierdo, further with the
16 | radius map, I see, and correct me if I'm wrong,
17 | that going east of the property --

18 | MR. IZQUIERDO: Yes.

19 | MR. DIAZ: -- you have a number of two
20 | family homes, two and three family homes. And
21 | then, you have one large building, which is, I
22 | believe, four and a half stories high.

23 | Is that correct?

24 | MR. IZQUIERDO: Yeah. That's a 12 unit
25 | multi-family building that's right next to the

1 elementary school.

2 MR. DIAZ: So, you have a mixture of
3 different sizes of the structures adjoining to
4 the property.

5 MR. IZQUIERDO: Oh --

6 MR. DIAZ: Is that correct?

7 MR. IZQUIERDO: Yeah. It's a lovely area.
8 And the most beautiful part of the area is that
9 there's no commercial intrusion into the
10 neighborhood.

11 So, everybody has their home, and they are
12 all residential. There's no -- I didn't see any
13 commercial intrusion, and that's what I would
14 object to as a planner, to intrude the
15 residential area. But this building has existed
16 since then.

17 MR. DIAZ: With regard to the surrounding
18 lots, is there any possibility for this owner
19 that's before the Board, to be able to acquire
20 adjacent property in order to be able to expand
21 the lot itself, provide parking, or to comply
22 with some of the --

23 MR. IZQUIERDO: Deficiencies.

24 MR. DIAZ: -- preexisting variances?

25 MR. IZQUIERDO: No. The -- the area is

1 fully developed. And actually, to our west, we
2 have a building with apartments, and then a
3 barber and a beauty store. We have a six unit
4 multi-family building facing on Summit, a
5 furniture store, some three families. Everything
6 is developed.

7 So, no. The owner has not had the
8 opportunity to approach anybody as to the sale of
9 --

10 MR. DIAZ: There is no possibility of being
11 able to acquire any vacant land, but it is all
12 constructed.

13 MR. IZQUIERDO: Fully developed.

14 Correct.

15 Correct.

16 MR. DIAZ: I have no more questions of the
17 witness at this time.

18 VICE CHAIRMAN GRULLON: Do you have any
19 other witness, just --

20 MR. DIAZ: No. No.

21 VICE CHAIRMAN GRULLON: -- Mr. Izquierdo?

22 MR. DIAZ: Mr. Izquierdo has testified as
23 the architect and the --

24 VICE CHAIRMAN GRULLON: Mr. -- Mr.
25 Izquierdo --

1 MR. DIAZ: -- and the planner.

2 VICE CHAIRMAN GRULLON: -- I have a
3 question.

4 Could you go over the existing condition of
5 the building right now? The basement, the unit
6 in question.

7 Is that to be demolished or --

8 MR. IZQUIERDO: Yeah. No. The -- the way
9 the apartment is set up right now, you go down a
10 few steps, which is common to all the houses on
11 14th Street, and then, you are in a little apron
12 with a door.

13 VICE CHAIRMAN GRULLON: But you have an
14 apartment there right now.

15 MR. IZQUIERDO: There is --

16 VICE CHAIRMAN GRULLON: Existing apartment.

17 MR. IZQUIERDO: -- an apartment there.
18 Yes.

19 VICE CHAIRMAN GRULLON: And it's --

20 MR. IZQUIERDO: And has been there since --

21 VICE CHAIRMAN GRULLON: And it's rented?

22 Is it occupied?

23 MR. IZQUIERDO: I'm not -- I'm not certain.

24 Is it?

25 A VOICE: No.

1 MR. IZQUIERDO: No, it's vacant.

2 VICE CHAIRMAN GRULLON: It's not occupied?

3 MR. DIAZ: The apartment is vacant. And --
4 and Mr. Izquierdo, if you could point out the
5 area that we're speaking of. On the plan, it's
6 on the bottom left hand side. That is the
7 existing apartment.

8 MR. IZQUIERDO: Correct.

9 MR. DIAZ: And then, adjacent to it, is the
10 proposed change to that existing apartment, which
11 would be to the right of that drawing.

12 MR. IZQUIERDO: Correct.

13 MR. DIAZ: Is that correct?

14 VICE CHAIRMAN GRULLON: Yes. Yes.

15 MR. IZQUIERDO: So, in answer to your
16 question, Mr. Grullon, is the apart -- this is
17 14th Street, and this is -- this is the garden,
18 which I would suggest that maybe could become a
19 parking space.

20 And then, we go down a few steps to this
21 door. Once you come into the door, you're in the
22 meter room. And then, you're led through a long
23 corridor, which is what the owner considers a
24 waste of space, back to the boiler room here, and
25 a rather large storage room here, which is 9.6 by

1 5.9.

2 So, what Orestes is doing is, he's
3 demolishing actually everything, and he's
4 creating an apartment that has an independent
5 entrance from the front door, which is very nice,
6 but it's not necessary.

7 But now, the new apartment is going to have
8 a door directly from 14th Street, and it opens
9 into a open kitchen/living room area, with a
10 dining room here, an apartment -- a bathroom for
11 the handicapped, he's got here, and the bedroom
12 in the back.

13 The bedroom right now is in the middle.
14 There's a laundry room in the back, and that's
15 all going to be eliminated.

16 VICE CHAIRMAN GRULLON: My -- my question
17 is, I'm trying to lead whether the apartment was
18 existing.

19 I know it was -- it's a preexisting
20 condition, on the -- preexisting to 1971. But I
21 -- I want to know if the construction in the
22 basement was made after 1970 -- I mean, if it was
23 --

24 MR. IZQUIERDO: No. It's all original.

25 VICE CHAIRMAN GRULLON: -- request to

1 demolish and then --

2 MR. IZQUIERDO: No, no, no, no, no, no.

3 VICE CHAIRMAN GRULLON: You get an
4 opportunity to visit the apartment?

5 MR. IZQUIERDO: Yeah. This is -- this is
6 -- this existed like that.

7 VICE CHAIRMAN GRULLON: And the -- the
8 appliances, do they --

9 MR. IZQUIERDO: Oh, no. The appliances
10 have always -- because I mean, if you have an
11 apartment from -- it would be 50 -- they would
12 end up in the TV.

13 VICE CHAIRMAN GRULLON: Yes.

14 MR. IZQUIERDO: It would be like 50 years
15 old. No. The appliances are -- are newer.

16 VICE CHAIRMAN GRULLON: Okay.

17 MR. IZQUIERDO: And the kitchens are newer.
18 But it's just an apartment that existed, meaning
19 the fixturing for the bathroom, the fixturing for
20 the kitchen, the fixturing -- there are two
21 bathrooms.

22 There's one bathroom with a -- with a
23 shower that serves the apartment. And there's
24 one -- one shower right now that just serves the
25 boiler room, so anybody can use it.

1 That's all being eliminated, and we're
2 going to have one -- one bathroom, one bedroom,
3 according to Orestes, accessible to the
4 handicapped.

5 MR. DIAZ: Mr. Grullon, and if you can
6 direct your -- your attention to the Cutting Card
7 that I gave, it shows the existing unit in the
8 basement.

9 VICE CHAIRMAN GRULLON: Yes.

10 MR. DIAZ: In the front, and then in the
11 back, also again, at six, with 19 all together
12 rooms in the building. And then, that there are
13 six kitchens.

