

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, April 14, 2016
Commencing at 6:13 p.m.

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

MARGARITA GUTIERREZ
MIGUEL ORTIZ, (Arrived at 6:16 p.m.)
JOHN MEDINA, Alternate No. 1
JOSEPH D. BONACCI, Alternate No. 2
PETER C. DOUMAS, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman

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

KHALED DARDIR
HARLENNY E. JAVIER
DAVID W. PRESSEY
ANDRES GARCIA, Chairman

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 416 Monastery Place, LLC

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, 4007 Park Avenue, LLC

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, 4219 Park Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 2100-2106 Summit Avenue, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Arturo Garcia

MICHAEL T. HALKIAS, ESQ.,
Attorney for Applicant, G.H.G. Patel, Inc.

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Palisade Emergency Residence Corporation
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A-1 Deed Dated December 11, 2015

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

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

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

11

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

14

15 THE SECRETARY: Thank you.

16 Notice of this meeting has been provided,
17 as follow:

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

25

1 **ROLL CALL:**

2

3 THE SECRETARY: Roll call for tonight's
4 meeting.

5 Andres Garcia? Absent.

6 Victor Grullon?

7 VICE CHAIRMAN GRULLON: Here.

8 THE SECRETARY: Margarita Gutierrez?

9 MS. GUTIERREZ: Here.

10 THE SECRETARY: Miguel Ortiz? Absent.

11 David Pressey? Absent.

12 Harlenny Javier? Absent.

13 Khaled Dardir? Absent.

14 John Medina?

15 MR. MEDINA: Here.

16 THE SECRETARY: Joseph Bonacci?

17 MR. BONACCI: Here.

18 THE SECRETARY: Peter Doumas?

19 MR. DOUMAS: Here.

20 THE SECRETARY: Elisa Flores, I receive a
21 email. She resigned from the Board since
22 yesterday, April 13.

23 Let the record indicate there are five
24 present, so we have a Board made up of five
25 members that constitute a full quorum to

1 establish any discussion.

2 May I have a second, please?

3

4 (Whereupon, Miguel Ortiz arrived at 6:16
5 p.m.)

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7 THE SECRETARY: For the record, Mr. Miguel
8 Ortiz joined the meeting.

9 Now, we have six members. We have a full
10 quorum.

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1 **RESOLUTIONS:**

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3 (1) 720 14th Street, LLC - 720 14th Street,
4 Block: 70, Lot: 24. Legalization of an existing
5 basement apartment. To go from a five unit to a
6 six unit. Approved.

7 (2) 2105 Equities, LLC - 2103 Bergenline
8 Avenue, Block: 114, Lot: 7. New construction of a
9 mixed use building with five residential units,
10 600 square feet commercial spaces and a basement.
11 Approved.

12

13 THE SECRETARY: We have two Resolution on
14 tonight's agenda.

15 720 14th Street, LLC, 720 14th Street.

16 We have Resolution number 2; 2105 Equities,
17 LLC, 2103 Bergenline Avenue.

18 Can I have motion to adopt the Resolution?

19 VICE CHAIRMAN GRULLON: Make a motion --

20 THE SECRETARY: Motion by --

21 VICE CHAIRMAN GRULLON: -- to adopt the
22 Resolution.

23 THE SECRETARY: -- Vice Chairman --

24 MS. GUTIERREZ: Second it.

25 THE SECRETARY: -- Victor Grullon.

1 Second by Margarita Gutierrez.

2 Roll call on the motion.

3 Mr. Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Mrs. Gutierrez?

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Mr. Bonacci?

10 MR. BONACCI: I abstain.

11 THE SECRETARY: Mr. Doumas?

12 MR. DOUMAS: Yes.

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

15 * * *

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1 Palisade Emergency Residence Corporation - 108
2 36th Street:

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4 THE SECRETARY: Okay.

5 The first hearing on tonight's agenda is
6 Palisade Emergency Residence Incorporation (sic),
7 108 36th Street.

8 Applicants are seeking for six month
9 extension.

10 Mr. O'Connell, please?

11 MR. O'CONNELL: Yes.

12 My name is Eugene O'Connell. I'm appearing
13 -- appearing for the applicant, Palisade
14 Emergency Residence Corporation.

15 We were here last October for the
16 application of this building. And the Resolution
17 was passed on November 12th, 2015.

18 As soon as the Resolution was passed, we
19 hired our contractors. They went into the
20 Building Department, and now final plans were
21 delivered back on 12/16/15.

22 The contractor submitted applications for a
23 permit sometime in late December. And
24 unfortunately, those permits somehow got lost,
25 and he reapplied in January of 2016.

1 After he got the permits approved, we
2 installed the smoke detectors. We had to order
3 special doors for the building. They sort of
4 fire doors, and they came in a little bit late
5 and then, some of the electrical stuff we had to
6 do for the smoke detectors, that took some time,
7 so that we really didn't get the final approval
8 for the installation of the doors until March 4th,
9 2016.

10 And then, after that was all submitted to
11 the Building Department, we didn't get our
12 Certificate of Approval until March 24, 2016.

13 So, we could not use the building for the
14 purpose that we came to the Board for in the
15 Resolution.

16 Today -- last night, for example, in --
17 we're still working with the homeless population,
18 and last night, in the cafeteria, there were 68
19 bodies. Approximately ten of them were elderly
20 individuals and 15 -- ten to 15 were women.

21 So, the need is there. And we're just
22 asking you for an extension of the application on
23 a temporary basis. We will come back for a
24 permanent application.

25 I only asked, in my letter, for a six month

1 extension, but we think it would be better if we
2 extend it to March 31st of 2017.

3 The reason I say that is this. We want to
4 see how it's going to work in the winter months.
5 That was the real purpose of coming to the Board,
6 the first place.

7 So, if we extend it to March of 2017, we
8 can see how it's working in October, November,
9 December. And then, come back to the Board in
10 January, of 2017, for a -- for a permanent
11 application.

12 So that is our first request, that it be
13 extended to March 31st of 2017. If that's not
14 doable by the Board, then we'd ask for just a six
15 month extension. We'll come back in October.

16 VICE CHAIRMAN GRULLON: Let me ask you.

17 This -- this application, it was for a --
18 to create a temporary space for the --

19 MR. O'CONNELL: It was a permanent space,
20 but the application -- the -- the approval that
21 was granted by the Board was for a limited period
22 of time.

23 VICE CHAIRMAN GRULLON: Yes, I remember.

24 MR. O'CONNELL: We agreed to come back to
25 make sure that it was -- that the security was

1 good, that there were no problems in the
2 neighborhood.

3 VICE CHAIRMAN GRULLON: Yes.

4 MR. O'CONNELL: And things of that nature.

5 VICE CHAIRMAN GRULLON: And you --

6 MR. O'CONNELL: Which we're still going to
7 do.

8 VICE CHAIRMAN GRULLON: And you have all
9 your approvals now, from the Building Department?

10 MR. O'CONNELL: We finally have --

11 VICE CHAIRMAN GRULLON: All your permits?

12 MR. O'CONNELL: -- them as of March 24th.

13 VICE CHAIRMAN GRULLON: Yes.

14 MR. PANEQUE: Mr. O'Connell, my
15 recollection was that, as you stated, it was a
16 temporary application that was approved, with the
17 understanding that it would be on a trial basis.

18 MR. O'CONNELL: Correct.

19 MR. PANEQUE: Now, that application would
20 have allowed you to operate that warming center,
21 I believe, through -- was it May?

22 MR. O'CONNELL: It was through March 31st
23 of this --

24 MR. PANEQUE: March --

25 MR. O'CONNELL: -- year.

1 MR. PANEQUE: -- 31st. Okay.

2 And it's your presentation that that has
3 not been able to get accomplished, because of the
4 delay in the permits?

5 MR. O'CONNELL: Correct.

6 MR. PANEQUE: Okay.

7 Now, is -- is there a reason why the same
8 kind of determination cannot be made during the
9 summer months, if we give you a six month
10 extension?

11 MR. O'CONNELL: As I said, if you think
12 that it's more appropriate, yes, going for the
13 six months. We'll come back in October and we'll
14 -- we'll apply for the permit. Make sure
15 everything's working properly, then apply for the
16 permanent approval.

17 MR. PANEQUE: Okay.

18 Is there a need for the warming center
19 during the summer months?

20 MR. O'CONNELL: There really is. As I -- I
21 can have -- I could ask the Executive Director of
22 Garden State to come up and testify as to the
23 need.

24 MR. PANEQUE: Okay.

25 MS. MORI: Hi. How are you?

1 MS. DILLON: Right in front of that
2 microphone, ma'am.

3 MR. O'CONNELL: You have to raise your --

4 MS. DILLON: Please raise your right hand.

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

7 MS. MORI: Yes, I do.

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

10 MS. MORI: Carol Mori, C-A-R-O-L, M-O-R-I.

11 MS. DILLON: Thank you.

12 MR. O'CONNELL: Thank you.

13 Now, Carol, Tom could not be here tonight,
14 but you're very familiar with the operations of
15 the -- of the shelter, are you not?

16 MS. MORI: Yes.

17 MR. O'CONNELL: And can you tell the Board
18 exactly what the shelter has seen in the last
19 couple -- say, even the month of March, as to the
20 number of people that are homeless, that are
21 seeking shelter in this facility?

22 MS. MORI: No. Absolutely.

23 Even up until March 31st, there was an
24 additional warming center opened in Kearny, and
25 they housed an additional 60 homeless individuals

1 every night.

2 Even with that open, PERC still have an
3 average of 60 to 70 people in their cafeteria,
4 sleeping in chairs and laying on the floor,
5 because of the lack of shelter and just to get
6 out of the cold.

7 Even as of last night, we had 60 -- 68
8 additional people in our cafeteria. And this is
9 above and beyond the 40 beds -- the dormitory
10 that we have. And several of them are elderly
11 people, and they're sleeping in chairs. Some of
12 them -- you know, if there's enough room, some
13 lay on the floor. But it -- it's just really
14 heart wrenching.

15 And we know, the point in time count, so
16 there was -- you know, almost a thousand homeless
17 people at any point in time in Hudson County.
18 So, there definitely is a need all year round.

19 MR. O'CONNELL: Carol, when you say
20 elderly, what ages are we -- are we talking
21 about?

22 MS. MORI: We're talking about in the late
23 60s, early 70s.

24 MR. O'CONNELL: And just to -- to confirm
25 what I said, that there were approximately ten to

1 15 women --

2 MS. MORI: It --

3 MR. O'CONNELL: -- also --

4 MS. MORI: Yup. Ten to 15 on any given
5 night, women. and so, we try to separate them
6 even within the cafeteria.

7 VICE CHAIRMAN GRULLON: And do you expect
8 the same amount of -- I mean, like the same needs
9 throughout this -- the next six months? I would
10 say for the summertime, for the --

11 MS. MORI: Absolutely.

12 VICE CHAIRMAN GRULLON: -- summer period?

13 MS. MORI: Absolutely. Yeah. People --
14 you know, people are coming in. They're seeking
15 help. They're seeking assistance. They're
16 trying to get off the streets.

17 And there's only three shelters in the
18 entire County. There's just not enough beds,
19 there's not enough services to meet the need.

20 VICE CHAIRMAN GRULLON: Okay.

21 Thank you.

22 MR. O'CONNELL: Thank you, Carol.

23 MS. GUTIERREZ: Thank you.

24 VICE CHAIRMAN GRULLON: Yes. I mean, I --
25 I would prefer, since we granted a six month

1 extension last time, that we renew the six month
2 extension again.

3 If you feel that it's needed to come back
4 to the Board, you come back in October.

5 MR. O'CONNELL: We agree with that. I
6 think --

7 VICE CHAIRMAN GRULLON: Okay?

8 MS. GUTIERREZ: Um hum.

9 MR. O'CONNELL: -- that's very fair.

10 VICE CHAIRMAN GRULLON: I make a motion to
11 grant the six month --

12 THE SECRETARY: Motion to grant the
13 extension --

14 VICE CHAIRMAN GRULLON: -- six month
15 extension.

16 THE SECRETARY: -- by Chairman Victor
17 Grullon.

18 MS. GUTIERREZ: And I'm seconding.

19 THE SECRETARY: Second by Margarita
20 Gutierrez.

21 Roll call on the motion.

22 Mr. Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Mrs. Gutierrez?

25 MS. GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Mr. Bonacci?

6 MR. BONACCI: Yes.

7 THE SECRETARY: Mr. Doumas?

8 MR. DOUMAS: Yes.

9 THE SECRETARY: Motion carries. Six in
10 favor.

11 MR. O'CONNELL: Thank you for your time.
12 Appreciate it.

13 VICE CHAIRMAN GRULLON: Thank you.

14 MS. GUTIERREZ: You're welcome, sir.

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1 **4007 Park Avenue, LLC - 4007-4015 Park Avenue:**

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3 THE SECRETARY: We are going to change a
4 little bit of the order of the agenda.

5 We are going to call 4007 Park Avenue, LLC,
6 4007-4015 Park Avenue.

7 The Resolution was memorialized on June 29,
8 2006. Applicants are seeking for one year
9 extension.

10 Mr. Adolfo is --

11 MR. A. LOPEZ: Good evening, Mr. Chairman,
12 ladies and gentlemen of the Board.

13 We are -- applicant is coming before you on
14 a -- on a prior approval, authorizing the
15 construction of 88 residential units, at the 4007
16 Park Avenue location.

17 It is a ten story structure, and as
18 indicated by Mr. Vallejo, it was originally
19 approved in 2006.

20 It was approved by a predecessor in title.
21 My client only acquired -- the property from
22 2006, at some point thereafter, was foreclosed
23 upon by the bank, which had provided the original
24 financing.

25 That period took quite awhile. The bank,

1 | it is our understanding, took possession some
2 | time late in 2015.

