

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, May 12, 2016
Commencing at 6:21 p.m.

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

MARGARITA GUTIERREZ
MIGUEL ORTIZ, (Arrived at 6:41 p.m.)
DAVID W. PRESSEY
JOHN MEDINA, Alternate No. 1
VICTOR M. GRULLON, Vice Chairman

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

KHALED DARDIR
HARLENNY E. JAVIER
JOSEPH D. BONACCI, Alternate No. 2
PETER C. DOUMAS, Alternate No. 4
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:

ROBERT C. MATULE, ESQ.,
Attorney for Applicant, K & J Union City, LLC

EUGENE P. O'CONNELL, ESQ.,
Attorney for Applicant, Garden State Episcopal
Community Development Corporation

ALAIN MULKAY, ESQ.,
Attorney for Applicant, Miguel Migueli

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Irmina Mondejar

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Peter and Andrea Yassa

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Renaissance Union, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Paladin Homes, Inc.

I N D E X

	<u>PAGE</u>
CALL TO ORDER	5
SALUTE TO FLAG	5
ROLL CALL	5
RESOLUTIONS	7
HEARINGS	
K & J Union City, LLC	35
Garden State Episcopal Community Development Corporation	43
Miguel Migueli	31
Irmina Mondejar	23
Peter and Andrea Yassa	10
Renaissance Union, LLC	27
Paladin Homes, Inc.	19
ADJOURNMENT	46

I N D E X

K & J Union City, LLC
609-611 25th Street & 608-610 24th Street

SWORN PUBLICPAGE

Larry Price

39

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

3 Please take notice that on Thursday, May
4 12, 2016, at six p.m., a Regular Meeting is
5 scheduled for the City of Union City Zoning Board
6 of Adjustment to be held in the Municipal
7 Chambers, located on second floor, 3715 Palisade
8 Avenue, Union City, New Jersey.

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

11

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

14

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

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

24

25 **ROLL CALL:**

1

2

3

THE SECRETARY: Roll call for tonight's
meeting.

4

Andres Garcia? Absent.

5

Victor Grullon?

6

VICE CHAIRMAN GRULLON: Here.

7

THE SECRETARY: Margarita Gutierrez?

8

MS. GUTIERREZ: Here.

9

THE SECRETARY: Miguel Ortiz? Absent.

10

David Pressey?

11

MR. PRESSEY: Here.

12

THE SECRETARY: Harlenny Javier? Absent.

13

Khaled Dardir? Absent.

14

John Medina?

15

MR. MEDINA: Here.

16

THE SECRETARY: Joseph Bonacci? Absent.

17

Peter Doumas? Absent.

18

Let the record indicate there are four

19

present. Those absent tonight are Andres Garcia,

20

Miguel Ortiz, Harlenny Javier, Khaled Dardir,

21

Joseph Bonacci, Peter Doumas.

22

We have a Board made up of four members.

23

* * *

24

25

1 **RESOLUTIONS:**

2

3 (1) Palisade Emergency Residence Corporation -
4 108 36th Street, Block: 217, Lots: 20, 21, 44, and
5 45. Resolution was memorialized November 12,
6 2015. Applicants are seeking for six (6) months
7 extension.

8 (2) 416 Monastery Place, LLC - 416 Monastery
9 Place, Block: 110, Lot: 36. Resolution was
10 memorialized July 12, 2012. Applicants are
11 seeking for one (1) year extension.

12 (3) 4007 Park Avenue, LLC - 4007-4015 Park
13 Avenue, Block: 238, Lots: 22, 36-41. Resolution
14 was memorialized June 29, 2006. Applicants are
15 seeking for one (1) year extension.

16 (4) 4219 Park Avenue, LLC - 4217-4221 Park
17 Avenue, Block: 248, Lots: 33-38. Resolution was
18 memorialized May 12, 2005. Applicants are
19 seeking for one (1) year extension.

20 (5) 2100-2106 Summit Avenue, LLC -
21 2100-21-6 (sic) Summit Avenue, Block: 116, Lots:
22 34-35. Resolution was memorialized February 21,
23 2013. Applicants are seeking for one (1) year
24 extension.

25 (6) Arturo Garcia - 2002 Bergenline Avenue,

1 Block: 110, Lot: 2 - Legalization of an existing
2 apartment in a mixed use commercial/business and
3 residential building.

4 (7) G.H.G. Patel, Inc. - 2117 Bergenline
5 Avenue, Block: 114, Lot: 8 - Legalization of an
6 existing apartment in a mixed use commercial and
7 residential building.

8

9 THE SECRETARY: On tonight's agenda, we
10 have seven Resolutions.

11 Palisade Emergency Residential (sic)
12 Corporation, 108 36th Street. This was approved
13 at the previous meeting.

14 416 Monastery Place, LLC, 416 Monastery
15 Place. This was approved at the previous
16 meeting.