14 VICE CHAIRMAN GRULLON: Yes.

15 MR. IZQUIERDO: Yeah. That's all existing.
16 That's all from the -- from the time of -- of
17 before the Ordinance.

18 VICE CHAIRMAN GRULLON: Okay.

19 Another question, the sidewalk. How big is
20 the sidewalk in that -- in that space?

21 MR. IZQUIERDO: The -- the right-of-way on
22 14th Street is 50 feet. So, it has to be ten
23 feet. Ten ten, and then, 30 is the right-of-way
24 on 14th Street, which is parking on either side,
25 and a space in the middle. It's not a two way

1 street.

2 MR. MEDINA: I have a question.

3 So, how many units do you have right now,
4 this moment?

5 MR. IZQUIERDO: Six.

6 MR. MEDINA: Six.

7 MR. IZQUIERDO: One in the basement, two in
8 the ground floor, two in the second floor, and
9 one in the attic.

10 MR. MEDINA: Okay. You having a sprinkle
11 system there?

12 MR. IZQUIERDO: No.

13 MR. MEDINA: Hmm.

14 MR. IZQUIERDO: No.

15 The basement now has to be sprinklered.

16 MR. MEDINA: Since the Code, each
17 apartment, though.

18 Right?

19 MR. IZQUIERDO: It is a multi-family. This
20 is an R-2 use.

21 MR. MEDINA: You have existing sprinkle
22 system.

23 MR. IZQUIERDO: No. Right now, they don't
24 have.

25 MR. DIAZ: If this -- if this Board is to

1 | grant this application, that new apartment would
2 | have to be sprinkled.

3 | MR. MEDINA: Okay.

4 | MR. IZQUIERDO: The new apartment has to be
5 | sprinklered. The ceiling has to be two hours.
6 | And probably the -- the Building Department is
7 | going to re-inspect the -- the opening
8 | protectives, as to the exits of the five units up
9 | above.

10 | MR. MEDINA: And then, what you say try to
11 | give parking for -- to say, will provide a
12 | parking, you're going to try to provide a parking
13 | for the --

14 | MR. IZQUIERDO: No, no, no.

15 | MR. MEDINA: -- for the tenant?

16 | MR. IZQUIERDO: No. I'm an architect and
17 | I'm a planner, and I have done so in Union City
18 | for 32 years now.

19 | So, as a planner, I'm looking at all the
20 | houses here in the neighborhood have a front yard
21 | driveway, and a front yard parking space.

22 | And it would seem to me that the applicant,
23 | or it does -- if the -- if the Board would want,
24 | he could modify his application, even if he has
25 | to come up with revised drawings, but at least we

1 have the opportunity to provide one parking
2 space, together with the new apartment.

3 And that, of course, that parking space
4 would be subject to review by the Board.
5 However, a lot of people on that street have it,
6 even though the front yard distance from our
7 parking space is 11 feet two inches. So, the --
8 the car would project into the public right-of-
9 way --

10 VICE CHAIRMAN GRULLON: In -- into the
11 public right-of-way.

12 MR. IZQUIERDO: -- like all the other ones
13 along here, like five feet.

14 VICE CHAIRMAN GRULLON: And that sidewalk
15 is used by --

16 MR. IZQUIERDO: Schools.

17 VICE CHAIRMAN GRULLON: -- students to --

18 MR. IZQUIERDO: A lot of schools.

19 VICE CHAIRMAN GRULLON: Yeah.

20 MS. GUTIERREZ: Yeah, yeah.

21 VICE CHAIRMAN GRULLON: Lot of school.

22 MS. GUTIERREZ: Lot of school.

23 MR. IZQUIERDO: So, maybe the parking space
24 is not a good idea.

25 VICE CHAIRMAN GRULLON: Mr. Spatz, could

1 | you help us out with the parking?

2 | MR. SPATZ: Right. I -- I don't think that
3 | you should add parking to this. The setback is
4 | only 11 feet, so a car would --

5 | VICE CHAIRMAN GRULLON: Be like --

6 | MR. SPATZ: -- would project onto the
7 | sidewalk.

8 | Plus, there is curbside parking right now.
9 | If you put in a curb cut, you'd lose that. So,
10 | there really would not be any -- any gain and
11 | you'd --

12 | VICE CHAIRMAN GRULLON: And I see a fire
13 | escape --

14 | MR. SPATZ: -- add that additional curb
15 | cut.

16 | VICE CHAIRMAN GRULLON: -- also in front of
17 | the house. A fire escape --

18 | MR. SPATZ: Right.

19 | VICE CHAIRMAN GRULLON: -- that will be --

20 | MR. SPATZ: Right.

21 | VICE CHAIRMAN GRULLON: -- blocked by the
22 | --

23 | MR. SPATZ: By a car.

24 | VICE CHAIRMAN GRULLON: -- a car. Yes.

25 | MR. SPATZ: Somebody would be coming down.

1 I think keeping it as open space now, it's
2 really too small to use for parking.

3 VICE CHAIRMAN GRULLON: Yes.

4 MR. IZQUIERDO: Okay.

5 MR. SPATZ: So, I would leave it as is and
6 --

7 MR. DIAZ: And if I can bring to the
8 attention to the Board, the application does not
9 seek parking, for the same reasons that have been
10 stated.

11 MR. IZQUIERDO: Correct.

12 MS. GUTIERREZ: Yeah, because --

13 VICE CHAIRMAN GRULLON: Yes. Okay.

14 No, I don't have any more question.

15 Do you guys have any question?

16 Any member from the public want to step
17 forward?

18 No member from the public.

19 MS. GUTIERREZ: Hold on.

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

22 MR. DIAZ: You want to look at it?

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

25 VICE CHAIRMAN GRULLON: You have a

1 question?

2 MS. GUTIERREZ: No. No, no.

3 No. It's okay.

4 VICE CHAIRMAN GRULLON: Okay. Closed to
5 the public.

6 Taking in consideration that this is a
7 preexisting condition, it's grandfathered for
8 both of the Zoning Ordinance and other options
9 that we -- we have, I make a motion to grant this
10 application.

11 THE SECRETARY: Motion to grant this
12 application --

13 MS. GUTIERREZ: And I'm seconding.

14 THE SECRETARY: -- by Vice Chairman Victor
15 Grullon.

16 Second by Margarita Gutierrez.

17 Roll call on the motion.

18 Mr. Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Mrs. Gutierrez?

21 MS. GUTIERREZ: 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 VICE CHAIRMAN GRULLON: Mr. Diaz --

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

8 VICE CHAIRMAN GRULLON: Mr. Diaz, Mr.
9 Izquierdo, thank you for --

10 THE SECRETARY: Thank you, Mr. Diaz.

11 MR. DIAZ: Thank you, sir.

12 VICE CHAIRMAN GRULLON: -- the application.
13 It was very clear.

14 MR. PANEQUE: Let me have one set, because
15 --

16 MR. DIAZ: You want to keep these? That's
17 fine.

18 MR. PANEQUE: We have to introduce them.
19 They've been marked.

20 MR. DIAZ: They've been marked. Yes.

21 MR. PANEQUE: So we have to keep --

22 MR. DIAZ: And there's 12 of them as A-3
23 (sic).

24 MR. PANEQUE: Okay.

25 MR. DIAZ: I can leave them.

1 MR. PANEQUE: Your exhibits are here.

2 MR. DIAZ: Put a rubber band around them.

3 MR. SANTARELLA: Thank you, Board members.

4 MS. GUTIERREZ: You're welcome.

5 VICE CHAIRMAN GRULLON: Thank you.

6 MR. DIAZ: Have a good night everybody.

7 MS. GUTIERREZ: Good night.

8 MR. DIAZ: Thank you.

9 MS. GUTIERREZ: Good night.

10 MR. DIAZ: We have a local team playing in
11 the Big East Tournament, Seton Hall. So, Pirates
12 move forward. Yes.

13 Good night.

14 MS. GUTIERREZ: Good night.

15 MR. DOUMAS: Good night.

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1 **604 11th Street, LLC - 604 11th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 604 11th Street, LLC, 604 11th
5 Street.