3 | My client acquired the property in
4 | December, 2015, several months ago.

5 | The problem is that given the complexity of
6 | the project, just the work that has to be done,
7 | and the soil studies, just so we can submit
8 | proper permits to the Building Department --
9 | again, this is not a simple small house. It's a
10 | ten story building and it is quite complex in
11 | nature.

12 | For that reason, the client is seeking a
13 | one year extension of the project.

14 | Now, the -- the end dates on the original
15 | approval, obviously, have long past, under the
16 | normal statutory scheme.

17 | However, under the Permit Extension Act,
18 | they have been extended. It is a tolling
19 | statute. And it has been extended with the new
20 | expiration date of June 30th of this year.

21 | Earlier today, I sent to counsel for the
22 | Board, in anticipation of today's hearing, the
23 | law and what our understanding is relating to
24 | extensions.

25 | June 30th, 2016 is the termination -- the

1 current termination date of the project, as if
2 that had been the original approval termination
3 date.

4 So, we are seeking a one year extension
5 only for the reasons indicated, the complexity of
6 the project.

7 It's my client's intent to fully build out
8 the project.

9 I will additionally point out that yes, we
10 had a change in our Zoning Ordinance. The Permit
11 Extension Act covers that issue and specifically
12 addresses language that the permit extension
13 would not apply only if the rezoning had turned
14 it into commercial or industrial.

15 That is not the case here. It continues to
16 be residential.

17 VICE CHAIRMAN GRULLON: Could you please
18 repeat, again, when did your client acquire the
19 property?

20 MR. A. LOPEZ: My client acquired the
21 property by deed dated December 15th, 2015. I'm
22 sorry. December 11th.

23 And if I may, I could submit the deed to be
24 marked, Mr. Paneque?

25 MR. PANEQUE: Yes, Mr. Lopez.

1 Thank you.

2 MR. A. LOPEZ: It's Applicant-1.

3

4 (Whereupon, Deed Dated December 11, 2015
5 was received and marked as Exhibit A-1.)

6

7 MR. PANEQUE: Is this our copy?

8 MR. A. LOPEZ: Yeah. Yes.

9 MR. PANEQUE: Thank you.

10 VICE CHAIRMAN GRULLON: And you're not
11 seeking to make any changes to the --

12 MR. A. LOPEZ: No changes whatsoever.

13 VICE CHAIRMAN GRULLON: -- original
14 application?

15 MR. A. LOPEZ: It's the exact same
16 approval.

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

19 MR. A. LOPEZ: That property is currently
20 an abandoned, if we may call it that.

21 VICE CHAIRMAN GRULLON: Yes.

22 MR. A. LOPEZ: It really is an eyesore on
23 Park Avenue.

24 VICE CHAIRMAN GRULLON: I see that.

25 MR. A. LOPEZ: It is the old Cablevision

1 warehouse.

2 MS. GUTIERREZ: Um hum. Um hum.

3 MR. A. LOPEZ: And it really is ripe for
4 this type of development.

5 VICE CHAIRMAN GRULLON: Yes. I don't have
6 any more -- any more questions.

7 Do you guys have any questions?

8 MR. ORTIZ: No.

9 MR. PANEQUE: Now, I -- just for the
10 edification of the Board, what Mr. Lopez placed
11 on the record is what transpired earlier this
12 afternoon, where he informed my office of the
13 application that was before the office -- before
14 this Board. And the fact that under the Permit
15 Extension Act of 2008, the tolling period for
16 this application would be June 30th of this year.

17 Since the applicant just recently acquired
18 the property, approximately five months ago, this
19 Board should take that into consideration,
20 whether to grant the approval or not of seeking
21 an extension for an additional year, to complete
22 the soil and feasibility studies.

23 VICE CHAIRMAN GRULLON: Thank you, Mr.
24 Paneque.

25 Taking in consideration that this is an

1 application that was previous --

2 Oh.

3 MR. PRICE: Questions from the public?

4 VICE CHAIRMAN GRULLON: Do we have to open
5 to the public on this?

6 MR. PANEQUE: Yes, you should.

7 VICE CHAIRMAN GRULLON: Oh.

8 Mr. Price?

9 MR. PRICE: Yes.

10 VICE CHAIRMAN GRULLON: Open to the public.

11 MS. DILLON: Mr. Price, please raise your
12 right hand.

13 Do you affirm the testimony you're about to
14 give this Board --

15 MR. PRICE: By the way, let's stop on that.
16 Okay?

17 I'm sorry, but Mr. Lopez just gave
18 testimony. All testimony before a Zoning Board
19 is supposed to be under oath. He should be under
20 oath.

21 I'm asking questions, I'm not giving
22 testimony, and I'm asked to be under oath.

23 MR. PANEQUE: Yes.

24 MR. PRICE: There's something a little
25 unfair; I object to it.

1 MR. PANEQUE: Well, Mr. Price, if I may
2 answer your question?

3 Mr. Lopez did not, in my opinion, provide
4 testimony. He gave a preface of the history of
5 this case.

6 As an attorney admitted to the bar, in the
7 State of New Jersey, he does not have to be
8 sworn.

9 MR. PRICE: He --

10 MR. PANEQUE: He is under oath every time
11 he stands before the court or any board.

12 So, there is no requisite under the law
13 that he be sworn every time he --

14 MR. PRICE: He's giving dates of purchase.
15 That's -- that's certainly a fact testimony.

16 MR. PRICE: And -- and the --

17 MR. PANEQUE: He's -- he's just placing --

18 MR. PRICE: -- and the oath that he takes
19 is to uphold the constitution of New Jersey and
20 the --

21 MR. PANEQUE: Correct.

22 MR. PRICE: -- federal -- it is a perjury
23 oath.

24 MR. PANEQUE: Well --

25 MR. PRICE: And I'm being placed at a

1 disadvantage. That's --

2 I'm not even giving testimony.

3 MR. PANEQUE: We understand, but if you're
4 going to ask questions, we just ask that you be
5 -- you take the oath --

6 MR. PRICE: Okay.

7 MR. PANEQUE: -- as you always have.

8 MR. PRICE: I'll do that, but I do that
9 under protest on this occasion, and all future
10 occasions. I'm being placed at a disadvantage.
11 That is unfair to a member of the general public.

12 MR. PANEQUE: Noted.

13 MR. A. LOPEZ: Mr. Paneque, my client is
14 here. He can be placed under oath, if Mr. Price
15 has any questions.

16 MR. PRICE: Okay.

17 MS. DILLON: Well, Mr. Price --

18 MR. PRICE: Yes. Now, we --

19 MS. DILLON: -- as I was saying, do you
20 affirm the testimony you're about to give this
21 Board is the whole truth?

22 MR. PRICE: I do.

23 MS. DILLON: Thank you.

24 Name for the record.

25 MR. PRICE: Oh, Larry Price, 1006 Palisade

1 Avenue.

2 MS. DILLON: Thank you.

3 MR. A. LOPEZ: Do you have questions for --
4 for --

5 MR. PRICE: I don't think so. Well, I
6 don't know. I'll --

7 MR. A. LOPEZ: Okay.

8 MR. PRICE: I'll ask the questions. Okay.

9 This approval for 4007 Park Avenue was
10 given on June 29, 2006. That's when the
11 Resolution was memorialized.

12 MR. A. LOPEZ: That's correct.

13 MR. PRICE: Okay.

14 MR. PANEQUE: Mr. Price, just to clarify.
15 Are you asking questions of Mr. Lopez, or you
16 want to ask questions of the applicant?

17 MR. PRICE: I am not sure who is going to
18 answer the question.

19 MR. PANEQUE: Okay.

20 MR. PRICE: I think it's going to be Mr.
21 Lopez.

22 MR. A. LOPEZ: Well, as to --

23 MR. PRICE: Okay.

24 MR. A. LOPEZ: As to factual -- not factual
25 issues, but as to issues which are backed up by

1 documentation of the record, prior actions of
2 this Board, recorded documents such as the deed,
3 I can certainly answer that.

4 If you are looking for -- if your questions
5 will be as to proposed construction at the site
6 --

7 MR. PRICE: No.

8 MR. A. LOPEZ: -- and you're looking for
9 more things --

10 MR. PRICE: No.

11 MR. A. LOPEZ: -- of that nature, Mr.
12 Hector can certainly --

13 MR. PRICE: Okay.

14 MR. A. LOPEZ: -- answer those.

15 MR. PRICE: Okay. You say the Extension
16 Act came into effect in 2008.

17 MR. A. LOPEZ: The Permit Extension Act is
18 a 2008 law. Correct.

19 MR. PRICE: And was continuously in place
20 through 2016?

21 MR. A. LOPEZ: It is -- the Permit -- the
22 expiration dates on the Permit Extension Act run
23 through June 30th, 2016, for those approvals that
24 fell within a certain timeline.

25 MR. PRICE: Well --

1 MR. A. LOPEZ: In other words, in this
2 case, this approval -- eligible permits that were
3 scheduled to expire between July 1st, 2007 and
4 June 29, 2016 are extended to June 30th, 2016.

5 MR. PRICE: Expire -- July 1st, 2007 to
6 2016.

7 Okay. The approval granted in 2006 was a
8 final site approval.

9 Correct?

10 MR. A. LOPEZ: It was.

11 MR. PRICE: Okay.

12 Under normal circumstances, that's good for
13 two years. You're entitled to three one year
14 extensions.

15 MR. A. LOPEZ: Correct.

16 MR. PRICE: Were there ever any year
17 extensions granted, specifically to this project?

18 MR. A. LOPEZ: Yes. There was one prior
19 extension. Not by us, but again, by a
20 predecessor in title. And that was by Resolution
21 of this Board dated July 10, 2008.

22 And Mr. Vallejo, you would have that.

23 Correct?

24 That Resolution?

25 THE SECRETARY: Yes, sir.

1 MR. A. LOPEZ: Okay.

2 MR. PRICE: Okay.

3 Okay. The problem I'm having with this --

4 MS. DILLON: Just a little closer to the
5 microphone, --

6 MR. PRICE: Sorry.

7 MS. DILLON: -- please.

8 Thank you.

9 MR. PRICE: The problem I'm having with
10 this is we have had a change in the Zoning
11 Ordinance. This is now an R zone and this is a
12 ten story building.

13 Well, it got approvals back when. Ten
14 years ago, it got approvals, and now they want an
15 additional one year to put a building which, in
16 theory, is not permitted at this site.

17 This thing has already been extended eight
18 years, because they had two year -- they got
19 approval in 2006; they had an automatic two years
20 to 2008; and they basically had eight years of
21 extension, and now they want one more?

22 I mean, this -- this sounds -- particularly
23 since it's a non-permitted use. So, this is the
24 first -- really, the -- you know, that I'm
25 getting the details on this.

1 But I have a -- I have a lot of problems
2 with it.

3 I mean, this is -- how long do we keep this
4 -- theory, they're got two more -- if they've
5 never asked for an extension, they've got two
6 more extensions that they could ask for.

7 MR. A. LOPEZ: One more.

8 MR. PRICE: Sorry. One more.

9 I mean, particularly given this site, I
10 mean, there are alternatives for this site. This
11 site also is probably a greyfield site, and they
12 could make an application for a larger building.
13 Not ten stories, but they could make an
14 application for a larger building, which I think
15 would be more reasonable under the circumstances,
16 but okay.

17 Basically, Mr. Lopez, you're saying the two
18 years would have expired in 2008, and you're
19 saying basically everything between 2007 and 2016
20 was extended to 2016.

21 MR. A. LOPEZ: Well, I'm not saying that.
22 The State legislature has said that.

23 MR. PRICE: Well, okay. But you're saying
24 that's what the State legislature --

25 MR. A. LOPEZ: That's correct.

1 MR. PRICE: Extensions are always a matter
2 of Board discretion. I would -- in this case,
3 how much -- you know, is enough? I would say ten
4 years is enough, but okay.

5 Thank you.

6 MR. A. LOPEZ: If I may just briefly
7 address those issues?

8 When Mr. Price says -- states they had ten
9 years, it really was not my client to begin with,
10 because my client just acquired it.

11 And the purpose of the Permit Extension
12 Act, in and of itself, was an Act of the
13 legislature, again because of the specific
14 economic circumstances involved from 2007, which
15 we are just exiting right now.

16 So, for those reasons, our State
17 legislature made the determination that this was
18 appropriate to approve to extend these approvals
19 to encourage economic development.

20 So, I would ask you to keep that in mind.

21 Thank you.

22 VICE CHAIRMAN GRULLON: Mr. Paneque, I have
23 a question for the record.

24 By the State legislation that they're
25 presenting now, they are covered under --

1 | currently until 2016.

2 | Is that correct?

3 | MR. PANEQUE: That is correct. That's --
4 | Mr. Lopez placed on the record, and then, when
5 | Mr. Price asked him, he actually read into the
6 | record the time period.

7 | What the -- the Permit Extension Act of
8 | 2008 did was to maintain alive these
9 | applications, so that in a better -- future down
10 | period of recovery, these applicants would not
11 | have to go back and reapply, and go through all
12 | those expenses, with the intent that these
13 | projects will be built, once we entered into a
14 | period of recovery, which as we all know, 2007
15 | forward was a very bad period economically.

16 | So, now, we have a period where the
17 | applicants are now able to build these projects.
18 | And as was stated on the record, this was a
19 | legislative act which gave this right to the
20 | applicant.

21 | Now, I understand Mr. Price's concerns that
22 | this project has been extended for a period of
23 | almost ten years, but that argument should be
24 | brought up to the State legislature.

25 | This applicant is within his full rights to

1 make this application to this Board.