17 4007 Park Avenue, LLC, 4007-4015 Park
18 Avenue. Approved at the previous meeting.

19 4219 Park Avenue, LLC, 4217-4221 Park
20 Avenue. Approved the previous meeting.

21 2100-2106 Summit Avenue, LLC, 2100-2106
22 Summit Avenue, was approved at the previous
23 meeting.

24 Arturo Garcia, 2002 Bergenline Avenue.
25 Approval at the previous meeting.

1 G.H.G. Patel, I-N-C, 2117 Bergenline
2 Avenue. Approval at the previous meeting.

3 Can I have a motion on the Resolutions?

4 VICE CHAIRMAN GRULLON: I make a motion to
5 adopt the Resolutions.

6 THE SECRETARY: Motion by --

7 MS. GUTIERREZ: And I'm seconding.

8 THE SECRETARY: -- Victor Grullon.

9 Second by Margarita Gutierrez.

10 Victor Grullon --

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: -- on the motion?

13 VICE CHAIRMAN GRULLON: Yes.

14 THE SECRETARY: Margarita Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: David Pressey?

17 MR. PRESSEY: Abstain.

18 THE SECRETARY: Abstain.

19 John Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Motion carries. Three in
22 favor, one abstain.

23 * * *

24

25

1 **Peter and Andrea Yassa - 134-136 35th Street:**

2

3 THE SECRETARY: Okay.

4 We are going to change a little bit the
5 order of the agenda -- tonight's agenda.

6 We are going first to Peter and Andrea
7 Yassa, 134-136 35th Street.

8 Mr. Alonso?

9 MR. ALONSO: Good evening.

10 For the record, Alvaro Alonso, Alonso
11 Navarette, on behalf of the applicant.

12 Providing counsel with my proof of
13 publication and notices for jurisdictional
14 purposes.

15 And at this time, I'm going to request that
16 the matter be carried.

17 MR. PANEQUE: For the record, I've been
18 provided by Mr. Alonso with the certified mail
19 receipts, indicating that notices were sent out
20 on the 29th of April, as well as the return green
21 cards.

22 Also, a Affidavit of Publication, which
23 indicates that notice was published on The Jersey
24 Journal on the 30th of April, and the notice
25 states that the applicant is appearing tonight's

1 hearing for his application.

2 Also attached are the certified mail list,
3 provided by the Union City Tax Assessor's Office,
4 with a date of April 25th, 2016, for property
5 located at 134-136 35th Street, Block 212, Lots 7
6 and 8, as well as an Affidavit indicating that
7 notices went out on April 29th, and was published
8 in the newspaper. Said Affidavit is signed by
9 Mr. Alvaro Alonso.

10 The proofs of mailing, as well as
11 publication appear to all be in order, therefore
12 this Board has jurisdiction to proceed with Mr.
13 Alonso's application and his request for an
14 adjournment.

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

16 THE SECRETARY: Can I have a motion to
17 adjourn --

18 VICE CHAIRMAN GRULLON: Yeah.

19 THE SECRETARY: -- this application?

20 VICE CHAIRMAN GRULLON: I move the motion
21 to carry --

22 THE SECRETARY: Motion by Victor --

23 MS. GUTIERREZ: And I'm seconding.

24 VICE CHAIRMAN GRULLON: -- to carry to the
25 next meeting.

1 THE SECRETARY: -- Grullon.

2 MR. REYES: Yes.

3 MS. GUTIERREZ: I'm second.

4 THE SECRETARY: Second by Margarita
5 Gutierrez.

6 MR. REYES: Can I make a statement about
7 that, please?

8 I'd like to make a statement.

9 MR. PANEQUE: You'll have an opportunity,
10 sir.

11 MR. REYES: Sure. Okay.

12 MR. PANEQUE: Okay?

13 Yes, Mr. --

14 THE SECRETARY: Roll call on the motion.
15 Victor Grullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Margarita Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: David Pressey?

20 MR. PRESSEY: Yes.

21 THE SECRETARY: John Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Motion carries.

24 MR. ALONSO: What's the -- what's the date?

25 THE SECRETARY: Four in favor.

1 MR. PANEQUE: June 9th.

2 VICE CHAIRMAN GRULLON: The date of the
3 meeting?

4 MR. SPATZ: The date.

5 THE SECRETARY: The next --

6 MS. GUTIERREZ: Next month.

7 THE SECRETARY: The next meeting will be
8 June 9th.

9 MS. GUTIERREZ: Okay.

10 MR. PANEQUE: Okay.

11 THE SECRETARY: Same time. No new notice
12 required.

13 MR. PANEQUE: All right. For those members
14 in the public --

15 MR. SPATZ: Say no further notices.

16 MR. PANEQUE: -- that were here for --

17 THE SECRETARY: Yeah. No further notice
18 required.

19 VICE CHAIRMAN GRULLON: For item number 5,
20 Peter and Andrea Yassa, 134-136 35th Street, this
21 application is going to be carried to the next
22 meeting, by request of the -- of the attorney.