6 Mr. Sarsano, please.

7 MR. SARSANO: Good evening, members of the
8 Board, counsel.

9 My name is Anthony Sarsano. I represent
10 the applicant in this matter.

11 At this time, I'd like to present my
12 documentation to Mr. Paneque for a ruling as to
13 whether we are properly before the Board.

14 MR. PANEQUE: Mr. Sarsano, do you have a
15 copy of the actual notice that went out, or can
16 we open this one --

17 MR. SARSANO: You can open that one.
18 That's fine.

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

21 MR. PANEQUE: Let the record reflect that
22 I've been provided by Mr. Sarsano with the
23 certified mail receipts for notices that went
24 out.

25 I've also been provided with a copy of the

1 notice that went out to all property owners
2 within the 200 foot radius of 604 11th Street.

3 The certified mail receipts were postmarked
4 February 24th. Along with those, I also have a
5 number of the green card return signature cards,
6 a copy of the notice that went out, and a list
7 that was prepared by the Office of the Tax
8 Assessor, dated February 3rd, with respect to the
9 property at 604 11th Street, giving a list of all
10 the property owners within 200 foot radius.

11 Mr. Sarsano has also provided me with a
12 copy of the ad that ran on The Jersey Journal, on
13 February 26, 2016. Said ad gives notice of
14 tonight's hearing on March 10, 2016, with respect
15 to the variances requested for property at 604
16 11th Street, Union City, New Jersey.

17 It appears that all of the jurisdictional
18 requirements have been met, and this Board has
19 jurisdiction to proceed and hear this matter.

20 VICE CHAIRMAN GRULLON: You may proceed,
21 Mr. Sarsano.

22 MR. SARSANO: Okay.

23 Thank you, Mr. Paneque.

24 The application is one to legalize a
25 preexisting apartment.

1 We're not making any changes, no structural
2 changes, nothing at all. We merely want to
3 legalize the apartment.

4 I should point out to the Board that seven
5 units are registered in the Rent Leveling Board,
6 which is consistent with what we've -- what we
7 have supplied, and have been so since 1989.

8 Can we proceed?

9 MR. PANEQUE: Yes.

10 Thank you.

11 MR. SARSANO: Okay. Mr. Feld, my first
12 witness, is going to be.

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

15 MR. SARSANO: Mr. Feld is a registered
16 architect.

17 Can I get his qualifications --

18 VICE CHAIRMAN GRULLON: Yes. He's been
19 accepted by our Board on many occasions.

20 MR. SARSANO: Okay. Thank you, Mr.
21 Chairman.

22 MR. DILLON: Please raise your right hand.

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

25 MR. FELD: Yes.

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

3 MR. FELD: Alan Feld, A-L-A-N, F-E-L-D.

4 MR. DILLON: Thank you.

5 MR. SARSANO: May I proceed?

6 VICE CHAIRMAN GRULLON: Yes. You may
7 proceed, Mr. Feld.

8 MR. SARSANO: Okay.

9 Thank you.

10 Mr. Feld, were you asked to draft plans
11 that are the subject of this application this
12 evening?

13 MR. FELD: Yes.

14 MR. SARSANO: Give the Board an overview of
15 exactly what the application entails.

16 MR. FELD: The application is to -- is to
17 legalize a preexisting dwelling unit.

18 The building is registered for seven units.
19 This one unit is the seventh unit that needs to
20 be legalized.

21 This is an existing one bedroom, one bath,
22 565 foot -- square foot dwelling unit on the
23 first floor.

24 MR. SARSANO: Are there any plans to make
25 any changes at all with respect to the -- with

1 | respect to the structure of the building?

2 | MR. FELD: No.

3 | MR. PANEQUE: Mr. Sarsano, before we
4 | proceed, the Vice Chairman has brought to my
5 | attention a memo from the Building Department.
6 | And -- and that memo that was dated March 8,
7 | 2016, from Mr. Martinetti, Construction Official,
8 | it indicates that the Building Department
9 | recognizes this structure as a five unit
10 | structure.

11 | Now, you're coming in only for the
12 | legalization of one, saying that it's from six to
13 | seven. However, we have it as a five.

14 | MR. SARSANO: Can we tell you that the DCA
15 | indicates it's a six.

16 | MR. PANEQUE: Okay. As you know, the DCA
17 | is only a reflection of what the property owner
18 | registered.

19 | MR. SARSANO: Um hum.

20 | MR. PANEQUE: So, he could have registered
21 | 500 units, and it wouldn't make a difference.

22 | Now, I can also bring to your attention the
23 | fact that the -- the Cutting Card, which was
24 | presented by the Building Official, has only five
25 | units.

1 So, unless your application is tonight to
2 go from five to seven, we have an application
3 that cannot be heard by this Board, because you
4 don't have the right petition before this Board.

5 MR. SARSANO: I understand your position.

6 At this point, we'd like to adjourn.

7 MR. PANEQUE: Okay.

8 MR. SARSANO: And reevaluate the
9 application.

10 I wasn't privy of that.

11 MR. PANEQUE: Well, this Cutting Card is --

12 MR. SARSANO: No. I'm talking about Mr.

13 Martinetti's --

14 MR. PANEQUE: Correct.

15 Mr. Martin -- this is a memo that's given
16 by Mr. Martinetti to the Board. And it's -- it's
17 based on the Cutting Card, which is public
18 information. And it's clear that that Cutting
19 Card has five units, as of the last reassessment.

20 MR. SARSANO: Okay.

21 We'll reevaluate --

22 MR. PANEQUE: Okay.

23 MR. SARSANO: -- our application. If we
24 can adjourn it until the next meeting, I would
25 appreciate it.

1 MR. PANEQUE: Okay.

2 MR. FELD: So you don't have to notice.

3 MR. PANEQUE: Are you asking that the
4 matter be adjourned without the necessity for
5 notices?

6 MR. SARSANO: That would be my preference.

7 MR. PANEQUE: Okay.

8 MR. SARSANO: Obviously, it's the Board's
9 decision.

10 MR. PANEQUE: I -- the only concern I have
11 here is that the -- in looking at your site plan,
12 your site plan is only showing one, the first
13 floor. It's missing the rest of the rest of the
14 structure. At least, I don't have it. I don't
15 know if you have -- all I have is one page.