2 VICE CHAIRMAN GRULLON: Thank you, Mr.
3 Paneque.

4 I mean, taking in consideration that this
5 application was approved by this Board, and he --
6 he actually complied with -- with the timeframe
7 required by the legislation Act, I make a motion
8 to grant the one year extension.

9 MR. ORTIZ: Just you should close to the
10 public first.

11 MR. PANEQUE: Any other -- any other
12 members of the public?

13 VICE CHAIRMAN GRULLON: Any other member
14 the -- any other members from the public?

15 MS. GUTIERREZ: No.

16 VICE CHAIRMAN GRULLON: Closed to the
17 public.

18 Okay. And I'm sorry about that.

19 I make a motion to grant the application.

20 THE SECRETARY: Motion to --

21 MS. GUTIERREZ: And I'm seconding.

22 THE SECRETARY: -- grant the application by
23 Mr. Grullon.

24 Second by?

25 Mrs. Gutierrez.

1 Roll call on the motion.

2 Mr. Grullon?

3 VICE CHAIRMAN GRULLON: Yes.

4 THE SECRETARY: Mrs. Gutierrez?

5 MS. GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Ortiz?

7 MR. ORTIZ: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Bonacci?

11 MR. BONACCI: Yes.

12 THE SECRETARY: Mr. Doumas?

13 MR. DOUMAS: Yes.

14 THE SECRETARY: Motion carries. Six in

15 favor.

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1 **4219 Park Avenue, LLC - 4217-4221 Park Avenue:**

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3 THE SECRETARY: Okay.

4 Next one is 4219 Park Avenue, LLC, 4217-
5 4221 Park Avenue.

6 This Resolution was memorialized in May 12,
7 2005. Applicants are seeking for one year
8 extension.

9 Mr. Adolfo, please?

10 MR. A. LOPEZ: Thank you.

11 Mr. -- once again, Mr. Chairman, ladies and
12 gentlemen of the Board, I'm Adolfo Lopez and I
13 represent, in this case, the same principal, a
14 different corporate entity.

15 A very similar circumstances, practically
16 identical to the other project.

17 This -- this particular location is a 40 --
18 the corner of 43rd Street and Park Avenue. It is
19 currently an empty lot, with an empty warehouse
20 and an empty two family home in the rear.

21 It's quite dilapidated. And the original
22 approval was for 64 units, also on ten floors.
23 They were obtained -- the approvals were obtained
24 by the same company, or the same principal, with
25 the intent of building two very similar

1 buildings.

2 This one is less number of units, but also
3 over ten floors.

4 This same applicant that obtained these
5 approvals, built several other buildings on Park
6 Avenue in the following blocks.

7 So, the intent was to continue that
8 development on Park Avenue, at the 40th -- 4007
9 and this site.

10 Once again, these properties were acquired
11 by my client on the same date, from the bank that
12 had provided the original financing, and had
13 foreclosed on the sites.

14 And Mr. Paneque, I would offer a copy of
15 the deed for this site, as --

16 MR. PANEQUE: Thank you, Mr. Lopez.

17 MR. A. LOPEZ: -- applicant's --

18 MR. PANEQUE: Sorry, I don't --

19 MR. A. LOPEZ: -- one.

20 And that deed also carries the same date,
21 December 11. It was all part of one transaction,
22 because it had been -- it was -- title was being
23 taken by two separate entities, two deeds.

24

25 (Whereupon, Deed Dated December 11, 2015

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

2

3 MR. A. LOPEZ: Once again, it's quite a
4 complex. It was just acquired on December 11th.
5 It's a very complex construction, which requires
6 engineering.

7 On this property, it will also include the
8 removal of underground storage tanks, soil impact
9 studies, and the demolition of -- of two
10 abandoned structures.

11 Just the process to get demolition permits
12 takes quite -- quite a bit of time. I would
13 point out to this Board that my client just by
14 getting a demolition permit, in essence, extends
15 the project in and of itself.

16 We have started that process to disconnect
17 utilities with Public Service, SUEZ Water, North
18 Hudson Sewer, however it's quite a complicated
19 process and my client does not want to take any
20 risks on it.

21 So, they're seeking extension, again, for
22 one year. Likewise, for the same legal
23 reasoning, the approvals on this project expire
24 on June 30th of this year. And we're seeking a
25 one year approval.

1 MR. PANEQUE: Mr. Lopez, the original
2 Resolution that approved this project was May 12,
3 2005.

4 Okay?

5 Have there been any other extension
6 requests on this project? Or is this the first?

7 MR. A. LOPEZ: I'm sorry. There -- the
8 original approval on this one was --

9 MR. HECTOR: 2005.

10 MR. A. LOPEZ: -- on May of 2005.

11 MR. HECTOR: Right.

12 MR. A. LOPEZ: And there was an extension
13 on -- by Resolution of this Board for 12 months
14 dated April 12, 2007. So, it extended it into
15 2008. And then, it was picked up again by the
16 Permit Extension Act of 2008, creating a -- an
17 expiration date of June 30th, 2016.

18 MR. PANEQUE: So, therefore, we have a
19 similar fact pattern as your first application,
20 where this would be like a second extension
21 request.

22 MR. A. LOPEZ: The exact same fact pattern.
23 Correct.

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

1 MR. A. LOPEZ: Yes. Even though -- my
2 client points out, even though we -- there was an
3 extension, even if there had been no extension,
4 the Permit Extension Act would have brought it
5 forth. But there was an extension, by the fact
6 that the predecessor in title obtained an
7 extension, we are bound by this extension.

8 So, it limits the ability to get additional
9 extensions. We are statutorily limited to only
10 one more extension.

11 VICE CHAIRMAN GRULLON: Mr. Lopez, your
12 client is starting to proceed to construction at
13 this time?

14 MR. A. LOPEZ: That's correct, Mr.
15 Chairman.

16 And like the other project, we are not
17 requesting any type of changes. It's the exact
18 same project that was previously approved by this
19 Board. It's a location which, again, would be
20 prime for this type of development. It's all
21 residential in nature.

22 The parking, as had been previously
23 approved by this Board, is appropriate.

24 And given the location, and the similar
25 nature of the buildings, which were built one

1 block away, and another one two blocks away, it
2 would be identical and it would given uniformity
3 to all of Park Avenue.

4 VICE CHAIRMAN GRULLON: And that's --
5 that's located on the northwest side of the --

6 MR. A. LOPEZ: No. This is the southwest.

7 VICE CHAIRMAN GRULLON: -- of 43rd --
8 southwest?

9 MR. A. LOPEZ: The southwest side. On the
10 northwest side, the same applicant that requested
11 this approval constructed also a large building.

12 Ten stories, also.

13 Right?

14 MR. HECTOR: This would be the sister
15 building.

16 MR. A. LOPEZ: Yes.

17 Yeah, in essence, this would be the sister
18 building to the one across the street. This is
19 on the southwest corner.

20 VICE CHAIRMAN GRULLON: You're not
21 requesting any changes --

22 MR. A. LOPEZ: No changes.

23 VICE CHAIRMAN GRULLON: -- to the
24 application.

25 I don't have any more questions.

1 MR. PANEQUE: Open to the public.

2 VICE CHAIRMAN GRULLON: Open to the public.

3 Mr. Price?

4 MR. PRICE: Mr. Paneque asked my questions.

5 MS. GUTIERREZ: Close to the public.

6 VICE CHAIRMAN GRULLON: Closed to the
7 public.

8 Considering that it's the same as previous
9 application, and -- and you are -- are requesting
10 one year extension, and this -- this application,
11 as of now, is still valid, because it's covered
12 until June 2016, I make a motion to grant the one
13 year extension to this application.

14 THE SECRETARY: Motion to grant the
15 extension by Mr. 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. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Mr. Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Mr. Bonacci?

2 MR. BONACCI: Yes.

3 THE SECRETARY: Mr. Doumas?

4 MR. DOUMAS: Yes.

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

7 MR. A. LOPEZ: Thank you very much.

8 MS. GUTIERREZ: You're welcome.

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

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

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1 **416 Monastery Place, LLC - 416 Monastery Place:**

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3 THE SECRETARY: Okay.

4 Next on tonight's agenda is 416 Monastery
5 Place, LLC, 416 Monastery Place.

6 Resolution was memorialized on July 12,
7 2012. Applicants are seeking for one year
8 extension.

9 Mrs. Pereiras, please?

10 MS. PEREIRAS: Thank you.

11 Good evening, members of the Board.

12 May it please the Board, Bianca Pereiras on
13 behalf of 416 Monastery Place, LLC.

14 This is a similar application to the Board
15 this evening. We're -- we are requesting a one
16 year extension.

17 This matter was memorialized on July 12,
18 2012.

19 Just to remind everybody what this
20 application was about, this is a residential
21 structure and the amounts of -- the number of
22 legal units in the structure was uncertain at the
23 time, but there were 14 existing units on-site.

24 The application was to legalize 11 of those
25 units. So, we were reducing the amount of

1 residential units.

2 As you can imagine, it's taken some time to
3 relocate some of these tenants. And for that
4 reason, we have not been able to go forward and
5 finalize all the plans and construction on this
6 property. As such, we are requesting that this
7 Board grant us a one year extension, so that that
8 work can get started.

9 VICE CHAIRMAN GRULLON: Ms. Pereiras, is --
10 is this a construction or it's a legalization of
11 the --

12 MS. PEREIRAS: There were 14 units
13 existing.

14 VICE CHAIRMAN GRULLON: Yes.

15 MS. PEREIRAS: The Building Department, at
16 that time, was uncertain as to what exactly was
17 the number of legal units, so we came before this
18 Board to legalize 11 of those units. So, we were
19 reducing the amount of existing ones to 11 legal
20 units.

21 And just to clarify for the Board, my
22 client -- when my client purchased the property,
23 it had those 14 units existing.

24 VICE CHAIRMAN GRULLON: And now, all the
25 situation, relocating tenants, is all solved and

1 --

2 MS. PEREIRAS: That's correct.

3 VICE CHAIRMAN GRULLON: -- they'll be able
4 to proceed?

5 MS. PEREIRAS: That is correct.

6 VICE CHAIRMAN GRULLON: I don't have any
7 more question.

8 You have any question, guys?

9 Open to the public.

10 Any member of the public want to step
11 forward?

12 Closed to the public.

13 Taking in consideration the -- the client
14 is ready to proceed with the proposed
15 construction, I make a motion to grant this one
16 year extension.

17 THE SECRETARY: Motion to grant the
18 application by --

19 MS. GUTIERREZ: I'm seconding.

20 THE SECRETARY: -- Mr. Grullon.

21 Any second on the motion?

22 Second by Margarita Gutierrez.

23 Roll call on the motion.

24 Mr. Grullon?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: Mrs. Gutierrez?

2 MS. GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Ortiz?

4 MR. ORTIZ: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Bonacci?

8 MR. BONACCI: Yes.

9 THE SECRETARY: Mr. Doumas?

10 MR. DOUMAS: Yes.

11 THE SECRETARY: Six in favor. Motion
12 carries.

13 MS. PEREIRAS: Thank you very much.

14 THE SECRETARY: Thank you.

15 MS. GUTIERREZ: You're welcome.

16 MR. PANEQUE: You're not giving up the seat
17 next?

18 MS. PEREIRAS: One more. One more.

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

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1 **2100-2106 Summit Avenue, LLC - 2100-2106 Summit**
2 **Avenue:**

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4 THE SECRETARY: Okay.

5 Next hearing on the application is 2100-
6 2106 Summit Avenue, LLC, 2100-2106 Summit Avenue.

7 Resolution was memorialized on February 21
8 -- 21st, 2013. Applicants are seeking for one
9 year extension.

10 Mrs. Pereiras, please?

11 MS. PEREIRAS: Again, Bianca Pereiras, on
12 behalf of the applicant.

13 We were before this Board on two occasions,
14 back in January of 2013. The Resolution was
15 memorialized in February of that same year.

16 Again pursuant to the Permit Extension Act,
17 these permits were still valid until June of this
18 year, and we are requesting a one year extension.

19 The property was a vacant industrial
20 building that my client wanted to convert to nine
21 residential units. That is the approval that we
22 have. Because of a few health setbacks, my
23 client was unable to proceed on these -- on this
24 application prior to now. But now that he is
25 doing a lot better health-wise, we are ready and

1 willing to proceed with this application. We are
2 asking for an extension, as well.

3 VICE CHAIRMAN GRULLON: Ms. Pereiras, this
4 is for nine units.

5 MS. PEREIRAS: That is correct.

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

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

10 Do you have any question, guys?

11 MR. MEDINA: No.

12 MR. DOUMAS: Nope.

13 MR. MEDINA: No.

14 VICE CHAIRMAN GRULLON: Open to the public.
15 I just want to open to the public at this moment.

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

18 No members of the public.

19 Closed to the public.

20 Considering that this application is still
21 covered under the -- on the law until June 2016,
22 and your plan is really to proceed with the
23 application now, make a motion to grant this
24 application.

25 THE SECRETARY: Motion to grant the

1 extension by Mr. Grullon.

2 Second by?

3 Margarita Gutierrez.

4 Roll call on the motion to grant one year
5 extension on the -- this application.

6 Victor Grullon?

7 VICE CHAIRMAN GRULLON: Yes.

8 THE SECRETARY: Mrs. Gutierrez?

9 MS. GUTIERREZ: Yes.

10 THE SECRETARY: Mr. Ortiz?

11 MR. ORTIZ: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Bonacci?

15 MR. BONACCI: Yes.

16 THE SECRETARY: Mr. Doumas?

17 MR. DOUMAS: Yes.

18 THE SECRETARY: Motion carries. Six in
19 favor.

20 Thank you.

21 MS. PEREIRAS: Thank you all very much.

22 VICE CHAIRMAN GRULLON: Thank you.

23 MS. PEREIRAS: Good night.

24 MS. GUTIERREZ: Thank you.

25 VICE CHAIRMAN GRULLON: Good night.

1 MS. GUTIERREZ: Good night.

2 VICE CHAIRMAN GRULLON: Thank you.

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

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1 **Arturo Garcia - 2002 Bergenline Avenue:**

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3 THE SECRETARY: Next item on the -- on
4 tonight's agenda is Arturo Garcia, 2002
5 Bergenline Avenue.