23 MR. PANEQUE: We should also state, for the
24 record, that the reason the application is being
25 adjourned is because this Board, tonight, is only

1 comprised of four members.

2 The applicant is coming in seeking a use
3 variance, D variance, which requires a vote of a
4 minimum of five members of the Board.

5 Therefore, this Board cannot proceed with
6 the application on tonight's meeting.

7 Yes, sir?

8 MS. DILLON: He needs to --

9 MR. REYES: Yes.

10 MS. DILLON: -- come forward.

11 MR. PANEQUE: Come up. State your name.

12 MS. DILLON: Come up here --

13 MR. REYES: Sure.

14 MS. DILLON: -- sir. One second.

15 I need you to state your name, spell it for
16 the record, and give your address.

17 MR. REYES: Sure.

18 First name, Ramon, R-A-M-O-N.

19 MS. DILLON: Last name.

20 MR. REYES: Reyes, R-E-Y-E-S.

21 MS. DILLON: And your address, sir.

22 MR. REYES: 1-2-1-6 Palisade Avenue.

23 MS. DILLON: 1-2 --

24 MR. REYES: 1-6.

25 MS. DILLON: Palisade?

1 MR. REYES: Correct.

2 MS. DILLON: Thank you.

3 MR. REYES: I think it's opportune that we
4 have another week to proceed with this, because
5 I'm concerned about the mailing.

6 I did get a slip in my mailbox about the
7 certified letter awaiting me at the post office.
8 I got that slip on a Saturday, too late to pick
9 it up at the post office. So what I did was I
10 waited a week, because I have a whole week of
11 work, so I went this past Saturday. And when I
12 showed my slip at the post office, they spent, I
13 would say, almost ten minutes looking for this
14 letter.

15 And they came back to the -- to the window
16 and said to me, Mr. Reyes, we cannot find this
17 certified letter.

18 I knew it -- it was from the Alonso office,
19 because my neighbor got the letter. So, I just
20 wanted my own copy.

21 The woman behind the counter said to me, we
22 cannot find this letter. And then, I said, so
23 what we do about this matter?

24 She said, well, if you sign the slip, we'll
25 find the letter and we'll deliver it to your home

1 on Monday or Tuesday.

2 I signed the slip, but I took down the
3 serial number that was on the slip.

4 So, I would -- I -- I think that we should
5 do another mailing, because if my letter got
6 lost, it's possible that some of the other
7 residents on the block, or in the span covering
8 that area, probably didn't receive their letters.

9 So, could we do another mailing?

10 MS. DILLON: Just come forward, Mr. --

11 MR. ALONSO: Sure.

12 MS. DILLON: -- Alonso.

13 MR. ALONSO: My answer's going to have to
14 be no, because the law only requires that the
15 mailings be sent out and provide sufficient proof
16 to the Board.

17 There is no guarantee that the people I
18 send my letters to are going to receive it.

19 Some applications literally have hundreds
20 of mailings for one application. So, I can't re-
21 mail every time somebody comes in and says I
22 never received it.

23 And there's a lot of reasons why people
24 don't receive their mail.

25 MR. REYES: Well, the post office should

1 have had that letter for me to pickup.

2 MR. ALONSO: No, I understand. But I -- I
3 comply with the law.

4 MR. REYES: Um hum.

5 MR. ALONSO: Which gives this Board
6 jurisdiction. And now you have notice and now we
7 have another month. So, there's really no
8 prejudice.

9 MR. REYES: Okay. It's just that I -- I
10 see who's here, but I'm sure there are other
11 residents from that area who should be here, and
12 they're not here, and I'm concerned that they
13 didn't see the mailing.

14 MR. ALONSO: But there's no guarantee that
15 even if I do another mailing, that everybody's
16 going to get that mailing.

17 MR. REYES: Um hum.

18 MR. ALONSO: So, why would I do another
19 mailing if there's no guarantee that they're
20 going to get it?

21 So, I -- and unfortunately, that's the law.
22 We have to comply with the law. There's -- I do
23 applications all over the place, and that's --
24 that's the way the law requires it.

25 MR. REYES: Okay.

1 So, we will proceed in our community to
2 disseminate information, maybe six to ten blocks
3 down, to notify neighbors that this process is in
4 motion.