16 VICE CHAIRMAN GRULLON: I don't have. Is
17 one page.

18 MR. PANEQUE: It's a one page site plan.
19 We don't have the rest of the building to know
20 what's there.

21 So, it would be my suggestion that this
22 gets started from a de novo position, brand new.

23 MR. SARSANO: I think it would be more
24 prudent.

25 MR. PANEQUE: Okay.

1 MR. SARSANO: Predicated on what you have
2 said.

3 MR. PANEQUE: Yes.

4 MR. SARSANO: Will we -- we'll resubmit.
5 Now, can we get another date, or do we have to
6 resubmit and then you'll give us?

7 MR. PANEQUE: Well, you would have to go
8 through Mr. Vallejo.

9 MR. SARSANO: Okay.

10 MR. PANEQUE: And submit a new application.
11 And based on the fact that the -- it seems to me
12 that the site plan is --

13 MR. SARSANO: Okay.

14 MR. PANEQUE: -- is missing quite a few of
15 the items that this Board would need to make a
16 determination on seven units, that if a member of
17 the public has already been noticed and came and
18 saw this, they would need a new notice, so that
19 they can --

20 MR. SARSANO: I -- I would agree with you.
21 We'll start the application.

22 MR. PANEQUE: Thank you, sir.

23 MR. SARSANO: It's not a problem.

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

1 MS. GUTIERREZ: Thank you.

2 MR. SARSANO: You're welcome.

3 THE SECRETARY: They're withdrawing the
4 application.

5 MR. PANEQUE: Yes.

6 MR. SPATZ: Withdrawing, to be -- to be
7 resubmitted.

8 VICE CHAIRMAN GRULLON: You don't have --
9 you don't have to --

10 MR. PANEQUE: No. There's no vote on it.

11 MR. SPATZ: Right. Right. They're just
12 withdrawing.

13 MR. PRICE: The application is withdrawn.

14 MR. PANEQUE: The application is withdrawn.
15 Yeah. And there's no reservation of rights for
16 notices.

17 So, he'll have to re-notice.

18 VICE CHAIRMAN GRULLON: Re-notice.

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

21 * * *

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1 **Jaime Fuentes - 307 47th Street:**

2

3 THE SECRETARY: Ready?

4 Next application, tonight's agenda, Jaime
5 Fuentes, 307 47th Street.

6 Mrs. Pereiras, please.

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

9 MR. PANEQUE: Let the record reflect that I
10 have been provided, by Ms. Pereiras, with a set
11 of receipt -- certified mail receipts, which are
12 dated February 28, 2016; as well as the return
13 green cards, number of them; as well as a list
14 from the Union City Tax Assessor, giving the
15 addresses and the names of the property owners
16 within 200 foot radius of the property located at
17 307 47th Street, Union City, New Jersey.

18 I've also been provided with a copy of the
19 notice that went out to all property owners, and
20 a copy of the ad that was placed in The Jersey
21 Journal on February 27th, 2016. That ad indicates
22 that notice is being given of tonight's hearing
23 on March 10, 2016, with respect to variances that
24 are being requested for property at 307 47th
25 Street.

1 Along with the ad, I have an Affidavit of
2 Publication from The Jersey Journal. It appears
3 that the notices are all in proper order, and
4 that this Board, then, has jurisdiction to
5 proceed and hear this matter.

6 VICE CHAIRMAN GRULLON: You may proceed.

7 MS. PEREIRAS: Thank you, Mr. Paneque.

8 VICE CHAIRMAN GRULLON: You may proceed,
9 Ms. Pereiras.

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

12 May it please the Board, Bianca Pereiras,
13 on behalf of the applicant, Jaime Fuentes-
14 Hernandez (phonetic).

15 This is in regards to his property located
16 at 307 47th Street, also known as Block 269.02,
17 Lot 17.

18 Before you, what you see, is an application
19 from a three family to a four family. And I'd
20 like to clarify that.

21 My client purchased this property back in
22 August of 2014. At that time, he did his due
23 diligence and went through all the records, both
24 from the Tax Assessor's Office, as well as from
25 the Building Department.

1 All records indicated that this was, in
2 fact, a four unit building, and he purchased it
3 as a four unit building.

4 I'd like to submit to the Board a copy of a
5 Certificate of Occupancy that was issued on
6 January 27th, 1997, by the Union City Building
7 Department indicating that this is, in fact, a
8 four unit building.

9 Counselor, I've marked that as A-1.

10

11 (Whereupon, Certificate of Occupancy,
12 issued 1/27/97, was received and marked as
13 Exhibit A-1.)

14

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

17 MR. PANEQUE: Ms. Pereiras?

18 MS. PEREIRAS: Yes?

19 MR. PANEQUE: We seem to have a similar
20 situation in your application that we did in the
21 previous matter, and that is that according to
22 Mr. Martinetti, his records, as well as the
23 Cutting Card, indicates that the property is a
24 two unit structure.

25 Your application seems to be from three to

1 four.

2 MS. PEREIRAS: That is correct.

3 MR. PANEQUE: So, it would be an improper
4 application, because the fact that the City is
5 recognizing this as a two unit structure.

6 Now, this Certificate of Occupancy, I -- I
7 understand your argument. However, it's a
8 handwritten note on -- on the face of it.
9 Instead of -- you know, an official --

10 What I'm trying to say is that we can't say
11 how that handwritten note, four units was three
12 units, got there.

13 The other documents that are presented by
14 Mr. Martinetti, which are the Cutting Cards and
15 his records, are clearly only two units.

16 The notice that you have is from three to
17 --

18 MS. PEREIRAS: That's correct.

19 MR. PANEQUE: -- four.

20 VICE CHAIRPERSON GRULLON: From three to
21 four.

22 MS. PEREIRAS: And again, all our
23 indication, my client did his due diligence.
24 Every record that came back showed this not as a
25 three, but as a four unit.

1 And Mr. Paneque, if I could take a look at
2 that, please?

3 MR. PANEQUE: Sure. Because I have the
4 official record from the -- the Cutting Card,
5 that it is a public record.

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

8 MS. PEREIRAS: Mr. Paneque, I understand
9 you got this from the Building Department, but I
10 don't see it here, I don't see any kind of
11 indication of when this was issued.

12 MR. PANEQUE: Yeah.

13 MS. PEREIRAS: And again, I do have a
14 record that was received from the Building
15 Department, from '97.

16 MR. PANEQUE: But this record is not an
17 official document, in that it's -- it's a copy of
18 a copy. It's got crossed outs, and blue ink.

19 We don't know how this was transposed, when
20 it was copied, so I -- it's your application. If
21 you want to proceed and make your application,
22 but my legal opinion is that you're -- you're
23 coming in on an application to go from a three to
24 a four.

25 MS. PEREIRAS: That's correct.

1 MR. PANEQUE: And this Board is going to
2 look at it as a two, jumping to a four.

3 And the -- it's not the proper -- the
4 proper notices haven't been given.

5 MS. PEREIRAS: I understand your position.

6 MR. PANEQUE: Okay. So, without proper
7 notices, this Board can very well give a decision
8 that the public wasn't afforded its due process
9 to be notified. And it could deny your
10 application.

11 MS. PEREIRAS: I understand.

12 If I could just have a minute, so I can
13 speak to my client --

14 MR. PANEQUE: Sure.

15 MS. PEREIRAS: -- Mr. Paneque?

16

17 (Whereupon, the Board recessed from 6:53
18 p.m. to 6:56 p.m.)