6 MR. PRICE: The papers that Lopez was
7 presenting, he gave you copies to put in the
8 record.

9 Right?

10 MR. PANEQUE: He gave us a copy of the
11 deed.

12 MR. PRICE: That's it?

13 THE SECRETARY: Mr. Alonso, please.

14 MR. PANEQUE: Both deeds.

15 MR. PRICE: Not the extensions, or --

16 MR. PANEQUE: Well, the Extension Act is an
17 Act.

18 MR. PRICE: No, no.

19 VICE CHAIRMAN GRULLON: No, the extension
20 -- this should be a record.

21 MR. PRICE: But he got extensions from
22 there.

23 MR. PANEQUE: He didn't place those on --
24 he didn't submit those records.

25 VICE CHAIRMAN GRULLON: The previous

1 extension, we should have already.

2 MR. PANEQUE: The previous extensions we
3 have in our file, and he asked Mr. Vallejo if he
4 had them, and Mr. Vallejo said he did.

5 THE SECRETARY: Yes.

6 MR. PANEQUE: Those are part of the --

7 THE SECRETARY: I give you copies of --

8 MR. PANEQUE: -- of our -- of our office
9 file.

10 MR. PRICE: Back to 2007?

11 MR. PANEQUE: According --

12 MR. PRICE: You've got --

13 MR. PANEQUE: -- to Mr. Vallejo, you have
14 those records.

15 THE SECRETARY: I have records.

16 MR. PANEQUE: They're in the file.

17 MR. PRICE: 2007, you -- an extension?

18 THE SECRETARY: I don't have in my memory.
19 What I give to them is whatever I find in the
20 records.

21 VICE CHAIRMAN GRULLON: What they have is
22 what they -- what he gave them.

23 MR. PRICE: He had. Yeah. Okay.

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

1 MR. DOUMAS: Thank you, sir.

2 THE SECRETARY: You're welcome, sir.

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

5 MR. PANEQUE: For the record, I've been
6 provided by Mr. Alonso, with the certified mail
7 receipts, as well as the certified mail return
8 green cards.

9 Said receipts are dated March 31st, 2016, a
10 copy of the notice that was published in the
11 newspaper, The Jersey Journal, dated April 2nd,
12 2016, giving notice of tonight's hearing for the
13 property at 2002 Bergenline Avenue.

14 Mr. Alonso has also provided a
15 certification, an affidavit indicating that said
16 notices went out.

17 And he has also provided me with a list
18 that was promulgated by the City Tax Assessor's
19 Office, dated March 28th, 2016, listing all
20 property owners within the 200 foot radius of
21 2002 Bergenline Avenue, Block 110, Lot 2.

22 It appears that all notices have been
23 complied with, and this Board has jurisdiction to
24 proceed and hear this matter.

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

1 VICE CHAIRMAN GRULLON: You may proceed,
2 Mr. Alonso.

3 MR. ALONSO: Good evening, members of the
4 Board.

5 For the record, Alvaro Alonso, Alonso
6 Navarette, on behalf of the applicant, Arturo
7 Garcia.

8 Mr. Garcia is present. He's sitting in the
9 audience, but it's not my intention to call him
10 as a witness.

11 I have one witness this evening. He's our
12 architect.

13 Just a little bit of brief history. This
14 is an application to legalize an existing
15 apartment.

16 My client purchased the property in 1974
17 and that's significant because that predates the
18 zoning. So, anything that predates the zoning is
19 grandfathered in.

20 What happens is, normally when I have those
21 types of applications, I'll come in and I'll ask
22 for either an appeal, or an interpretation under
23 the -- under the statute.

24 But generally, I would have a lot of
25 documentation that would support my position.

1 All I would have this evening is just the
2 testimony. So, rather than going in for an
3 interpretation or an appeal, he's just going to
4 come in and ask for a variance to legalize the
5 apartment.

6 But please keep in mind that it does
7 predated 1975, and it's been there for all this
8 time.

9 The property is located in the CN zone,
10 which permits the commercial downstairs with the
11 residential upstairs.

12 However, what we have is the commercial
13 downstairs, which is a restaurant, but there's
14 also a warehouse in the back. That warehouse is
15 not a permitted use, and we have the apartments
16 upstairs.

17 So, the -- the existence of that warehouse,
18 again, which has been there before 1975, means
19 that that whole property is a preexisting
20 nonconforming use.

21 So, what we're doing is by legalizing that
22 fifth apartment, we're expanding that use and we
23 need what's called a D-2, expansion of a
24 preexisting use variance, which gives this Board
25 jurisdiction.

1 In addition, we need a D-5 density
2 variance, because your zoning has been
3 interpreted to mean that zoning is -- density is
4 determined by the size of the units.

5 The unit that we're looking to legalize is
6 a studio apartment. Under your Ordinance, it
7 needs to be at least 400 square feet. This is
8 smaller than 400 square feet. So, technically,
9 it's -- it's a D-5 density variance.

10 There's some additional bulk variances that
11 the architect will testify to. Those bulk
12 variances refer to existing conditions, which are
13 not going to change, irrespective of what the
14 Board does.

15 And also, we need a parking variance,
16 because there is no parking on -- on the
17 property. We don't comply with the parking.

18 And again, that's a preexisting condition
19 that we can't -- we cannot add additional
20 parking.

21 With that said, I'm going to call up
22 Osvaldo, the -- our architect. I'm going to have
23 him sworn in.

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

1 MS. DILLON: Please raise your right hand.

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

4 MR. MARTINEZ: Yes, I do.

5 MS. DILLON: Please state your name and
6 spell it for the record.

7 MR. MARTINEZ: Osvaldo Martinez, M-A-R-T-I-
8 N-E-Z.

9 MS. DILLON: Thank you.

10 MR. ALONSO: Thank you.

11 Mr. Chairman, Mr. Martinez has been before
12 this Board in the past and --

13 VICE CHAIRMAN GRULLON: Yes, but could you
14 --

15 MR. ALONSO: -- his qualifications --

16 VICE CHAIRMAN GRULLON: -- just go over his
17 --

18 MR. ALONSO: Absolutely.

19 Mr. Martinez, can you please review your
20 qualifications in the field of architecture?

21 MR. MARTINEZ: Yes.

22 I am a licensed architect in the State of
23 New York and New Jersey.

24 I have testified before this Board and
25 other boards throughout the State of New Jersey

1 as a registered licensed architect.

2 MR. ALONSO: And how long have you been
3 licensed in the State of New Jersey?

4 MR. MARTINEZ: Oh, 15, 18 years.

5 MR. ALONSO: All right. And your license
6 is still in good standing?

7 MR. MARTINEZ: Yes. It is.

8 MR. ALONSO: Okay.

9 VICE CHAIRMAN GRULLON: Okay.

10 Thank you, Mr. Martinez.

11 You may proceed.

12 MR. ALONSO: Thank you, Mr. Chairman.

13 Mr. Martinez, I have represented to the
14 Board that the property was purchased in 1974 by
15 Mr. Garcia.

16 Based on your conversations, has he also
17 indicated to you that that was the date of the
18 purchase?

19 MR. MARTINEZ: Yes, he has.

20 MR. ALONSO: Okay.

21 And did you have an opportunity to visit
22 the site?

23 MR. MARTINEZ: I did.

24 MR. ALONSO: Okay.

25 And as part of your site visit, did you go

1 | into this apartment that we're looking to -- to
2 | legalize?

3 | MR. MARTINEZ: Yes, I did.

4 | MR. ALONSO: Okay.

5 | And can you explain to us the existing
6 | condition of the apartment, and whether or not it
7 | appears that that apartment appears to have been
8 | there since at least 1974, when Mr. Garcia
9 | purchased it?

10 | MR. MARTINEZ: It does. Typically, when we
11 | walk into a unit, and -- and I did thoroughly
12 | measure the unit. I have it here.

13 | Some of the signs, as professionals, that
14 | we look at is maybe a different molding or a
15 | different -- something that would sort of date it
16 | as something a little more recent.

17 | I -- I can say, from going through the
18 | apartment, that everything throughout the
19 | building seemed to be of the same age.

20 | MR. ALONSO: Okay.

21 | MR. MARTINEZ: Of the same period.

22 | MR. ALONSO: So, based on your professional
23 | opinion, it's probably consistent with his
24 | position that when he purchased it in 1974, that
25 | was already a preexisting apartment.

1 MR. MARTINEZ: I would say so, to the best
2 of my knowledge.

3 MR. ALONSO: Okay.

4 And I'm going to ask you to please identify
5 the apartment, where it's located within the
6 building. Give us the size in terms of the
7 square footage, and how it's laid out.

8 MR. MARTINEZ: Okay.

9 Again, starting at this -- the bottom of
10 the sheet would be Bergenline Avenue.

11 There is an entrance at grade, to an
12 existing restaurant. There is a warehouse space,
13 which is located -- it's on the site plan on the
14 other side, but behind that and onto the side
15 street, there's access to this rear warehouse.

16 You -- from Bergenline Avenue, you would
17 come up to the second floor, make a left hand
18 turn onto a common corridor and that second floor
19 contained a two bedroom unit, which we have
20 labeled here unit number 3, at 472 square feet.

21 At the right rear of the building, unit
22 number 2. It's an existing studio, at 207 square
23 feet.

24 And to the front, facing Bergenline Avenue,
25 front right is this studio that we are here

1 before the Board today. And that would be at 220
2 square feet.

3 You would come back into the common area
4 and up the stairs, to the existing third floor,
5 which contains pretty much two mirror image
6 apartments. And they're both at about -- one is
7 at 460 and the other is a little smaller, at 490.
8 And they're both two bedroom units.

9 MR. ALONSO: And basically, what happens,
10 the reason we're here is because of an inspection
11 performed by the Building Department. They look
12 in their records, and they indicated that there
13 was no records to confirm or deny whether or not
14 this is an existing apartment. They deem it to
15 be an illegal apartment.

16 MR. MARTINEZ: Yes.

17 MR. ALONSO: Is that correct?

18 MR. MARTINEZ: That is correct.

19 MR. ALONSO: Okay.

20 So, that's why we're before the Board, in
21 order to -- to legalize it, so that we can do
22 whatever inspections that need to be done, bring
23 it up to Code, and then get the -- the
24 Certificate of Occupancy.

25 MR. MARTINEZ: Correct.

1 MR. ALONSO: Okay.

2 Can you ident -- identify what are the bulk
3 variances that are being required?

4 And again, they're technicalities because
5 there's no expansion or additions that are being
6 proposed.

7 Is that correct?

8 MR. MARTINEZ: Yes. There are no additions
9 to the building. The building, the building
10 envelope, or the setbacks are the same.

11 We have our zoning compliance table here,
12 some of which we have gone through. But
13 basically, our lot area conforms.

14 Lot width is all existing and conforming.
15 Lot depth, as well.

16 Front yard setbacks, existing.

17 Side yard setbacks are both existing and
18 zero.

19 Rear yard, there's a 20 foot rear
20 requirement of which we have zero and is
21 existing.

22 Stories. We are allowed four, we have
23 three.

24 Building height. We're allowed 40 feet.
25 We're at 32.

1 Lot coverage, 100 percent, which is pretty
2 much what we have, a hundred percent lot
3 coverage.

4 Building coverage, 80 percent. We're at
5 about 79, just slightly under that.

6 And then, parking. I believe there's two
7 parking spaces in the back here, right off of
8 Monastery Place, I -- right off of the side
9 street, there's -- I believe they park two cars
10 there.

11 MR. ALONSO: And again, there's no proposed
12 construction. All we're doing is to legalize it.
13 Any work that may be done would be interior
14 renovations, to the extent they're required to
15 meet Code --

16 MR. MARTINEZ: To meet Code --

17 MR. ALONSO: -- for that apartment.

18 MR. MARTINEZ: -- if required. Yes.

19 MR. ALONSO: Okay. And that's if --

20 MR. MARTINEZ: Correct.

21 MR. ALONSO: -- required by the Building
22 Department?

23 MR. MARTINEZ: That is correct.

24 MR. ALONSO: Okay.

25 I have no further questions of the

1 architect. I just -- I do want to add that the
2 apartment had always been rented, since 1974.
3 When the issue was brought to my client's
4 attention, my client made sure that he did not
5 re-rent it until we were able to get a final
6 determination by this Board, so as not to violate
7 any of the -- the laws, and the landlord tenancy
8 laws.

9 VICE CHAIRMAN GRULLON: The apartment is
10 currently vacant?

11 MR. ALONSO: It's currently vacant. Once
12 we -- once the Building Department provided us
13 with that notice, my client made sure that it was
14 vacated, so as not to -- to violate the landlord
15 tenancy laws, and not have any problems with the
16 Building Department.

17 We're trying to -- to act in good faith
18 here. We believe that this is a preexisting use,
19 that is grandfathered in. Although we're not
20 going in for that appeal, or that interpretation,
21 we're coming in for the variance.

22 VICE CHAIRMAN GRULLON: Mr. Alonso, do you
23 have any documentation of when your client
24 acquired the property?

25 MR. ALONSO: He indicated to me that he

1 purchased it in 1974.