5 MR. PANEQUE: Okay.

6 VICE CHAIRMAN GRULLON: Yes.

7 MR. REYES: Okay?

8 VICE CHAIRMAN GRULLON: And the meeting is
9 going to take place June 9, at the same time
10 here.

11 MR. REYES: June 9th here?

12 VICE CHAIRMAN GRULLON: June 9th, yes.

13 MS. GUTIERREZ: Um hum.

14 MR. REYES: At six p.m.?

15 VICE CHAIRMAN GRULLON: Six p.m.

16 MS. GUTIERREZ: Yes.

17 MR. REYES: Very good. Okay. Thank you so
18 much.

19 MS. GUTIERREZ: You're welcome.

20 MR. PANEQUE: Thank you, sir.

21 * * *

22

23

24

25

1 **Paladin Homes, Inc. - 1300 Manhattan Avenue:**

2

3 THE SECRETARY: Right.

4 Next application tonight's agenda, Paladin
5 Homes, I-N-C, 1300 Manhattan Avenue.

6 Mr. Alonso?

7 MR. ALONSO: Good evening.

8 Again, for the record, Alvaro Alonso,
9 Alonso Navarette.

10 I provided counsel with my proof of
11 publication and notices for jurisdictional
12 purposes, and again, I'm going to request that
13 this matter also be carried to the next hearing.

14 MR. PANEQUE: Let the record reflect that
15 I've been provided by Mr. Alonso with the
16 certified mail receipts, with a postmark date of
17 April 29th, as well as green cards that have come
18 back to his office.

19 I've also been provided an Affidavit of
20 Publication from The Jersey Journal, which
21 indicates that notice was published on April 30th,
22 2016, giving notice of tonight's hearing for
23 property owned by Paladin Homes, Inc., at 1300
24 Manhattan Avenue.

25 The publication does state that the meeting

1 is for tonight at -- Thursday, May 12th, at six
2 p.m.

3 Also attached is a copy of the notice that
4 went out, and an Affidavit which indicates that
5 said notice went out.

6 And also, a certified list from the
7 Assessor's Office, dated April 26, 2016, with
8 respect to the property at 1300 Manhattan Avenue,
9 listing all property owners within the 200 foot
10 radius.

11 It appears, from the notices that Mr.
12 Alonso has provided that this Board does have
13 jurisdiction to proceed with this matter.

14 VICE CHAIRMAN GRULLON: You're -- again,
15 you're requesting for an adjournment for the next
16 meeting?

17 MR. ALONSO: That's correct, Mr. Chairman.

18 VICE CHAIRMAN GRULLON: Yes.

19 MS. GUTIERREZ: Um hum.

20 VICE CHAIRMAN GRULLON: All right. I -- I
21 make a motion to --

22 MS. GUTIERREZ: To adjourn.

23 VICE CHAIRMAN GRULLON: -- to adjourn this
24 meeting -- this --

25 MS. GUTIERREZ: Application.

1 VICE CHAIRMAN GRULLON: -- application for
2 the June -- June 9 meeting.

3 THE SECRETARY: Motion by --

4 MS. GUTIERREZ: And I'm seconding.

5 THE SECRETARY: -- Victor Grullon.

6 Second by Margarita Gutierrez to adjourn
7 this application for June 9, 2016.

8 Roll call on the motion.

9 Victor Grullon?

10 VICE CHAIRMAN GRULLON: Yes.

11 THE SECRETARY: Margarita Gutierrez?

12 MS. GUTIERREZ: Yes.

13 THE SECRETARY: David Pressey?

14 MR. PRESSEY: Yes.

15 THE SECRETARY: John Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Motion carries. Four in
18 favor.

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

21 MR. ALONSO: Thank you.

22 Have a good night.

23 MS. GUTIERREZ: Thank you.

24 THE SECRETARY: No new notice required.

25 Thank you, Mr. Alonso.

1 Okay.

2 MR. SPATZ: Do you want to ask if there's
3 any other --

4 THE SECRETARY: Yes.

5 MR. SPATZ: -- request for adjournments?

6 MR. PANEQUE: Ms. Pereiras, do you have an
7 application before the Board?

8 MS. PEREIRAS: This matter?

9 MR. PANEQUE: Yes.

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

12 * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Irmina Mondejar - 505 27th Street:**

2

3 MR. PANEQUE: No, but let's get rid of the
4 adjournments first.

5 THE SECRETARY: Okay.

6 MR. PANEQUE: Yeah. We have, I guess,
7 number 4.

8 MS. GUTIERREZ: Um hum.

9 MR. PANEQUE: Irmina Mondejar.

10 THE SECRETARY: That would be number 3,
11 then.

12 MR. PANEQUE: Okay.

13 VICE CHAIRMAN GRULLON: Not number 3.

14 MR. PANEQUE: No. It's number 4 on your
15 calendar.

16 THE SECRETARY: That's meaning number 4
17 will now be number 3.

18 MR. PANEQUE: Will be number 3, yes.

19 THE SECRETARY: In -- in the order.

20 MR. SPATZ: Right.

21 MS. PEREIRAS: Good evening, Board.

22 Bianca Pereiras on behalf of the applicant,
23 Irmina Mondejar.

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

1 MR. PANEQUE: For the record, I've been
2 provided by Ms. Pereiras with the certified mail
3 receipts, which are post-dated May 2nd, 2016; a
4 certification as to the publication, also signed
5 by Ms. Pereiras; the returned green cards that
6 have come back, and the envelopes that have been
7 returned; the Affidavit of Publication on The
8 Jersey Journal, which was published on April 30th,
9 2016, indicating that there will be a meeting
10 tonight, May 12, for the applicant Irmina
11 Mondejar, for property at 505 27th Street, Union
12 City, New Jersey.