19

20 MR. DILLON: Okay.

21 MS. PEREIRAS: Okay. Counselor, Chairman,
22 I spoke to my client.

23 At this point, what we'd like to do is not
24 withdraw this application, but have it continued.

25 The records we received were from an OPRA

1 | record request. I'd like to investigate those
2 | records a little further, and see where we stand.

3 | MR. PANEQUE: I -- I have no objection to
4 | this Board, if it so sees fit, granting the
5 | adjournment for you to do further discovery on
6 | this --

7 | MS. PEREIRAS: Yes.

8 | MR. PANEQUE: -- matter.

9 | MS. GUTIERREZ: Um hum.

10 | MR. PANEQUE: But just so that we're clear,
11 | the application that's been presented --

12 | MS. PEREIRAS: Yes.

13 | MR. PANEQUE: -- is defective in its
14 | notice, because you're asking to go from a three
15 | to a four, and we're showing this as a two.

16 | So, if this matter is to come back before
17 | the Board, you would need to have the
18 | Construction Official redo their letter, showing
19 | that it's going from a three to a -- well, that
20 | it's a three and you're asking to go to a four.

21 | MS. PEREIRAS: Okay.

22 | MR. PANEQUE: If it stays as a two, then
23 | you're going to have to re-notice and --

24 | MS. PEREIRAS: Re-notice and republish.

25 | MR. PANEQUE: -- and redo a new

1 application.

2 MS. PEREIRAS: I understand.

3 MR. PANEQUE: Now, another item that was
4 brought to my attention by the Board, Ms.

5 Pereiras, is that the Board wants to see, on the
6 site plan, not only the units that you're
7 legalizing, but the entire structure.

8 So the layout for the rest of the units --

9 MS. PEREIRAS: You would like to see those,
10 as well.

11 MR. PANEQUE: -- throughout --

12 MS. PEREIRAS: Okay.

13 MR. PANEQUE: Yes, please.

14 VICE CHAIRMAN GRULLON: Yes.

15 MS. PEREIRAS: That's fine. We'd be happy
16 to do that.

17 MR. PANEQUE: And that's for Mr. Pereiras,
18 also.

19 VICE CHAIRMAN GRULLON: Because it's same
20 with the other application.

21 MR. PANEQUE: Yeah.

22 Okay?

23 So, you're asking the matter be adjourned
24 until the next meeting.

25 MS. PEREIRAS: Please.

1 MS. GUTIERREZ: Um hum.

2 VICE CHAIRMAN GRULLON: Okay.

3 I make a motion to adjourn this to the next
4 meeting.

5 MS. GUTIERREZ: I'm seconding.

6 THE SECRETARY: Motion to adjourn this
7 meeting to April 14, 2016, no new notice
8 required.

9 Motion by Mr. Grullon.

10 Second by Mrs. Gutierrez.

11 Roll call to adjourn this application to
12 April 14, 2016.

13 Mr. Grullon?

14 VICE CHAIRMAN GRULLON: Yes.

15 THE SECRETARY: Mrs. Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: Yes.

19 THE SECRETARY: Mr. Dardir?

20 MR. DARDIR: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Mr. Doumas?

24 MR. DOUMAS: Yes.

25 THE SECRETARY: Motion carries.

1 No new notice required for the next meeting
2 on April 14, 2016.

3 MS. PEREIRAS: Thank you.

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

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1 **2105 Equities, LLC - 2103 Bergenline Avenue:**

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3 MR. DOUMAS: We're ready.

4 THE SECRETARY: Right.

5 Next application, tonight's agenda, 2505
6 (sic) Equity (sic) -- yes -- LLC, 2103 Bergenline
7 Avenue.

8 Mrs. Pereiras, please.

9 MR. PANEQUE: Let the record reflect that
10 I've been provided with a list of all owners
11 within 200 foot radius of the property located at
12 2103 Bergenline Avenue, in Union City.

13 That list, from the Tax Assessor, is dated
14 February 29th, 2016.

15 I've also been provided with a set of
16 certified mail receipts, which have been stamped
17 on February 28th, 2016; a copy of the notice that
18 went out to all property owners within the 200
19 foot radius, giving notice of tonight's hearing;
20 the green cards, which have come back as of
21 today; an Affidavit of Publication, which was an
22 ad placed in The Jersey Journal on February 27,
23 2016, which gave notice of tonight's hearing,
24 with respect to the property at 2103 Bergenline
25 Avenue and the variances that are being sought.

1 The notices all appear to be in proper
2 order, thereby giving jurisdiction to this Board
3 to proceed at this time.

4 MS. PEREIRAS: Thank you very much.

5 VICE CHAIRMAN GRULLON: You may proceed,
6 Ms. Pereiras.

7 MS. PEREIRAS: Again, Bianca Pereiras, on
8 behalf of the applicant, for property located at
9 2103 Bergenline Avenue, also known as Block 114,
10 Lot 2.

11 The application before the Board this
12 evening is to construct a three story mixed use
13 building, on what is now a vacant lot.

14 We have one expert to testify before the
15 Board this evening. And that is our architect,
16 Mr. Manuel Pereiras.

17 MR. DILLON: Please raise your right hand.

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

20 MR. PEREIRAS: I do.

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

23 MR. PEREIRAS: Manny Pereiras,
24 P-E-R-E-I-R-A-S, with Pereiras Architects
25 Ubiquitous, 1116 Summit Avenue, Union City.

1 MR. DILLON: Thanks.

2 MS. PEREIRAS: And for purposes of the
3 record, I just want to clarify that Mr. Pereiras
4 has been accepted as an expert.

5 VICE CHAIRMAN GRULLON: Yes. Yes.

6 MS. PEREIRAS: Thank you.

7 VICE CHAIRMAN GRULLON: It's our pleasure.

8 MR. PEREIRAS: Thank you. Happy to be
9 back.

10 MS. PEREIRAS: Mr. Pereiras, are you
11 familiar with 2103 Bergenline Avenue?

12 MR. PEREIRAS: I am.

13 MS. PEREIRAS: And did you prepare the
14 drawings that are before the Board this evening?

15 MR. PEREIRAS: I have.

16 MS. PEREIRAS: And can you please describe
17 the proposed project for the Board?

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

19 I have two -- two documents to show the
20 Board. One is the same set that was provided to
21 you. I simply propped it up on this board so
22 that we could talk about it.

23 And the second is a rendering of what we're
24 proposing. And I'm marking that as -- I just --
25 I pre-marked it as A-1, with today's date.

1 We are dealing with an empty lot that's
2 been empty for, I don't know how many years, on
3 Bergenline Avenue, on the west side, between 21st
4 and 22nd Street.

5 It's been empty for a long time because
6 it's a very difficult lot to -- to build on.
7 It's hard to make the economics of the project
8 work. There's a lot of vacancies on Bergenline
9 Avenue for commercial. It's hard to make a
10 project work and that's why we've been plagued
11 with this empty site, that I think really
12 disrupts our -- our main line, our Bergenline,
13 that it really hurts us. It's hurts the
14 neighbors, it hurts -- it's a huge problem.