2 VICE CHAIRMAN GRULLON: And it was rented
3 at the moment that he purchased the --

4 MR. ALONSO: Correct. That --

5 VICE CHAIRMAN GRULLON: -- building.

6 MR. ALONSO: That apartment was existing at
7 that time.

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

10 Do you?

11 MR. ORTIZ: Yeah. Mr. Alonso, your tax
12 record, they been --

13 MR. ALONSO: The tax records --

14 MR. ORTIZ: -- they --

15 MR. ALONSO: -- reflect --

16 MR. ORTIZ: As a --

17 MR. ALONSO: -- four units.

18 MR. ORTIZ: Four units?

19 MR. ALONSO: Correct.

20 MR. ORTIZ: Okay.

21 Thank you.

22 MR. ALONSO: But again, the problem with
23 the tax records and the Building Department
24 records is sometimes they don't -- they don't
25 match, for whatever reason.

1 MR. ORTIZ: Thank you.

2 VICE CHAIRMAN GRULLON: Okay, and this
3 application is to go from four to five.

4 MR. ALONSO: Correct.

5 VICE CHAIRMAN GRULLON: Okay. I'm going to
6 open to the public.

7 At this time, I'm going to open it to the
8 public. Any member of the public want to step
9 forward?

10 Mr. Price?

11 MS. DILLON: Just state your name for the
12 record, please.

13 MR. PRICE: Yes.

14 Larry Price.

15 I guess I would want to --

16 Mr. Alonso, what you're really asking for
17 here is just a declaration that this is a
18 preexisting, nonconforming use.

19 Correct?

20 MR. BONACCI: And the variance.

21 MR. ALONSO: That -- well, typically, I
22 would ask for that. But typically, I would have
23 a lot more documentation. Unfortunately, my
24 client didn't retain all that documentation, so I
25 don't have it.

1 So, rather than go in just solely on the
2 representation and the testimony, we feel that --
3 because we've got to bring it up to Code anyway.
4 So --

5 MR. PRICE: Sure.

6 MR. ALONSO: We're just going to go and ask
7 for the variance.

8 MR. PRICE: But Mr. Garcia's owned this
9 thing contin -- this property continuously.

10 MR. ALONSO: Correct.

11 MR. PRICE: From 1974 to present.

12 MR. ALONSO: Correct.

13 MR. PRICE: I assume this is Mr. Garcia.

14 MR. ALONSO: That's Mr. Garcia sitting
15 here.

16 MR. PRICE: And yeah. I mean, that's kind
17 of the gold standard. He bought it. It was
18 there.

19 Is he going to testify or --

20 MR. ALONSO: No.

21 MR. PRICE: No. Okay.

22 MR. ALONSO: He's --

23 MR. PRICE: Yeah. Okay.

24 But yeah. Okay. So, basically, your first
25 step is to ask for a preexisting, nonconforming

1 use.

2 MR. ALONSO: That's correct.

3 MR. PRICE: And if you get it --

4 The -- you also mentioned D-5 density
5 variance. The D-5 -- because of the size of the
6 apartments, but that only came in to 2012. The
7 new Ordinance. So --

8 MR. ALONSO: Correct.

9 MR. PRICE: I mean, Mr. Garcia clearly
10 owned it by then. So that has to be a
11 preexisting, nonconforming use.

12 MR. ALONSO: Correct. What I did was I
13 took the more conservative approach. I asked for
14 all the relief that would have been requested, if
15 we were looking to build this unit today.

16 Even though my position from the beginning
17 is that it's preexisting, to the extent that the
18 Board does not want to accept that, then I would
19 ask for the variance. So, that's why I -- I
20 noticed for the density variances and the
21 expansion of the preexisting, nonconforming use.

22 Covering my tail --

23 MR. PRICE: Yeah. Very good.

24 Thank you.

25 VICE CHAIRMAN GRULLON: Any other member of

1 the public want to step forward?

2 Thank you, Mr. Price.

3 Thank you, Mr. Martinez.

4 Considering that this is a preexisting
5 condition since 1974, with the same owner, and is
6 no -- any construction being proposed, I make a
7 motion to grant this application.

8 THE SECRETARY: Motion to grant this
9 application by Mr. Gullon.

10 Any second?

11 MR. BONACCI: I second that.

12 THE SECRETARY: Second by Mr. Bonacci.

13 Roll call on the motion.

14 Mr. Gullon?

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Mrs. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Bonacci?

23 MR. BONACCI: Yes.

24 THE SECRETARY: Mr. Doumas?

25 MR. DOUMAS: Yes.

1 MR. ALONSO: Thank you very much. Have a
2 good --

3 THE SECRETARY: Motion carries.

4 MR. ALONSO: Have a good evening.

5 VICE CHAIRMAN GRULLON: Thank you.

6 THE SECRETARY: Six in favor.

7 MS. GUTIERREZ: Thank you.

8 MR. PANEQUE: Good night.

9 MR. ALONSO: Didn't say hello to you;
10 didn't say hello before.

11 MR. SPATZ: Yes, that's okay. I'm not
12 insulted.

13 A VOICE: Thank you.

14 VICE CHAIRMAN GRULLON: Thank you.

15

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

18

19

20

21

22

23

24

25

1 **G.H.G. Patel, Inc. - 2117 Bergenline Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, G.H.G. Patel, I-N-C, 2117
5 Bergenline Avenue.

6 Mr. Halkias, please.

7 MR. HALKIAS: Mr. Vallejo, my client is not
8 here, but I --

9 MS. DILLON: Could you come forward, sir?

10 MR. HALKIAS: -- can start with the
11 architect.

12 MS. DILLON: Sir?

13 VICE CHAIRMAN GRULLON: Could you come
14 forward?

15 MS. DILLON: Sir?

16 MR. HALKIAS: I'm sorry.

17 MS. DILLON: If you can put your appearance
18 and repeat that. You were --

19 MR. HALKIAS: Okay. I'm sorry.

20 MS. DILLON: -- a little far.

21 MR. HALKIAS: Michael Halkias, Madam
22 Chairperson, and -- and all Commissioners.

23 We were number 7 on the agenda. You're
24 already up to number 7?

25 VICE CHAIRMAN GRULLON: Yes.

1 MS. GUTIERREZ: Yes.

2 MR. HALKIAS: Wow. Wow. Okay.

3 He knew to be here between 7:15 and 7:30,
4 but I do have an architect that's going to
5 testify. We could start with him, and both my
6 client and another person will be here testifying
7 after that.

8 Is that all right?

9 Okay.

10 VICE CHAIRMAN GRULLON: Are they on the
11 way?

12 MR. HALKIAS: Yes. I -- I beat them here.
13 I told them I would be here by 7:15, 7:30,
14 figuring that might be the time we needed. And
15 -- but he's right here in Union City. His
16 business is right here.

17 VICE CHAIRMAN GRULLON: Okay.

18 MS. GUTIERREZ: Okay.

19 MR. HALKIAS: I can also make a call real
20 quick.

21 MS. GUTIERREZ: Yes.

22 MR. HALKIAS: If -- if you want to take a
23 few minute break.

24 VICE CHAIRMAN GRULLON: If you wish. Yes.
25 Yes.

1 MS. GUTIERREZ: Yeah, do that.

2 MR. HALKIAS: All right.

3 VICE CHAIRMAN GRULLON: I think it's a good
4 idea. Make a call.

5 MR. HALKIAS: Thank you very much.

6 THE SECRETARY: Five minute break.

7 VICE CHAIRMAN GRULLON: Five minute break.

8 MS. GUTIERREZ: Yeah, let's take a break.

9 MR. HALKIAS: Thank you.

10 I appreciate that. Thank you.

11 MS. GUTIERREZ: Thank you.

12

13 (Whereupon, the Board recessed from 7:16
14 p.m. to 7:21 p.m.)

15

16 VICE CHAIRMAN GRULLON: Okay.

17 MS. DILLON: Okay, Carlos.

18 VICE CHAIRMAN GRULLON: Okay.

19 MS. DILLON: Carlos?

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

22 We are going back -- we are going back in
23 business.

24 G.H.G. Patel, I-N-C, 2117 Bergenline
25 Avenue.

1 Mr. Halkias, please.

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

4 MR. HALKIAS: Good evening.

5 I put my record in -- my information on the
6 record again.

7 Michael Halkias, H-A-L-K-I-A-S, 1300
8 Van Houten Avenue, Clifton, New Jersey on behalf
9 of the applicant, G.H.G. Patel, Inc.

10 I have with me Mr. Ghanshyam Patel, who is
11 the president and one of the two shareholders of
12 G.H.G. Patel that will testify first.

13 Our applic --

14 MR. PANEQUE: Before we proceed, Mr.
15 Halkias --

16 MR. HALKIAS: Yes.

17 MR. PANEQUE: -- I just have to place
18 something on the record.

19 MR. HALKIAS: Yes.

20 MR. PANEQUE: For the record, I've been
21 provided by Mr. Halkias with the following:

22 I've been provided with the return receipts
23 for the certified mail. It appears that said
24 certified mail was dated March 31st. Mr. Halkias
25 represented that his client has the original

1 white receipts, and those are being presented
2 before the end of tonight's hearing.

3 I've also been provided with an Affidavit
4 of Publication from The Jersey Journal, which is
5 dated April 2nd, 2016, giving notice of tonight's
6 hearing with respect to the property located at
7 2117 Bergenline Avenue, of tonight's hearing
8 before this Board.

9 Mr. Halkias has also provided an Affidavit
10 of Service, to which he has attached the list
11 from the Union City Tax Assessor's Office. Said
12 list is dated March 25th, 2016, and contains the
13 property owners within the 200 foot radius.

14 Other than the white receipts, it appears
15 that all of the documents are in order, and this
16 Board has jurisdiction to proceed at this time.

17 VICE CHAIRMAN GRULLON: Thank you, Mr.
18 Paneque.

19 You may proceed, Mr. --

20 MR. HALKIAS: Thank you, Mr. Paneque.

21 VICE CHAIRMAN GRULLON: -- Mr. Halkias.

22 MS. DILLON: Let me just connect this to
23 you.

24 MR. HALKIAS: To me?

25 MS. DILLON: No. To the witness.

1 Hello, sir.

2 I'm going to clip this on you. This is
3 just for the purpose of recording --

4 MR. PATEL: Um hum.

5 MS. DILLON: -- for the transcript.

6 MR. PATEL: Um hum.

7 MS. DILLON: If you could hold on to that.

8 MR. PATEL: Sure.

9 MS. DILLON: Okay?

10 MR. PATEL: Thank you.

11 MS. DILLON: Sir, please raise your right
12 hand.

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

15 MR. PATEL: Do.

16 MS. DILLON: You have to speak up.

17 MR. HALKIAS: You have to say yes.

18 MR. PATEL: Yes.

19 MS. DILLON: Yes?

20 MR. PATEL: Yes.

21 MS. DILLON: And your -- please state your
22 name and spell it for the record.

23 MR. PATEL: Excuse me?

24 MR. HALKIAS: Spell your name -- state your

25 --

1 MR. PATEL: Oh.

2 MR. HALKIAS: -- name, and spell your name.

3 MR. PATEL: My name is Ghanshyam Patel,
4 G-H-A-N-S-H --

5 MS. DILLON: I'm sorry. If you could just
6 go a little slower for me? G --

7 MR. PATEL: G-H-A-N-S-H-Y-A-M. Last name
8 is Patel, P-A-T-E-L.

9 MS. DILLON: Thank you.

10 MR. PATEL: Thank you.

11 MR. PANEQUE: Just for the record --

12 MR. HALKIAS: Yes.

13 MR. PANEQUE: -- Mr. Halkias has now
14 provided me with the return -- with the receipts
15 for mailing, which are dated March 31st, which
16 also correspond with the date that the notice was
17 sent out.

18 Everything now is in order.

19 Thank you.

20 MR. HALKIAS: Thank you.

21 Madam Chairwoman, Commissioners, we are
22 here today to -- because of an appeal. We're
23 appealing a decision of the Zoning Officer of the
24 municipality. The -- the Zoning Officer has, as
25 you will hear testimony, informed my client some

1 | time last spring, that his building has four
2 | apartments, where the town records show that
3 | there were supposed to be three.

4 | My client will be testifying as to the
5 | existing building when he bought it. You'll hear
6 | testimony about a fire that took place about a
7 | year, year and a half after that.

8 | His application for rebuilding the exact
9 | same building, which he did, in the year 2000.

10 | MR. PATEL: Right.

11 | MR. HALKIAS: Completing it in January,
12 | February of 2001, approximately one year, almost
13 | to the month, from when the fire took place.

14 | Building continued to exist from 2001 until
15 | spring of 2015, when -- one of the tenants went
16 | down, made an inquiry as to rent, and is that --
17 | it was at that point that the town sent a notice,
18 | and we have been continually going to the
19 | Municipal Court. In fact, adjourning it, 60 days
20 | at a time, with officer -- with the inspectors
21 | because of the pending application.

22 | For the record, I do want to state that we
23 | were before the Planning Board four weeks ago,
24 | three weeks ago. We were told to go to the
25 | Planning Board with this application, and before

1 the vote was taken, the whole application was put
2 on, it was brought to the attention of the Board
3 by this gentleman here that that Board did not
4 have the power to do what we were there for.

5 And we are now back here, three and a half,
6 four weeks later to present the entire
7 presentation again now to the Zoning Board of
8 Adjustment.

9 Okay. Mr. Patel, could you please -- are
10 you an owner of a company called G.H.G. Patel,
11 Inc.?

12 MR. PATEL: Yes, sir.

13 MR. HALKIAS: Does that company own the
14 property at 2117 Bergenline Avenue in Union City?

15 MR. PATEL: Yes, sir.

16 MR. HALKIAS: When did the corporation, you
17 and the corporation, when did you purchase that
18 property?

19 MR. PATEL: 1998.

20 MR. HALKIAS: When you purchased it, at the
21 same time, did you purchase an existing business
22 that was being conducted on the first floor?