13 I also have --

14 MS. PEREIRAS: What are you looking for,
15 Counsel?

16 MR. PANEQUE: The Tax Assessor's list.

17 MS. PEREIRAS: It's there.

18 MR. PANEQUE: Oh.

19 MS. PEREIRAS: Should be in the back.

20 MR. PANEQUE: I've also been provided with
21 a certified list from the Tax Assessor's Office
22 in Union City, with a date of April 28, with the
23 property owners within the 200 foot radius of 505
24 27th Street, Block 148, Lot 43.

25 It appears, from the notices that have been

1 provided by Ms. Pereiras, that this Board does
2 have jurisdiction to proceed with this matter
3 tonight, and hear the application for a request
4 for an adjournment.

5 MS. PEREIRAS: Mr. Chairman, we are
6 requesting that this matter be adjourned to the
7 next possible meeting, without the requirement of
8 sending new notices.

9 VICE CHAIRMAN GRULLON: I will make a
10 motion to -- to move this application to the next
11 meeting without new -- new notice.

12 THE SECRETARY: Motion to adjourn this
13 application for the next meeting, June 9, 2016,
14 no new notice required by Mr. Victor Grullon.

15 MS. GUTIERREZ: And I'm seconding.

16 THE SECRETARY: Second by Margarita
17 Gutierrez.

18 Roll call on the motion to adjourn this
19 application.

20 Victor Grullon?

21 VICE CHAIRMAN GRULLON: Yes.

22 THE SECRETARY: Margarita Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: David Pressey?

25 MR. PRESSEY: Yes.

1 THE SECRETARY: John Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Motion carries, four in
4 favor.

5 MS. PEREIRAS: Thank you very much.

6 THE SECRETARY: Thank you.

7 VICE CHAIRMAN GRULLON: Thank you.

8 * * *

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Renaissance Union, LLC - 535 30th Street:**

2

3 MR. PANEQUE: Ms. Pereiras has one more,
4 which is number 6 on the calendar, which will now
5 be number 4.

6 THE SECRETARY: That's going to be
7 adjourned, too?

8 MR. PANEQUE: Yes.

9 THE SECRETARY: All right.

10 Next one -- next application on tonight's
11 agenda, Renaissance Union, LLC, 535 30th Street.

12 Mrs. Pereiras, please?

13 MS. PEREIRAS: Thank you.

14 Again, Bianca Pereiras on behalf of the
15 applicants, Renaissance Union, LLC.

16 We're also requesting an adjournment of
17 this matter.

18 MR. PANEQUE: For the record, I've been
19 provided by Ms. Pereiras with the certified mail
20 receipts, post-dated -- postmarked May 2nd, 2016;
21 as well as certification as to publication and
22 service, indicating that on said date, notices
23 were mailed out with respect to tonight's
24 variance application on the property at 535 30th
25 Street, Union City, New Jersey.

1 Also attached is the Tax Assessor's
2 certified list of all property owners within the
3 200 foot radius. Said list is dated April 28,
4 2016.

5 And I also have an Affidavit of
6 Publication, which was published in The Jersey
7 Journal on April 30th, 2016, indicating that there
8 will be a meeting tonight with respect to 535 30th
9 Street, and the application that's presented to
10 this Board, with notice of said meeting for May
11 12, 2016.

12 I've also been provided with a stack of
13 green cards that have been returned, as well as
14 mail that has been returned.

15 Based on the documents that have been
16 provided, it appears that this Board has
17 jurisdiction to proceed and hear this matter.

18 VICE CHAIRMAN GRULLON: Ms. Pereiras,
19 you're requesting this to be adjourned without
20 new notice.

21 MS. PEREIRAS: Correct. I am, Mr.
22 Chairman.

23 VICE CHAIRMAN GRULLON: Yes. I will make
24 the motion to adjourn it to the next meeting,
25 June 9th --

1 THE SECRETARY: Motion by --

2 VICE CHAIRMAN GRULLON: -- without new
3 notice.

4 THE SECRETARY: -- Mr. Grullon.

5 MS. GUTIERREZ: And I'm seconding.

6 THE SECRETARY: Second by Mrs. Gutierrez.

7 Roll call on the motion to adjourn this
8 application for June 9, 2016, no new notice
9 required.

10 Victor Grullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Margarita Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: David Pressey?