15 And I'm very happy to present this project,
16 because it's going to start in-filling that and
17 in-filling it with people, with -- with
18 consumers, and it's going to help the area
19 significantly.

20 And we fine tuned this project. The client
21 came to me, almost two years ago at this point,
22 and we've changed these drawings, without
23 exaggeration, a dozen times, to try to make and
24 come up with the right project to present before
25 this Board.

1 We only have, as far as C variances, we
2 only have one for parking. We're actually in
3 compliance with the zone.

4 The reason we're before the Zoning Board is
5 because we're here for a use variance, because on
6 the ground floor, it's simply pretty much almost
7 impossible now to rent a big space of commercial.

8 So, the only other solution that we came up
9 with is creating a small commercial space that is
10 rentable, that some small business can afford to
11 rent that space, and in-fill the back of it with
12 a residential unit.

13 Because we have a residential unit on the
14 ground floor, that triggers a D variance, and
15 we're here before this Board.

16 So, what we're looking to do is a typical
17 building, on a 25 -- it's actually a little bit
18 wider than 25 by a hundred lot. We are having
19 commercial in the front, 600 square feet, an
20 apartment on the back of it, and upstairs, we
21 have another four apartments, one on each end.

22 And I'm going to walk you through the
23 project, starting with the first sheet, Sheet
24 Z01.

25 In Sheet Z01, we see the proposed site

1 plan. Typical Bergenline Avenue. All the
2 buildings are actually set back two feet. So,
3 we're maintaining that front yard setback, the
4 prevailing setback of two feet.

5 We're making the building core 80 percent
6 of the lot depth, and we're creating a metal
7 exterior stair, an open stairwell in the back
8 that's seven foot six in depth, so that we have a
9 clear open rear yard of 12 foot six inches. And
10 if we measure to the building, we have the full
11 80 percent.

12 So, technically, I'm going to present this
13 Board as another variance for rear yard, and call
14 it as a 12 foot six for the rear yard.

15 But that's not a solid building, it's an
16 open stairwell that we have back there. So,
17 we're still creating open space there.

18 The building is two inches off the property
19 line to the left, two inches to the right, and we
20 simply do that for constructability. And it's
21 going to be a very typical, very simple brick
22 building.

23 We want to maintain that beautiful
24 character that we see so much in Union City. So,
25 we're presenting a brick building.

1 And what we did in the façade is a simple
2 repeated pattern of windows along the top.
3 Everything lines up together. The storefront
4 lines up. A very simple, very low key awning
5 that creates an elegant store, front line.

6 So, we have a very clear residential
7 portion of the building that enters on the side
8 door, with the building address number on it.

9 And then, we have the commercial component.
10 Very clearly defined, very simple and beautiful
11 brick building.

12 And it fits with the -- I -- there's no
13 building to the right of it. I'm assuming it's
14 going to fit with the Ordinance. I show that as
15 a -- so that we can see that this is an in-fill
16 building, and it's working as a part of the
17 streetscape.

18 So, it's the same size. It's a simple
19 three story structure, and it works with the
20 neighborhood.

21 Turning now to Sheet Z02. We see the
22 basement, which sits the full footprint of the
23 building. It has meter rooms for electrical
24 equipment down there, the sprinkler manifold this
25 will be a fully sprinklered building, and it has

1 a mechanical room.

2 And the rest is storage space for the --
3 the commercial tenant.

4 On the first floor, we see that commercial
5 space. It's a 600 square foot space. It has
6 full storefront, except for the small residential
7 portion. That full storefront, for display, and
8 the entrance for the building.

9 It has an additional door on the side of
10 it, for emergency escape, as well as exit down to
11 the basement for storage.

12 It has its own handicapped bathroom, as
13 required by Code.

14 If you take the hallway down, you have a
15 doorway that leads you into a one bedroom
16 apartment. This one bedroom apartment has a --
17 the bedroom is ten by 11, nice kitchen area, and
18 the rest is open space, with windows opening up
19 to the rear of the building.

20 If we go upstairs, we have a stairwell that
21 leads you straight up. So, when you walk through
22 the door, the stairs leads directly upstairs, and
23 it opens up into a stairwell and a hallway.

24 That hallway, you take a door to the right,
25 it enters into the apartment towards Bergenline

1 Avenue. Door to the left, and enters you to
2 apartment towards the rear of the property.

3 Both apartments are two bedrooms, each 750
4 -- well, 750 square feet and 763 square feet,
5 meeting our Ordinance.

6 The top floor is exactly the duplicate of
7 it. In order -- for fire safety, we've created
8 that fire stair in the back, where anyone could
9 exit, as with emergency escape windows down into
10 the fire escape and come out to the front of the
11 building.

12 We've also included photographs of the
13 neighborhood, although I know everyone's very
14 familiar with it, and it shows that this building
15 is in character with the neighborhood.

16 Number one, the brick elements of the
17 building -- actually, the corner property is very
18 similar. The scale of it is in line with
19 everything else in the neighborhood.

20 We have our commercial, with the
21 residential above.

22 As far as parking, we have 600 square feet
23 on the ground level. And our Ordinance says that
24 you need a parking space for every 300 square
25 feet. So, that would require two cars, which we

1 are asking for a variance on that.

2 And then, our Ordinance has exclusions for
3 apartments on -- above commercial on Bergenline
4 Avenue.

5 So, we're actually exempt from having
6 parking for those units above. However, it
7 doesn't very clearly say that we're exempt from
8 parking for that unit on the ground floor.

9 So that one bedroom unit that we have on
10 the ground floor, will give us a demand of
11 another one and a half spaces. So, we're really
12 having a demand of four spaces that we're not
13 complying with, so we're asking for a variance
14 for parking for four spaces.

15 That basically concludes my presentation
16 and I'm open for your questions.

17 VICE CHAIRMAN GRULLON: Mr. Pereiras, on
18 the rear elevation, you're showing the fire
19 escape. Is that a regular fire escape or that's
20 something that is built?

21 MR. PEREIRAS: It's not a fire escape, per
22 se. A fire escape has to comply with what's
23 called FTO-3. FTO-13, which has -- allows for a
24 lot more -- it's more lenient, code-wise, because
25 it allows you to have steeper steps and smaller

1 buckets and things.

2 Since this is a new building, new
3 construction, it's really a fire stair and not a
4 fire escape.

5 So, we have to comply with the Building
6 Code. Even if -- as if these were stairs built
7 in the inside of the building.

8 So, these stairs are in full compliance, as
9 if they were part of a new structure.

10 So, we have risers that are only seven
11 inches high. We have treads that are 11 inches
12 in depth.

13 We have handrails and guardrails.
14 Guardrails are 42 inches, handrails at 36 inches.
15 And we have landings that are 44 inches.

16 So, it's -- it's not like a fire escape
17 that you think of a dangerous little fire escape,
18 no. This is a full stair and it's constructed on
19 the building. And it's something that we're
20 doing typically in a lot of the buildings we're
21 doing today. Almost all the three families that
22 we've had approved, it usually doesn't come to
23 you, it usually goes to the Planning Board.
24 We're putting these stairs in the back of them.