23 MR. PATEL: Right, sir.

24 MR. HALKIAS: What type of business was
25 that?

1 MR. PATEL: It's a liquor store.

2 MR. HALKIAS: Since the time of the
3 closing, in 1998, have you continued to operate
4 that liquor store?

5 MR. PATEL: Yes, sir.

6 MR. HALKIAS: To this very day.

7 MR. PATEL: Right.

8 MR. HALKIAS: Okay.

9 When you bought the building, besides the
10 first floor commercial spot, and the business
11 that you purchased and now you run, what else did
12 the building consist of?

13 MR. PATEL: Is a four apartment building,
14 second and third floor.

15 MR. HALKIAS: Second and third floor. Each
16 floor having how many apartments?

17 MR. PATEL: Two apartments.

18 MR. HALKIAS: Okay.

19 Sometime after you bought the building, in
20 -- in February of 2000, was there a fire?

21 MR. PATEL: Right, sir.

22 MR. HALKIAS: Fire was in your building?

23 MR. PATEL: No. Fire is third building
24 from mine.

25 MR. HALKIAS: Speak a little slower and a

1 | little clearer. Okay?

2 | MR. PATEL: Fire is not my building, two
3 | building after that is the fire.

4 | MR. HALKIAS: Two buildings away.

5 | MR. PATEL: Away.

6 | MR. HALKIAS: Spreading to yours.

7 | MR. PATEL: Yes, sir.

8 | MR. HALKIAS: Okay. And was that building
9 | damaged by the fire?

10 | MR. PATEL: Yes, sir.

11 | MR. HALKIAS: What specifically was
12 | damaged?

13 | MR. PATEL: The first start from fire in
14 | roof, broken and put in water. That whole
15 | building were weight for water. So, everything,
16 | by water, the weight. Everything.

17 | MR. HALKIAS: So, to put out the fire that
18 | spread to your roof --

19 | MR. PATEL: Right.

20 | MR. HALKIAS: -- there was an enormous
21 | amount of water damage.

22 | MR. PATEL: Right.

23 | MR. HALKIAS: Okay.

24 | How long after the fire were you able to
25 | occupy any part of the building?

1 MR. PATEL: After fire, that's additional
2 four and a half week they give me okay for I open
3 my business.

4 MR. HALKIAS: Four and a half weeks?

5 MR. PATEL: Right.

6 MR. HALKIAS: You were able to open up the
7 first floor.

8 MR. PATEL: First floor.

9 MR. HALKIAS: Okay. But what about the
10 apartments?

11 MR. PATEL: Does take almost year for me,
12 apartment.

13 MR. HALKIAS: Okay.

14 You -- you applied for building permits to
15 restore the building?

16 MR. PATEL: Yes, sir.

17 MR. HALKIAS: Okay.

18 All of -- at the time, was each apartment
19 rented?

20 MR. PATEL: Yes, sir.

21 MR. HALKIAS: All right. After the
22 construction was completed, we'll jump to that,
23 were all -- did all four of the same tenants move
24 back in?

25 MR. PATEL: Yes, sir.

1 MR. HALKIAS: One year later.

2 MR. PATEL: Yes, sir.

3 MR. HALKIAS: They were displaced and moved
4 back in.

5 MR. PATEL: Yes, sir.

6 MR. HALKIAS: Okay.

7 Now, I guess if it's all right, this was --
8 had a marking. I guess we should cross it out
9 from the Planning Board, and put a new marking
10 as, I guess, A-1.

11 MS. DILLON: Sure.

12 What is the date on this? September 22nd,
13 2000?

14 MR. HALKIAS: September 22nd, 2000.

15 MS. DILLON: And it's construction --

16 MR. HALKIAS: It is construction permits.

17 MS. DILLON: Okay.

18 Thank you.

19 MR. HALKIAS: Okay.

20

21 (Whereupon, Construction Permit dated
22 9/22/2000 was received and marked as Exhibit
23 A-1.)

24

25 MR. HALKIAS: Mr. Patel, I'm going to show

1 | you what's been marked A-1 for this evening's
2 | presentation.

3 | Do you know what this is?

4 | MR. PATEL: That's building permit.

5 | MR. HALKIAS: You applied for these
6 | building permits?

7 | MR. PATEL: Yes, sir. And that's -- no, my
8 | contractor applied for building permit.

9 | MR. HALKIAS: Your contractor.

10 | MR. PATEL: Right.

11 | MR. HALKIAS: You -- you had a contractor.

12 | MR. PATEL: Yes, sir.

13 | MR. HALKIAS: Did you also hire an
14 | adjuster?

15 | MR. PATEL: Yes, sir.

16 | MR. HALKIAS: Okay.

17 | Did you know the contractor? Or how were
18 | you made aware of the contract?

19 | MR. PATEL: I make -- my architect
20 | introduce for my contractor.

21 | MR. HALKIAS: Okay. All right.

22 | And sometime between February and September
23 | 22nd of 2000, did you have an architect prepare
24 | drawings, construction drawings?

25 | MR. PATEL: Right, sir.

1 MR. HALKIAS: Okay.

2 Again, you could cross that out and make it

3 --

4 MS. DILLON: Sure.

5 MR. HALKIAS: Well, it actually says A-2 on
6 it. It could be A-2, but a new date.

7 MS. DILLON: I'll --

8 MR. HALKIAS: Okay.

9 MS. DILLON: I'll mark it.

10 MR. HALKIAS: Okay.

11

12 (Whereupon, Drawings Prepared by Jay
13 Sankpal, dated 6/9/2000, was received and marked
14 as Exhibit A-2.)

15

16 MR. HALKIAS: What's being marked A-2 is a
17 set of drawings that you have in front of you,
18 each of the members. And I believe the first
19 page does have the town stamp, from the -- from
20 the actual inspectors, in the bottom right hand
21 corner of page 1.

22 And I'm going to --

23 MS. DILLON: And that's dated June 9, 2000?

24 MR. HALKIAS: June 9, 2000.

25 MS. DILLON: Okay.

1 MR. HALKIAS: Mr. Patel, are these the
2 drawings that you had prepared, what has now been
3 marked as A-2 for tonight's presentation?

4 MR. PATEL: Yes, sir.

5 MR. HALKIAS: Okay.

6 The architect that prepared them, was that
7 Mr. Sankpal?

8 MR. PATEL: Jay --

9 MR. HALKIAS: Jay Sankpal?

10 MR. PATEL: Jay Sankpal. Right.

11 MR. HALKIAS: Okay.

12 These are dated September of 2000 -- I'm
13 sorry. June of 2000.

14 MR. PATEL: Right, sir.

15 MR. HALKIAS: So, some time between the
16 fire and this point, the architect had prepared
17 these plans.

18 MR. PATEL: Right, sir.

19 MR. HALKIAS: Some time after that, you
20 applied for the permits, which are represented by
21 A-1.

22 MR. PATEL: A-1. Okay.

23 MR. HALKIAS: Okay.

24 Now, when you hired the architect and the
25 drawings were prepared, were there any changes

1 being made to second or third floor apartments?

2 MR. PATEL: No, sir.

3 MR. HALKIAS: How many -- how many bedrooms
4 were the two apartments on the second floor?

5 MR. PATEL: Two, two bedrooms.

6 MR. HALKIAS: And on the third floor?

7 MR. PATEL: One -- one apartment two
8 bedroom and one apartment three bedrooms.

9 MR. HALKIAS: Okay.

10 MS. DILLON: Just a little slower for me --

11 MR. PATEL: Sure.

12 MS. DILLON: -- Mr. Patel.

13 MR. PATEL: One is two bedroom, one is
14 three bedrooms.

15 MR. HALKIAS: On the third floor.

16 MR. PATEL: Third floor.

17 MR. HALKIAS: And you were restoring them
18 exactly as they were.

19 MR. PATEL: Yes, sir.

20 MR. HALKIAS: Did you change the size of
21 any of the apartments?

22 MR. PATEL: No, sir.

23 MR. HALKIAS: Did you change the size of
24 any of the rooms?

25 MR. PATEL: No, sir.

1 MR. HALKIAS: Did you add any bathrooms?

2 MR. PATEL: No.

3 MR. HALKIAS: You didn't add any?

4 MR. PATEL: No.

5 MR. HALKIAS: Each apartment had one?

6 MR. PATEL: Yes, sir.

7 MR. HALKIAS: Okay.

8 And these drawings, which the architect
9 will testify to, they reflect that.

10 MR. PATEL: Right, sir.

11 MR. HALKIAS: Okay.

12 The drawings marked A-2, they do have a
13 stamp here on the corner of page 1, just above
14 the description of the drawings.

15 MR. PATEL: Right, sir.

16 MR. HALKIAS: Do you know what this is?

17 MR. PATEL: That's City guy's -- what you
18 call? They approve.

19 MR. HALKIAS: Well, they approve the
20 drawings for construction?

21 MR. PATEL: Right, sir.

22 MR. HALKIAS: They dated them each
23 September 21.

24 Is that correct?

25 MR. PATEL: Right, sir.

1 MR. HALKIAS: And the permits were issued
2 on September 22nd.

3 MR. PATEL: Right, sir.

4 MR. HALKIAS: Okay.

5 You then had the work completed.

6 Is that correct?

7 MR. PATEL: Yes.

8 MR. HALKIAS: Tenants were allowed to move
9 back in beginning February --

10 MR. PATEL: Feb --

11 MR. HALKIAS: -- 2001.

12 Is that correct?

13 MR. PATEL: Right, sir.

14 MR. HALKIAS: Okay.

15 And you continued to rent the four
16 apartments to this very day?

17 MR. PATEL: Since very day. Right.

18 MR. HALKIAS: What happened, if anything,
19 last spring? Were you given some kind of
20 notification that there was an issue with your
21 building?

22 MR. PATEL: That's the last thing, I had
23 one of my tenant has a three bedroom. I
24 increased a little rent, they denied for me.

25 MR. HALKIAS: You increased the rent of the

1 three bedroom apartment.

2 MR. PATEL: Three bedroom apartment.

3 MR. HALKIAS: And who denied?

4 MR. PATEL: The apartment guys.

5 MR. HALKIAS: The tenant.

6 MR. PATEL: Tenant.

7 MR. HALKIAS: Didn't want to pay.

8 MR. PATEL: Didn't want to pay.

9 MR. HALKIAS: And then what happened after
10 that, if your --

11 MR. PATEL: After that, I got from the
12 Township, a notice again. You have three family,
13 not four family.

14 MR. HALKIAS: And that is what caused you
15 to have to make the application before this
16 Board. Well, before the Planning Board
17 initially, based on the -- the letter of denial
18 --

19 MR. PATEL: Um hum.

20 MR. HALKIAS: -- from the Zoning Officer.
21 Is that correct?

22 MR. PATEL: That's right, sir.

23 MR. HALKIAS: And then, now you're here
24 today.

25 MR. PATEL: Right, sir.

1 MR. HALKIAS: Okay.

2 Okay. If we can mark this A-3?

3 MS. DILLON: Sure.

4 MR. HALKIAS: This is a letter from Union
5 City, dated May 6th, 2015, from Officer Hernandez,
6 Code Enforcement Officer Hernandez.

7 MS. DILLON: Building Department. Right?

8 MR. HALKIAS: Yes.

9 MS. DILLON: Okay.

10 MR. HALKIAS: Okay.

11

12 (Whereupon, Letter dated 5/6/15 from Union
13 City Building Department was received and marked
14 as Exhibit A-3.)

15

16 MR. HALKIAS: Mr. Patel, I'm going to show
17 you what's been marked A-3 for today's
18 presentation.

19 Is this the notice that you received that
20 you just testified to?

21 MR. PATEL: Right, sir.

22 MR. HALKIAS: From Officer Hernandez, Code
23 Enforcement Officer Hernandez?

24 MR. PATEL: Right, sir.

25 MR. HALKIAS: Okay.

1 And it said that -- it says that, for the
2 first time, you were made aware that the records
3 of the town are different than what was existing.

4 Is that correct?

5 MR. PATEL: Right, sir.

6 MR. HALKIAS: And you were then -- then
7 brought this application, as I said.

8 Correct?

9 MR. PATEL: Right, sir.

10 MR. HALKIAS: Okay.

11 I don't think I have any further questions
12 of this witness, if there's any questions?

13 VICE CHAIRMAN GRULLON: No. We're going to
14 leave the question for the end.

15 MR. HALKIAS: Okay.

16 VICE CHAIRMAN GRULLON: If you want to
17 bring your next witness?

18 MR. HALKIAS: Okay.

19 VICE CHAIRMAN GRULLON: You have Mr. --

20 MR. HALKIAS: Before Mr. Sankpal -- well --

21 MS. GUTIERREZ: Sankpal.

22 MR. HALKIAS: Yeah. Maybe I will bring Mr.
23 Sankpal next.

24 VICE CHAIRMAN GRULLON: Yes.

25 MR. HALKIAS: Okay.

1 VICE CHAIRMAN GRULLON: If we have
2 question, we ask -- we ask at the end.

3 MR. HALKIAS: Okay.

4 Thank you.

5 VICE CHAIRMAN GRULLON: Thank you.

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

8 MR. HALKIAS: Okay.

9 MS. DILLON: Sir, please raise your right
10 hand.

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

13 MR. SANKPAL: Yes, I do.

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

16 MR. SANKPAL: My name is Jay Sankpal, J-A-Y,
17 S-A-N-K-P-A-L.

18 MS. DILLON: Thank you.

19 MR. SANKPAL: S-A-N-K-P-A-L. Registered
20 architect, 7 Michael Court, Old Bridge, New
21 Jersey, 08857.

22 MS. DILLON: Thank you, sir.

23 MR. HALKIAS: Mr. Sankpal has appeared
24 before this Board. In fact, I -- in an
25 application that I had about a year or two ago.

1 Is there any need to --

2 VICE CHAIRMAN GRULLON: No, no.

3 MR. HALKIAS: -- qualify him?

4 VICE CHAIRMAN GRULLON: We accept his
5 qualification.

6 MR. HALKIAS: Okay.

7 MR. SANKPAL: Okay.

8 MR. HALKIAS: Thank you.

9 All right. Mr. Sankpal, some time in the
10 year 2000 --

11 MR. SANKPAL: Yeah.

12 MR. HALKIAS: -- were you asked to -- to
13 come to the building at 2117 Bergenline Avenue?

14 MR. SANKPAL: Yes. I -- you know, I work
15 with the contractor at that time, and he called
16 me and he said that there's a job here, in -- on
17 Bergenline Avenue. There's some fire damage, or
18 whatever building there. You come and measure it
19 and make the plans for this building.

20 MS. DILLON: Can you just keep your voice
21 up for me, Mr. Sankpal?

22 MR. SANKPAL: Sorry.

23 MS. DILLON: Speak a little louder.

24 MR. SANKPAL: Oh, I'm sorry. Okay.

25 MR. HALKIAS: Speak as loud as you can.

1 MS. DILLON: Okay?

2 MR. SANKPAL: Okay. I'm sorry. Okay.

3 MR. HALKIAS: All right.

4 MR. SANKPAL: Okay.

5 MR. HALKIAS: As a result of your
6 inspection of the property, did you prepare the
7 drawings that have been marked A-2 for today's --

8 MR. SANKPAL: Yes. I did.

9 MR. HALKIAS: And that's what you have
10 behind you, as well.

11 MR. SANKPAL: Yes. Correct.

12 MR. HALKIAS: And that each of the Board
13 members has.

14 MR. SANKPAL: Yes, please.

15 MR. HALKIAS: Okay.

16 MR. SANKPAL: Yes.

17 MR. HALKIAS: Were these drawings made by
18 measurements --

19 MR. SANKPAL: Yes.

20 MR. HALKIAS: -- and a personal inspection
21 you took?

22 MR. SANKPAL: Yes.

23 MR. HALKIAS: You did.

24 MR. SANKPAL: Yes. I did.

25 MR. HALKIAS: And not someone --

1 MR. SANKPAL: Personally.

2 MR. HALKIAS: -- on your behalf.

3 MR. SANKPAL: No. I did myself.

4 MR. HALKIAS: When you went to the
5 building, did you find, as was testified to by
6 the owner, two apartments on the second floor,
7 and two apartments on the third floor?

8 MR. SANKPAL: Correct. There were four
9 apartments in the building. Yes.

10 MR. HALKIAS: Were there any -- any
11 measurable changes made to any of the apartments?

12 MR. SANKPAL: No. The -- the fire -- there
13 was no fire damage here, only there was water
14 damage. And sheetrock, everywhere, it had gone
15 out. The framework was okay. So, we keep the
16 same framework, and put fire rated sheetrock on
17 all the walls.

18 MR. HALKIAS: Which it did not --

19 MR. SANKPAL: Outside.

20 MR. HALKIAS: -- have before.

21 MR. SANKPAL: No.

22 MR. HALKIAS: Okay.

23 MR. SANKPAL: No, no. We took it out. We
24 took it out. All -- it was damaged.

25 MR. HALKIAS: But the old --

1 MR. SANKPAL: It was damaged.

2 MR. HALKIAS: The old was not fire rated.

3 You brought -- you put up to Code fire rated.

4 MR. SANKPAL: Correct.

5 MR. HALKIAS: Okay.

6 MR. SANKPAL: Fire rated.

7 MR. HALKIAS: And -- and the bathrooms were
8 replaced fixture for fixture?

9 MR. SANKPAL: Yeah. Exactly same.

10 MR. HALKIAS: Okay.

11 MR. SANKPAL: Same. Same layout we
12 followed.

13 MR. HALKIAS: Okay.

14 And that's how you found the building?

15 MR. SANKPAL: Yes.

16 MR. HALKIAS: That's how you found it.

17 MR. SANKPAL: Yes.

18 MR. HALKIAS: Four apartments.

19 MR. SANKPAL: Yes. Four apartments.

20 MR. HALKIAS: Okay.

21 I -- I don't know if there's any more
22 testimony needed by the architect.

23 Counsel is shaking his head no, so unless
24 -- you want to save questions until the end?

25 VICE CHAIRMAN GRULLON: Yes. We want to

1 leave the question to the end.

2 MR. HALKIAS: Okay.

3 VICE CHAIRMAN GRULLON: Do you have another
4 witness or that's it?

5 MR. HALKIAS: I have one more, briefly.
6 Okay?

7 VICE CHAIRMAN GRULLON: Yes.

8 MR. HALKIAS: Thank you, Mr. Sankpal.

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

11 MR. SANKPAL: All right.

12 Thank you.

13 MS. DILLON: Wait, Mr. Sankpal.

14 MR. HALKIAS: Okay.

15 MR. SANKPAL: Yes. Oh, here it is. Sorry.

16 MR. HALKIAS: Mr. Jose Lopez.

17 MS. DILLON: Thank you.

18 Hi. Are you going to stand right here, Mr.
19 Lopez?

20 MR. J. LOPEZ: Yeah.

21 MS. DILLON: Okay. If you could stand
22 right there.

23 MR. J. LOPEZ: Sure. Okay.

24 MS. DILLON: Please raise your right hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. J. LOPEZ: The whole truth.

3 MS. DILLON: If you would please state your
4 name and spell it for the record.

5 MR. J. LOPEZ: Jose Lopez, J-O-S-E, L-O-P-
6 E-Z.

7 MS. DILLON: Thank you.

8 MR. HALKIAS: Mr. Lopez, are you familiar
9 with the building at 2117 Bergenline Avenue?

10 MR. J. LOPEZ: Correct. Yes.

11 MR. HALKIAS: Was there a time when you
12 lived in that building?

13 MR. J. LOPEZ: Yes.

14 MR. HALKIAS: Can you tell us, if you
15 recall, when you first moved into the building?

16 MR. J. LOPEZ: 1985, 1984.

17 MR. HALKIAS: Now, the testimony of Mr.
18 Patel was that he bought the building in 1980 --

19 MR. J. LOPEZ: 19 --

20 MR. HALKIAS: -- in 1998.

21 MR. J. LOPEZ: -- '98.

22 MR. HALKIAS: So, you were there before he
23 bought the building.

24 MR. J. LOPEZ: Yes. And I used to work
25 downstairs.

1 MR. HALKIAS: You used to work downstairs
2 for the person he --

3 MR. J. LOPEZ: Yes.

4 MR. HALKIAS: -- he --

5 MR. J. LOPEZ: From the Italian people.

6 MR. HALKIAS: That he bought the business
7 from.

8 MR. J. LOPEZ: No. Before that.

9 MR. HALKIAS: Oh, even before that. Okay.
10 How old were you in 1988, you said?

11 MR. J. LOPEZ: I was like 12 years old, or
12 11 years old.

13 MR. HALKIAS: You moved there with who?

14 MR. J. LOPEZ: With my father, Jose Lopez.

15 MR. HALKIAS: He was a tenant there then,
16 for -- for some time.

17 MR. J. LOPEZ: Yes.

18 MR. HALKIAS: Were you still a tenant when
19 the fire occurred in the year 2000?

20 MR. J. LOPEZ: Yes.

21 MR. HALKIAS: Okay.

22 What apartment number did you live in?

23 MR. J. LOPEZ: Apartment 3.

24 MR. HALKIAS: On which floor?

25 MR. J. LOPEZ: On the third floor.

1 MR. HALKIAS: The very top floor.

2 MR. J. LOPEZ: Yeah.

3 MR. HALKIAS: Okay.

4 If you look at the third floor here, your
5 -- can you tell, or just point to which apartment
6 you reside in?

7 MS. DILLON: He's -- he's got to --

8 MS. GUTIERREZ: The microphone.

9 MR. HALKIAS: This is the third floor.
10 This is the --

11 MS. DILLON: Here.

12 MR. HALKIAS: Okay. He's not mic'd. Okay.

13 MS. DILLON: Okay. That was -- it's fine.
14 And you just have to hold on to it for me.

15 MR. J. LOPEZ: Sure.

16 MR. HALKIAS: This is the two bedroom
17 apartment, and this is the three bedroom
18 apartment.

19 Did you live in the two or the three
20 bedroom?

21 MR. J. LOPEZ: The three bedroom.

22 MR. HALKIAS: The three bedroom apartment.
23 This one that's on top?

24 MR. J. LOPEZ: Apartment 3.

25 MR. HALKIAS: Apartment 3, which is noted

1 apartment 3.

2 MR. J. LOPEZ: Yes.

3 MR. HALKIAS: Okay. You can go back there
4 now.

5 From the time you moved into the building,
6 if you recall, how many apartments did the
7 building contain?

8 MR. J. LOPEZ: Four apartments.

9 MR. HALKIAS: And that was the case right
10 up until the time of the fire.

11 MR. J. LOPEZ: Yes.

12 MR. HALKIAS: After the fire, did you and
13 your family move back in?

14 MR. J. LOPEZ: Yes.

15 MR. HALKIAS: Okay. Do you still live
16 there?

17 MR. J. LOPEZ: No.

18 MR. HALKIAS: Do you -- up to how long ago
19 did you move out?

20 MR. J. LOPEZ: I moved out like five years
21 ago.

22 MR. HALKIAS: About five years ago. So,
23 from nine -- late '80s, all the way to about five
24 years ago, you lived there.

25 MR. J. LOPEZ: Correct.

1 MR. HALKIAS: Did the building ever change,
2 to your recollection, from being four residential
3 apartments and a store?

4 MR. J. LOPEZ: No.

5 MR. HALKIAS: Okay. That's our
6 presentation.

7 VICE CHAIRMAN GRULLON: Thank you.

8 MR. HALKIAS: Short and sweet.

9 VICE CHAIRMAN GRULLON: Thank you.

10 MR. HALKIAS: Okay.

11 VICE CHAIRPERSON GRULLON: My -- my first
12 question will be for Mr. Patel.

13 Mr. Patel, could you come --

14 MR. HALKIAS: Just -- just stand right in
15 front of this, if you can.

16 MS. DILLON: He's got to be --

17 MR. HALKIAS: Oh, he's got to be mic'd?

18 MS. DILLON: He's got to be mic'd, yes.

19 MR. HALKIAS: Okay.

20 Thank you.

21 MS. DILLON: You hold on to that.

22 MR. PATEL: Sure.

23 VICE CHAIRMAN GRULLON: Mr. Patel, you own
24 -- you own the building since 1998.

25 MR. PATEL: Right, sir.

1 VICE CHAIRMAN GRULLON: And the fire happen
2 on -- on the year 2000.

3 MR. PATEL: Right, sir.

4 VICE CHAIRMAN GRULLON: Do you have any
5 documentation of like rent documents that you
6 collect for the -- for the previous year before
7 the fire? Like documentation of rent?

8 MR. PATEL: Rent?

9 MR. HALKIAS: Do you -- do you have any --
10 any receipts or something --

11 MR. PATEL: No.

12 MR. HALKIAS: -- from 1999?

13 MR. PATEL: No. I don't have any. I have
14 like 2010, '11. Something like that. 1990? I
15 had to find out.

16 MR. HALKIAS: That was quite some time ago.
17 Yeah.

18 MR. PATEL: Some time. Because that's the
19 same -- when the fire, that's my whole record.
20 Everything, record is gone, because that's water
21 damage.

22 After that, I had to look -- from there,
23 I'm going to find out for that.

24 VICE CHAIRMAN GRULLON: Okay. I was hoping
25 that you had documentation.

1 My next question will be for Mr. -- do you
2 have question for Mr. Patel?

3 MS. GUTIERREZ: No.

4 VICE CHAIRMAN GRULLON: Thank you, Mr.
5 Patel.

6 MR. PATEL: Thank you.

7 MR. SANKPAL: Sorry.

8 I guess, holding that.

9 MS. DILLON: You can -- yeah. You can hold
10 the pack.

11 MR. HALKIAS: There are some questions from
12 some of the Board members.

13 Okay?

14 MR. SANKPAL: Sure. Sure.

15 Yes, sir.

16 MR. HALKIAS: Oh, okay. The Chair --

17 VICE CHAIRMAN GRULLON: Mr. --

18 MR. HALKIAS: The gentleman right here.

19 MR. SANKPAL: Yes.

20 VICE CHAIRMAN GRULLON: Yeah. Mr. -- Mr.
21 Sankpal --

22 MR. SANKPAL: Yes.

23 VICE CHAIRMAN GRULLON: -- could you go
24 over again the amount of two bedroom and one
25 bedroom? Could you go --

1 MR. SANKPAL: Oh, sure. Sure. I'll do
2 that.

3 VICE CHAIRMAN GRULLON: Could you go over
4 that again --

5 MR. SANKPAL: I'll do that.

6 VICE CHAIRMAN GRULLON: -- one more time?

7 MR. SANKPAL: Okay. This is second floor
8 here.

9 VICE CHAIRMAN GRULLON: How many two
10 bedrooms?

11 MR. SANKPAL: Yeah. This is second floor
12 here. Okay?

13 First floor is all store.

14 VICE CHAIRMAN GRULLON: Store. Yes.

15 MR. SANKPAL: So there's about 2,000 square
16 feet. Okay? The whole building.

17 Here, in the -- on the first floor --

18 VICE CHAIRMAN GRULLON: Second floor.

19 MR. SANKPAL: -- this is a two bedroom
20 apartment in the first -- first floor. And the
21 area of this apartment is about 580 square feet.

22 VICE CHAIRMAN GRULLON: Yeah. That's what
23 I was going to ask you.

24 You have the --

25 MR. SANKPAL: Yeah. Five hundred and

1 eighty square feet.

2 VICE CHAIRMAN GRULLON: Five eighty?

3 MR. SANKPAL: Yes. Okay. And this --

4 VICE CHAIRMAN GRULLON: For the two
5 bedroom.

6 MR. SANKPAL: Yeah. Yeah. Sure. And --

7 MR. HALKIAS: Is that for each of the two
8 bedrooms, or just the front one, 580 square feet?

9 MR. SANKPAL: Just the front one. Here.

10 MR. HALKIAS: Okay. How about --

11 MR. SANKPAL: Just this one.

12 MR. HALKIAS: How about the back one here?

13 MR. SANKPAL: The back one is --

14 MR. HALKIAS: How many square feet?

15 MR. SANKPAL: Back one is -- oh, let me
16 see. Rear apartment is -- oh, this -- I'm sorry.
17 This is 580 square feet. Here it go. Okay. And
18 rear --

19 MR. PANEQUE: Let the record show that the
20 --

21 MR. SANKPAL: Yeah. Rear apartment is 532
22 square feet.

23 MR. PANEQUE: Yeah. Let the record show
24 that the witness was pointing to the apartment on
25 the second floor in the front.

1 MR. SANKPAL: At the rear. Rear. Yes.

2 MR. HALKIAS: And the rear one is 532?

3 MR. SANKPAL: Yes. Five hundred and thirty

4 --

5 VICE CHAIRMAN GRULLON: And is also a two
6 bedroom apartment?

7 MR. SANKPAL: This is a two bedroom
8 apartment. Yes.

9 MR. HALKIAS: And the third floor --

10 MR. SANKPAL: On the third floor, the front
11 apartment is exactly the same one, which is 580
12 square feet. Okay. And this is a three bedroom
13 apartment on the third floor, which is 772 square
14 feet.

15 MR. MEDINA: This is -- this isn't right.

16 Excuse me?

17 Mr. Lopez said on the third floor --

18 MR. SANKPAL: Third floor.

19 MR. MEDINA: -- is three bedroom, third
20 floor.

21 MR. SANKPAL: Three bedroom.

22 MS. GUTIERREZ: Three bedroom, not two.

23 MR. HALKIAS: This is a three bedroom,
24 seven --

25 MR. MEDINA: Not two bedrooms.

1 MR. SANKPAL: Two bedroom. Yeah.

2 MR. HALKIAS: Two bedroom.

3 MR. MEDINA: Two bedroom.

4 MR. SANKPAL: Two bedroom.

5 MR. HALKIAS: And three bedroom.

6 MR. SANKPAL: Three bedroom. Yes.

7 MR. HALKIAS: On --

8 MR. MEDINA: But he wasn't on the three

9 bedroom apartment.

10 Right?

11 MR. HALKIAS: On the third floor.

12 MR. BONACCI: Yeah, he was.

13 MS. GUTIERREZ: On the third floor. On the

14 third floor.

15 MR. BONACCI: He was in the three bedroom.

16 MR. SANKPAL: Yeah.

17 MR. MEDINA: Okay. All right.

18 MR. SANKPAL: Yes.

19 VICE CHAIRMAN GRULLON: What -- what's the

20 square footage of that one?

21 MR. SANKPAL: Seven seventy-two. Seven

22 hundred and seventy-two square feet.

23 VICE CHAIRMAN GRULLON: Seven --

24 MR. HALKIAS: Now, maybe you can explain

25 why this apartment --

1 MR. SANKPAL: Oh, yeah.

2 MR. HALKIAS: -- is -- is larger than the
3 one below it?

4 MR. SANKPAL: Yes. Because the hot water
5 heaters and the boiler room is there on the
6 second floor.

7 MR. HALKIAS: There's a mechan -- there's a
8 mechanical room --

9 MR. SANKPAL: Mechanical room.

10 VICE CHAIRMAN GRULLON: Okay. The boiler
11 room. I see.

12 MR. HALKIAS: -- on the second floor.

13 MR. SANKPAL: On the second floor. That's
14 why this is bigger.

15 VICE CHAIRMAN GRULLON: Yes. Okay.

16 MR. HALKIAS: Okay?

17 And -- and that mechanical room did not
18 change --

19 MR. SANKPAL: No.

20 MR. HALKIAS: -- from before or after the
21 fire.

22 MR. SANKPAL: No.

23 MR. HALKIAS: Okay.

24 MR. SANKPAL: Same place.

25 VICE CHAIRMAN GRULLON: Mr. Sankpal --

1 MR. SANKPAL: Yes.

2 VICE CHAIRMAN GRULLON: -- because I know
3 that you had to remove all the sheetrock and --
4 and put new --

5 MR. SANKPAL: Correct.

6 VICE CHAIRMAN GRULLON: -- Fire Code --

7 MR. SANKPAL: Yes.

8 VICE CHAIRMAN GRULLON: -- compliance
9 sheetrock.

10 Did you also have to remove the frames for
11 the sheetrock?

12 MR. SANKPAL: No, no, no.

13 VICE CHAIRMAN GRULLON: Just the sheetrock.

14 MR. SANKPAL: Frame was -- frame was okay.
15 There was no damage to the framework.

16 VICE CHAIRMAN GRULLON: Okay. The
17 framework was --

18 MR. SANKPAL: Only the sheetrock. The
19 ceiling was bad also. Completely. You know,
20 this is all fire -- you know, water damage.

21 VICE CHAIRMAN GRULLON: Just the sheetrock.
22 That's --

23 MR. SANKPAL: Yes.

24 VICE CHAIRMAN GRULLON: -- all you replaced
25 --

1 MR. SANKPAL: Yes.

2 VICE CHAIRMAN GRULLON: -- inside.

3 MR. SANKPAL: We replaced that. Yes.

4 VICE CHAIRMAN GRULLON: Thank you.

5 Do you have any questions for Mr. Sankpal?

6 MR. MEDINA: Yes, I have one.

7 VICE CHAIRMAN GRULLON: Do you have any
8 more questions?

9 MR. MEDINA: I have a question.

10 MS. GUTIERREZ: Hold on. Hold on.

11 VICE CHAIRMAN GRULLON: You have -- you
12 have more questions?

13 MS. GUTIERREZ: Have one.

14 MR. MEDINA: Yeah.

15 I just want to know that is the apartment,
16 is it vacant? These people --

17 MR. HALKIAS: Currently?

18 MR. MEDINA: Currently. Yeah. Right now.

19 MR. HALKIAS: Okay.

20 Mr. -- Mr. Patel? That should probably be
21 --

22 MS. DILLON: Right in front of --

23 MR. HALKIAS: Yeah.

24 MS. DILLON: No, no. You can hold --

25 MR. HALKIAS: You could hold that. Just

1 | come right here. Speak into this.

2 | MS. DILLON: Just -- just right here.

3 | MR. HALKIAS: Okay.

4 | Are all of the apartments now currently
5 | occupied?

6 | MR. PATEL: Yes, sir.

7 | MR. HALKIAS: Okay. I thought it would be
8 | proper that he answer that question. I know the
9 | answer, but --

10 | MR. MEDINA: No. Okay. Just want to make
11 | sure.

12 | MR. HALKIAS: Yeah. All of the apartments
13 | are currently occupied.

14 | MR. PATEL: Yes, sir.

15 | MR. HALKIAS: Okay.

16 | MR. MEDINA: Mr. Lopez don't live in there.
17 | Right?

18 | MR. HALKIAS: He does not live there any
19 | longer. He moved out, as he testified, about
20 | five years ago.

21 | MR. MEDINA: Okay. All right.

22 | VICE CHAIRMAN GRULLON: Thank you.

23 | MR. HALKIAS: Okay. Any questions of Mr.
24 | Lopez?

25 | VICE CHAIRMAN GRULLON: No, no. We are

1 okay with his testimony.

2 MR. HALKIAS: Okay.

3 VICE CHAIRMAN GRULLON: Just at this time,
4 we want to open to the public.

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

7 Mr. Price?

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

10 MS. DILLON: Who are you going to ask
11 questions of?

12 MR. PRICE: Mr. Lopez.

13 MR. HALKIAS: Okay. Mr. Lopez?

14 MS. DILLON: Mr. Lopez, just come forward.
15 You can both stand right there. You're not going
16 to go to the plans?

17 MR. PRICE: No. No.

18 MS. DILLON: Okay.

19 MR. PRICE: Okay. Mr. Lopez, when did you
20 move into the building?

21 MR. J. LOPEZ: 1984, '85.

22 MR. PRICE: And you lived there until five
23 years ago, except for the one year.

24 MR. J. LOPEZ: Exactly.

25 MR. PRICE: The fire. Okay. 1984, '85.

1 How old were you when you moved into the
2 building?

3 MR. J. LOPEZ: Like ten, 11.

4 MR. PRICE: Ten, 11. Okay. Fine.

5 Which apartment -- you lived in the three
6 bedroom on the top floor?

7 MR. J. LOPEZ: On the -- on the left side,
8 apartment 3.

9 MR. PRICE: Okay. By the way, which is the
10 one they're saying is illegal?

11 MR. HALKIAS: According to A-3, it says
12 here, an inspection was conducted at the
13 aforementioned address. It was determined that
14 the two apartments on the second floor are
15 nonconforming. Unless you could provide a valid
16 Certificate of Occupancy for this apartment, for
17 -- the letter is confusing -- for this apartment,
18 it says, issued by Union City, you must vacate
19 these units.

20 So, it goes from these to this to these.
21 So, it is kind of confusing, but in speaking with
22 Mr. Hernandez, the five times I've been here to
23 Municipal Court, and we've had chances to speak,
24 his -- his contention is the Town only has record
25 that there's three apartments, not four.

1 I guess this problem has to do with the
2 second floor according to that.

3 MR. PRICE: Somewhere on the second floor.

4 MR. HALKIAS: Somewhere. Yeah.

5 MR. PRICE: Okay.

6 Okay. Mr. Lopez, you're ten years old.
7 You live in the building. Did you get up and
8 down -- did you visit the other apartments?

9 MR. J. LOPEZ: All of them.

10 MR. PRICE: On the second floor.

11 MR. J. LOPEZ: All of them.

12 MR. PRICE: When --

13 MR. J. LOPEZ: Because my --

14 MR. PRICE: -- you visited the apartments
15 --

16 MR. J. LOPEZ: What happen is, years ago,
17 my uncle used to live downstairs. It was like
18 family.

19 MR. PRICE: Right.

20 MR. J. LOPEZ: My uncle, my father, my
21 aunt. So, almost everybody there.

22 MR. PRICE: Okay. Okay. Fine.

23 So, when you went to the second floor, were
24 there two apartments?

25 MR. J. LOPEZ: Yes.

1 MR. PRICE: Okay. When you -- your uncle
2 lived on the second floor.

3 MR. J. LOPEZ: On the -- on the second
4 floor.

5 MR. PRICE: Did you -- when you look --
6 went into the bathroom or the kitchen, was it
7 new, modern, old?

8 MR. J. LOPEZ: No. Everything was the
9 same. It was old.

10 MR. PRICE: It was old.

11 MR. J. LOPEZ: Yeah.

12 MR. PRICE: Okay. Fine.

13 And that was in 19 --

14 MR. J. LOPEZ: Eighty --

15 MR. PRICE: '84.

16 MR. J. LOPEZ: Four, '85.

17 MR. PRICE: I don't know. I find Mr.
18 Lopez's testimony to be pretty persuasive. I
19 mean, we adopted zoning in 1974. There were two
20 apartments there ten years later, and they
21 weren't new apartments.

22 So, it's -- I think -- I think those
23 apartments on the second floor are preexisting
24 nonconforming uses. This testimony is a little
25 whatever.

1 It -- I find it persuasive.

2 Thank you.

3 MR. HALKIAS: Thank you.

4 MR. PANEQUE: Any other members of the
5 public?

6 MR. HALKIAS: That's our presentation to
7 the Board.

8 VICE CHAIRMAN GRULLON: Any other members
9 of the public want to step forward?

10 No?

11 Closed to the public.

12 Taking in consideration that you have
13 provided us with all the documentation and enough
14 information to prove that there were two
15 apartments in the second floor and two apartment
16 in the third floor, I make my motion to grant
17 this application.

18 THE SECRETARY: Motion to grant the
19 application by Mr. Grullon.

20 Any second on the motion?

21 MR. BONACCI: Second.

22 THE SECRETARY: Motion by Mr. Ortiz.

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

25 Mr. Grullon?

1 VICE CHAIRMAN GRULLON: Yes.

2 THE SECRETARY: Mrs. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Ortiz?

5 MR. ORTIZ: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Mr. Bonacci?

9 MR. BONACCI: Yes.

10 THE SECRETARY: Mr. Doumas?

11 MR. DOUMAS: Yes.

12 THE SECRETARY: Six in favor. Motion

13 carries.

14 MR. HALKIAS: Thank you very much,

15 everyone.

16 MS. GUTIERREZ: You're welcome.

17 MR. PANEQUE: Mr. Halkias, --

18 MR. HALKIAS: Yes.

19 MR. PANEQUE: -- you have to leave your

20 exhibits that you had marked, please.

21 Thank you.

22 Thank you, sir.

23 MR. HALKIAS: Thank you. Thank you very

24 much.

25 MS. GUTIERREZ: You're welcome.

1 **ADJOURNMENT:**

2

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

6 Motion by Mr. Ortiz.

7 MS. GUTIERREZ: I'm seconding.

8 THE SECRETARY: Second by Mr. Bonacci.

9 All in favor?

10

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

12

13 THE SECRETARY: Thank you everyone.

14 Good night.

15

16 (Whereupon, the proceedings were concluded
17 at 7:52 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, April 14, 2016 and
10 digitally recorded.

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