15 MR. PRESSEY: Yes.

16 THE SECRETARY: John Medina?

17 MR. MEDINA: Yes.

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

20 MS. PEREIRAS: Thank you all very much.

21 MS. GUTIERREZ: Thank you.

22 VICE CHAIRMAN GRULLON: Thank you.

23 MS. PEREIRAS: Good night.

24 MS. GUTIERREZ: Have a good night.

25 VICE CHAIRMAN GRULLON: Good night.

1 MS. PEREIRAS: I'll see you next month.

2 MS. GUTIERREZ: All right.

3 VICE CHAIRMAN GRULLON: Next month.

4 * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Miguel Migueli - 4102-4106 New York Avenue:**

2

3 MR. PANEQUE: Mr. Mulkay?

4 THE SECRETARY: Next application on
5 tonight's agenda, Miguel Migueli, 4102-4106 New
6 York Avenue.

7 Mr. Mulkay, please?

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

10 Alain Mulkay, M-U-L-K-A-Y, on behalf of
11 Miguel Migueli.

12 I've handed the Notice of Publication, the
13 certified mail list and copies of all the
14 receipts for the mailings to the Board attorney,
15 and I'm asking that he acknowledge jurisdiction
16 of the -- of the Board.

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

19 MR. PANEQUE: For the record, I've been
20 provided by Mr. Mulkay with the certified mail
21 receipts, which have a postmark stamp of April
22 29, 2016.

23 I've also been provided with an Affidavit
24 of Service by Gabriella Figueroa, which is a
25 secretary at the law office of Mr. Mulkay,

1 | indicating that notices went on April 29 of
2 | tonight's hearing, with respect to the property
3 | in question.

4 | I also have --

5 | MR. ORTIZ: Good evening.

6 |

7 | (Whereupon, Miguel Ortiz arrived at 6:41
8 | p.m.)

9 |

10 | MR. PANEQUE: -- a list of the --

11 | THE SECRETARY: May I have one second, Mr.
12 | Paneque?

13 | MR. PANEQUE: Yes.

14 | THE SECRETARY: Let the record indicate
15 | that Mr. Ortiz joined the meeting.

16 | Now, we have five members.

17 | MR. PANEQUE: Does that change your
18 | position?

19 | THE SECRETARY: Thank you, Mr. Paneque.

20 | MR. MULKAY: No, my architect left --

21 | MR. PANEQUE: No? Okay.

22 | MR. MULKAY: -- because we didn't have
23 | enough members. My expert left.

24 | MR. PANEQUE: Okay.

25 | To continue, I have a certified mail list

1 from the Union City Tax Assessor's Office, dated
2 April 28, 2016, with respect to 4102-4106 New
3 York Avenue, and listing all property owners
4 within the 200 foot radius.

5 It appears that all of the jurisdictional
6 elements have been met and this Board has
7 jurisdiction to proceed with this -- hearing this
8 application.

9 VICE CHAIRMAN GRULLON: You may proceed.

10 MR. MULKAY: Yeah. We're requesting an
11 adjournment. We had four members of the Board
12 before, so my expert left. We weren't
13 anticipating a fifth member.

14 So, based on that, we're requesting an
15 adjournment to the June 9th meeting.

16 VICE CHAIRMAN GRULLON: For the June 9
17 meeting, without new notice.

18 I make a motion to adjourn it to the next
19 meeting, without new notice.

20 MS. GUTIERREZ: And I'm seconding.

21 THE SECRETARY: Motion to adjourn this
22 application for the next meeting, June 9, 2016,
23 same time, no -- no new notice required.

24 Motion to adjourn this application by
25 Victor Grullon.

1 Second by Margarita Gutierrez.

2 Roll call on the motion.

3 Victor Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Margarita Gutierrez?

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: Miguel Ortiz?

8 MR. ORTIZ: Yes.

9 THE SECRETARY: David Pressey?

10 MR. PRESSEY: Yes.

11 THE SECRETARY: John Medina?

12 MR. MEDINA: Yes.

13 THE SECRETARY: Five in favor. Motion
14 carries.

15 Thank you, Mr. Mulkay.

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

18 * * *

19

20

21

22

23

24

25

1 K & J Union City, LLC - 609-611 25th Street
2 & 608-610 24th Street:
3

4 THE SECRETARY: Okay.

5 Next hearing is K and J Union City, LLC,
6 609-611 25th Street.

7 Mr. Matule?

8 MR. MATULE: Good evening, Commissioners.

9 Robert Matule, appearing on behalf of the
10 applicant.

11 This matter was originally approved by the
12 Board in April, 2012, and there was a second
13 correctory (sic) Resolution in May of 2012.

14 No work has started yet. As I'm sure you
15 are aware, the Permit Extension Act has not been
16 extended, so the approvals are -- are -- the
17 initial approvals are good through June 30th,
18 2016.