25 It's very typical and you'll see it around

1 Union City now. It's a full fire stair in the
2 rear of the building.

3 VICE CHAIRMAN GRULLON: Okay.

4 And could you go over the material that
5 you're using for the --

6 MR. PEREIRAS: Yes.

7 VICE CHAIRMAN GRULLON: -- front of the
8 building?

9 MR. PEREIRAS: I'm very, very proud to say,
10 brick. It's brick.

11 VICE CHAIRMAN GRULLON: Real brick.

12 MR. PEREIRAS: It's a masonry building.
13 It's what we would call a -- a veneer masonry
14 building. That means we're using real size
15 brick. We're creating a wall. The ground floor
16 will be -- will be cinder block for the basement.
17 Then, when we go off the ground, it's going to be
18 six inch wooden studs. It's six inches because
19 we want to allow the greater capacity for
20 insulation, and then there's sheathing.

21 There's membranes in order to stop air and
22 vapor barrier to come through. There's a one
23 inch gap. There's brick ties and a brick shelf,
24 that holds full size real brick.

25 This is the right way of doing brick

1 construction. And that brick construction is
2 going to be done the way brick construction
3 should be done.

4 It's going to be breathable brick. You
5 want the water to get in. You want the water to
6 be able to get out, with weep holes and flashing.
7 And it's going to be a traditional brick
8 building.

9 And I know this is biased, but I think it's
10 beautiful.

11 VICE CHAIRMAN GRULLON: Yes, it is.

12 I don't have any more questions.

13 You guys?

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

16 MR. PANEQUE: Mr. Pereiras --

17 VICE CHAIRMAN GRULLON: Could you -- yes.

18 MR. PANEQUE: How do the front units access
19 the -- the rear fire?

20 MR. PEREIRAS: They don't. So, here is the
21 concept from a Code perspective.

22 We're not required to have two means of
23 egress stairs, because it's a three story
24 structure, and it's fully suppressed with a
25 sprinkler system.

1 So, that's not necessary. What is
2 necessary is to have emergency escape windows.
3 Okay?

4 There's very strict and very clear Code for
5 the emergency escape windows. They have to be a
6 certain size, they have to be a certain way, and
7 they have to be accessible.

8 So, the front are accessible. You open the
9 window, you could get out, a fireman could come
10 and rescue you with a ladder, and you escape the
11 building.

12 The rear, because it's Bergenline Avenue,
13 and see, here's the difficulty, because our Code
14 and our Ordinances don't match.

15 So, our Ordinance recommends that we go
16 property line to property line, because we don't
17 want gaps. Yet, there's nothing that, in our
18 Ordinance, that addresses corners, that allows
19 firemen to get to the back of the building.

20 So, there's no way of getting back there to
21 rescue people.

22 The way I'm dealing with it, and the way
23 I've dealt with it in the past, with the Building
24 Department, is we're going to create a fire
25 stair, so that people could get out of the

1 window, come down to the ground, and reenter the
2 building, get to the front.

3 It doesn't comply with everything, the
4 Code, a hundred percent, but it's the only
5 solution because our Ordinance is really lacking
6 in fire safety. So, that's the solution that
7 we're trying to come up with.

8 VICE CHAIRMAN GRULLON: And you just
9 mentioned that the building will be fully
10 sprinkle.

11 MR. PEREIRAS: It has to be fully
12 sprinklered. Yes.

13 And it's going to be a full sprinkler
14 system. It's not this domestic line stuff that
15 we see. It's a full sprinkler system.

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

18 Any question, guys?

19 Going to open to the public.

20 Mr. Price, will you come forward?

21 MR. PRICE: Larry Price, 1006 Palisade
22 Avenue.

23 MR. DILLON: Please raise your right hand.

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

1 MR. PRICE: I do.

2 Okay.

3 MR. DILLON: Thank you.

4 MR. PRICE: First, could we address
5 parking?

6 You want the good news or the bad news?

7 MR. PEREIRAS: Give me everything.

8 MR. PRICE: Okay. Let's start with the bad
9 news.

10 You said no parking requirement for
11 residential upstairs.

12 MR. PEREIRAS: I believe that's -- yeah.

13 MR. PRICE: Okay. Okay. If I can read
14 from my --

15 MR. SPATZ: I'll just make it easier.

16 That -- that requirement to not have
17 parking on Bergenline Avenue is only from 30th
18 Street north to 47th Street.

19 MR. PEREIRAS: Okay.

20 MR. PRICE: Correct.

21 MR. SPATZ: So, parking is required, but no
22 parking is there for any of the other uses. It's
23 certainly not unreasonable, but the Ordinance
24 does require parking.

25 MR. PRICE: Okay. So you --

1 MR. PEREIRAS: So, our -- our variance is
2 actually much more than what I said. We're -- it
3 would be, what, 12 spaces, four, eight, eight,
4 ten, 12 spaces would be required.

5 MR. PRICE: Okay.

6 But now, let's give you the good news if we
7 could?

8 MR. PEREIRAS: Give me the good news, then.

9 MR. PRICE: Okay.

10 You have a store on the ground floor.

11 Okay. And no --

12 This is from page 90, whatever section this
13 is.

14 No off-street parking or loading spaces
15 need be provided for non-residential uses located
16 on lots that are 2500 square feet or smaller.

17 This is a 2500 --

18 MR. PEREIRAS: So, two less spaces.

19 MR. PRICE: So we got two less. So --

20 MR. SPATZ: Actually, the -- I was going to
21 bring that up, also. The lot is 25,030 (sic)
22 square feet. So, technically, it is actually
23 larger than 25, and it does require the parking
24 spaces. So --

25 MR. PRICE: Mr. Spatz is sounding like me.

1 MR. SPATZ: They are--

2 Please, you've ruined my evening.

3 But it -- technically, they're -- they're
4 caught on both of these -- of these items, just
5 by virtue of where it's located and that the site
6 is actually --

7 MR. PRICE: Slightly large --

8 MR. SPATZ: -- slightly greater than --
9 than what it is. However, again, it's not
10 unreasonable not to provide parking, given it's
11 location on Bergenline Avenue.

12 MR. PRICE: Okay. But the --

13 MR. SPATZ: But --

14 MR. PRICE: -- parking requirement that
15 we're passing up is then 12 units, I guess.

16 MR. SPATZ: Right.

17 MR. PRICE: Okay.

18 The only other thing I would point out to
19 the Board -- I mean, it's a beautiful building,
20 and really, the only thing wrong, you got that --
21 you got the -- the apartment on the ground floor,
22 which is not permitted.

23 Okay. I would just remind the Board that
24 in June of last year, 2107, Shriji, whatever,
25 came in, and they had the same problem. An

1 apartment on the ground floor. And they got a
2 very unwarm reception from this Board. They
3 adjourned, withdrew that application, took the
4 apartment out, and then went to the Planning
5 Board to get their approval.

6 So, all I'm saying is the consistency -- if
7 2107 gets a cold reception, 2103 should -- you
8 know, should be the same law for everybody.

9 That's -- that's all I'm saying.

10 So, if 2107 is cold, then -- you know, two
11 doors down should get the same.

12 MR. PEREIRAS: But this Board has also
13 voted in the opposite way, as well. We've had
14 applications here.

15 One of them is 1115 Summit Avenue, where we
16 had commercial on the front, and the Board has
17 granted an apartment in the rear.