19 The applicant is still operating an active
20 scrap metal business on the site, but one of the
21 issues that we have is that there is also a two
22 family residence on the property. And both of
23 those families have children with some
24 developmental issues, autistic children. And we
25 have to relocate both those families before we

1 | can shut down the scrap metal business and start
2 | clearing the site to actually go forward with the
3 | construction.

4 | So, we're requesting a one year extension
5 | through June of next year, in order to allow us
6 | sufficient time to relocate those families, and
7 | then start to phase out the business.

8 | MR. PANEQUE: Okay.

9 | Any questions?

10 | VICE CHAIRMAN GRULLON: Do we have
11 | jurisdiction? Do we have to obtain jurisdiction
12 | on this?

13 | MR. PANEQUE: No. This is a request for an
14 | extension, so basically it's not on Mr. Matule's
15 | application.

16 | VICE CHAIRMAN GRULLON: Okay.

17 | MR. PANEQUE: Just so that -- the question
18 | by Mr. Grullon is whether Mr. Matule has to
19 | establish jurisdiction by sending out notices.

20 | In a request for extension, he does it by
21 | notifying the Board that he's coming before the
22 | Board, which is what he's done.

23 | Basically, as stated by Mr. Matule, the
24 | 2008 --

25 | VICE CHAIRMAN GRULLON: Eight.

1 MR. PANEQUE: -- extension --

2 VICE CHAIRMAN GRULLON: Extension Act.

3 MR. PANEQUE: -- has not been extended, and
4 it's due to expire any extensions will -- do
5 expire on June 30th, 2016.

6 Now, Mr. Matule, one question.

7 Where are you at the stage of the
8 relocation of these two families?

9 MR. MATULE: I'm -- I don't want to
10 testify, but in conversation with my client, he's
11 -- he's trying to locate -- he doesn't have
12 anyplace yet for them.

13 MR. PANEQUE: Okay.

14 MR. MATULE: He's trying to find comparable
15 housing for them. But because of the situation
16 with the children, it's been a little difficult,
17 I'm told.

18 MR. PANEQUE: Okay.

19 All right. And that is the main reason why
20 the project hasn't been started?

21 MR. MATULE: That's -- well, that and, of
22 course, the economy has not been good up until --
23 you know, recently. And that's obviously why
24 they -- they did not extend the Permit Extension
25 Act.

1 But that and the fact that he's been
2 operating his ongoing business there, it's --
3 it's going to be kind of a sequential process to
4 wind that all down, and start the --

5 MR. PANEQUE: Okay.

6 MR. MATULE: -- project.

7 MR. PANEQUE: All right. Any other
8 questions?

9 VICE CHAIRMAN GRULLON: I don't have any
10 questions.

11 You have any question?

12 MR. PRESSEY: How long have you been trying
13 to relocate?

14 MR. MATULE: I -- I can't say. I -- I
15 don't know for sure. I'm assuming -- you know,
16 for at least the past year.

17 But I -- as I said, unfortunately, he
18 couldn't be here tonight, Mr. Istok, who is the
19 principal of the applicant. He had a prior
20 commitment.

21 But -- but that's my understanding.

22 VICE CHAIRMAN GRULLON: Should we --
23 Are we open it to the public?

24 MR. PANEQUE: Yeah. You can open it to the
25 public.

1 VICE CHAIRMAN GRULLON: Okay.

2 At this time, we're going to open it to the
3 public.

4 Any member of the public has any question
5 or comment?

6 Mr. Price?

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

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

11 Smile.

12 MR. PRICE: Smile.

13 Yes.

14 MS. DILLON: Thank you.

15 MR. PRICE: Larry Price, 1006 Palisade
16 Avenue.

17 There's an additional consideration, which
18 Mr. Matule didn't mention.

19 This approval came down in 2000 --

20 VICE CHAIRMAN GRULLON: '12.

21 MR. PRICE: -- '12. I challenged it.

22 We, then, spent, I think, three years --
23 almost three years in the -- in the judicial
24 system, after which in a total miscarriage of
25 justice, I lost the case.

1 But any case, there's a provision in the
2 MLUL, which says that when a -- an approval is
3 under challenge, that the time tolls.

4 In other words, it doesn't count because
5 you can't proceed anyway.

6 VICE CHAIRMAN GRULLON: Yes.

7 MR. PRICE: I even question whether an
8 extension would be required.

9 I -- the dates -- whatever.

10 I think the Appellate Division case came
11 down in, I think, 2015, which means that -- which
12 is really when the time starts.

13 I don't think two years has elapsed here,
14 but certainly -- you know --

15 MR. MATULE: If I may respond? And I
16 appreciate your bringing that to the Board's
17 attention.

18 I agree. We were in court for quite
19 awhile, but my concern is the way the Permit
20 Extension Act reads, I think, it could be
21 interpreted that even if you have time remaining
22 on the initial three years, that they've drawn an
23 arbitrary cut off date of June 30th.

24 So, we're erring on the side of caution in
25 coming in and asking for an application -- an

1 extension, because I think that sort of resets
2 the clock --

3 MR. PANEQUE: Yeah.

4 MR. MATULE: -- for everybody.

5 MR. PANEQUE: Correct.

6 MR. MATULE: As of June 30th.

7 MR. PANEQUE: Correct.

8 Yeah. I -- I think it's prudent to err on
9 the side of caution and come in and make your
10 request for the application, and have this Board
11 make a determination.

12 So, it -- it can't hurt.

13 MR. MATULE: I don't disagree.

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

16 That was another reason why the project was
17 stopped --

18 MR. MATULE: Yes.

19 MR. PRICE: Oh.

20 VICE CHAIRMAN GRULLON: -- because -- no,
21 no. I said thank you, Mr. Price.

22 I mean, with that said, I make a motion to
23 -- to grant the one year extension to this
24 application.

25 THE SECRETARY: Motion to grant the --

1 MS. GUTIERREZ: And I'm seconding.

2 THE SECRETARY: -- one year extension on
3 the Resolution, by Mr. Victor Grullon.

4 Second by Margarita Gutierrez.

5 Roll call on the motion.

6 Victor Grullon?

7 VICE CHAIRMAN GRULLON: Yes.

8 THE SECRETARY: Margarita Gutierrez?

9 MS. GUTIERREZ: Yes.

10 THE SECRETARY: Miguel Ortiz?

11 MR. ORTIZ: Yes.

12 THE SECRETARY: David Pressey?

13 MR. PRESSEY: Yes.

14 THE SECRETARY: John Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Five in favor. Motion
17 carries.

18 MR. MATULE: Thank you very much for your
19 consideration.

20 VICE CHAIRMAN GRULLON: Thank you.

21 MS. GUTIERREZ: You're welcome.

22 MR. MATULE: Have a good evening.

23 MR. PANEQUE: You, too, sir.

24 * * *

25

1 **Garden State Episcopal Community Development**
2 **Corporation - 1514-1518 Palisade Avenue:**

3

4 THE SECRETARY: Next hearing, Garden State
5 Episcopal Community Development Corporation,
6 1514-1518 Palisade Avenue.

7 Resolution was memorialized September 11,
8 2014. Applicants are seeking for one year
9 extension.

10 Mr. O'Connell, please?

11 MR. O'CONNELL: Thank you so much.

12 Eugene O'Connell appearing for the
13 applicant, Garden State Episcopal Community
14 Development Corp.

15 This is an application for a minor
16 subdivision and site plan approval, which was
17 approved back on September 11, 2014.

18 Basically, my client is providing 13 units
19 of affordable housing, specifically for
20 individuals with disabilities.

21 Because of that, financing was from a
22 number of various public entities; New Jersey
23 Housing Mortgage Finance Agency, and the County
24 of Hudson.

25 In order for the County of Hudson to put

1 any money into this project, they had to do an
2 environmental review of the entire project, which
3 took an inordinate amount of time.

4 So, we are -- we now have the funding. We
5 are ready to acquire. I just ordered the title
6 search today. So, I'm asking just that we have
7 the one year extension and allow me to record the
8 subdivision deed.

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

11 Any question? Any member of the Board?

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

14 No member of the public.

15 Closed to the public.

16 I'm going to make a motion to grant the one
17 year extension to this application.

18 THE SECRETARY: Motion to grant one year
19 extension to -- by Mr. Grullon.

20 MS. GUTIERREZ: Second it.

21 THE SECRETARY: Second by Margarita
22 Gutierrez.

23 Roll call on the motion.

24 Victor Grullon?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: Margarita Gutierrez?

2 MS. GUTIERREZ: Yes.

3 THE SECRETARY: Miguel Ortiz?

4 MR. ORTIZ: Yes.

5 THE SECRETARY: David Pressey?

6 MR. PRESSEY: Yes.

7 THE SECRETARY: John Medina?

8 MR. MEDINA: Yes.

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

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

12 Thank you, Tom.

13 MS. GUTIERREZ: Thank you.

14 MR. O'CONNELL: Good night now.

15 * * *

16

17

18

19

20

21

22

23

24

25

1 **ADJOURNMENT :**

2

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

6 Motion by Margarita Gutierrez.

7 Second by?

8 Victor (sic) Pressey.

9 All in favor?

10

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

12

13 THE SECRETARY: The ayes have it.

14 Thank you.

15 Have a good night, everyone.

16

17 (Whereupon, the proceedings were concluded
18 at 6:53 p.m.)

19

20

21

22

23

24

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, May 12, 2016 and
10 digitally recorded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Monitored and proofread by: Deborah Dillon