18 So, that's something that has been
19 favorable to this Board, as well.

20 So, it's done both ways.

21 MR. PANEQUE: Mr. Pereiras, just to clarify
22 it.

23 I believe in your presentation, you said
24 the reason why your client is looking to have a
25 rear apartment is because the fact that there are

1 a number of vacant storefronts throughout
2 Bergenline Avenue, and therefore, a smaller store
3 is something that would be more readily, easier
4 to rent.

5 Correct?

6 MR. PEREIRAS: Yes, sir.

7 MR. PANEQUE: Okay. As opposed to
8 something that would be 25 by a hundred, 2500
9 square feet of store.

10 MR. PEREIRAS: Correct.

11 MR. PANEQUE: All right.

12 MR. PRICE: Was there actually a comment
13 there were empty store ---

14 MR. PANEQUE: I was just --

15 MR. PRICE: -- or just --

16 MR. PANEQUE: Yeah.

17 MR. PRICE: I -- I understood the comment
18 to be 600 feet is a lot easier to rent in this
19 market, than the larger --

20 MR. PANEQUE: Correct.

21 MR. PRICE: -- storefront, so -- but that
22 was also true of 2107.

23 So, now, again, consistency says that --
24 you know, every applicant is --

25 1115 Summit Avenue -- 1115?

1 MS. PEREIRAS: Um hum.

2 MR. PEREIRAS: 1115.

3 MR. PRICE: I thought 1415.

4 MR. PEREIRAS: No.

5 MR. PRICE: But --

6 MR. PEREIRAS: That one was done, also.

7 MR. PRICE: Correct. But that -- that was
8 much larger.

9 MR. PEREIRAS: That also was residential
10 before.

11 MR. PRICE: That was a much larger lot.

12 MR. PEREIRAS: That's another example.

13 MR. PRICE: That was -- that storefront
14 would have been --

15 MR. PEREIRAS: But the same concept.

16 MR. PRICE: -- huge.

17 MR. PEREIRAS: Yeah.

18 MR. PRICE: But -- but --

19 MR. PEREIRAS: But it was another concept
20 that this Board has approved --

21 MR. PRICE: But here --

22 MR. PEREIRAS: -- residential behind
23 commercial.

24 MR. PRICE: -- we don't have to go across
25 town. Just go two doors down and that was 2107

1 got a certain reception here. And I'm just
2 saying consistency requires that -- you know --

3 MR. PEREIRAS: And I think there's --

4 MR. PRICE: -- particularly, when it's --

5 MR. PEREIRAS: There's also an overall
6 package. We are spending a great deal of money
7 on that façade. We're putting money out to doing
8 a beautiful glass storefront, a beautiful brick
9 façade.

10 We're spending a lot of money in order to
11 improve the town and to create a product that's
12 rentable and usable and fulfills a need on -- on
13 Bergenline -- on Bergenline Avenue.

14 I don't know the particulars of that
15 application. I don't know the particulars of
16 what they're presenting and how the -- the façade
17 looked for them.

18 But this Board is reviewing an overall
19 package, and I'd like --

20 VICE CHAIRMAN GRULLON: Yes.

21 MR. PEREIRAS: -- to keep that in mind.

22 VICE CHAIRMAN GRULLON: For the record, I
23 just want to say that each application, we treat
24 it independent from other application.

25 We -- there are a lot of -- you know, like

1 the façade of this building, the size of the
2 apartments, all those things, we also take into
3 consideration when we make a decision.

4 Just wanted to -- you know, put that on the
5 record.

6 Mr. Pereiras, did you get an opportunity to
7 discuss with your client the -- you know, like
8 that rear apartment might be an issue for the
9 Board?

10 MR. PEREIRAS: We have and unfortunately,
11 it's come down to he will not develop if that
12 doesn't happen, because he can't spend the money
13 on this building and have a vacancy, he can't --
14 you know, he -- he needs to have that income and
15 to make this building reasonable.

16 So, he's aware of that. He took the risk
17 coming before this Board. And if not, he's just
18 going to hold on to it.

19 VICE CHAIRMAN GRULLON: How big is the --
20 the first floor? The floor ratio -- the floor --

21 MR. PEREIRAS: The entire floor plan? I'll
22 tell you.

23 VICE CHAIRMAN GRULLON: The entire floor.

24 MR. PEREIRAS: The entire floor plan, for
25 the first floor, is 1,650 square feet. A portion

1 of that is taken up for circulation.

2 VICE CHAIRMAN GRULLON: Yes.

3 MR. PEREIRAS: The store takes up 600
4 square feet. And the apartment takes up, I
5 believe, 550, which is the -- the minimum for the
6 Ordinance -- 550 square feet.

7 VICE CHAIRMAN GRULLON: Thank you.

8 They make -- they will make that a store,
9 probably, and that -- and that will be over a
10 thousand feet.

11 MR. PEREIRAS: Yes.

12 VICE CHAIRMAN GRULLON: Square feet.

13 I don't have any more question.

14 Do you have questions?

15 Any other member of the public?

16 You know, as I said before, each
17 application we treat different from other
18 application.

19 And taking in consideration the size of the
20 apartments, they're good units, it's a beautiful
21 façade, I'm going to make my motion to grant this
22 application.

23 THE SECRETARY: Motion to grant this
24 application by Vice Chairman Victor Grullon.

25 MS. GUTIERREZ: And I'm seconding.

1 THE SECRETARY: Second by Margarita
2 Gutierrez.
3 Roll call on the motion.
4 Mr. Grullon?
5 VICE CHAIRMAN GRULLON: Yes.
6 THE SECRETARY: Mrs. Gutierrez?
7 MS. GUTIERREZ: Yes.
8 THE SECRETARY: Mr. Pressey?
9 MR. PRESSEY: Yes.
10 THE SECRETARY: Mr. Dardir?
11 MR. DARDIR: Yes.
12 THE SECRETARY: Mr. Doumas?
13 MR. DOUMAS: Yes.
14 THE SECRETARY: Six in favor. Motion
15 carries.
16 MR. PANEQUE: You missed Mr. Medina.
17 VICE CHAIRMAN GRULLON: Mr. Medina.
18 MR. MEDINA: Hey.
19 THE SECRETARY: Huh?
20 VICE CHAIRMAN GRULLON: Mr. Medina.
21 THE SECRETARY: Oh, Mr. Medina.
22 Sorry.
23 MR. MEDINA: Yes.
24 THE SECRETARY: I apologize for that.
25 Six in favor.

1 Motion carries.

2 MS. PEREIRAS: Thank you all very much.

3 VICE CHAIRMAN GRULLON: Thank you.

4 MS. GUTIERREZ: Good night.

5 MS. PEREIRAS: Thank you.

6 Good night.

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1 **ADJOURNMENT :**

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3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 MS. GUTIERREZ: I'll make a motion.

7 THE SECRETARY: Motion by Margarita
8 Gutierrez.

9 Second by David Pressey.

10 All in favor?

11

12 (Whereupon, there was a chorus of ayes.)

13

14 THE SECRETARY: The ayes have it.

15 Thank you.

16 Let the record show that the meeting has
17 ended.

18 MR. SPATZ: All right.

19 THE SECRETARY: Have a good night everyone.

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21 (Whereupon, the proceedings were concluded
22 at 7:22 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, March 10, 2016 and
10 digitally recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon