

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, June 9, 2016
Commencing at 6:18 p.m.

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

KHALED DARDIR, (Left at 7:48 p.m.)
MARGARITA GUTIERREZ
MIGUEL ORTIZ
JOHN MEDINA, Alternate No. 1
JOSEPH D. BONACCI, Alternate No. 2
(Left at 9:57 p.m.)
PETER C. DOUMAS, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman
(Arrived at 6:28 p.m.)
ANDRES GARCIA, Chairman

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

HARLENNY E. JAVIER
DAVID W. PRESSEY

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

CARLOS VALLEJO, Secretary to the Board
TOMAS R. PANEQUE, ESQ., Board Attorney

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

ALAIN MULKAY, ESQ.,
Attorney for Applicant, 36 Associates, LLC

ALAIN MULKAY, ESQ.,
Attorney for Applicant, 3915 Bergenline Avenue, LLC

ALAIN MULKAY, ESQ.,
Attorney for Applicant, Union City Properties, LLC

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

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Kids Paradise, LLC

MARLENE CARIDE, ESQ.,
Attorney for Applicant, Joseph Gaudio

MARLENE CARIDE, ESQ.,
Attorney for Applicant, Ruth Slutsky

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

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

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

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

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1 THE SECRETARY: Please take notice that on
2 Thursday, June 9, 2016, at six p.m., Regular
3 Meeting is scheduled for the City of Union City
4 Board of Adjustment to be held in the Municipal
5 Chamber, located on second floor, 3715 Palisade
6 Avenue, Union City, New Jersey.

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

9
10 (Whereupon, the Pledge of Allegiance was
11 said by all.)

12
13 CHAIRMAN GARCIA: Before we -- before the
14 roll call, I'm going to ask everybody stand, a
15 minute of silence in the memory of Mr. Spatz
16 mother that just passed away last week. And I
17 think she deserve it.

18
19 (Whereupon, there was a moment of silence.)

20
21 CHAIRMAN GARCIA: Carlos?

22 THE SECRETARY: Thank you.

23 MR. PANEQUE: Thank you.

24 THE SECRETARY: Notice of this meeting has
25 been provided, as follows:

1 Notice of this meeting setting forth the
2 time, date, location, and the agenda to the
3 extent known, was sent to The Jersey Journal, The
4 Record, The Hudson Reporter, has been posted on
5 the bulletin board at City Hall, and has been
6 made available to the public at the Office of the
7 Municipal Clerk.

8
9 **ROLL CALL:**

10
11 THE SECRETARY: Roll call for tonight's
12 meeting.

13 Roll call for tonight's meeting.

14 Chairman Andres Garcia?

15 CHAIRMAN GARCIA: Present.

16 THE SECRETARY: Vice Chairman Victor
17 Grullon?

18 Is running a little late. Absent.

19 Margarita Gutierrez?

20 MS. GUTIERREZ: Here.

21 THE SECRETARY: Miguel Ortiz?

22 MR. ORTIZ: Present.

23 THE SECRETARY: David Pressey? Absent.

24 Harlenny Javier? Absent.

25 Khaled Dardir?

1 MR. DARDIR: Here.

2 THE SECRETARY: John Medina?

3 MR. MEDINA: Here.

4 THE SECRETARY: Joseph Bonacci?

5 MR. BONACCI: Here.

6 THE SECRETARY: Mr. Peter Doumas?

7 MR. DOUMAS: Here.

8 THE SECRETARY: Let the record indicate
9 there are seven present.

10 Those absent tonight are Vice Chairman
11 Victor Grullon, Harlenny Javier and David
12 Pressey.

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1 **RESOLUTIONS:**

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3 (1) K & J Union City, LLC, 609-611 25th Street &
4 608-610 24th Street, Block: 136 Lots: 9, 10, 21,
5 22. Applicants are seeking for a one year
6 extension. Resolution was memorialized April 12,
7 2012 and corrective resolution was memorialized
8 May 10, 2012. Approved.

9 (2) Garden State Episcopal Community
10 Development Corporation, 1514-1518 Palisade
11 Avenue, Block: Lot: Resolution was memorialized
12 September 11, 2014. Applicants are seeking for
13 one (1) year extension. Approved.

14

15 THE SECRETARY: We have on tonight's agenda
16 two Resolutions.

17 K and J Union City, LLC, 609-611 25th
18 Street. This was approved at the previous
19 meeting.

20 Second resolution, Garden State Episcopal
21 Community Development Corporation, 1514-1518
22 Palisade Avenue. Was approved at the previous
23 meeting.

24 The only person can vote on this Resolution
25 is Mr. Victor Grullon is absent, Margarita

1 Gutierrez, Miguel Ortiz, David Pressey is absent,
2 and John Medina.

3 Can I have a motion to adopt these
4 Resolution?

5 MS. GUTIERREZ: I make a motion.

6 THE SECRETARY: Motion by Margarita
7 Gutierrez.

8 Second by?

9 Miguel Ortiz.

10 Margarita -- Margarita Gutierrez?

11 MS. GUTIERREZ: Yes.

12 THE SECRETARY: Miguel Ortiz?

13 MR. ORTIZ: Yes.

14 THE SECRETARY: John Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Motion carries. Three in
17 favor, two absent.

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1 **36 Associates, LLC - 546-548 35th Street:**

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3 THE SECRETARY: The first hearing on
4 tonight's -- on tonight's agenda is 36
5 Association (sic), LLC, 546-548 35th Street.

6 The applicant are seeking for one year
7 extension. This Resolution was memorialized on
8 July 14, 2005.

9 Mr. Mulkay, please?

10 MR. MULKAY: Alain Mulkay from Mulkay and
11 Rendo, on behalf of the applicant, 36 Associates,
12 LLC.

13 This is an application seeking an extension
14 of time. The -- there was an -- the original
15 Resolution was extended on July 27, 2006 until
16 2007, where the Permit Extension Act took into
17 effect.

18 My client has already all the construction
19 plans done. He's finalizing the financing, and
20 he should be submitting for construction permits
21 within the next month or two.

22 So, we're asking for a one year extension
23 so he can start the project.

24 CHAIRMAN GARCIA: Mr. Mulkay, which one was
25 the reason of the -- the previous extension?

1 MR. MULKAY: The -- when -- when this
2 originally was -- was approved, it was in '06,
3 actually, until 2007. In '05 into '06, they --
4 they were getting the financing and then the
5 economy fell from under -- from under them. They
6 were getting the financing, finalizing the
7 construction, and then there was a break up of
8 the partnership. The partnership involved two
9 partners and they couldn't get the financing.

10 Ultimately, one of the partners bought the
11 other partner out and he's been getting the
12 financing in place. I believe he has it already
13 in place.

14 CHAIRMAN GARCIA: And how far they -- is he
15 in the procedure for the -- for the permit?

16 MR. MULKAY: I -- I am told that he should
17 be ready to submit within the next month or so,
18 the construction plans. They have done the
19 engineering, and I'm told it should be ready to
20 submit within the next month or two.

21 CHAIRMAN GARCIA: Okay. And I know that we
22 always said that, but is your client aware that
23 -- that any -- that if the extension is granted,
24 is no change or nothing. It's the same --

25 MR. MULKAY: Of course.

1 CHAIRMAN GARCIA: -- condition it was --
2 also with the condition it was approved.

3 MR. MULKAY: Of course.

4 CHAIRMAN GARCIA: Back in 2005.

5 MR. MULKAY: Of course. He's aware of
6 that. That's correct.

7 CHAIRMAN GARCIA: That correct.

8 Any question?

9 You open to the public, the extension, or
10 no?

11 MR. PANEQUE: Yes.

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

14 Mr. Price?

15 MR. PRICE: Larry Price, 1006 Palisade.

16 Question on this one.

17 MR. PANEQUE: You want to swear him in?

18 MR. PRICE: The approval was in 2005. That
19 gave you two years --

20 MS. DILLON: Excuse me, --

21 MR. PANEQUE: Mr. Price?

22 MS. DILLON: -- Mr. Price?

23 CHAIRMAN GARCIA: Hold one second.

24 MR. PANEQUE: Excuse me one second.

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

1 please.

2 MR. PRICE: What?

3 MS. DILLON: Do you affirm the testimony
4 you're about to give this Board is the whole
5 truth?

6 MR. PRICE: I do.

7 MS. DILLON: Name and address for the
8 record.

9 MR. PRICE: Oh. Larry -- still Larry
10 Price, still 1006 Palisade.

11 MS. DILLON: Thank you.

12 MR. PRICE: Okay. Approval was in 2005 for
13 a final site plan approval.

14 MR. MULKAY: Correct.

15 MR. PRICE: Then, took to 2007. Then, you
16 got a one year extension at that point.

17 MR. MULKAY: No, 2007 the Permit Extension
18 Act took effect.

19 MR. PRICE: So, there have been no
20 extensions before on --

21 MR. MULKAY: They --

22 MR. PRICE: -- this application.

23 MR. MULKAY: In -- in 2007, they applied
24 for an extension, just in case, but then the
25 Permit Extension took effect in November, which

1 was retroactive.

2 So, it would -- it basically negated the
3 extension.

4 CHAIRMAN GARCIA: So, basically, this one
5 going to be the first extension.

6 MR. MULKAY: There was --

7 CHAIRMAN GARCIA: I mean, practically --

8 MR. MULKAY: -- an extension granted
9 previously by the Board, so -- but -- but because
10 of the Permit Extension Act, the Permit Extension
11 Act took over --

12 CHAIRMAN GARCIA: Took over.

13 MR. MULKAY: -- the extension. Correct.

14 MR. PRICE: Well, okay. But you've got two
15 more extensions. This would be, perhaps, the
16 second one, you would have a third. And then,
17 that's it.

18 MR. MULKAY: That would be correct.

19 MR. PRICE: Okay. So -- okay.

20 CHAIRMAN GARCIA: Thank you.

21 Any other member of the public?

22 Okay. Closed to the public.

23 No further question?

24 Okay. I have no more question.

25 So, if no other question, I think that,

1 basically, understanding the situation, the
2 hardship with the economy back in the years 2007,
3 '08, '09, and also taking in consideration the --
4 the Act for the Permit -- Permit Extension, I'm
5 going to make my motion to grant this
6 application.

7 THE SECRETARY: Motion to approve the
8 extension by Chairman Andres Garcia.

9 MS. GUTIERREZ: And I'm seconding.

10 THE SECRETARY: Second by Margarita
11 Gutierrez.

12 Roll call on the motion to one -- one year
13 extension for this application.

14 Andres Garcia?

15 CHAIRMAN GARCIA: Yes.

16 THE SECRETARY: Margarita Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Miguel Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: John Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Khaled Dardir?

23 MR. DARDIR: Yes.

24 THE SECRETARY: Joseph Bonacci?

25 MR. BONACCI: Yes.

1 THE SECRETARY: Peter Doumas?

2 MR. DOUMAS: Yes.

3 THE SECRETARY: Seven in favor. Motion
4 carries.

5 Thank you.

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1 **3915 Bergenline Avenue, LLC -**

2 **3915 Bergenline Avenue:**

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4 THE SECRETARY: Okay. The second hearing
5 is 3915 Bergenline Avenue, LLC, 3915 Bergenline
6 Avenue.

7 This Resolution was memorialized June 14th,
8 2012. Applicants are seeking for one year
9 extension.

10 Mr. Mulkay?

11 MR. MULKAY: Alain Mulkay from Mulkay &
12 Rendo on behalf of the applicant.

13 This is a situation where my client
14 actually submitted everything to the Building
15 Department. Apparently, the Building Department
16 -

17

18 (Whereupon, Vice Chairman Victor Grullon
19 arrived at 6:28 p.m.)

20

21 MR. MULKAY: -- went out, did inspections,
22 asked that some revisions were done. The
23 revisions were done. And then the file was lost.

24 We're in the process --

25 THE SECRETARY: Mr. Mulkay, allow me one

1 second please.

2 Let the record indicate that Vice Chairman
3 Victor Grullon joined the meeting.

4 Thank you.

5 Go ahead, Mr. Mulkay.

6 MR. MULKAY: The file --

7 THE SECRETARY: Now we have eight members.

8 MR. MULKAY: The file was misplaced and
9 we're in the process of recreating the file to be
10 submitted to the Building Department.

11 Based on their inspection, there really was
12 no work that needed to be done. It was just a
13 matter of amending the plans and pulling the
14 permits.

15 So, we're just in the process of redoing
16 the whole thing again.

17 CHAIRMAN GARCIA: But you said that --
18 amending the plan? You need to amend the plan?

19 MR. MULKAY: The Building Department went
20 in and -- went, did an inspection, and the
21 construction plans, not the site plans that were
22 approved by this Board.

23 Basically, there's no change that's
24 required based by the -- based on this approval,
25 this was to legalize existing apartments in a

1 building.

2 Based on the City's inspection of the
3 building, there were no -- no constructions that
4 needed to be done, but they wanted the plans --
5 some additional stuff to be added to the plans
6 that showed work that had been done previously.

7 They made the changes to the plan,
8 submitted it, and then the file was lost. So,
9 we're resubmitting a brand new file to the
10 Building Department.

11 CHAIRMAN GARCIA: And why -- I mean, if
12 this -- if this is a Building Department issue,
13 why we need to go for extension, Mr. Paneque?

14 MR. PANEQUE: If the permits haven't been
15 issued, technically, the Resolution is due to
16 expire.

17 Now, the Permit Extension Act from 2008
18 only carried those extensions through June 30th,
19 2016, which is at the end of this month.

20 I believe the application by Mr. Mulkay is
21 to carry that extension through June 30th --

22 CHAIRMAN GARCIA: Through next year.

23 MR. PANEQUE: -- 2017.

24 Is that correct, Mr. Mulkay?

25 MR. MULKAY: That's correct. That's

1 correct.

2 MR. PANEQUE: Yes.

3 CHAIRMAN GARCIA: Okay. And when you said
4 that you going to present the amended plans to
5 the --

6 MR. MULKAY: The plans are all done.

7 CHAIRMAN GARCIA: -- to the Building
8 Department.

9 MR. MULKAY: The issue is getting another
10 builder to resubmit all the permits, because the
11 builder that originally did it, doesn't want to
12 do it again.

13 CHAIRMAN GARCIA: Okay.

14 MR. MULKAY: And I'm sharing much -- too
15 much.

16 CHAIRMAN GARCIA: Because -- because now,
17 why -- I remember back, a few months ago, we were
18 having a little back and forth, back and forth
19 with the Building Department, with all the --
20 with all the plans. No, I'm not --

21 MR. MULKAY: Right.

22 CHAIRMAN GARCIA: -- telling you about your
23 --

24 MR. MULKAY: No, not on this one. That was
25 --

1 CHAIRMAN GARCIA: Okay.

2 MR. MULKAY: -- a different. That was a
3 totally different project, different situation.

4 CHAIRMAN GARCIA: Okay.

5 MR. MULKAY: This is a thing where there's
6 actually no work that needs to be done. It was
7 just a matter of amending to show what was there.

8 CHAIRMAN GARCIA: Okay. Okay.

9 Any question?

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

12 Okay. Closed to the public.

13 Taking in consideration the issues that
14 happened with the -- with Building Department,
15 with the amended plans that we already -- that we
16 already heard here from the -- from the attorney,
17 I think it's enough reason to make my motion to
18 grant the extension to next year.

19 Thank you.

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

22 MR. PANEQUE: Just for the record, Mr.
23 Grullon -- Vice Chairman Grullon, you joined the
24 meeting.

25 CHAIRMAN GARCIA: Yeah, he was here.

1 MR. PANEQUE: Okay. Wait. Did you -- did
2 you come in at the beginning of the last hearing?

3 VICE CHAIRMAN GRULLON: No --

4 MR. PANEQUE: This one that was just
5 presented by Mr. Mulkay, --

6 VICE CHAIRMAN GRULLON: No, I wasn't --

7 MR. PANEQUE: -- application number 2?

8 VICE CHAIRMAN GRULLON: I came in the
9 middle of the presentation. I was --

10 MR. PANEQUE: In the middle of the
11 presentation?

12 VICE CHAIRMAN GRULLON: Yeah. I will -- I
13 will recuse myself.

14 MR. PANEQUE: Okay. He'll abstain then on
15 this vote.

16 THE SECRETARY: I am not going to call him.
17 I'm going to call Mr. Doumas.

18 MR. PANEQUE: Okay. The alternate will
19 then be called upon.

20 Roll call.

21 MS. DILLON: You need a second.

22 MR. PANEQUE: Oh, we need a second to --

23 THE SECRETARY: Motion by Chairman Andres
24 Garcia.

25 MR. PANEQUE: Is there a second?

1 THE SECRETARY: Second by Miguel Ortiz.

2 Roll call on the motion.

3 Andres Garcia?

4 CHAIRMAN GARCIA: Yes.

5 THE SECRETARY: Margarita Gutierrez?

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: Khaled Dardir?

8 MR. DARDIR: Yes.

9 THE SECRETARY: John Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Joseph Bonacci?

12 MR. BONACCI: Yes.

13 THE SECRETARY: Peter Doumas?

14 MR. DOUMAS: Yes.

15 THE SECRETARY: Miguel Ortiz?

16 MR. ORTIZ: Yes.

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

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1 **Union City Properties, LLC -**

2 **3811-13 Kennedy Boulevard:**

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4 THE SECRETARY: Next hearing on tonight's
5 agenda, Union City Properties, LLC, 3811-13
6 Kennedy Boulevard.

7 Applicant are seeking one year extension.
8 Resolution was memorialized in May 9, 2013.

9 Mr. Mulkay, please?

10 MR. MULKAY: Alain Mulkay from Mulkay &
11 Rendo on behalf of the applicant.

12 This is a situation where my client was
13 required by the Building Department to obtain
14 easements, egress easements from the properties
15 next door.

16 Initially, he went, he got one. Building
17 Department went out, inspected, and required that
18 he get two additional from two other neighbors.

19 We've actually finally got the two
20 neighbors to agree. We've submitted the -- the
21 deeds to them, and we're waiting for them to sign
22 off on it, to submit it to the Building
23 Department.

24 The Building Department has all the
25 permits, all the plans, has everything ready to

1 go.

2 They're just holding it off as to the
3 easements. And we should have the -- the
4 easements within the next couple of weeks.

5 So, we're asking for -- for a one year
6 extension in order to finalize the egress
7 easements that the Building Department required.

8 There were a total of three properties
9 involved.

10 CHAIRMAN GARCIA: Probably this one going
11 to be a question for Mr. Spatz, but he's not
12 here.

13 Is nothing is part of the -- has to be
14 presented in the plans to be approved?

15 MR. PANEQUE: Not necessarily. Not if it
16 was condition -- the easements -- are the
17 easements for safety --

18 MR. MULKAY: It wasn't a condition of the
19 Planning Board.

20 MR. PANEQUE: -- fire --

21 MR. MULKAY: It was -- it was required by
22 the Building Department for fire safety issue.

23 The property itself is locked on both
24 sides. The Planning Board didn't required it.
25 In their review of the Building Department to

1 | approve, this is a legalization of a basement
2 | apartment in the -- in the review to approve it,
3 | the Building Department determined that he needed
4 | the -- going out to the backyard wasn't enough.
5 | That he needed to go from the backyard to the
6 | next door neighbor.

7 | So, we got that easement. Once we got it,
8 | we approved it. We got the person to sign it.
9 | We recorded it and gave it to the Building
10 | Department.

11 | They went out and they looked at it, and
12 | they realized that the other property is also
13 | landlocked. That there's two additional
14 | properties to get to the other side of the
15 | street.

16 | So, they made him get two additional
17 | easements.

18 | But it really doesn't involve any of the
19 | use, which is the variance that are involved --
20 | any of the variances granted by here. It has to
21 | do with safety issue that the Building Department
22 | determined that was required, that they're
23 | imposing.

24 | CHAIRMAN GARCIA: Okay. Any question?

25 | Any member of the -- of the public wants to

1 step forward?

2 Okay. Closed to the public.

3 And understanding also the -- the situation
4 with the easement, and also with the requirement
5 from the Building Department I think is enough
6 reason to -- to grant the year extension.

7 I make my -- make my motion to grant this
8 extension.

9 MR. MULKAY: Thank you.

10 VICE CHAIRMAN GRULLON: I second the
11 motion.

12 THE SECRETARY: Motion by Mr. Garcia.

13 Second by Victor Grullon.

14 Roll call on the motion.

15 Andres Garcia?

16 CHAIRMAN GARCIA: Yes.

17 THE SECRETARY: Victor Grullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Margarita Gutierrez?

20 MS. GUTIERREZ: Yes.

21 THE SECRETARY: Miguel Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Khaled Dardir?

24 MR. DARDIR: Yes.

25 THE SECRETARY: John Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Joseph Bonacci?

3 MR. BONACCI: Yes.

4 THE SECRETARY: Seven in favor, motion
5 carries.

6 Thank you.

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

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3 THE SECRETARY: Next on the agenda, Miguel
4 Miqueli, 4102-4106 New York Avenue.

5 Mr. Mulkay, please?

6 MR. MULKAY: Good evening, Mr. Chairman,
7 members of the Board.

8 Alain Mulkay, from Mulkay & Rendo, on
9 behalf of Miguel Miqueli, the applicant.

10 This is an application to legalize three
11 existing stores, commercial stores existing at
12 the property.

13 The property has been commercial since the
14 1970s. We have a survey that shows since the
15 1970s, the property was commercial, but the
16 Building Department has some sort of indication
17 that -- that, at some point, there were
18 apartments in the -- in the property.

19 MR. PANEQUE: Mr. Mulkay?

20 MR. MULKAY: Yeah.

21 MR. PANEQUE: Before we proceed, just as a
22 matter of housekeeping. Okay?

23 This application was scheduled before the
24 Board at the last month's hearing. And it's my
25 recollection that at that hearing, you introduced

1 | your jurisdictional proofs; the Certification of
2 | Mailing, your Affidavit of Publication, and the
3 | certified mail.

4 | Is that correct?

5 | MR. MULKAY: That's correct.

6 | MR. PANEQUE: All right.

7 | My recollection is also that -- that the
8 | proofs are all in order, and that jurisdiction
9 | was established by this Board, and that, at that
10 | point, the matter was carried to tonight's
11 | meeting.

12 | MR. MULKAY: That is correct. The
13 | requirement that no additional notices should be
14 | sent.

15 | MR. PANEQUE: Okay.

16 | CHAIRMAN GARCIA: But no -- you didn't
17 | start the presentation.

18 | MR. MULKAY: We did not start our
19 | presentation. That's correct.

20 | CHAIRMAN GARCIA: So, I wasn't at the
21 | meeting, so I could --

22 | MR. MULKAY: No. We didn't start any
23 | presentation. We're starting the presentation
24 | today.

25 | CHAIRMAN GARCIA: Okay.

1 Thank you.

2 MR. MULKAY: All right.

3 Our expert here today is Orestes Valella,
4 who I'd ask to be sworn in, and I believe the
5 Board has recognized him as an expert previously
6 numerous times.

7 MS. DILLON: Please raise your right hand.

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

10 MR. VALELLA: Yes, I do.

11 MS. DILLON: Please state your name for the
12 record.

13 MR. VALELLA: Good evening.

14 My name is Orestes Valella. I'm a
15 registered architect in the States of New York
16 and New Jersey. And my professional offices are
17 at 5809 Madison Street, West New York, New
18 Jersey.

19 MR. MULKAY: Mr. Valella, did you have an
20 opportunity to visit the site?

21 MR. VALELLA: Yes.

22 MR. MULKAY: And you prepared the plans
23 that were submitted to the Board.

24 MR. VALELLA: Yes.

25 MR. MULKAY: Could you explain to the Board

1 | what currently exists there?

2 | MR. VALELLA: Absolutely.

3 | This is an existing commercial structure on
4 | New York Avenue, between 41st Street and 42nd
5 | Street. It's on Block 241, and it's Lot 2.

6 | It's an existing one story commercial
7 | structure, with three retail stores in it. There
8 | is no work proposed, no work necessary.

9 | It is my understanding that, for some
10 | reason, the Building Department has, at some
11 | point, this as residential. Part of the
12 | documents that I provided you with is a survey
13 | from 1971, at which point it was already
14 | referenced as a one story brick and frame
15 | commercial structure.

16 | I can also attest as far back as my being
17 | in high school, this already being commercial
18 | stores. And that was from '72, '76. So, there's
19 | really nothing being done here.

20 | MR. MULKAY: Just by way of background for
21 | the Board, reference, the way this came up was my
22 | -- a tenant -- there was a change in tenant. A
23 | new tenant came in to get a CO. And when the
24 | Building Department went and checked their files,
25 | they had, in their files, and I believe there's a

1 | report that the Building Department prepared that
2 | shows that the property was commercial, but they
3 | showed, at some point, that there were
4 | apartments. They were residential.

5 | So, they required that we come to the Board
6 | to legalize the -- the three commercials existing
7 | use, to confirm the existing use.

8 | MR. VALELLA: Yeah. There's no work being
9 | proposed here. This has been -- these have been
10 | stores for decades and decades.

11 | CHAIRMAN GARCIA: So, basically, you're not
12 | going to touch anything.

13 | MR. VALELLA: Absolutely not.

14 | CHAIRMAN GARCIA: Carlos, and -- and the
15 | list of application here, you say that
16 | legalization of existing retail space, stores one
17 | to three.

18 | THE SECRETARY: To three, yeah.

19 | MR. MULKAY: There -- there's three stores
20 | there. And the issue that the Building
21 | Department had was, in their records, it showed
22 | that there's one -- they show that at one point
23 | it was one commercial and two apartments. But
24 | they couldn't tell which was the commercial and
25 | which was the apartment. They have no record.

1 They couldn't figure out which was which.

2 So, they made us come in and -- and
3 legalize all three stores, figuring that --

4 CHAIRMAN GARCIA: Yeah. But you -- you're
5 legalizing three. However, three going to be --
6 are commercial?

7 MR. MULKAY: Yeah. All three are stores.
8 Yeah.

9 CHAIRMAN GARCIA: The three of them --

10 MR. MULKAY: They're all commercial stores.
11 Yes. They're all retail stores.

12 CHAIRMAN GARCIA: Okay.

13 MR. VALELLA: And they -- they have been
14 for many, many, many, many years.

15 MR. MULKAY: My client and I have a number
16 -- my client's here and we have copies of all the
17 permits.

18 Over the years, since the '90s, he's gone
19 in, gotten permits, fixed the front of one store,
20 fixed the front of the other store.

21 He's rehabbed it over the years, numerous
22 times, and they've never -- they never raised the
23 issue that at some point previously, that there
24 were apartments there.

25 It is only now, when he went in to get a

1 new CO, for the new tenant, that they raised the
2 issue.

3 MR. PANEQUE: Commercial structure.

4 CHAIRMAN GARCIA: Yeah. I know, but the
5 number of legal units. They don't even -- they
6 don't show how many --

7 MR. PANEQUE: They don't.

8 CHAIRMAN GARCIA: -- units here.

9 MR. PANEQUE: Um hum.

10 CHAIRMAN GARCIA: To this. So --

11 MR. PANEQUE: By us legalizing --

12 CHAIRMAN GARCIA: Yeah. So --

13 MR. PANEQUE: -- them now, we would be
14 basically legalizing the three commercial
15 structures --

16 CHAIRMAN GARCIA: Okay. Because --

17 MR. PANEQUE: -- that are depicted in the
18 plan.

19 CHAIRMAN GARCIA: Yeah. Because the -- the
20 -- what I'm talking to Mr. Paneque here is that,
21 in the memo that we receive -- we received from
22 Building Department is that the number of legal
23 units for property must be verified.

24 So, it's not we are going from one to
25 three, one to two -- how many were legalized? So

1 --

2 MR. MULKAY: Right.

3 CHAIRMAN GARCIA: Basically, what the
4 Building Department is saying, what I'm
5 understanding is that whatever units are there,
6 we need to legalize, that's what they --

7 And that's in this --

8 MR. PANEQUE: That's correct.

9 CHAIRMAN GARCIA: And in the -- in the --
10 back in the time, I mean, how many -- how many
11 years already they been in there?

12 MR. MULKAY: The stores have been there
13 since the early '90s, I believe.

14 A VOICE: '91.

15 MR. MULKAY: '90 -- there's a tenant there
16 that's been there since '91. A couple of tenants
17 have been there since '91.

18 CHAIRMAN GARCIA: This your client?

19 MR. MULKAY: This is my client here.

20 CHAIRMAN GARCIA: Can he step --

21 MR. MULKAY: Yeah.

22 MS. DILLON: Sir, right in --

23 No, Orestes, it's fine.

24 Just right in front of that microphone,
25 sir.

1 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. MIQUELI: Yes, I do.

5 MS. DILLON: Could you please state your
6 name and spell it for the record?

7 MR. MIQUELI: Miguel Miqueli, M-I-G-U-E-L,
8 M-I-Q-U-E-L-I.

9 MS. DILLON: Okay.

10 Thank you.

11 CHAIRMAN GARCIA: How long you been the
12 owner of that property? For how long?

13 MR. MIQUELI: I bought the property in
14 1992.

15 CHAIRMAN GARCIA: And since you got the
16 property, it had those three units or you just --

17 MR. MIQUELI: It was -- was an apartment in
18 one of the units that they used to -- the other
19 one was for retails, but the one was an
20 apartment. But since 1991, that I converted it
21 store, like it used to be.

22 CHAIRMAN GARCIA: Okay.

23 MR. MIQUELI: And it was since 1991.

24 CHAIRMAN GARCIA: Oh, since you bought it,
25 then you put everything commercial.

1 MR. MIQUELI: Yes, sir.

2 CHAIRMAN GARCIA: And how many unit do you
3 have? How many commercial unit you have here?

4 MR. MIQUELI: I have three -- three
5 commercial units.

6 CHAIRMAN GARCIA: Three. Three commercial
7 unit.

8 And you are not planning to do anything?

9 MR. MIQUELI: No.

10 CHAIRMAN GARCIA: Just need to legalize.

11 MR. MIQUELI: That's it.

12 CHAIRMAN GARCIA: Okay. Okay.

13 Thank you very much.

14 MR. MIQUELI: You're welcome.

15 CHAIRMAN GARCIA: Do you have any
16 questions?

17 VICE CHAIRMAN GRULLON: Mr. Mulkay? Mr.
18 Mulkay, I have a question.

19 MR. MULKAY: Yes?

20 VICE CHAIRMAN GRULLON: You say that when
21 Building Department went over to inspect the
22 units, they -- they find that one -- how many
23 units --

24 MR. MULKAY: They actually never went to
25 inspect it. What raised it was when he went in

1 to ask for the CO for the new tenant --

2 VICE CHAIRMAN GRULLON: Okay.

3 MR. MULKAY: -- they looked at their
4 records, and -- and it showed commercial, but it
5 didn't specify how many number of units. And it
6 showed that at one point, there was an apartment.
7 They couldn't tell when the apartment was.

8 VICE CHAIRMAN GRULLON: But they had no
9 record how many commercial units.

10 MR. MULKAY: They didn't -- they didn't
11 know how many -- they did -- they had no record
12 of that, although there are records -- they have
13 building permits throughout the years. My client
14 has come in to fix one store and do the façade of
15 one store, do the façade of the other store, and
16 do the façade of the other store.

17 So, it's clearly been three units since
18 over -- since the '90s, he's gone in and repaired
19 and pulled permits for all three.

20 VICE CHAIRMAN GRULLON: And the three units
21 are the same size.

22 MR. VALELLA: The three units are
23 approximately the same size. Store one is 473
24 square feet. Store number two is 590. And store
25 number three is 595.

1 So, for practical purposes, they're --
2 they're the same.

3 VICE CHAIRMAN GRULLON: Okay.

4 I have no more question.

5 CHAIRMAN GARCIA: Any other questions?

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

8 Yes, Mr. Price?

9 MR. PRICE: Larry Price.

10 Question about this application.

11 Is this an application for a certification
12 of a preexisting, nonconforming use, under
13 Section B of the powers of the Board?

14 Or is this an application for a D-1 use
15 variance?

16 MR. MULKAY: It's an application for
17 certification. For certification. That's what
18 the Building Department asked us to do. They
19 didn't ask us to come in and legalize it. They
20 asked us to get a certification --

21 MR. PRICE: Okay.

22 MR. MULKAY: -- of the existing --

23 MR. PRICE: So, you're relying on Orestes'
24 testimony that --

25 MR. MULKAY: Correct.

1 MR. PRICE: Okay.

2 And which -- there are three units. Were
3 all three units commercial? From your
4 recollection --

5 MR. VALELLA: Yes.

6 MR. PRICE: -- from your high school years
7 --

8 MR. VALELLA: Yes.

9 MR. PRICE: -- many, many years --

10 MR. VALELLA: Not only mine, also the
11 survey. The survey indicates it as being
12 commercial.

13 MR. PRICE: All -- all three units --

14 MR. VALELLA: It says --

15 MR. PRICE: -- were commercial units and --

16 MR. VALELLA: One story brick and frame
17 commercial, 1971.

18 MR. PRICE: Okay.

19 MR. VALELLA: I remember it.

20 MR. PRICE: And you're relying --

21 MR. VALELLA: I don't remember --

22 MR. PRICE: There were three commercial
23 stores.

24 MR. VALELLA: There may have been two,
25 there may have been one large one. There -- I

1 remember it as being --

2 MR. PRICE: But it was a commercial --

3 MR. VALELLA: Commercial store.

4 MR. PRICE: -- space.

5 MR. VALELLA: It was a store.

6 MR. PRICE: Okay. So, it's a
7 certification.

8 MR. MULKAY: Correct.

9 MR. PRICE: Okay.

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

12 MR. PANEQUE: You could put it on --

13 CHAIRMAN GARCIA: Yeah. I'm going to put
14 on the record.

15 Any other member of the public?

16 Okay. Closed to the public.

17 No more question here?

18 Okay. Just for the record, checking the
19 tax -- '74 -- 1974 tax assessment, basically that
20 tax assessment said there three units, and three
21 commercial units. If you read here, they show
22 that they are commercial. Is this --

23 MR. VALELLA: Yeah, that's what my memory
24 --

25 CHAIRMAN GARCIA: Yeah. That's -- that's

1 in the record. That's part of the application.

2 So, I think that enough reason, and also
3 enough proof that there was three units, and
4 basically since back 1974, according to the tax
5 assessment, they are commercial.

6 So, I make my motion to grant this
7 petition.

8 MR. MULKAY: Thank you.

9 MS. GUTIERREZ: And I'm seconding.

10 THE SECRETARY: Motion to approve by
11 Chairman Andres Garcia.

12 Second by Margarita Gutierrez.

13 Roll call on the motion.

14 Chairman Garcia?

15 CHAIRMAN GARCIA: Yes.

16 THE SECRETARY: Vice Chairman Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Margarita Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Miguel Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Khaled Dardir?

23 MR. DARDIR: Yes.

24 THE SECRETARY: John Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Joseph Bonacci?

2 MR. BONACCI: Yes.

3 THE SECRETARY: Seven in favor, motion
4 carries.

5 MR. VALELLA: Thank you.

6 THE SECRETARY: Thank you.

7 CHAIRMAN GARCIA: Thank you.

8 MS. GUTIERREZ: Thank you.

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

11 * * *

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1 Kids Paradise, LLC -

2 526 Monastery Place aka 2000 West Street

3

4 THE SECRETARY: Next application tonight's
5 agenda, Kids Paradise, LLC, 526 Monastery Place.

6 Hi. Thanks, sir.

7 Allow me one second.

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

10 THE SECRETARY: Showing the record that Mr.
11 Medina is going to step out for a few minutes.

12 Thank you.

13 MR. LOPEZ: Mr. -- Mr. Vallejo, it's going
14 to be an adjournment, so you may not have to
15 distribute.

16

17 (Whereupon, Mr. Medina stepped out of the
18 meeting at 6:48 p.m.)

19

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

22 THE SECRETARY: Go ahead.

23 MR. LOPEZ: Mr. Chairman, may I proceed?

24 Mr. Chairman, lady and gentlemen of the
25 Board, I represent the applicant in this

1 application.

2 I'd like to submit the jurisdictional
3 documents tonight, and respectfully request that
4 the matter be carried to the next meeting.

5 CHAIRMAN GARCIA: This is for which
6 application?

7 MR. PANEQUE: This is number five.

8 CHAIRMAN GARCIA: The Kids Paradise?

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

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

12
13 (Whereupon, Mr. Medina returned to the
14 meeting at 6:52 p.m.)

15
16 MR. PANEQUE: For the record, I've been
17 provided by Mr. Adolfo Lopez with an Affidavit of
18 Service, indicating that notice of tonight's
19 hearing, with respect to the property at 526
20 Monastery Place, also known as 2000 West Street,
21 Union City, New Jersey, was sent to all owners
22 within the 200 foot radius.

23 Mr. Lopez has also provided me with an
24 Affidavit from The Jersey Journal, with a copy of
25 the notice that was published on May 28, 2016.

1 Said notice gives notice of tonight's meeting,
2 with respect to the property at 526 Monastery
3 Place.

4 Also, I have a copy of the notices that
5 went out to all the property owners, as well as a
6 list from the City of Union City Tax Assessor,
7 listing all the property owners within the 200
8 foot radius. Said list from the Tax Assessor is
9 dated May 18th, 2016.

10 Also, Mr. Lopez has provided me with a
11 number of return green card receipts for those
12 notices that were accepted and received by the
13 property owners in question, as well as the
14 certified mail receipts indicating that said was
15 placed in the post office on May 25th.

16 Mr. Lopez, that's handwritten. That's your
17 representation?

18 MR. LOPEZ: That is correct, Mr. Paneque.

19 MR. PANEQUE: Okay.

20 THE SECRETARY: Allow me one second,
21 please.

22 Let the record indicate that Mr. Medina
23 joined the meeting.

24 MR. LOPEZ: And two of the notices that
25 were presented were returned undeliverable.

1 MR. PANEQUE: Yes. Let the record reflect
2 that also.

3 The notices appear to be in proper order,
4 therefore giving this Board jurisdiction to
5 proceed with this hearing.

6 Is there an application, Mr. Lopez?

7 MR. LOPEZ: There is.

8 Mr. Chairman, if you don't mind, we would
9 like to carry this. Apparently our planner ran
10 into some type of family emergency and was unable
11 to be here this evening.

12 CHAIRMAN GARCIA: No problem.

13 MR. LOPEZ: Our architect is here, the
14 client is here, but without a planner, we really
15 would not like to proceed.

16 CHAIRMAN GARCIA: Okay. And when going to
17 be -- for next month, or --

18 MR. LOPEZ: Next month, if possible. Yes.

19 CHAIRMAN GARCIA: No, I don't think it's
20 any problem.

21 MR. LOPEZ: Thank you so much, Mr.
22 Chairman.

23 CHAIRMAN GARCIA: Our pleasure.

24 So, I make my motion to adjourn this
25 application for next meeting.

1 MR. LOPEZ: Thank you.

2 CHAIRMAN GARCIA: The meeting -- July
3 meeting, right?

4 THE SECRETARY: July 14.

5 CHAIRMAN GARCIA: July 14?

6 THE SECRETARY: Yes.

7 CHAIRMAN GARCIA: Okay. July 14.

8 MS. GUTIERREZ: And I'm seconding.

9 THE SECRETARY: Motion by Chairman Andres
10 Garcia to adjourn this application.

11 Second by Margarita Gutierrez.

12 Roll call to adjourn this application.

13 Chairman Andres Garcia?

14 CHAIRMAN GARCIA: Yes.

15 THE SECRETARY: Vice Chairman Victor
16 Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Margarita Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Miguel Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Khaled Dardir?

23 MR. DARDIR: Yes.

24 THE SECRETARY: John Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Joseph Bonacci?

2 MR. BONACCI: Yes.

3 THE SECRETARY: Motion carries.

4 Next meeting July 14, 2016. No new notice
5 required.

6 MR. LOPEZ: Mr. Paneque, could you make an
7 announcement to any public members?

8 MR. PANEQUE: We will.

9 Anybody who is here with respect to the
10 application for Kids Paradise, LLC, property
11 address 526 Monastery Place, also known as 2000
12 West Street in Union City, the applicant planner
13 is not able to be here tonight. And as such, the
14 applicant has requested that the matter be
15 adjourned until July 14, at six p.m.

16 There will be no new notices required to be
17 sent out, so if you're interested in being heard
18 with respect to that application, you can be here
19 on July 14th at six p.m.

20 MR. LOPEZ: Thank you all.

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

22 MS. GUTIERREZ: Thank you.

23 CHAIRMAN GARCIA: Have a good night.

24 * * *

25

1 **Joseph Gaudio, 509-511 18th Street:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, Joseph Gaudio, 509-511 18th
5 Street.

6 Mrs. Caride, please?

7 MS. CARIDE: Good evening, Chairman,
8 members of the Board, Mr. Paneque.

9 MR. PANEQUE: Thank you, Ms. Caride.

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

12 MR. PANEQUE: Let the record reflect that
13 I've been provided with an Affidavit of -- of
14 Service, signed by attorney, Marlene Caride,
15 indicating that notices went out on May 25th to
16 all property owners within the 200 foot radius.

17 I've also been provided with an Affidavit
18 from The Jersey Journal, indicating that notice
19 was published of tonight's meeting, with respect
20 to the property at 509-511 18th Street, Union
21 City, New Jersey. Said publication was done on
22 the 25th of May of this year.

23 Ms. Caride has also provided me with a list
24 from the Tax Assessor's Office. Said list is
25 dated May 16, 2016, and it contains a list of all

1 the property owners within the 200 foot radius of
2 the property at 509-511 18th Street.

3 I've also been provided with the certified
4 receipts for all the property owners that were
5 sent out this notice, as well as the green cards
6 that have come back and the envelopes that have
7 come back as either undeliverable or unclaimed.

8 Based on the documents that have been
9 presented, it appears that they're all in order
10 and this Board, therefore, has jurisdiction to
11 proceed and hear this matter.

12 MS. CARIDE: Thank you, Mr. Paneque.

13 And just to -- for some housekeeping, if we
14 could just mark the site plan as A-1.

15 THE SECRETARY: Thank you.

16 MS. DILLON: I'll mark Carlos' copy. I'll
17 mark Mr. Vallejo's stays here.

18 MS. CARIDE: Okay.

19

20 (Whereupon, Site Plan, dated 3/10/16, was
21 received and marked as Exhibit A-1.)

22

23 MS. CARIDE: Good evening, members.

24 I represent Joseph Gaudio who's the owner
25 of --

1 MS. DILLON: Ms. Caride, could you just --

2 MS. CARIDE: Yes.

3 MS. DILLON: -- take one step closer to the

4 --

5 MS. CARIDE: Sure.

6 MS. DILLON: -- mic for me?

7 Thank you so much.

8 MS. CARIDE: Can you hear me now?

9 MS. DILLON: That's perfect.

10 MS. CARIDE: Excellent.

11 I represent Joseph Gaudio, who's the owner
12 of 509-511 18th Street.

13 The property is a 50 by a hundred.

14 We have an architect present with a site
15 plan to go over the proposed project.

16 My client would like to take the office
17 that is there; it's a vacant office building that
18 used to be a -- I guess you could say, almost
19 like a little embroidery. The previous owner
20 used to make patches and emblems there.

21 So, he wants to take that property, which
22 is preexisting, and then convert it into two
23 apartments.

24 And I have the architect here that will go
25 through the site plan and the zoning table.

1 MS. DILLON: Sir, please raise your right
2 hand.

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

5 MR. OVEJAS: Yes.

6 MS. DILLON: Could you please state your
7 name and spell it for the record?

8 MR. OVEJAS: Alexander Ovejas,
9 A-L-E-X-A-N-D-E-R, O-V as in Victor, E-J-A-S.

10 MS. DILLON: I'm sorry. O --

11 MR. OVEJAS: V as in Victor, E-J-A-S.

12 MS. DILLON: Okay.

13 Thank you.

14 MS. CARIDE: Mr. Chairman, my architect has
15 not appeared before this Board, so I'd like to
16 have him just put on the record his
17 qualifications.

18 MR. OVEJAS: Yes. I'm an architect in New
19 Jersey for five years. And I've been working in
20 -- for -- having experience working for
21 architectural for 15 years.

22 MS. CARIDE: And you have your license here
23 in the State of New Jersey.

24 MR. OVEJAS: Yes.

25 MS. CARIDE: And have you appeared before

1 any other Boards besides here this evening?

2 MR. OVEJAS: Yes, I did.

3 MS. CARIDE: What Boards have you appeared
4 before?

5 MR. OVEJAS: In Fair Lawn and Highlands,
6 New Jersey.

7 MS. CARIDE: Okay.

8 And was that the Zoning Board, Planning
9 Board?

10 MR. OVEJAS: Planning Board.

11 MS. CARIDE: Counsel?

12 CHAIRMAN GARCIA: I'm happy to accept your
13 qualification.

14 MS. CARIDE: Okay.

15 So, you had an opportunity to review the
16 site plan?

17 MR. OVEJAS: Yes.

18 MS. CARIDE: You're familiar with the
19 property.

20 MR. OVEJAS: Yes.

21 MS. CARIDE: And can you tell the Board
22 what is the intention of this project?

23 MR. OVEJAS: Yeah, looking at the left
24 here, we're looking at the existing conditions
25 which is an office building, currently, as a use,

1 and we're trying to convert it to a -- we're
2 proposing to convert it a two family house.

3 Each apartment has two bedrooms. And
4 basically, what we're doing is we're not putting
5 any addition. We're -- we're maintaining the
6 existing bulk of the building. All exterior
7 walls are going to stay. And we're basically
8 doing just the interior renovation.

9 MS. CARIDE: Now, you're familiar with the
10 zoning table.

11 MR. OVEJAS: Yes.

12 MS. CARIDE: Can you go through the zoning
13 table for the Board?

14 MR. OVEJAS: Yes, for the zoning table,
15 what we are planning for a variance are three
16 items.

17 One is for the minimum front yard, which is
18 ten feet prevailing setback. But again, the
19 building is existing. We're not touching
20 anything. So, that's one we're applying for a
21 variance for.

22 And then, on the rear yard, same thing,
23 which is the required is 25 percent of the lot.
24 And again, that's an existing building, so we're
25 not touching anything.

1 Another item would be the area for parking,
2 which we're not proposing to put anything at the
3 moment. That's the variance we're actually
4 applying for.

5 MS. CARIDE: Now, there were four items
6 that were listed on that zoning table.

7 Which is the fourth item that we had
8 originally listed as a need for a variance?

9 MR. OVEJAS: Yes. One other, which is
10 maximum lot coverage with impervious material.
11 The required is 85 percent. We showed here 95
12 percent, but when I did my recalculation, it's
13 only actually about 81 percent.

14 So, we're not applying for a variance for
15 that.

16 MS. CARIDE: At this point, we meet the
17 requirement, then, from the town.

18 MR. OVEJAS: Correct.

19 MS. CARIDE: Okay.

20 With regards to the property, is there a
21 basement on that property?

22 MR. OVEJAS: Yes. There's an existing
23 basement, which we're not going to use. And
24 that's only for the owner's access.

25 MS. CARIDE: And where on the map is the --

1 is the access to the basement?

2 MR. OVEJAS: Currently, there's two access
3 to the basement. One inside the building, and
4 one from the cellar outside.

5 So, for the proposed building, we're just
6 going to close out the interior access, and then
7 we're going to keep the -- the exterior access.

8 MS. CARIDE: And what are you going to do
9 in the interior access -- well, in the interior,
10 where the access to the basement was, what is it
11 that's the intention for that area?

12 MR. OVEJAS: It's going to be in-filled
13 with floor system.

14 MS. CARIDE: And what room would be there?

15 MR. OVEJAS: That's actually on apartment
16 2, along with the living room and dining room
17 area.

18 MS. CARIDE: And can you explain to the
19 Board the square footage of each of the units?

20 MR. OVEJAS: Yes.

21 Apartment 1, the proposed apartment 1 is
22 actually -- the area is 814 square feet,
23 plus/minus.

24 And apartment 2 will be 848, plus or minus.

25 MS. CARIDE: And with regards to the

1 construction inside, everything's going to be up
2 to Code?

3 MR. OVEJAS: Correct.

4 MS. CARIDE: State and local.

5 Correct?

6 MR. OVEJAS: Correct.

7 MS. CARIDE: And access to the basement,
8 again, will be -- will not be given to the
9 tenants from the inside.

10 MR. OVEJAS: That's correct.

11 MS. CARIDE: Any -- any greenery, or any
12 shrubberies, anything intended with regard to the
13 property on the outside?

14 MR. OVEJAS: There's an existing greeneries
15 that we're not planning to add on, but we're
16 going to keep it.

17 MS. CARIDE: What is it? Like a lawn?

18 MR. OVEJAS: Yes, a lawn.

19 MS. CARIDE: And the outside of the
20 building, any changes to the outside of the
21 building?

22 MR. OVEJAS: No. We just have to probably
23 maintain some of it, like maybe repair or
24 refinish. But we're going to keep the way it is.

25 MS. CARIDE: And any windows that are going

1 to be added to that property? Or are there
2 sufficient windows there?

3 MR. OVEJAS: Currently, there's sufficient
4 windows where the existing building is.

5 MS. CARIDE: No further questions,
6 Chairman.

7 CHAIRMAN GARCIA: Basically, the -- this --
8 this building is like an L.

9 MS. CARIDE: Correct.

10 CHAIRMAN GARCIA: Right?

11 MR. OVEJAS: Right.

12 MS. CARIDE: Correct.

13 CHAIRMAN GARCIA: And actually, you have
14 like kind of backyard in the front?

15 MS. CARIDE: If you look at the property --

16 CHAIRMAN GARCIA: He said --

17 MS. CARIDE: -- the -- I guess you could
18 say that the backyard is in the front yard of
19 this particular --

20 CHAIRMAN GARCIA: Right. It's the front
21 yard.

22 MS. CARIDE: -- piece of property.

23 CHAIRMAN GARCIA: Right.

24 MS. CARIDE: Right. It has a long lawn
25 area. And then, the building is in the back,

1 | which was, I guess, his factory, the previous
2 | owner's factory or office space.

3 | CHAIRMAN GARCIA: Okay. It was basically
4 | -- the front yard setback, you say you require --
5 | the requirement is ten feet front yard.

6 | MR. OVEJAS: The front -- front yard, yes.

7 | CHAIRMAN GARCIA: Ten. And you have four-
8 | eight.

9 | MR. OVEJAS: No. The front of the building
10 | -- if you know the property, there's two
11 | buildings on it.

12 | CHAIRMAN GARCIA: Right.

13 | MR. OVEJAS: Which is 511 and 509; 511
14 | we're -- we're going to keep it as is. We're not
15 | doing any work with that. We're only working on
16 | 509.

17 | So, when we look at the -- the front yard
18 | setback, which is ten feet, that's actually
19 | approaching the 511 building.

20 | MS. CARIDE: The 511 building has a smaller
21 | --

22 | CHAIRMAN GARCIA: Okay.

23 | MS. CARIDE: -- front yard. Whereas, 509
24 | has the longer front yard.

25 | CHAIRMAN GARCIA: Yeah. But you are talk

1 -- you have two -- two lots there.

2 Right?

3 MS. CARIDE: Correct. It's a total of 50
4 by a hundred.

5 CHAIRMAN GARCIA: Yeah. That's my
6 confusion in the -- in the zoning information.

7 Here, you said that you're requiring a
8 variance for the front yard. But basically, you
9 don't need that variance, because you have 50
10 foot in the front yard, for the 509. And you are
11 not plan -- your application is not for 511.

12 MS. CARIDE: No. It's only strictly for
13 509.

14 CHAIRMAN GARCIA: And that's -- that's why
15 I'm asking about --

16 MS. CARIDE: That's the confusion.

17 CHAIRMAN GARCIA: -- the plans so --

18 MS. CARIDE: Right.

19 CHAIRMAN GARCIA: You don't need variance
20 for the front -- for the front yard.

21 MS. CARIDE: No. But we wanted to --

22 CHAIRMAN GARCIA: For the front setback.

23 MS. CARIDE: Not for the front, at this
24 point, but we wanted to -- since 509 and 511 are
25 one big --

1 CHAIRMAN GARCIA: Okay.

2 MS. CARIDE: -- piece of property, we
3 didn't want to --

4 CHAIRMAN GARCIA: Okay.

5 MS. CARIDE: -- omit any information to the
6 Board.

7 CHAIRMAN GARCIA: Okay. Okay.

8 And basically, you don't -- you said that
9 you're not going to touch the structure. I mean,
10 nothing outside the building.

11 MR. OVEJAS: On the exterior.

12 CHAIRMAN GARCIA: Everything going to be
13 done -- going to be interior.

14 MR. OVEJAS: Correct.

15 CHAIRMAN GARCIA: Okay.

16 MS. CARIDE: There won't be any additional
17 -- any additions to the building. The height
18 that it has, that's how it's staying.

19 We're just reconfiguring the inside so that
20 we can provide two apartments for the town.

21 CHAIRMAN GARCIA: And just for the record,
22 Mr. Ovejas -- Ovejas?

23 MR. OVEJAS: Ovejas.

24 CHAIRMAN GARCIA: Okay. You used some
25 terminology that is not -- I'm not used to, when

1 | you say plus or minus.

2 | MR. OVEJAS: Okay.

3 | CHAIRMAN GARCIA: When you say, when I
4 | asked -- when Ms. Caride asked you to explain the
5 | size of the units, you said --

6 | MR. OVEJAS: Yes.

7 | CHAIRMAN GARCIA: -- 840 -- 814 plus or
8 | minus.

9 | I mean, can you --

10 | MR. OVEJAS: The reason I say plus or minus
11 | because the area is -- if you calculate it, it
12 | comes up to 813.84. So, I --

13 | CHAIRMAN GARCIA: Okay.

14 | MR. OVEJAS: -- rounded it to 814,
15 | plus/minus.

16 | CHAIRMAN GARCIA: Okay. And you have one
17 | unit with -- both are two bedrooms or one
18 | bedroom?

19 | MR. OVEJAS: Both are two bedrooms.

20 | CHAIRMAN GARCIA: Two bedroom.

21 | Okay. I don't recall that -- the minimum
22 | size for a two bedroom is 750?

23 | MS. CARIDE: I believe so.

24 | CHAIRMAN GARCIA: Okay. Okay.

25 | My absence is -- that's why.

1 MS. CARIDE: I was going to say age with
2 me.

3 CHAIRMAN GARCIA: Also, your -- for parking
4 variance.

5 Right?

6 MS. CARIDE: Correct. I would think that
7 would be the main variance on this application is
8 the parking.

9 CHAIRMAN GARCIA: Yeah --

10 MS. CARIDE: The property does not have
11 parking as it is right now.

12 CHAIRMAN GARCIA: Yeah, but that was my
13 question too, is like -- it's kind of preexisting
14 condition, because how many parking you need for
15 the commercial use?

16 MS. CARIDE: I don't know --

17 CHAIRMAN GARCIA: In that size?

18 MS. CARIDE: -- what they would have needed
19 back then.

20 It never had it.

21 CHAIRMAN GARCIA: Okay.

22 MS. CARIDE: So, everything is preexisting.
23 We're not looking to touch the property as it
24 stands. We're just looking to take that vacant
25 office, which is an eyesore --

1 CHAIRMAN GARCIA: Right.

2 MS. CARIDE: -- and then make it useful, at
3 this point.

4 CHAIRMAN GARCIA: Okay. I have no further
5 question for now.

6 Any member of the public?

7 MR. BONACCI: I have a question.

8 CHAIRMAN GARCIA: Yes.

9 MR. BONACCI: So right now, there's four
10 offices in this?

11 MS. CARIDE: No. It's one big --

12 MR. BONACCI: One.

13 MS. CARIDE: -- office space.

14 MR. BONACCI: Okay.

15 MS. CARIDE: Where the gentleman used to do
16 the patches. And I guess -- is the equipment
17 gone?

18 A VOICE: Yeah.

19 MS. CARIDE: It's a vacant -- just a vacant
20 office space now.

21 MR. BONACCI: You're just making two
22 apartments. One, 846, the other 813.

23 MS. CARIDE: Correct.

24 MR. BONACCI: Both two bedroom.

25 MS. CARIDE: Correct.

1 MR. BONACCI: Okay.

2 That's it.

3 CHAIRMAN GARCIA: How is this -- the size
4 of the units right now? I mean, you have, what,
5 the -- like 1600 between both side? I mean, both
6 --

7 MR. OVEJAS: Oh, you mean the entire --

8 CHAIRMAN GARCIA: -- both --

9 MR. OVEJAS: -- perimeter of the building?

10 CHAIRMAN GARCIA: Yes.

11 MR. OVEJAS: Or the entire -- the total
12 square footage of the building is 1,694.53 --

13 CHAIRMAN GARCIA: Right. Sixteen hundred.

14 MR. OVEJAS: -- square feet.

15 CHAIRMAN GARCIA: Okay. No further
16 question?

17 Any member of the Board (sic) wants to step
18 forward?

19 MR. BONACCI: Public.

20 MS. GUTIERREZ: The Board? No.

21 CHAIRMAN GARCIA: I mean, the public.
22 Sorry.

23 Any member of the public want to step
24 forward?

25 Okay. Closed to the public.

1 MR. PANEQUE: Before we proceed.

2 CHAIRMAN GARCIA: Yes.

3 MR. PANEQUE: Ms. Caride, just so that
4 we're clear, and I don't know if I missed it or
5 your architect testified on this, but one of the
6 variances that you're in need of is a use
7 variance.

8 MS. CARIDE: No. It's a -- it's a --

9 MR. PANEQUE: And that's because there's a
10 change of use.

11 MS. CARIDE: The area permits for the two
12 family.

13 MR. PANEQUE: The area permits for a two
14 family, but you're changing the use --

15 MS. CARIDE: I'm the changing from the
16 factory to --

17 MR. PANEQUE: Okay.

18 MS. CARIDE: -- to a two family house.

19 MR. PANEQUE: Okay.

20 Because it's -- it's marked as yes on your
21 schematic plan.

22 MS. CARIDE: Right.

23 MR. OVEJAS: Yes.

24 MS. CARIDE: But it's --

25 MR. PANEQUE: It's a permitted use.

1 MS. CARIDE: It's a permitted use.

2 MR. PANEQUE: Yes.

3 MS. CARIDE: And that's what we're doing.

4 Taking --

5 MR. PANEQUE: But you're asking for a
6 change of use from --

7 MS. CARIDE: We're changing the --

8 MR. PANEQUE: -- commercial --

9 MS. CARIDE: -- use from the commercial --

10 MR. PANEQUE: -- to residential.

11 MS. CARIDE: -- to residential. Correct.

12 MR. PANEQUE: Just wanted to clarify that

13 --

14 MS. CARIDE: Yes. Yes.

15 MR. PANEQUE: -- for the record.

16 MS. CARIDE: Absolutely.

17 CHAIRMAN GARCIA: How is the -- the hallway
18 between both buildings?

19 MR. OVEJAS: The hallway between both
20 units?

21 CHAIRMAN GARCIA: Yeah.

22 MR. OVEJAS: Will be separated by a
23 vestibule, entrance vestibule.

24 Actually, we're going to keep the same
25 location of the main entrance from the previous

1 use, which is a factory office. And then, we're
2 just going to create that as a small vestibule,
3 which sized to six feet by five feet.

4 MS. CARIDE: And there will be a door going
5 to each --

6 MR. OVEJAS: Yes. Providing entrance doors
7 to each apartments.

8 CHAIRMAN GARCIA: Okay. I have no further
9 question.

10 Basically, one of the -- one of the main
11 point -- main of concern point in that area
12 probably going to be the parking.

13 However, if you continue -- if you use that
14 one as a commercial, you probably going to have
15 -- going to need the same amount of parking that
16 you're going to require for -- for residential
17 use.

18 And I think -- you know, I'm going to make
19 my motion to grant the application. However, I
20 going to put some requirement.

21 Some condition is, we need to do something
22 with the front. I mean, I -- I passing by
23 through there, and I think that they need to,
24 like polish the -- the front of the -- like that
25 front yard that you have there --

1 MS. CARIDE: Oh, the long yard?

2 CHAIRMAN GARCIA: Yeah. Is so nice. I
3 mean, but I don't know why your client never
4 maintained that properly.

5 MS. CARIDE: He just purchased the
6 property.

7 CHAIRMAN GARCIA: Okay.

8 MS. CARIDE: So --

9 CHAIRMAN GARCIA: So, I think it's a pretty
10 structure, and nice green area that they could --
11 you know, do a better use than they're using
12 before.

13 MS. CARIDE: Shrubberies, things like that.

14 CHAIRMAN GARCIA: Yeah. Like -- yeah, like
15 trees, whatever. That's -- that's my concern.

16 MS. CARIDE: Not a problem.

17 CHAIRMAN GARCIA: Okay? I make my motion
18 to grant this application.

19 THE SECRETARY: Motion to grant the
20 application by Chairman Andres Garcia.

21 Any second?

22 Second by Margarita Gutierrez.

23 Roll call on the motion.

24 Chairman Garcia?

25 CHAIRMAN GARCIA: Yes.

1 THE SECRETARY: Vice Chairman Grullon?

2 VICE CHAIRMAN GRULLON: Yes.

3 THE SECRETARY: Margarita Gutierrez?

4 MS. GUTIERREZ: Yes.

5 THE SECRETARY: Miguel Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: Khaled Dardir?

8 MR. DARDIR: Yes.

9 THE SECRETARY: John Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Joseph Bonacci?

12 MR. BONACCI: Yes.

13 THE SECRETARY: Seven in favor, motion
14 carries.

15 MS. CARIDE: Thank you so much.

16 CHAIRMAN GARCIA: Thank you.

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

19 * * *

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1 **Ruth Slutsky - 727 32nd Street:**

2

3 THE SECRETARY: All right.

4 Number 7 on the agenda, Ruth Slutsky, 727
5 32nd Street. Appeal on zoning determination and
6 letter of interpretation.

7 Mrs. Caride, please?

8 MS. CARIDE: Yes.

9 Thank you.

10 Again, good evening, Chairman, members of
11 the Board.

12 This is an appeal on a letter of
13 determination.

14 I published, and I mailed out, so I have
15 that for you, Mr. Paneque.

16 MR. PANEQUE: Thank you, Ms. Caride.

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

19 MR. PANEQUE: Let the record reflect that
20 I've been provided by Ms. Caride with an
21 Affidavit indicating that notices went out to all
22 owners within the 200 foot radius for property
23 located at 727 32nd Street. Said notice
24 indicating tonight's hearing, June 9th, 2016.

25 I've also been provided with an Affidavit

1 from The Jersey Journal, which indicates that
2 notice of tonight's hearing, with respect to the
3 property in question, was published in The Jersey
4 Journal on the 26th of May, 2016.

5 Ms. Caride has also provided me with a list
6 from the Tax Assessor's Office. Said list is
7 dated May 20th, 2016, and provides the names of
8 all owners within the 200 foot radius of the
9 property at 727 32nd Street.

10 Ms. Caride has also provided me with the
11 certified mail receipts, as well as the returned
12 green cards that have come back, and the
13 envelopes that have come back either unclaimed or
14 unable to serve.

15 It appears from the documents that have
16 been provided, that everything is in order, and
17 therefore, this Board has jurisdiction to
18 continue and hear this matter.

19 Thank you, Ms. Caride.

20 MS. CARIDE: Thank you, Mr. Paneque.

21 Mr. Chairman, I represent Ruth Slutsky, who
22 was the owner of 727 32nd Street. And she's --
23 she recently sold it, but we're still dealing
24 with the closing, because there was an issue that
25 came up when she went to get the Code Official

1 for the smoke.

2 They had asked for some upgrades in the
3 electrical, which was done. But then, when they
4 went back to -- when they were asked to come back
5 to check the work, they were told that the
6 property was not a three family apartment
7 building, with a commercial store. They were
8 told that it was a two family building, with a
9 commercial store.

10 We asked for a determination, at which
11 point, we were told by the City Building
12 Department that they had it registered as a two
13 family commercial mixed use.

14 That property has been in the Slutsky
15 family for years. And standing to my left is
16 Joanne Sanowitz, who is Ms. -- Mrs. Slutsky's
17 daughter.

18 And I have her here present today so that
19 she can testify before the Board that this
20 particular property had been converted to three
21 residential apartments, with the commercial
22 store, back in 1966, '67, before the town had
23 adopted the Master Plan and the Zoning -- the
24 Zoning Ordinance.

25 I -- I attached to the letter, an Affidavit

1 by Mrs. Slutsky, who cannot be present here
2 today, because she's a very elderly woman.

3 So, her daughter is present, and if you'd
4 like to have her sworn in.

5 MS. DILLON: Sure.

6 Ma'am, please raise your right hand.

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

9 MS. SANOWITZ: Yes, I do.

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

12 MS. SANOWITZ: Joanne Sanowitz,
13 S-A-N-O-W-I-T-Z.

14 MS. DILLON: And how do you spell Joanne?
15 One --

16 MS. SANOWITZ: J-O-A-N-N-E. One word.

17 MS. DILLON: Okay. And it was S-A-N-O-W-I
18 --

19 MS. SANOWITZ: T-Z.

20 MS. DILLON: Z?

21 MS. SANOWITZ: Z. Um hum.

22 MS. DILLON: Thank you.

23 MS. CARIDE: If I can begin?

24 CHAIRMAN GARCIA: Yes.

25 MR. PANEQUE: Yes.

1 MS. CARIDE: Ms. Sanowitz, where do you
2 currently reside?

3 MS. SANOWITZ: I reside in Millburn, New
4 Jersey.

5 MS. CARIDE: Okay.

6 And are you familiar with the property, 727
7 32nd Street?

8 MS. SANOWITZ: I was born there and I grew
9 up there. Yes.

10 MS. CARIDE: And how long did you reside on
11 that property?

12 MS. SANOWITZ: Thirty-five years.

13 MS. CARIDE: Okay.

14 Give me -- give me the timeframe that you
15 lived at that property.

16 MS. SANOWITZ: Okay. I was born in Union
17 City.

18 MS. CARIDE: What year was that?

19 MS. SANOWITZ: 1953.

20 MS. CARIDE: Okay.

21 MS. SANOWITZ: And my great-grandfather
22 owned that house. He died on Christmas Day,
23 1965. And he left that house to my grandmother,
24 Mary Aronowitz.

25 Approximately a year and a half later, she

1 changed that house from a two family, with a
2 little storefront, to a three family, with a
3 storefront.

4 So that house has been a three family since
5 approximately 1966, 1967. It has been that way
6 forever, and I typed something.

7 I don't know if --

8 MS. CARIDE: They have it.

9 MS. SANOWITZ: Okay.

10 MS. CARIDE: But we need your testimony.

11 MS. SANOWITZ: Telling you that I remember
12 when it was done, I remember who it was done by.
13 It was -- the contractors were firefighters for
14 Union City. One was a retired fire captain,
15 Freddie Braun, and his son, Kenny Braun. And
16 then, there were other people that worked with
17 them.

18 So, they did the work for my grandmother.

19 My grandmother died in 1978 and left that
20 to my mother. The house then became my mother's.

21 So, the house was a three family way, way
22 before my mother ever inherited the property.
23 And it's been that way, like I said, since I've
24 been about 13 years old.

25 MS. CARIDE: And now, let me ask you. The

1 -- there's two apartments on the first floor.

2 MS. SANOWITZ: There are two small
3 apartments on the first floor, with a store also
4 on the first floor. And the second floor is one
5 apartment.

6 And that's where I grew up, on the second
7 floor. And when my grandmother renovated it, she
8 rented one small apartment out, she kept one for
9 herself, and we stayed in the upstairs apartment.
10 And my mother lived there forever and ever.

11 MS. CARIDE: Now, did -- at any time, did
12 they -- did your family change it from three
13 family to two?

14 MS. SANOWITZ: No.

15 MS. CARIDE: In other words, they --

16 MS. SANOWITZ: Change it back? No.

17 MS. CARIDE: Change it back?

18 MS. SANOWITZ: No. It was a store and
19 three family from approximately 1966, '67 to
20 present. It's been that way forever.

21 MS. CARIDE: And you've had tenants there
22 since then?

23 MS. SANOWITZ: Forever. I wrote down the
24 names of -- I remember the first one, Louise
25 Wagner. There were many tenants. And I remember

1 from here.

2 MS. CARIDE: Okay.

3 Mr. Chairman, we're asking that this Board
4 consider the application, and noted that it's a
5 three -- three residential, with a commercial not
6 a two.

7 I understand that the -- that there's some
8 papers that list it as a two. That's why I
9 brought Mrs. Sanowitz here to testify as to
10 dating back when they had converted the property
11 to a three residential apartments, and who had
12 resided there. And -- and her memory is, as you
13 can see, is pretty good.

14 MS. SANOWITZ: It's good.

15 CHAIRMAN GARCIA: Ms. Caride -- Ms. Caride,
16 I have a question is, what about -- does she have
17 the green card for the --

18 MS. SANOWITZ: From the State.

19 MS. CARIDE: We do.

20 MS. SANOWITZ: Yes.

21 MS. CARIDE: We do.

22 MS. SANOWITZ: Um hum.

23 MS. CARIDE: Not going back to then, but I
24 have a current one.

25 CHAIRMAN GARCIA: Okay.

1 And you don't have any, like tax
2 assessment, back '74?

3 MS. CARIDE: Taxes from back then? That I
4 don't have.

5 CHAIRMAN GARCIA: I mean, and what the
6 green card said?

7 MS. CARIDE: The green -- well, the
8 Certificate of Registration lists it as a three
9 unit property. And then, they just changed over.
10 I have the temporary that was given. And then --

11 MS. SANOWITZ: That's the permanent, too, I
12 gave you.

13 MS. CARIDE: Right. I know. I had a
14 everything -- just want not to lose my closing
15 file.

16 Here you go.

17 Here's the Certificate that was with the
18 registration. And then, there's a temporary
19 registration.

20 MS. SANOWITZ: And there's a permanent,
21 too.

22 MS. CARIDE: And this was what you -- you
23 were issued. And I --

24 And I think I have one more, which is the
25 green card, which is a white piece of paper.

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

3 MR. PANEQUE: Ms. Caride?

4 MS. CARIDE: Yes.

5 MR. PANEQUE: Are you able to inquire of
6 your client exactly when the property was
7 registered as a three family with the Department
8 of Community Affairs?

9 And as a follow up question, whether the
10 Department of Community Affairs, Housing
11 Inspection Division did their five year
12 inspection? And if she has any of those records
13 going back?

14 MS. CARIDE: Jo?

15 MS. SANOWITZ: Okay. The -- the first
16 question, that permit was issued in -- we went to
17 Trenton -- my husband and I went to Trenton in
18 July of 2015.

19 And that was issued -- we got the temporary
20 to last until October. And then, the permanent
21 came through after that. Okay?

22 MR. PANEQUE: Prior to 2015, did you have
23 your house registered as a three family?

24 MS. CARIDE: Was the -- was the house ever
25 registered by your mother with Trenton?

1 MS. SANOWITZ: Honestly, I don't recall.

2 MR. PANEQUE: Okay.

3 Do you recall whether there were
4 inspections every five years, from the Division
5 of Inspection in Trenton?

6 MS. SANOWITZ: I -- I honestly don't know.

7 MR. PANEQUE: Okay.

8 MS. CARIDE: I also have a letter from the
9 Building Department that a -- a CO was not
10 required.

11 MR. PANEQUE: The -- the issue that we have
12 here is that the tax records have the property
13 listed as a two residential unit, with one
14 commercial. Okay?

15 Were you ever cognizant of that fact?

16 MS. SANOWITZ: No. When this renovation
17 was done, I was only 13 years old. I was young.
18 I remember the renovation. I remember the
19 tenants. I remember the people who did it.

20 MR. PANEQUE: Okay.

21 MS. SANOWITZ: But I didn't have any access
22 to any of the paperwork.

23 MR. PANEQUE: When --

24 MS. SANOWITZ: That was done by my -- and
25 that was done by my grandmother. My mother did

1 not do that. She did not own the property at the
2 time of the renovation. My grandmother did.

3 MR. PANEQUE: Okay.

4 MS. SANOWITZ: So, that was just left to my
5 mother, at my grandmother's death.

6 MR. PANEQUE: As the years went by, after
7 the renovation, did anybody, either your
8 grandmother, your mother, or yourself when you
9 started managing the property, ever notice that
10 the tax records were showing as two residential
11 units and one commercial?

12 MS. SANOWITZ: No.

13 MS. CARIDE: When did --

14 MS. SANOWITZ: Not that I know of.

15 MS. CARIDE: When did you start managing
16 the property for your mother?

17 MS. SANOWITZ: You know what? I am my
18 mother's POA, and that happened after my mother's
19 stroke in -- that was six years ago -- seven
20 years ago. And we just paid the bills as they
21 came.

22 CHAIRMAN GARCIA: Do you have -- just going
23 to the day -- daily practice, do you have -- how
24 many PSE&G control you have? I mean, how many
25 meters you have there in the building?

1 MS. SANOWITZ: Each tenant has their own
2 control.

3 MS. CARIDE: Which means that there's
4 three. Plus the commercial, so it's four.

5 CHAIRMAN GARCIA: So they have four. You
6 have four --

7 MS. SANOWITZ: Um hum.

8 CHAIRMAN GARCIA: -- meters.

9 MR. PANEQUE: Is that both gas meters and
10 electric?

11 MS. SANOWITZ: Um hum.

12 MR. PANEQUE: Yes?

13 MS. SANOWITZ: Each tenant pays their own.

14 MR. PANEQUE: Okay.

15 MS. SANOWITZ: So, PSE&G, we had permits
16 for that, so that went through.

17 MR. PANEQUE: Okay.

18 MS. CARIDE: For the three apartments and
19 the commercial space.

20 MS. SANOWITZ: Each one has their own.

21 MR. PANEQUE: Have the apartments been
22 renovated in any way, since they were retrofitted
23 two units in the first floor, back in '66?

24 MS. SANOWITZ: Well, anything that the
25 tenants needed, we would accommodate them with.

1 MR. PANEQUE: Okay.

2 MS. SANOWITZ: You know? Appliances,
3 floors, painting, anything like that.

4 MR. PANEQUE: But if we were to look at,
5 let's say, the bathrooms there, do they go back
6 to 1963?

7 MS. SANOWITZ: No. I mean, if they -- you
8 know, whatever they needed to be updated were
9 updated. They were updated.

10 MR. PANEQUE: Okay.

11 MS. SANOWITZ: Everything is in working
12 order, if you're -- if that's --

13 MR. PANEQUE: Okay.

14 MS. SANOWITZ: -- what you're getting at.

15 MR. PANEQUE: Well, I'm talking -- the tile
16 work --

17 MS. SANOWITZ: Oh --

18 MR. PANEQUE: -- for example.

19 MS. SANOWITZ: -- everything is fine. I
20 mean, the --

21 MR. PANEQUE: No, but --

22 MS. SANOWITZ: -- upstairs apartment --

23 MS. CARIDE: Did you ever --

24 MR. PANEQUE: I'm not questioning --

25 MS. CARIDE: -- do any kind of new work on

1 the house, where you needed to go out and get
2 permits from the town?

3 MS. SANOWITZ: Oh, oh, that? No. No.

4 MR. PANEQUE: No? So, if we look at the
5 tile work in those bathrooms that have the two
6 units on the first floor, that tile work goes
7 back to the late '60s.

8 MS. SANOWITZ: It should.

9 MR. PANEQUE: Should?

10 MS. SANOWITZ: But it -- it's -- I mean,
11 it's all functioning. It's function --

12 MR. PANEQUE: I'm not questioning that.

13 MS. CARIDE: No. He -- he's not
14 questioning that it's not working. He just wants
15 to see if any work has been done between '66 to
16 the present --

17 MS. SANOWITZ: Where I --

18 MS. CARIDE: -- where you --

19 MS. SANOWITZ: -- needed a permit? No.

20 MR. PANEQUE: I'm also trying to establish
21 the fact that if it's been there pre-1973, when
22 the Ordinance took effect.

23 MS. SANOWITZ: Um hum.

24 MR. PANEQUE: Okay?

25 MS. SANOWITZ: Yeah. It was there.

1 CHAIRMAN GARCIA: There's not any way that
2 you could get like the tax assessment for '74?

3 MS. CARIDE: I'm sorry, --

4 CHAIRMAN GARCIA: Is not any way --

5 MS. CARIDE: -- Chairman?

6 CHAIRMAN GARCIA: -- that you could get the
7 tax assessment for 1974, I mean back then.

8 MS. CARIDE: I would have to go down to the
9 Assessor's Office and get it, but I believe that
10 they had it listed in one of the documents that I
11 had seen as a -- as a two.

12 CHAIRMAN GARCIA: Yeah. But in previous
13 cases, they had that, and then when you go to --
14 you know, the copy one, like the other case that
15 we had before.

16 MS. CARIDE: Hold on. Let me --

17 CHAIRMAN GARCIA: Remember?

18 MS. CARIDE: I went and I got something.
19 Hold down.

20 CHAIRMAN GARCIA: That showing different --
21 completely different than was --

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

24 MS. CARIDE: This is from '77.

25 CHAIRMAN GARCIA: And that one is --

1 MR. PANEQUE: That's the only --

2 CHAIRMAN GARCIA: -- only three units?

3 MR. PANEQUE: -- Ms. Caride?

4 MS. CARIDE: I believe it was from '77.

5 MR. PANEQUE: May we take a look at that?

6 MS. CARIDE: Yeah. It has it as two units,
7 one commercial. But this is -- this goes back to
8 '77.

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

11 MR. PANEQUE: So, it's got one commercial
12 and two stores. I mean, one commercial and two
13 apartments.

14 And then a breakdown --

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

17 MS. CARIDE: Mr. Paneque, just for the
18 record, Chairman, my client was telling me that
19 PSE&G had taken out permits to do the meters. I
20 assume that they had taken out --

21 MR. PANEQUE: In the '60s?

22 MS. SANOWITZ: No. That was recent. That
23 was just a few years ago that they did the
24 meters.

25 MR. PANEQUE: Okay. Because I'm --

1 MS. SANOWITZ: And --

2 MR. PANEQUE: I'm looking at this
3 assessment from 1977, and I don't see the date on
4 it. I don't know where Ms. Caride --

5 MS. CARIDE: I saw something on the --

6 MR. PANEQUE: You saw it on --

7 MS. CARIDE: Yeah.

8 MR. PANEQUE: Okay.

9 MS. CARIDE: Yeah. If I may?

10 MR. PANEQUE: Yes.

11 MS. SANOWITZ: But the renovation was done
12 way, way back before '77. That was done in '66,
13 '67.

14 MS. CARIDE: '77 there.

15 MR. PANEQUE: Okay. I see it.

16 My only concern is that, in looking at this
17 assessment that was done in 1977 --

18 MS. SANOWITZ: Um hum.

19 MR. PANEQUE: -- the assessor only saw two
20 units.

21 MS. SANOWITZ: Oh.

22 MR. PANEQUE: And one commercial.

23 MS. CARIDE: Where -- where is the unit
24 that your grandmother lived in?

25 MS. SANOWITZ: The first apartment behind

1 the store.

2 MS. CARIDE: So, there's an apartment
3 behind the store.

4 MS. SANOWITZ: There are two apartments,
5 and they are very visible, with separate doors
6 and keys.

7 And I don't know why he only saw two
8 apartments. There are three there.

9 MS. CARIDE: And how many mailboxes?

10 MS. SANOWITZ: There are three mail --
11 there are four mailboxes. One for the store, and
12 three mailboxes.

13 MR. PANEQUE: Is the -- the third apartment
14 behind the shoe store?

15 MS. SANOWITZ: There's a store --

16 MR. PANEQUE: Okay.

17 MS. SANOWITZ: -- and then, one apartment,
18 and then one apartment --

19 MS. CARIDE: Behind.

20 MS. SANOWITZ: -- behind that.

21 MS. CARIDE: Right.

22 MR. PANEQUE: Okay.

23 MS. SANOWITZ: So, it's a store, apartment,
24 apartment, and then on the second floor, there's
25 just one big apartment.

1 MS. CARIDE: And you said there's four
2 mailboxes there.

3 MS. SANOWITZ: There are four mailboxes.
4 One for the store, and three for the apartments.

5 MR. PANEQUE: Okay.

6 Because in looking at this assessment, we
7 have the shoe store, which paid \$135.00 in rent.

8 MS. SANOWITZ: Okay.

9 MR. PANEQUE: We have one apartment paying
10 165, and one apartment paying 75.

11 MS. SANOWITZ: Honestly, I don't remember
12 rents --

13 MR. PANEQUE: You don't?

14 MS. SANOWITZ: -- back in --

15 MR. PANEQUE: Okay.

16 MS. SANOWITZ: -- '77, but --

17 MR. PANEQUE: But it's your testimony that
18 those three units, residential, existed back to
19 1966 --

20 MS. SANOWITZ: Absolutely.

21 MR. PANEQUE: -- '67.

22 MS. SANOWITZ: Yes. And nothing has
23 changed. There are three doors, three mailboxes.

24 MR. PANEQUE: And three gas meters, and
25 three electric meters.

1 MS. SANOWITZ: Yes. Um hum.

2 MR. PANEQUE: Okay.

3 MS. CARIDE: Well --

4 MS. SANOWITZ: And it was done by my
5 grandmother.

6 MS. CARIDE: Three for the residents, and
7 then the commercial.

8 CHAIRMAN GARCIA: Right.

9 MS. SANOWITZ: And that was done by my
10 grandmother, not my mother. She did not do that.
11 She inherited that.

12 CHAIRMAN GARCIA: Ms. Caride, just to -- to
13 be fair and play safe for everybody, can you --
14 can your client like probably bring an architect,
15 with a plan, with a sketch about the house,
16 everything is, and we could do is -- just to
17 support whatever decision we make, and with this
18 application.

19 It's like they could bring in a sketch, and
20 also answer as a -- from the point of view of an
21 architect, the question that Mr. Paneque asked
22 before about the --

23 MS. CARIDE: That these are preexisting.

24 CHAIRMAN GARCIA: -- how -- how it looks
25 and everything, if this was preexisting.

1 And if we could carry for next meeting, and
2 we could offer you the Resolution.

3 Can we give the Resolution? Or you --

4 MR. PANEQUE: Well, we would have to see
5 what the architect has to testify to.

6 CHAIRMAN GARCIA: Right. That's the only
7 problem.

8 MR. PANEQUE: I think what Mr. Garcia is
9 alluding to is that in the past, the way we're
10 treated these applications is we've made the
11 applicants, who has the burden of proof, prove to
12 the Board that these units existed by credible,
13 more than just testimony, but evidence.

14 And the evidence that's been presented, in
15 the past, has been photographs of -- for example,
16 I mentioned the tile work in a bathroom.

17 If we look at a tile work in the bathroom,
18 we could tell whether it was done in the '80s,
19 '90s, or even in the '60s. Tile work from the
20 '60s is very noticeable.

21 And an architect is able to testify about
22 the tile work, he's able to testify about the
23 framing, the woodwork, the floors.

24 MS. CARIDE: Not a problem.

25 MR. PANEQUE: So, I -- I don't want to --

1 | you know, question the veracity of your client.

2 | CHAIRMAN GARCIA: Right.

3 | MR. PANEQUE: It's not that we're doing
4 | that. It's just that --

5 | MS. CARIDE: No, no.

6 | MR. PANEQUE: -- in order to be fair to all
7 | the applications that we've heard, we've always
8 | had that standard of proof, and it's not being
9 | met --

10 | MS. CARIDE: And that's not a problem.

11 | MR. PANEQUE: -- in this case.

12 | MS. CARIDE: If we can carry this to July
13 | 14th, we'll be back with an architect who we will
14 | --

15 | CHAIRMAN GARCIA: And -- and with all --

16 | MS. CARIDE: I'll speak with the owner to
17 | gain access to.

18 | CHAIRMAN GARCIA: And with all due respect
19 | to your client, I mean, I -- I believe what she's
20 | saying, but based on that, making a motion that
21 | laid it on probably another level, somebody could
22 | apply -- I mean, appeal, whatever. And then, you
23 | don't have any, like support.

24 | MS. CARIDE: No. That's not a problem.

25 | CHAIRMAN GARCIA: That's why --

1 MS. CARIDE: I will make --

2 CHAIRMAN GARCIA: -- I recommend that.

3 MS. CARIDE: -- arrangements with the --
4 with the owner to come back with an architect's
5 sketch.

6 CHAIRMAN GARCIA: Right.

7 MS. CARIDE: That's not a problem.

8 CHAIRMAN GARCIA: Okay.

9 MS. CARIDE: If we can carry this to the
10 14th.

11 CHAIRMAN GARCIA: Yes. We could carry to
12 the 14th.

13 MR. PANEQUE: We'll carry it. And just as
14 -- for the public, is there any -- if anybody's
15 here on this application, it will not be open to
16 the public tonight.

17 It's going to be carried for continuation
18 of the applicant's application until July 14th.

19 So any questions should be reserved to that
20 time.

21 MS. CARIDE: Thank you very much.

22 CHAIRMAN GARCIA: Thank you.

23 MS. CARIDE: I'll see you see next time.

24 MS. GUTIERREZ: Thank you.

25 THE SECRETARY: Motion to adjourn this

1 application --

2 MS. CARIDE: You're making me come back.
3 You missed me.

4 Right?

5 CHAIRMAN GARCIA: I make my motion to --

6 THE SECRETARY: -- by Chairman Garcia.

7 Second by?

8 VICE CHAIRMAN GRULLON: I second.

9 THE SECRETARY: Victor Grullon.

10 Roll call on the motion to adjourn this
11 application. No new notice required.

12 Chairman Garcia?

13 CHAIRMAN GARCIA: Yes.

14 THE SECRETARY: Victor Grullon?

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Margarita Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Miguel Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Khaled Dardir?

21 MR. DARDIR: Yes.

22 THE SECRETARY: John Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Joseph Bonacci?

25 MR. BONACCI: Yes.

1 THE SECRETARY: Seven in favor, motion
2 carries.

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

5 * * *

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

2

3 THE SECRETARY: Number -- number 8 on
4 tonight's application, Irmina Mondejar, 505 27th
5 Street

6 Mr. -- Mrs. Pereiras, please?

7 MS. GUTIERREZ: Nobody can hear. Hold on.

8 MS. PEREIRAS: Good evening.

9 Mr. Chairman, it's nice to see you again.

10 MS. GUTIERREZ: Excuse me?

11 CHAIRMAN GARCIA: Thank you.

12 MS. PEREIRAS: Members of the Board, may it
13 please the Board, Bianca Pereiras, on behalf of
14 the applicant.

15 Before I begin, just for purposes of the
16 record, I just want to -- when we were here last
17 month, we submitted our proofs, and jurisdiction
18 was established at that time.

19 MR. PANEQUE: Yes.

20 CHAIRMAN GARCIA: Excuse me?

21 THE SECRETARY: Silence, please.

22 CHAIRMAN GARCIA: Thank you.

23 You can proceed.

24 MR. PANEQUE: Let the record reflect that
25 Ms. Pereiras' application was scheduled for last

1 month, at which time she appeared and the
2 jurisdictional proofs were placed on the record.
3 And based on the fact that we didn't have a full
4 Board, the matter was carried to tonight's
5 meeting.

6 MS. PEREIRAS: Thank you very much.

7 MR. PANEQUE: So, therefore, she is ready
8 to proceed.

9 MS. PEREIRAS: Thank you.

10 MR. PANEQUE: Nothing was heard, also, last
11 -- at the last meeting.

12 MS. PEREIRAS: That's correct.

13 CHAIRMAN GARCIA: Okay.

14 MS. PEREIRAS: This property is located at
15 505 27th Street --

16 CHAIRMAN GARCIA: Carlos?

17 MS. PEREIRAS: -- also known as Block 148,
18 Lot 43. This is in our CN, neighborhood
19 commercial.

20 What we have existing on-site is a three
21 story structure in the front, and a one story
22 structure in the rear.

23 My client actually moved into this property
24 in 1961. She later purchased the property in
25 1970. So, she was a tenant first, and then the

1 owner of the property.

2 She's here behind me, in case the Board has
3 any questions of her, but what this application
4 is, ever since 1961, there were five residential
5 units on-site. There were four in the three
6 story structure in the front, and there was one
7 residential unit in the rear structure.

8 What we're proposing to do is to eliminate
9 that residential use in the rear structure, and
10 legalize one unit in the front, because at some
11 point this year, my client found out that the
12 Building Department only recognized three legal
13 units.

14 So, really, what we're doing is going from
15 three to a four.

16 We have one expert to testify before the
17 Board this evening, and that is our architect,
18 Mr. Manuel Pereira.

19 MS. DILLON: Please raise your right hand.

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

22 MR. PEREIRAS: I do.

23 Manny Pereira, P-E-R-E-I-R-A-S, with
24 Pereira Architects Ubiquitous, 1116 Summit
25 Avenue, Union City, New Jersey.

1 MS. DILLON: Thank you.

2 MS. PEREIRAS: Again, for purposes of the
3 record, Mr. Pereiras has testified --

4 CHAIRMAN GARCIA: Yes. Our pleasure to
5 have him.

6 MS. PEREIRAS: -- before this Board in the
7 past.

8 Thank you very much.

9 MR. PEREIRAS: Thank you. It's good to be
10 here.

11 MS. PEREIRAS: Mr. Pereiras, are you
12 familiar with the property in question?

13 MR. PEREIRAS: I am.

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

16 MR. PEREIRAS: I have.

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

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

20 First, to locate us, we're on the 500 block
21 of 27th Street, on the south side. We're about 40
22 -- 40 feet in from Bergenline Avenue.

23 We have a typical 25 by 100 lot that we
24 find in Union City, with typical -- and you find
25 that in a lot of places, where you have a

1 structure in the front, and a structure in the
2 back of it.

3 Where there's a slightly untypical is that
4 we have five existing units in here, that have
5 been there since 1961. And through my testimony,
6 you'll see that those units have been there, and
7 it -- it's very clear that they have been there
8 since 1961.

9 However, that said, the applicant is very
10 conscious of health and -- and safety concerns,
11 and we're actually making some modifications to
12 make these units Code compliant. And we're
13 actually dropping one of the units in its
14 entirety.

15 So, what we're looking to legalize here
16 today is actually just one unit, and it's located
17 on the third floor of the building, the front
18 building.

19 And I'll explain to it as I go through the
20 drawings.

21 As you could see here, and the drawings to
22 my right are propped on an easel, but they're the
23 same drawings that were submitted before the
24 Board, simply here for presentation.

25 If you look at the site plan, you see that

1 | this building is touching the property line along
2 | the east side. And along the west side, there's
3 | a small sliver of space between that and the
4 | adjacent building.

5 | The property is on the property line, along
6 | the front of the building. Since we are in the
7 | CN district, this is compliant in all those ways.

8 | What's not compliant is a side yard. If
9 | you provide, in the CN district, the side yard,
10 | it's -- it either has to be zero, but if you
11 | provide one, it has to be five feet.

12 | We're way under that. We're at about two
13 | feet on that side yard. So, we have an existing
14 | nonconformity for side yard.

15 | In addition to that, of course, we always
16 | have a parking issue in Union City. This
17 | building is occupying the whole front of the lot.
18 | There's no opportunity to provide parking. It's
19 | definitely a hardship to our -- to our patron.
20 | And parking is not provided. It's another
21 | existing nonconformity to this.

22 | My first focus will be on to the unit to
23 | the rear of the property.

24 | I'm turning the sheet now to Sheet Z02.

25 | Thank you so much.

1 On Sheet Z02, we see the drawing is split
2 up in 50/50. On the left hand side, we have the
3 existing conditions. On the right hand side, we
4 have the proposed conditions.

5 As you can see, and I have props, the --
6 this -- the back unit was an existing one bedroom
7 unit. However, that one bedroom unit was only
8 316 square feet. And it was very tiny. And the
9 biggest problem I had, personally, with it was
10 access to it.

11 There's no way of accessing, except through
12 the side yard. And it doesn't comply with Code.

13 So, going back and forth with our patron,
14 we talked about it. They want to do the right
15 thing. Remember, they've lived here since 1961.
16 Okay? And that's been rented since 1961, even
17 though they've owned it '70.

18 But they want to do the right thing, and we
19 can't bring that to Code in any way. So, what
20 we're actually going to do is demolish the
21 interior of that space and just leave it as a
22 storage space.

23 It was too much of a hardship for them to
24 demolish the entire structure. There's no reason
25 for them to demolish the entire structure.

1 But what we're asking this Board to do, is
2 to legalize it as an existing nonconform -- an
3 existing structure that predates both Ordinance
4 and Building Code, and we'll leave it as a
5 storage area in the rear of the property. Okay?

6 So, that's the first big kind of step that
7 we're asking the Board to do.

8 The second step is that on the third floor
9 of the building in the front, and we have a first
10 floor, second floor, and third floor, we have
11 this apartment along the front.

12 And if I show the existing condition, the
13 apartment is a one bedroom unit. The problem is,
14 from -- it's a very small one bedroom unit.

15 First and foremost, we have only 312 square
16 feet. A little bit more, 312.44. We understand
17 that that doesn't comply with the Ordinance of
18 Union City. We understand that it doesn't even
19 comply with Building Code. The size of the
20 bedroom is too small.

21 So, what we're looking to do, even though
22 this preexists, it's preexisting, and it predates
23 all Building Code and all Ordinances, what we're
24 looking to do is a compromise and legalize a
25 studio apartment, which we're still not

1 compliant, and we're still below the -- the
2 minimum requirements. However, since this
3 predates the Ordinance and the Building Code,
4 we're asking this Board to consider that.

5 So, instead of making that a one bedroom,
6 we're going to do some interior demolition and
7 create a studio apartment, which you can see here
8 on the right hand side.

9 So, we'll have a 311 square foot studio
10 apartment. The exterior frame of it will stay
11 the same. The door entering the studio remains
12 the same. The kitchen remains the same, the
13 bathroom remains the same. All we're doing to --
14 we're proposing to do is the one wall that divide
15 it, and made it into a bedroom, we're seeking to
16 take that out. We're going to put a header over
17 it, and -- and simply make into a studio.

18 That said, we're going to be doing a lot of
19 construction work to bring it up to Code. But I
20 ask that if this Board deems fit, that this be
21 legalized. I ask that it would be clearly said,
22 because we want to be able to fit under the Rehab
23 Sub-Code, and our Codes to comply with the Rehab
24 Sub-Code, to say that this is a preexisting
25 structure.

1 Our -- our patron has lived there since
2 1961. I think she purchased it in '73.

3 MS. PEREIRAS: 1970.

4 MR. PEREIRAS: In -- in '70 --

5 MS. PEREIRAS: 1970.

6 MR. PEREIRAS: In 1970, and she has not
7 done any work.

8 And as an architect, I could say I've
9 walked the property. The fixtures, the finishes,
10 the trim work, the tile, everything is consistent
11 with her explanation and everything she's told
12 me.

13 There are small things that look like there
14 have been repairs throughout the years, but for
15 the most part, I could safely and confidently say
16 that this is a preexisting structure.

17 That concludes my testimony for now.

18 CHAIRMAN GARCIA: But basically, you're not
19 going to do any -- anything to the structure? To
20 the --

21 MR. PEREIRAS: It's not a pretty building.
22 We know that, but we're not proposing anything to
23 the exterior. This is all predating both
24 Ordinance and Code.

25 And -- and it really is an undue hardship

1 to our -- our patron.

2 CHAIRMAN GARCIA: And you're --

3 MR. PEREIRAS: She's --

4 CHAIRMAN GARCIA: -- going from three to
5 four.

6 Right?

7 MS. PEREIRAS: Correct.

8 MR. PEREIRAS: We are going -- yes.

9 There's five existing. Three are recognized by
10 the municipality, and we're proposing a fourth
11 unit.

12 CHAIRMAN GARCIA: You eliminated the one in
13 the back.

14 Right?

15 MR. PEREIRAS: Yes. And we're keeping that
16 as storage. And we'd like the Board to
17 recognize that as storage.

18 CHAIRMAN GARCIA: Okay.

19 And the one -- the small 311 square feet
20 that is studio, so it's actually one bedroom
21 apartment.

22 Right?

23 MR. PEREIRAS: It's a one bedroom that
24 we're removing the bedroom and making a studio.
25 We're -- we're really working with you. We're

1 | trying to make a compromise, to try and make this
2 | as Code compliant as possible.

3 | CHAIRMAN GARCIA: You said that right now
4 | you have five.

5 | Right?

6 | MR. PEREIRAS: Yes.

7 | CHAIRMAN GARCIA: Because basic -- that's
8 | -- that's what you have on the card. In the tax
9 | assessment, 1974.

10 | MR. PEREIRAS: Yes.

11 | MS. PEREIRAS: That's correct.

12 | CHAIRMAN GARCIA: Is this is '74, Mr. --

13 | MR. PANEQUE: It's probably the '70s.

14 | CHAIRMAN GARCIA: Seventy-something. I
15 | don't know. But it's like --

16 | MR. PEREIRAS: Yes. It's reflected in the
17 | tax records --

18 | CHAIRMAN GARCIA: Yes.

19 | MR. PEREIRAS: -- as well.

20 | CHAIRMAN GARCIA: So, when I -- number of
21 | units, two on the first floor, one on the second,
22 | and two on the third?

23 | MR. PANEQUE: Yes.

24 | CHAIRMAN GARCIA: That's what they show
25 | here.

1 MR. PEREIRAS: Actually, I think it
2 actually says the rear unit. It actually
3 specifies this, as well.

4 It calls it out as one floor, one unit in
5 the rear, after the slash on the tax records.

6 CHAIRMAN GARCIA: Right. That's right.

7 I have no further question.

8 Any question?

9 MR. DARDIR: You're saying the studio on
10 the third floor is nonconforming.

11 Correct?

12 MR. PEREIRAS: It's -- so, the -- the City
13 has issued that as a nonconforming structure.

14 MR. DARDIR: Yeah.

15 MR. PEREIRAS: We're saying that that has
16 always been there. We're looking to legalize
17 that unit.

18 MR. DARDIR: But it wasn't there --

19 MR. PEREIRAS: It was a one bedroom and
20 now, we're making it into a studio.

21 MR. DARDIR: Okay. So, you're turning the
22 apartment --

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

25 CHAIRMAN GARCIA: What you going to do with

1 just --

2 I got to tell you.

3 MR. PEREIRAS: Uh oh.

4 CHAIRMAN GARCIA: The other day -- the
5 other day, I was in -- I received a scorecard
6 from one -- one audit that I did. It was a
7 hundred percent, but they want that I pick
8 something. I said, yeah, but if it's a hundred
9 percent, why you want that I pick something?

10 Oh, you put an extra S in the -- in the
11 name in commission.

12 Okay. Perfect.

13 Now, I'm going to ask you a question here.
14 A tricky question like that, is like, what did
15 you do with the -- with the 1.44 square feet in
16 the -- in the studio?

17 MR. PEREIRAS: You know, I noticed that,
18 too. And I don't know -- I noticed that as I was
19 calling them out.

20 CHAIRMAN GARCIA: No, but I mean, is
21 probably also answer to one of our peers here on
22 the Board, is like, I mean, doesn't comply either
23 with the size of the studio. However, you are
24 converting from a one bedroom to a studio. So
25 it's --

1 MR. PEREIRAS: Yes.

2 CHAIRMAN GARCIA: -- kind of enhancing the
3 -- that unit.

4 Any other further question?

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

7 Mr. Price?

8 No? Okay.

9 Okay. Closed to the public.

10 And I think that checking the -- the tax
11 assessment record, showing the five units,
12 probably back in the time, was a legal five
13 units. I don't know.

14 And I think that like I mentioned before,
15 that enhancing that to one bedroom unit, going to
16 a studio, also sacrificing the studio in the
17 back, to convert it into storage; also, I mean,
18 enhancing of the -- the units is enough reason
19 for -- for grant -- you know, for grant
20 application. And also, all the condition of
21 preexisting condition.

22 I make my motion to grant this application,
23 with any -- with any other condition.

24 THE SECRETARY: Motion to grant the
25 application by Chairman Andres Garcia.

1 Second by Khaled Dardir.
2 Roll call on the motion.
3 Chairman Garcia?
4 CHAIRMAN GARCIA: Yes.
5 THE SECRETARY: Vice Chairman Grullon?
6 VICE CHAIRMAN GRULLON: Yes.
7 THE SECRETARY: Margarita Gutierrez?
8 MS. GUTIERREZ: Yes.
9 THE SECRETARY: Miguel Ortiz?
10 MR. ORTIZ: Yes.
11 THE SECRETARY: Khaled Dardir?
12 MR. DARDIR: Yes.
13 THE SECRETARY: John Medina?
14 MR. MEDINA: Yes.
15 THE SECRETARY: Joseph Bonacci?
16 MR. BONACCI: Yes.
17 THE SECRETARY: Seven in favor, motion
18 carries.
19 Thank you.
20 MS. PEREIRAS: Thank you all very much.
21 CHAIRMAN GARCIA: Thank you.
22 Can I have two minute break?
23 THE SECRETARY: May I have your attention,
24 please?
25 Five minute break.

1 CHAIRMAN GARCIA: Two minute.

2

3 (Whereupon, the Board recessed from 7:48
4 p.m. to 7:56 p.m.)

5

6 (Whereupon, Khaled Dardir left the meeting
7 at 7:48 p.m.)

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

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3 MS. DILLON: Okay, Carlos.

4 On the record.

5 THE SECRETARY: May I have your attention,
6 please?

7 Next -- next application on tonight's
8 agenda, Renaissance Union, LLC, 535 30th Street.

9 Mrs. Pereiras, please.

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

12 This is also -- we had submitted proofs at
13 the last meeting, and the Board had acquired
14 jurisdiction in May's meeting.

15 MR. PANEQUE: Let the record reflect that
16 the applicant came before the Board at the last
17 meeting, and due to the fact that the Board was
18 not composed of a full membership, the
19 application was adjourned until tonight's
20 meeting, with no need to further notice.

21 MS. PEREIRAS: Thank you.

22 The property is located at 535 30th Street,
23 Block 161, Lot 19. And we're located in the R
24 residential zone.

25 This is actually a project that came before

1 the Board back in 2004. And at that time, the
2 Board approved a five story, ten unit building.

3 In rehabilitating the building, because it
4 went through some disrepair, it was noticed that
5 the parking structure, the parking level did not
6 accommodate an ADA compatible parking spot.

7 In reconfiguring the spaces, we lose one
8 parking spot in order to accommodate that ADA
9 accessible spot.

10 So, originally, the Board had approved this
11 with 12 parking spots, and we now have 11 that we
12 are proposing to this Board.

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

16 MR. PEREIRAS: Manny Pereiras. Still under
17 oath.

18 MR. PANEQUE: Mr. Pereiras, I'm sorry to
19 interrupt.

20 Before we proceed, I just want to have the
21 record show that Mr. Khaled Dardir, one of the
22 members of the Board, has -- needed to go, so
23 he's no longer with us at the hearing.

24 Thank you. I apologize.

25 You may proceed.

1 MR. PEREIRAS: Thank you.

2 Our building is located --

3 I'm sorry.

4 MS. PEREIRAS: No. Go ahead.

5 MR. PEREIRAS: I am familiar with the
6 project. I remember I am still under oath and
7 the drawings were done under my direct
8 supervision.

9 The drawings to my right are placed on an
10 easel. However, they're the same drawings that
11 were submitted before you, and that you have.

12 The building is located on the 500 block of
13 30th Street, on the south side. We have a lot
14 that's 49 -- 49.94 wide by 90.42 deep. This is a
15 building that was, as counsel explained, was
16 approved, construction was begun. It was nearly
17 completed, and this building has a lot, a lot, a
18 lot of history. History that's not important to
19 go into.

20 However, what is important is, that at some
21 point near the end of construction, very close to
22 the end of construction, the building stopped
23 being worked on. The building was abandoned
24 completely. It was taken over by the bank.
25 There were broken windows, a lot of property

1 damage was done by vandals. In addition to that,
2 there were roof leaks. And it was in very, very
3 poor condition.

4 In about 18 months ago, my patron hired me
5 and purchased the building and simultaneously
6 hired me to correct the problems in the building.

7 We started due diligence. We started doing
8 forensic examinations of the building. We went
9 through it. And unfortunately, I found a lot of
10 problems, even more that were superficially seen.

11 We had to go through and basically demolish
12 the interior of this building almost completely.
13 We submitted for drawings before the Building
14 Department to do demolition work. We submitted
15 for drawings to do structural repair work.

16 We modified a lot of things. However, also
17 in the process of correcting this building, and
18 in order to meet all codes and regulations, the
19 number one thing that we realized is that we
20 could not, it was impossible to meet the parking
21 requirement that was currently approved within
22 the existing variances of the building.

23 The existing variance that was granted
24 wound up with permitting 12 parking spaces. We
25 cannot fit legitimately 12 parking spaces. And

1 I'll explain a little bit of the problems.

2 First and foremost, this space over here is
3 not a legitimate space. It's only about six feet
4 wide. So, unless you're driving a motorcycle,
5 nothing fits there.

6 The other very big problem that we have is
7 that we have to comply with federal Americans
8 with Disabilities Act Code that say that we need
9 to provide for handicap parking.

10 We went through a negotiation with the
11 Building Department, a series of variations and
12 prompt, and we finally came up with the solution
13 where we could fit that handicap spot -- spot as
14 part of two tandem spaces along the front of the
15 building.

16 So what we're doing is, we're taking this
17 spot as a handicapped spot, and then it's a van
18 accessible spot. And the aisle space is being
19 used as the drive-through for the other spot
20 behind.

21 So, what we were able to do is salvage 11
22 parking spaces in this building. These two that
23 are tandem with the ADA spot, fully compliant ADA
24 spot, with -- with its aisle space; this one,
25 which is tandem with the aisle space; and then,

1 the other spaces that you see here, which vary in
2 size drastically.

3 Some of them are very wide. They're six --
4 ten feet two inches wide, for example, over here.

5 Some are a lot more narrow. This one is
6 about eight feet wide.

7 They're all extremely uncomfortable, very
8 difficult spaces. The aisle space is close to
9 impossible and very difficult to park in it.
10 We're not making any -- you know, the approvals
11 for this building were done as is. The
12 construction was done as is.

13 What we're trying to do here today is
14 salvage this structure and remove this sore --
15 this sore spot from Union City. We want to
16 finish this building. We want to make it into
17 beautiful, nice residences.

18 These are going to be beautiful apartments.
19 At the end of the day, we redesign and
20 reconfigured these units. They are, and you'll
21 be in shock, two units per floor. We have one
22 that's 1,635 square feet, two bedroom. And one
23 that's 1,797 square feet, two bedroom.

24 We basically created them so each of the
25 bedrooms have their own master suites. They each

1 have their own -- every bedroom is a master
2 suite. The bedroom has its own walk -- walk-in
3 closet, an ADA bathroom. And we're creating very
4 beautiful units.

5 But in order to salvage this spot, we have
6 to come before this Board and ask for an
7 expansion on that parking variance.

8 The hardship is absolutely evident. We
9 have a preexisting building. My patron has been
10 working diligently to salvage this building. It
11 has not been cheap by any -- any means. He did
12 not expect to spend the money he's spending on
13 this thing, but it's a hardship that we cannot
14 change.

15 We cannot change this building structurally
16 from the ground level. There are just changes --
17 it's just a preexisting condition that we have to
18 deal with, if we want to salvage this building.

19 And I think it's fair and important to
20 salvage these ten units, which are going to bring
21 a lot of value and it's important for Union City
22 to finish this structure.

23 As part -- just to understand more of the
24 hardships.

25 The -- the -- this building had windows

1 openings on the property lines, to both the --
2 the west and the east. Completely illegal. We
3 had to -- we had to close these windows up. We
4 have to do a lot of changes. There's fire
5 issues.

6 We're going through extreme measures to
7 make this into a safe, good building. And we are
8 in need of this variance.

9 Just for a little bit of housekeeping. The
10 -- the previous approvals had variances for
11 basically everything, except for lot width. But
12 we need -- we needed variances, and we're now
13 complying with everything which were granted
14 previously.

15 What we're looking to do today is an
16 expansion on that parking variance. We're
17 seeking one additional parking space.

18 So, we're offering 11 parking spaces for
19 ten existing unit -- for ten units.

20 And just so that you know, the permits have
21 all been approved. They've been sitting on the
22 Construction Code Official's desk. What we're
23 waiting for is this approval from this Board, in
24 order to go in there and do these final
25 corrections and make this building finally

1 something pleasant for the town, instead of what
2 it is today, which is a blight.

3 CHAIRMAN GARCIA: Where do you -- where do
4 you have the apartment that complying with the
5 ADA? All the apartment complying with ADA?

6 MR. PEREIRAS: Every apartment complies
7 with ADA.

8 It's an elevator building. Every apartment
9 is adaptable in accordance with the -- with the
10 federal laws.

11 CHAIRMAN GARCIA: So, we're going to have
12 the -- the handicap parking space has to go out
13 from --

14 MR. PEREIRAS: No. So, we open -- that's
15 something, we opened the door, an opening in this
16 wall that I'm pointing to here, so whoever's in
17 the handicap spot, comes out of their parking
18 space, goes across the aisle, into the lobby,
19 into the elevator.

20 We actually put the handicap spot closest
21 to the lobby. And it's the only spot that a van
22 could actually get into, because the problem is,
23 a van cannot maneuver into any other spot.

24 CHAIRMAN GARCIA: The parking space, number
25 8, which one is the size of the apartment (sic)

1 number 8, of the parking number 8?

2 MR. PEREIRAS: It's ten foot wide by 18
3 foot deep. A lot of spaces are awkwardly sized,
4 but it's not enough to squeeze another space in.
5 It's not much else we could do.

6 CHAIRMAN GARCIA: And there's no -- is --
7 you don't have the dimension in number 8 to have
8 the ADA -- I mean, the handicap parking --

9 MR. PEREIRAS: No.

10 CHAIRMAN GARCIA: -- in this one?

11 MR. PEREIRAS: A handicap spot has to
12 comply with a van space. It has to be ten feet
13 wide. And then, you need to have a six foot wide
14 aisle space next to it. So, you need 16 feet
15 width, in total, to do an accurate handicap spot.

16 And by the way, Code changed as of March.
17 Luckily, we're submitted prior to this, but
18 you're going to see, before this Board, always
19 two parking spaces. One ADA van, and one regular
20 ADA. It's going to revolutionize a lot of stuff
21 and you're going to actually see people coming
22 before this Board again to fix these things.

23 CHAIRMAN GARCIA: How is this -- the
24 construction of this building going? It's
25 already done?

1 MR. PEREIRAS: So, as I said, it was
2 completely done. The problem is that it was --
3 there was a lot of vandalism and a lot of water
4 problems. So there was a lot of mold, in
5 addition to other problems.

6 So, we actually demoed everything. We
7 removed all the sheet rock. Now, it's left to
8 the studs.

9 Then, we actually went through and we did
10 structural repairs.

11 So, just for example, you have a concrete
12 slab, sitting on steel frame. You have metal
13 joist sitting on top of that. And then, open web
14 joist on top of that.

15 One of the things that we did was we
16 reattached and corrected the way the metal joists
17 were sitting to the slab. So, we anchored them
18 down, because seismic code requires a greater --
19 we're not just worried about weight coming down,
20 we're also worried about weight to the sides.

21 And so, we've had to do a lot of repairs in
22 that sense.

23 So, this building, even though it was
24 completed, it actually has been practically
25 reconstructed. And that's what we're doing now.

1 We'd like to finish that reconstruction.

2 CHAIRMAN GARCIA: I have no further
3 question.

4 Any member of the Board have a question?

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

7 Yes, Mr. Price?

8 MR. PRICE: I'll make one of my rare
9 comments about -- whatever.

10 I like this project. I mean, it's -- it's
11 an eyesore right now, but 1735 square feet in an
12 apartment? That is a huge apartment. And I
13 mean, we -- we approved a building a couple of
14 meetings back, it was 1300 square feet for two
15 units for the entire building. So, these are --
16 this has -- this -- this is an eyesore now, but
17 it has the potential to be, really, a jewel.

18 The parking really is short, but they got
19 previous -- whatever. They got ten apartments,
20 and they had approval for 12 apart -- now, 12
21 parking spots. Now they have to go to 11 for ten
22 units, which is probably not enough, but 12
23 wasn't enough. So, I don't see a big difference
24 between 12 and 11.

25 And this could be -- this could be a --

1 | whatever. And it's right on 30th Street. So,
2 | it's a -- you know, it's in a prominent location.

3 | So, I would -- I like the building. I
4 | think it could be -- it could be something.

5 | I would urge your approval.

6 | MS. PEREIRAS: Thank you.

7 | MR. PRICE: Now, you won't hear that too
8 | often, so --

9 | CHAIRMAN GARCIA: Mr. Pereiras, the size of
10 | the space in the stairs and the space number 1,
11 | how big is that?

12 | MR. PEREIRAS: Six feet three inches. So,
13 | it's good for motorcycle parking. Bicycle
14 | parking, as well.

15 | CHAIRMAN GARCIA: Can you motivate your
16 | client to create kind of -- one of those
17 | electrical parking spaces, for compact car?

18 | MR. PEREIRAS: Electrical space?

19 | CHAIRMAN GARCIA: Yeah. A space for
20 | electrical compact car. Smart car, whatever.

21 | MR. PEREIRAS: It doesn't fit there. It --

22 | CHAIRMAN GARCIA: Smart car? Of course.

23 | MR. PEREIRAS: It's -- it's six foot --

24 | CHAIRMAN GARCIA: You could --

25 | MR. PEREIRAS: -- three wide.

1 CHAIRMAN GARCIA: Of course. You do it.
2 The Smart car. Those really --

3 MR. PEREIRAS: I guess -- I guess, yes.

4 CHAIRMAN GARCIA: -- compact electrical
5 car.

6 MR. PEREIRAS: Smart car.

7 CHAIRMAN GARCIA: You know what? Let me
8 tell you why. Let me tell you why.

9 MR. PEREIRAS: We could make that a Smart
10 car space. Yeah.

11 CHAIRMAN GARCIA: Is because later on,
12 they're going to come with something like -- like
13 try to put a storage, try to put garbage, try to
14 put whatever. Because the same thing that you
15 could do is, the trash room, you could move it on
16 here. And you have enough space to have another
17 extra handicap parking.

18 MR. PEREIRAS: Okay. So we could --

19 CHAIRMAN GARCIA: You know what I mean?

20 MR. PEREIRAS: Yeah. So, we could call
21 that a --

22 CHAIRMAN GARCIA: No.

23 MR. PEREIRAS: -- Smart car spot.

24 CHAIRMAN GARCIA: Oh, no. I mean, or you
25 could -- is any way that you could remove -- move

1 the trash room over there, and create another --

2 MR. PEREIRAS: No.

3 CHAIRMAN GARCIA: -- another --

4 No, because already build it. But you are
5 asking -- you know what I mean?

6 MR. PEREIRAS: No, even if it was already
7 built, we still are -- don't have the size. The
8 handicap spot has to be 16 feet wide. That trash
9 room is four foot eight inches wide, and the
10 parking spot is ten feet wide.

11 So, we're shy one foot two -- one foot four
12 inches. So, we're still not compliant, even
13 putting that as a handicap space.

14 Actually, that's -- just to be a hundred
15 percent clear, that was your original handicap
16 space which --

17 CHAIRMAN GARCIA: Right.

18 MR. PEREIRAS: -- was non-compliant.

19 CHAIRMAN GARCIA: Right.

20 MR. PEREIRAS: That's why I went through
21 and fixed it, with the -- the Code Official, to
22 make it here, to --

23 CHAIRMAN GARCIA: Right.

24 MR. PEREIRAS: -- make it compliant.

25 CHAIRMAN GARCIA: Yes.

1 MR. PEREIRAS: That's where we originally
2 had it, without the trash room there.

3 CHAIRMAN GARCIA: Right.

4 MR. PEREIRAS: We actually added a trash
5 room because we had that space.

6 CHAIRMAN GARCIA: Okay.

7 My concern is -- I mean, with that space,
8 not with the application, is that this building
9 has so many story, so many back and forth --

10 MR. PEREIRAS: A lot of history.

11 CHAIRMAN GARCIA: -- so many stuff, so many
12 party involved, so many here, so many coming, so
13 many -- I mean, it's the kind of building that
14 you get tired to.

15 MR. PEREIRAS: Yes.

16 CHAIRMAN GARCIA: That I don't want to hear
17 anything else come back for that space. You know
18 what I mean?

19 It's like, the last thing I want to see on
20 this Board was this building.

21 MR. PEREIRAS: I know.

22 CHAIRMAN GARCIA: And like Mr. Price said,
23 I mean, it's -- I mean, that kind of a -- the
24 size of the units, I mean is a kind of -- where
25 you can say, kind of unique size in Union City,

1 | because it's a huge -- they're huge.

2 | Also, the location is awesome in 30 -- is
3 | like --

4 | MR. PEREIRAS: It's a great location.

5 | CHAIRMAN GARCIA: -- you take your -- your
6 | New Jersey Transit, or your gypsy bus, and you go
7 | to whatever.

8 | MR. PEREIRAS: Absolutely. And that's one
9 | of the -- the reasons I think it helps our case.
10 | We are in the -- I mean, it's -- you'll wait five
11 | minutes for a bus into -- into the city.

12 | CHAIRMAN GARCIA: Yeah.

13 | MR. PEREIRAS: More than likely, whoever is
14 | buying here is someone who's going to work in New
15 | York and wants that transportation.

16 | CHAIRMAN GARCIA: Right.

17 | MR. PEREIRAS: Rather than having their own
18 | car. I think it's -- it's fair to say that. I
19 | don't think -- you know, as an opinion.

20 | CHAIRMAN GARCIA: Right. And I think it's
21 | enough hardship to grant the application, because
22 | I mean, --

23 | MR. PEREIRAS: Thank you.

24 | CHAIRMAN GARCIA: -- what are you going to
25 | do? You're going to eat it? I mean, it's like,

1 --

2 MR. PEREIRAS: Yeah.

3 CHAIRMAN GARCIA: -- you can demolish the
4 building? It's like --

5 And it's -- we are so glad that you came
6 with a great idea to fix it. I mean at least to
7 propose some -- some idea that could be -- to fix
8 the situation.

9 So, I don't -- I don't have any comments,
10 no other questions, so I'm going to make my
11 motion to grant this application.

12 THE SECRETARY: Motion to grant the
13 application by Chairman Andres Garcia.

14 MS. GUTIERREZ: Second it.

15 THE SECRETARY: Second by Margarita
16 Gutierrez.

17 Roll call on the motion.

18 Chairman Garcia?

19 CHAIRMAN GARCIA: Yes.

20 THE SECRETARY: Vice Chairman Grullon?

21 VICE CHAIRMAN GRULLON: Yes.

22 THE SECRETARY: Margarita Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: Miguel Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: John Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Joseph Bonacci?

4 MR. BONACCI: Yes.

5 THE SECRETARY: Peter Doumas?

6 MR. DOUMAS: Yes.

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

9 Thank you.

10 MS. PEREIRAS: Thank you all very much.

11 MS. GUTIERREZ: You're welcome.

12 MS. PEREIRAS: Good night.

13 Thank you.

14 MS. GUTIERREZ: Good night.

15 CHAIRMAN GARCIA: Thanks.

16 MR. PEREIRAS: See you next month.

17 CHAIRMAN GARCIA: Get well soon.

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

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

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3 MR. ALONSO: Carlos? We're going to do
4 1300 first.

5 THE SECRETARY: Give that back, please?

6 We are going to change a little bit the
7 order of the agenda.

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

10 THE SECRETARY: Next application on
11 tonight's agenda, Paladin Homes, I-N-C, 1300
12 Manhattan Avenue.

13 Mr. Alonso?

14 MR. ALONSO: Thank you.

15 Good evening, Mr. Chairman, members of the
16 Board.

17 For the record, Alvaro Alonso, Alonso
18 Navarette, on behalf of the applicant, Paladin
19 Homes.

20 My notices were submitted at the prior
21 meeting, at which time jurisdiction was obtained
22 by this Board.

23 There's some history to this application.
24 This application was originally approved by the
25 Planning Board several years ago as 55 units. At

1 | that time that it was approved, it was approved
2 | by the Planning Board because it was a permitted
3 | use. Since then, the zoning has changed. And
4 | now, it's no longer a permitted use.

5 | What's happened is, my client, Paladin
6 | Homes, is purchasing the property and the
7 | approvals.

8 | And when we started going through the
9 | plans, and preparing the construction plans,
10 | there were some modifications that were being
11 | made, actually reduces the size of the project.

12 | But the Building Department has -- has
13 | taken a consistent position that any changes to
14 | the approved plans need to go back to the Board
15 | for approval. Since the zone changed and now the
16 | use is no longer permitted, it actually creates a
17 | D-1 use variance situation.

18 | So, although the approvals are still valid,
19 | and we're going -- and they're going to be
20 | extended again, hopefully for another year, we
21 | would rather build this revised plan, which
22 | again, as Mr. Carballo is going to testify, is
23 | going to be smaller and better, we'll have,
24 | essentially, the other application, the other
25 | approval so it would still be valid.

1 MR. PANEQUE: Mr. Alonso, before we
2 proceed, just as a matter of housekeeping, let
3 the record reflect that at the last hearing, this
4 application came before the Board, at which time
5 the Board did not have enough members, and you
6 presented the jurisdictional proofs.
7 Jurisdiction was established and the matter was
8 carried until tonight.

9 MR. ALONSO: That's correct.

10 MR. PANEQUE: With no further notice.

11 MR. ALONSO: That's correct.

12 MR. PANEQUE: Okay.

13 Therefore, this Board has the jurisdiction
14 to hear it. And there was no testimony or
15 anything at the last hearing.

16 MR. ALONSO: None at all.

17 MR. PANEQUE: Thank you.

18 MR. ALONSO: So, my first witness will be
19 Jose Carballo.

20 MS. DILLON: Do you affirm the testimony
21 you're about to give this Board is the whole
22 truth?

23 MR. CARBALLO: Yes, I do.

24 MS. DILLON: Please state your name for the
25 record.

1 MR. CARBALLO: Jose Carballo, C-A-R-B as in
2 boy, A-L-L-O.

3 MS. DILLON: Thank you.

4 MR. CARBALLO: You're welcome.

5 MR. ALONSO: Mr. Chairman, Mr. Carballo has
6 been accepted in the past. I would ask that this
7 qualifications --

8 CHAIRMAN GARCIA: Our pleasure, Mr.
9 Carballo.

10 MR. ALONSO: Thank you.

11 MR. CARBALLO: How are you, Mr. Chairman?

12 MR. ALONSO: Mr. Carballo, I had made, in
13 opening remarks to the Board, with respect to the
14 prior approvals --

15 MR. CARBALLO: Um hum.

16 MR. ALONSO: -- that were granted by the
17 Planning Board.

18 MR. CARBALLO: That is correct.

19 MR. ALONSO: Were you the architect that
20 presented for that application?

21 MR. CARBALLO: Yes, I was.

22 MR. ALONSO: So, you're fully familiar with
23 the original application and -- and the current
24 set of approvals.

25 MR. CARBALLO: I am.

1 MR. ALONSO: Okay.

2 And now, you've been hired by our client to
3 make the revisions.

4 MR. CARBALLO: That is correct.

5 MR. ALONSO: Okay.

6 So, I'm going to ask you, although we're
7 presenting this --

8 MR. CARBALLO: Um hum.

9 MR. ALONSO: -- as we're presenting new,
10 because we need a D-1 use variance, I would ask
11 you to go through the -- the proposal, and
12 indicate where the changes are being made, and
13 whether or not it's an improvement or -- or a
14 negative situation.

15 MR. CARBALLO: Exactly.

16 Good evening, everyone.

17 CHAIRMAN GARCIA: Carlos?

18 MR. CARBALLO: Happy to be here in front of
19 you tonight. I haven't been here in awhile, so
20 hopefully, you'll remember me.

21 The proposed project tonight does not
22 change drastically from what we got approved back
23 in 2005. It is still a 55 unit building. It is
24 still maxed out at the height. We're keeping the
25 height of the building as it was back then. Even

1 | by today's definition of height, we still meet
2 | that height, so we don't have a variance on
3 | height.

4 | And at the time, what we had done is, we
5 | made the height of the building actually match
6 | the height of that wall behind us, just so that
7 | we could maintain the views from neighbors living
8 | on Palisade Avenue, to have views of Manhattan.

9 | The new project has several differences
10 | from -- from the old project.

11 | Again, it is 55 units. Those 55 units are
12 | smaller. This project is about 15 percent
13 | smaller than the old project. And just to give
14 | you an example, and I'll go into more detail
15 | later, but out of the 55 units, we have 55 -- 50
16 | units that are --

17 | MS. GUTIERREZ: Oh, okay.

18 | MR. CARBALLO: -- 2,200 square feet. The
19 | old units were 2500 square feet. We have five
20 | units that are penthouse units. These units are
21 | 4400 square feet. The old units were over 5,000
22 | square feet.

23 | So, in essence, this is a -- a smaller
24 | project, a more condense project.

25 | One of the other features that -- that we

1 have is we do have an area of no disturbance that
2 is along this dotted line here. You should see
3 it all in your plan.

4 The old project actually went all the way
5 down to that area of no disturbance. So, again,
6 we're pulling it back.

7 The old project had seven driveways going
8 to Manhattan Avenue. We've actually rearranged
9 the parking, and we only have four driveways
10 going out to Manhattan Avenue. And the parking
11 is -- it's a bit more orderly than it was before.

12 All the parking spaces are nine by 18. All
13 the drive aisle are 24 foot wide.

14 In the old project, parking spaces varied
15 from eight to eight and a half, 16, 17. I think
16 we only had a handful of actual nine by 18. And
17 some of the drive -- drive aisles were shorter
18 than that.

19 If you look at this site plan, you can see
20 that now it's a -- a very regular building. We
21 have parking in the front of the building,
22 separating it from Manhattan Avenue for easy
23 access.

24 We actually have three levels of parking.
25 All of you have been on Manhattan Avenue, so you

1 know that as you go south, Manhattan Avenue
2 really, really drops. And as -- as we go along
3 our building, it actually drops about 30 feet.
4 And we've used that to our favor, and to -- to --
5 you know, we took advantage of it, just so that
6 we could create the different levels of parking.

7 So that this is a much easier place to get
8 into and out of, than the old one was.

9 And I do have the old plans, which I will
10 show to you.

11 Maybe that's what I should do now. Right?

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

14 MR. CARBALLO: So, this -- this is the old
15 project. This is what was approved back in 2005.
16 This is the 55 units. And basically, what we had
17 is four buildings that were semi-attached. At
18 times, we had a five foot separation in between
19 buildings. But by and large, these buildings
20 were attached.

21 If -- if you look at the upper level
22 parking, which is the one that you came in from
23 Manhattan Avenue, you had one, two, three, four,
24 five, six different entrances onto those parking
25 spaces.

1 And honestly, they were limited as far as
2 the number of parking spaces. So, you have much
3 more in and out from Manhattan -- from -- from
4 our property onto Manhattan Avenue.

5 The seventh driveway was a driveway going
6 down to the lower level. And as you can see from
7 the lower level, it was a little bit crazy, I'll
8 call it, trying to park.

9 You know, we have drive aisles that came --
10 you know, came right off of -- or parking spaces
11 coming into drive aisles, that came right off of
12 the driveway. That's mostly where the parking
13 spaces were less than nine by 18.

14 There were tandem parking spaces. There
15 were several of those. So -- and we don't have
16 any tandem parking spaces in this new project.

17 So, by and large, I think that -- you know,
18 just from a point of view of parking, our new
19 project is much better than -- than the old
20 project.

21 The -- the elevations of the old project.

22 We had, at times, four, five stories. On
23 Manhattan Avenue, you will see that what we have
24 now, it's only three stories.

25 Now, you don't have this, as

1 (indiscernible) said, this is something that I
2 just purchased to show the old -- the old
3 project. Okay, just -- just as a form of
4 comparison, or as a way of comparison.

5 And -- and as you can see -- you know, this
6 is how the buildings were facing Manhattan
7 Avenue. This is what the buildings look like
8 facing New York City.

9 Again, was a glass -- all glass building,
10 taking advantage of the views of New York. This
11 was a ten story building. This was a five story
12 building.

13 So, this is what was approved, just to
14 refresh your mind.

15 The new project is -- is one building that
16 has still the four modules of -- of units, just
17 like the other one had. Every one of those
18 modules has two units per floor. Those two units
19 per floor are 2200 square foot each.

20 There's an enlarged plan on the lower right
21 hand corner of A101, where you can see the -- not
22 only the single unit that is 2200 square feet,
23 but the penthouse, which is actually a double
24 unit, at 4400 square feet.

25 The shapes of the buildings are more or

1 | less the same. It's a single loaded corridor.
2 | Obviously, we're trying to take advantage, one,
3 | of the slope of the land; two, of the views of
4 | New York City.

5 | So, every unit here has their backs towards
6 | the -- the hill, actually. And their front of
7 | the building, let's say, is the one that's
8 | actually facing Manhattan Avenue.

9 | There are three levels of parking, as shown
10 | on A102. And if you go from top to bottom,
11 | you're going to see that the top is the lower
12 | most parking area. And that obviously comes off
13 | of Manhattan Avenue, at level 160. And it
14 | actually contains 36 parking spaces.

15 | It also has, at that point, a service area,
16 | which we didn't have in the old building, for
17 | repairs, for trash. You know, we have the trash
18 | area here, so that any service that the building
19 | needs would actually be coming in off of that
20 | parking deck.

21 | The second parking deck, which we access
22 | off of - it is at level 171, and it has an in and
23 | out, this one actually has a drop off for guests.
24 | The old project did not have a drop off, so that
25 | basically, the -- the guests or the visitors

1 would have to drive around trying to find
2 parking.

3 Here, we have a drop off, and then there
4 will be a designated visitor parking area, which
5 is shown on the side, which has two, four, six,
6 eight parking spaces for visitors. The lobby's
7 at that level.

8 And then, we go to the -- the third parking
9 level, which comes in at elevation 182, and that,
10 again, has -- it has 25 parking spaces. The
11 level below had 56 parking spaces. We have 55
12 units. We have 110 parking spaces, two parking
13 spaces per unit.

14 There was -- I think David Spatz sent out a
15 -- a report that we're short one parking space.
16 And again, should this project get approved,
17 there'd be no problem in adding one or two more
18 parking spaces, so we can eliminate at least that
19 parking variance.

20 The elevations of the building.

21 This is Manhattan Avenue. This is the --
22 the view looking towards the -- well, this is --
23 this is the -- the east view, the east elevation.

24 And -- no, west side, from --

25 CHAIRMAN GARCIA: So, that's -- that's one

1 facing the -- no. That's the west --

2 MR. CARBALLO: No. This is the one facing
3 the wall.

4 CHAIRMAN GARCIA: That's the west.

5 MR. CARBALLO: This is the one facing west.

6 CHAIRMAN GARCIA: So, that's -- so, that's
7 west.

8 MR. CARBALLO: Facing west. If you --
9 you're looking east at that elevation.

10 As you can see, the height is -- at three
11 stories. We wanted to make -- to make the -- the
12 appearance of the building low. We also wanted
13 to make sure that we didn't go beyond that wall
14 that's behind us, so we could, again, preserve
15 the views of people on Palisade Avenue.

16 So, this building, as per the definition of
17 elevation, in the current Ordinance, it's only 32
18 foot high.

19 THE SECRETARY: Sorry.

20 MR. CARBALLO: We're allowed 40 feet.

21 The rear of the building.

22 This is now the one that actually goes down
23 into the hill. And you know, obviously, we got
24 -- you know, most of the units are below -- below
25 the -- the Manhattan Avenue level.

1 These two portions of the building here are
2 nine stories. These two are six stories. Again,
3 55 units.

4 You'll see the side of the -- side
5 elevations of the building, and you can see what
6 the hill is doing, and how we -- you know,
7 negotiating the hill, just to get the building
8 into the hill, as well as -- as parking. And --
9 and you can see -- you know, the huge drop off
10 that we have.

11 One of the things I want to discuss
12 tonight, and be very specific about it, is
13 building materials.

14 And the reason I want to do that is again,
15 the Building Department. There's new Ordinances
16 in town. There's materials that are not
17 permitted and -- and there is preferred materials
18 on the building.

19 This is the Manhattan Avenue elevation.
20 That elevation is probably about 75 percent
21 brick. There's glass, and there's pre-cast --
22 pre-cast panels on -- on that center building.

23 In the back, if you look at the back,
24 again, we're looking at New York City. We're
25 looking at glass. I mean, probably about 80

1 percent glass in the back. The rest, again, is a
2 pre-cast panel. Okay.

3 Wanted to make it a modern building, so
4 we're trying to get materials that are -- that
5 are somewhat light.

6 But again, we just want to make sure that
7 it does meet the new Ordinances that -- that
8 Union City has.

9 The -- going back to A102, the drop off
10 area. You have a lobby, obviously, on the first
11 floor, as you drop off.

12 On top of the lobby, there's a gym. This
13 is something that we didn't have at the -- at the
14 previous project, but we now have a -- a gym
15 area.

16 And above that, on the third floor, we have
17 a community space. This is all happening here.
18 It's still within the height of the building. It
19 does not go above the height of the building.

20 I think that's --

21 MR. ALONSO: Can you tell us about the --
22 the refuse area? The garbage, recyclable?

23 MR. CARBALLO: Certainly.

24 Every floor has a trash area. And what
25 we've actually done is, we have a -- sort of like

1 a dumbwaiter, because most of this building goes
2 below that service area that we have. So, it's
3 not a chute that you throw the -- the garbage
4 down. We actually have to bring it up. So, we
5 have a dumbwaiter that does that.

6 And we have this trash area that actually
7 goes through all the floors. And when you get to
8 -- let's call this the -- the 180 -- I'm sorry --
9 the 160 level, the trash area empties out to
10 here, and we have a service area, where the trash
11 will be picked up.

12 So, you have trash trucks, you have utility
13 trucks, moving trucks coming into this area.

14 MR. ALONSO: Has any -- have any decisions
15 been made about the location of the mechanical
16 systems?

17 MR. CARBALLO: Mechanical systems are
18 within the units. And on A101, if you look at
19 the -- at the floor plans, you're going to see
20 that there's utility areas in each one of the --
21 the buildings. I'm sorry. In each one of the
22 units. So, they'll be self-contained.

23 Yes. We will have some condensers on the
24 roof. Those -- those will be screened off.

25 MR. ALONSO: Mr. Chairman, I have no

1 further questions.

2 CHAIRMAN GARCIA: I have a question for
3 you.

4 MR. CARBALLO: Sure.

5 CHAIRMAN GARCIA: Probably for your
6 applicant.

7 MR. ALONSO: Sure.

8 CHAIRMAN GARCIA: Why that name?

9 MR. ALONSO: Why the name, Paladin?

10 CHAIRMAN GARCIA: And -- and the building,
11 Hoboken?

12 MR. CARBALLO: Hoboken Heights?

13 CHAIRMAN GARCIA: Right.

14 MR. CARBALLO: That was -- that was the
15 original --

16 CHAIRMAN GARCIA: No, that's okay. That is
17 nothing that -- it's not business -- not my
18 business. It's not our business.

19 MR. CARBALLO: We could call it Garcia
20 Garden.

21 CHAIRMAN GARCIA: No.

22 MS. GUTIERREZ: Ohhhhh.

23 CHAIRMAN GARCIA: No, it's not my business.
24 The thing -- the only thing is, we are really so
25 proud of Union City that --

1 MR. CARBALLO: We'll --

2 CHAIRMAN GARCIA: No problem.

3 MR. CARBALLO: Mr. Garcia -- Mr. Garcia, if
4 -- if it gets approved --

5 CHAIRMAN GARCIA: No. No. No, no.

6 MR. CARBALLO: -- we'll --

7 CHAIRMAN GARCIA: It's -- no, no.

8 MR. CARBALLO: We'll take --

9 CHAIRMAN GARCIA: And eh -- eh -- let me
10 tell you something is not my business. And it's
11 something like I know that it's for business, and
12 it's some, I mean marketing. Whatever. Whatever
13 it is. Okay.

14 So basically, reading the report from Mr.
15 Spatz, is basically -- it's the parking
16 requirement. That's the only issue that he
17 mentioned here.

18 MR. CARBALLO: The only --

19 CHAIRMAN GARCIA: The parking.

20 MR. CARBALLO: Right.

21 CHAIRMAN GARCIA: And the --

22 MR. CARBALLO: And that's why I brought it
23 up.

24 CHAIRMAN GARCIA: And the -- it's not
25 conforming in the -- in the R zone. That's the

1 only thing.

2 MR. CARBALLO: That is -- that is correct.

3 CHAIRMAN GARCIA: That's all.

4 MR. CARBALLO: That is correct.

5 CHAIRMAN GARCIA: Right. That is correct.

6 MR. CARBALLO: And like I said before,
7 well, the zoning -- somebody else is going to
8 take care of that, and -- and the planning. But
9 as far as parking, I will extend one of those
10 parking areas, and I'll have two, three, four
11 more parking spaces, so there will not be a
12 parking variance.

13 And that was -- I apologize -- that was a
14 miscalculation from my office.

15 CHAIRMAN GARCIA: So, basically, I mean,
16 just explaining that the down side of the -- of
17 the project. I mean, it bring -- basically, it's
18 bringing everything to conforming.

19 MR. CARBALLO: It basically is. And you
20 know, I actually did a calculation just to see if
21 we subdivided this whole lot into -- you know, 25
22 foot wide lots, the same as -- you know, it's
23 actually approved or permitted within the zone,
24 and put three units in each one of them. And
25 there were like 75 units.

1 So, even when you're talking about the
2 density of the project, compared to what you
3 could build now, it's -- it's less that it's
4 actually permitted.

5 CHAIRMAN GARCIA: Yeah.

6 MR. CARBALLO: We have a lot -- I forgot to
7 say that -- we have a lot that is 4.8 acres. The
8 lot is not just this, but it comes down to here,
9 goes down into Weehawken. And it comes back,
10 there's another tail over here.

11 However, the area that I'm talking about is
12 an area that is just over here, and it's -- it's
13 about two acres. And that's the area of no
14 disturbance.

15 CHAIRMAN GARCIA: Okay. This is kind of
16 application that answer -- you know, you answer
17 all the question, and it's like really, really
18 well presented. And --

19 MR. CARBALLO: I'll be here all night, so
20 --

21 CHAIRMAN GARCIA: Like I said, is like
22 coming down from that monstrosity that was
23 approved, to this presentation, is like --

24 MR. CARBALLO: It's a much more modern
25 building. It's a little bit more toned down.

1 And I think the -- it's just a difference in
2 client. This client wanted something that was a
3 little bit more modern.

4 So, you know, we used brick, to give it
5 that modern -- you know, material to it. And I
6 think it's -- it's going to be a very successful
7 project.

8 CHAIRMAN GARCIA: And you mentioned that if
9 -- if it's granted, so you could do it -- you
10 could bring to Code the parking issue.

11 MR. CARBALLO: Oh, there's no doubt.
12 There's no doubt.

13 CHAIRMAN GARCIA: You have enough --

14 MR. CARBALLO: I could add --

15 CHAIRMAN GARCIA: You have enough space.

16 MR. CARBALLO: Like I said, two, four, six
17 parking spaces. I do have some room for that, so
18 --

19 CHAIRMAN GARCIA: Okay.

20 MR. CARBALLO: Like I said, it was a
21 miscalculation and you know, we'll take care of
22 that.

23 CHAIRMAN GARCIA: Okay.

24 Any question?

25 VICE CHAIRMAN GRULLON: Are we going to

1 question the architect now, or we going to listen
2 to --

3 MR. ALONSO: The planner. The planner is
4 coming next.

5 CHAIRMAN GARCIA: No. Okay. Planner is
6 coming next. But we always could have a question
7 -- could ask him later on.

8 VICE CHAIRMAN GRULLON: I mean your plans
9 here, I don't see elevators.

10 MR. CARBALLO: If you -- let me go to you.

11 VICE CHAIRMAN GRULLON: Yes.

12 CHAIRMAN GARCIA: Here one. Here one.

13 MR. CARBALLO: Every -- every one of the
14 pods is serviced by an elevator.

15 VICE CHAIRMAN GRULLON: Okay. You have --

16 MR. CARBALLO: Okay?

17 VICE CHAIRMAN GRULLON: Okay.

18 MR. CARBALLO: So, we actually have eight
19 elevators in this building. We had the required
20 three staircases, or three --

21 VICE CHAIRMAN GRULLON: And the breakdown
22 --

23 MR. CARBALLO: -- means of egress.

24 VICE CHAIRMAN GRULLON: -- of apartments?

25 MR. CARBALLO: I'm sorry?

1 VICE CHAIRMAN GRULLON: Okay. I see. In
2 front of it. It's 50 two bedroom and five three
3 bedroom.

4 MR. CARBALLO: And five three bedrooms.

5 The other thing is, as the previous
6 architect was talking about, the 2015 Codes have
7 changed, as far as accessibility, mostly parking.

8 And -- and again, we finished this before
9 that came on. That will be part of what this is
10 -- you know, has to be accessibility.

11 Because it is an elevator building, every
12 unit has to be adaptable. So, every unit has an
13 adaptable toilet. That whole bathroom is a full
14 bathroom.

15 And all kinds of dimensions. Three foot oh
16 doors and things of that nature so that we --

17 VICE CHAIRMAN GRULLON: And the size of the
18 apartments will be -- they be the size of the
19 Codes, regulated by Code.

20 MR. CARBALLO: Oh, yeah, yeah.

21 CHAIRMAN GARCIA: It's 2200, I think.

22 MR. CARBALLO: I think at 2200 for the
23 smallest unit I think we can pretty much get that
24 done -- yeah.

25 CHAIRMAN GARCIA: Close to --

1 VICE CHAIRMAN GRULLON: Okay.

2 MR. CARBALLO: I mean, this -- this is a --
3 it's a very -- it's a premium piece of property.
4 And you know, we're designing a project that
5 actually just exemplifies what should be done on
6 a project. And I think it will be a -- a
7 knockout.

8 CHAIRMAN GARCIA: So, you have four
9 elevator?

10 MR. CARBALLO: We have four elevators.

11 Each -- each what we call in pods or
12 modules. Each one of the -- the modules actually
13 has its own elevator.

14 CHAIRMAN GARCIA: So, yeah. So, you have
15 an -- you could say like you have a elevator for
16 -- for two units?

17 MR. CARBALLO: Well, not two units, because
18 you got different floors so --

19 CHAIRMAN GARCIA: I know. But I mean is --

20 MR. CARBALLO: For every two unit.

21 CHAIRMAN GARCIA: -- in every floor --

22 MR. CARBALLO: Exactly.

23 CHAIRMAN GARCIA: -- that's going to --

24 MR. CARBALLO: Exactly.

25 And every two units, if you look at it that

1 way, every two units you see how that -- the
2 corridor widens out at that point, every two
3 units, you're going to have your own lobby,
4 basically, to go into two units.

5 CHAIRMAN GARCIA: How come if you come in
6 the high end unit here, you don't personalize the
7 -- the elevator? Like you -- since you're using
8 one elevator for two units --

9 MR. CARBALLO: Right.

10 CHAIRMAN GARCIA: -- why you don't have --

11 MR. CARBALLO: We -- we --

12 CHAIRMAN GARCIA: -- two doors, and then
13 you got -- I mean, if I go to that unit, that
14 door going to open to that.

15 MR. CARBALLO: We actually have that in the
16 penthouses. If you look at -- at the penthouse
17 plan --

18 CHAIRMAN GARCIA: Just an idea. I mean,
19 it's not --

20 MR. CARBALLO: No, no. And we actually
21 took that idea in the penthouse plan, because at
22 that point, it's just the one unit. So, if you
23 look at that, the unit -- the elevator opens on
24 both sides, so you -- you go right into your own
25 unit from there, because it's only one unit at

1 | that point.

2 | CHAIRMAN GARCIA: Right.

3 | Any other question?

4 | No?

5 | You have a planner. Right?

6 | MR. CARBALLO: Yes. Yes, we do.

7 | MR. ALONSO: Yes.

8 | CHAIRMAN GARCIA: Okay.

9 | MR. ALONSO: Ed?

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

12 | MS. DILLON: Mr. Kolling, please raise your
13 | right hand.

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

16 | MR. KOLLING: Yes, I do.

17 | MS. DILLON: Please state your name and
18 | spell it for the record.

19 | MR. KOLLING: First name is Edward. The
20 | last name is Kolling, K-O-L-L-I-N-G.

21 | MS. DILLON: Thank you.

22 | MR. ALONSO: Mr. Chairman, Mr. Kolling has
23 | appeared before and qualified --

24 | CHAIRMAN GARCIA: Of course.

25 | MR. ALONSO: -- as a --

1 CHAIRMAN GARCIA: All the time, I remember
2 him. The first time that he came here, he came
3 here to testify in favor of Mr. Marotta.

4 Right?

5 Yes, --

6 MR. ALONSO: Thank you.

7 CHAIRMAN GARCIA: -- Mr. Kolling, our
8 pleasure to have you here.

9 MR. ALONSO: Mr. Kolling, you did a
10 planning analysis in connection with this
11 application.

12 MR. KOLLING: Yes, I did.

13 MR. ALONSO: Okay.

14 I'm going to ask you to please review your
15 report with the Board.

16 MR. KOLLING: Okay.

17 Just quickly, in terms of the location, we
18 know it's on Manhattan Avenue. It's up the hill
19 from the viaduct that leads up from Hoboken, and
20 before you get to the intersection where 16th
21 Street and Mountain Road come together.

22 The property is very large. It's 15 tax
23 lots on two different blocks. It's almost five
24 acres in total, 4.88 acres. So, it's extremely
25 large.

1 Surrounding area is residential, and it's
2 primarily multi-family, although it's zoned
3 residential.

4 As you're going to the north, the first two
5 buildings are actually eight unit buildings, with
6 a density of like 92 units per acre. And then,
7 there's a four -- a four unit building, a five
8 unit building, and a few others mixed in.

9 Across the street, the buildings facing
10 onto Palisade, same sort of pattern. Most of
11 them are multi-family, 13 of the 16. And it
12 ranges from -- which -- or include, actually, an
13 82 unit building that's back -- that's down at
14 about 11 -- at 1110 Palisade and a 42 unit
15 building that's at 1300 Palisade Avenue.

16 So, there's a lot of multi-family here.
17 So, this building is very much in keeping with
18 that character.

19 As I mentioned, the zoning is residential,
20 not withstanding the many multi-families. But
21 this -- this building, because of the large size
22 of the lot, is actually at a density that's lower
23 than you would have if there were uses that were
24 -- were permitted here.

25 For instance, a two family house is at a

1 density of 35 units an acre. This actually comes
2 in at 11 units an acre.

3 So, notwithstanding the fact that it's a
4 multi-family, I think it still promotes the
5 intent and purpose of the zone plan, which is to
6 preserve the integrity of existing residential
7 areas, by preventing intrusion of non-residential
8 uses, and of course, this is a residential use,
9 into neighborhoods -- residential neighborhoods;
10 and by maintaining existing development intensity
11 -- intensity and population density consistent
12 with residential neighborhood patterns.

13 So, as I said, the pattern here is multi-
14 family. This is consistent with that pattern.
15 And the density is consistent, or actually less
16 than what's permitted.

17 So, I think we're still promoting the
18 intent and purpose of the zone plan.

19 The property is particularly well suited
20 for this type of use because of the character of
21 the area. And -- and quite frankly, just because
22 of the very large size of this.

23 So, I think that there's -- it's well
24 suited for the -- for this purpose. And that's
25 also, I think, promoted by the fact that it was

1 originally approved for a building of the same
2 exact density, the same exact unit count.
3 There's no increase to that intensity or the unit
4 count, by this application.

5 I think that we promote -- since we promote
6 the purposes of the zone plan, we also,
7 therefore, promote the public health and safety
8 and welfare of the community, because that's what
9 the intent of the zone plan is.

10 So, that's consistent with the Municipal
11 Land Use Law, too, in Subparagraph 2A.

12 Paragraph 2E of the Municipal Land Use Law
13 talks about promoting the establishment of an
14 appropriate population density. And we do that,
15 as well, because we are consistent. We're
16 actually less than the densities that are
17 permitted within the zone plan, and which are
18 also prevalent within the area.

19 And then, we also provide sufficient space
20 in an appropriate location for this type of
21 residential use, due, again, to the large size of
22 the lot, which promotes Paragraph 2G of the
23 Municipal Land Use Law.

24 So, I think when you take all that
25 together, we have met both the positive and

1 negative criteria. This project is also, I
2 think, an improvement over the previous project.
3 As you heard the architect describe it, the
4 previous parking arrangement had some substandard
5 parking spaces, he had some stacked tandem
6 spaces. They were an unusual arrangement, seven
7 different driveways.

8 The way this works now, there will be much
9 less impact on Manhattan Avenue, in terms of
10 those driveways, and a better parking
11 arrangement, which I think will -- will promote a
12 better environment and promote the -- the public
13 good.

14 So, that, as well, can be taken into
15 consideration, in terms of the positive criteria.

16 MR. ALONSO: Now, Mr. Kolling, in your
17 opinion, is a density variance required in this
18 application?

19 MR. KOLLING: No. No. There's really not
20 a density that's -- that's stated specifically in
21 the R zone. But even if there were, if you just
22 took what was permitted, and then sort of like
23 project it out what the density would be, it
24 would be between 35 and 42 units an acre,
25 considering a two family at 35 units an area, a

1 three family at about 42 units an area, here at
2 11 units an acre. So, we're actually one-third
3 of a two family house.

4 MR. ALONSO: Okay. Because now, this Board
5 has interpreted the density two different ways.

6 Number one is by the definition in the
7 zoning, which is the number of units per acre,
8 which in your indication is that there is no such
9 requirement. And even if you were to extrapolate
10 it from what's permitted, we still don't -- we
11 still meet that requirement.

12 MR. KOLLING: Yes.

13 MR. ALONSO: The other is, in terms of the
14 size of the units, and based on the square
15 footage of a studio, one bedroom, two bedroom,
16 three bedroom, but we exceed those requirements
17 also.

18 MR. KOLLING: Yes, we do. We -- we well
19 exceed the minimum standards for the size of the
20 -- of the units.

21 MR. ALONSO: Okay.

22 And just to keep the record clear, because
23 we don't know what's going to happen after here,
24 I did notice for -- for a density variance, just
25 to be conservative, in the event that the Board

1 | were to determine that a density variance was
2 | required.

3 | Basically, you would have to just show that
4 | the problem associated with the increased density
5 | could be accommodated by this site.

6 | Is that correct?

7 | MR. KOLLING: Yes. That's correct. And if
8 | that were the case, I would -- I would still
9 | think that that -- we met the positive criteria,
10 | and that we do -- we would show that proof
11 | because of the sheer size of this -- this
12 | property, and the ability to accommodate these
13 | units with sufficient parking without substantial
14 | detriment to the zone plan or to the public
15 | welfare.

16 | MR. ALONSO: Okay. I have no further
17 | questions.

18 | CHAIRMAN GARCIA: How many -- how many
19 | bedroom you have in this one?

20 | MR. KOLLING: In this? There's -- there
21 | are two bedroom units and three bedroom units. I
22 | believe --

23 | CHAIRMAN GARCIA: Yeah. But how many --
24 | no, how many bedroom in total?

25 | MR. KOLLING: Bathroom and toilets?

1 CHAIRMAN GARCIA: Bedroom.

2 MR. KOLLING: Oh, bedroom.

3 MR. ALONSO: Bedrooms in total is --

4 CHAIRMAN GARCIA: How many --

5 MR. KOLLING: Oh, total.

6 MR. CARBALLO: You have 50 -- you have 50
7 units at three.

8 MR. KOLLING: Hundred and fifteen.

9 CHAIRMAN GARCIA: Fifty unit at two --

10 MR. ALONSO: At two.

11 MR. CARBALLO: Well, it's actually --

12 MR. PRICE: Well, you said three units.

13 CHAIRMAN GARCIA: So, you have a hundred
14 and --

15 MR. MEDINA: Hundred ten.

16 MR. CARBALLO: Okay. Fifty units at -- at
17 three.

18 CHAIRMAN GARCIA: A hundred fifteen
19 bedroom. Hundred fifteen bedroom.

20 Right?

21 MR. CARBALLO: Yeah.

22 CHAIRMAN GARCIA: Okay. Mention the
23 density.

24 Mr. Kolling, if you go -- I mean, how many
25 25 by hundred you have here?

1 MR. KOLLING: Twenty-five -- how many 25 by
2 a hundred lots?

3 CHAIRMAN GARCIA: Yes.

4 MR. KOLLING: Let me consult with the
5 architect. I think you had already done that
6 dimension.

7 CHAIRMAN GARCIA: Okay.

8 MR. CARBALLO: We actually just did a quick
9 calculation from --

10 CHAIRMAN GARCIA: Yeah. Just -- just from
11 --

12 MR. CARBALLO: From this point here --

13 CHAIRMAN GARCIA: Yeah.

14 MR. CARBALLO: -- to this point here, just
15 within the area of disturbance, we got 25, 25 by
16 a hundred lots. And at three, that's 75 units.

17 CHAIRMAN GARCIA: Seventy-five units.

18 MR. CARBALLO: Right. And if you take --

19 CHAIRMAN GARCIA: Three bedroom, 75 units.

20 MR. CARBALLO: Three bed --

21 CHAIRMAN GARCIA: Times 25 --

22 MR. KOLLING: Three --

23 CHAIRMAN GARCIA: That's going to be 215
24 (sic).

25 MR. CARBALLO: Right.

1 CHAIRMAN GARCIA: (Indiscernible).

2 MR. CARBALLO: Well, if -- if you have 75
3 units --

4 MR. ALONSO: Two twenty-five.

5 MR. CARBALLO: -- and you multiply times
6 three --

7 MR. KOLLING: That would be 225.

8 MR. CARBALLO: -- 225.

9 CHAIRMAN GARCIA: Two twenty-five. Two --
10 225 bedroom.

11 MR. KOLLING: Yes.

12 MR. CARBALLO: That is correct.

13 CHAIRMAN GARCIA: Versus 115.

14 MR. CARBALLO: Yes.

15 MR. KOLLING: Correct.

16 CHAIRMAN GARCIA: Okay.

17 And with 25 driveway.

18 MR. CARBALLO: With 25 driveways.

19 MR. KOLLING: Yes.

20 MR. CARBALLO: Correct.

21 CHAIRMAN GARCIA: Okay. How many driveway
22 you have now?

23 MR. CARBALLO: We have -- we have four.

24 CHAIRMAN GARCIA: Four? Okay.

25 Mr. Kolling, if -- if you, as a planner,

1 going to mention any negative about -- anything
2 negative about this application, what can you
3 say?

4 MR. KOLLING: Tell you the truth --

5 CHAIRMAN GARCIA: Tricky question?

6 MR. KOLLING: -- it's hard.

7 Yeah, it's a tricky question.

8 It's -- it's -- because it's hard to say
9 because I have -- what I would be doing would be
10 comparing this to what the previous approval was.
11 And when -- and when you look at the -- those
12 impacts that the previous approval would have had
13 on Manhattan Avenue, with the number of driveways
14 and the reduction in on-street parking, and
15 everything else, this is a vast improvement, in
16 my opinion.

17 CHAIRMAN GARCIA: Okay. And how many --
18 you probably have that answer, how many unit was
19 approved?

20 MR. ALONSO: Same number.

21 MR. KOLLING: Fifty-five.

22 CHAIRMAN GARCIA: Fifty-five?

23 MR. CARBALLO: We have not changed -- the
24 physical characteristics of the building really
25 have -- hasn't changed.

1 CHAIRMAN GARCIA: Okay.

2 MR. CARBALLO: Haven't changed.

3 CHAIRMAN GARCIA: Haven't changed. Okay.

4 And you said that the smallest size is
5 2200.

6 MR. CARBALLO: The small size units are
7 2200. The large size units are 4400, which comes
8 to about a -- it's somewhere between ten and 15
9 percent reduction in size from the previous
10 building.

11 CHAIRMAN GARCIA: Okay.

12 And going back to Mr. -- to the architect
13 --

14 MR. PANEQUE: Mr. Carballo.

15 CHAIRMAN GARCIA: No, I confuse always
16 Valella, Carballo. I don't know why.

17 MR. CARBALLO: Oh, please. Come on.

18 CHAIRMAN GARCIA: No, no. It's like --

19 MR. CARBALLO: Come on.

20 CHAIRMAN GARCIA: You are the two -- the
21 two first architect that I met in the -- in this
22 Board. So, that's why I always get --

23 The dimension of the -- the size of the
24 parking spaces.

25 MR. CARBALLO: The parking space, every

1 single one of these parking spaces is nine by 18.

2 CHAIRMAN GARCIA: Nine by 18?

3 MR. CARBALLO: We actually we have them
4 shown here. Typical nine by 18 and the driveway
5 is 24 feet. The only place where it actually
6 narrows at 20 feet, which is right in front of
7 the lobby, and there's no parking at that area.
8 It's just that we could increase the -- the areas
9 in front of the lobby.

10 CHAIRMAN GARCIA: How many handicap?

11 MR. CARBALLO: Well, the -- for a hundred
12 -- for 110, I think we need -- it's either five
13 or six. And one of them has to be a van
14 accessible space.

15 CHAIRMAN GARCIA: And but you don't show
16 them?

17 MR. CARBALLO: No, no. I do. We show
18 them.

19 CHAIRMAN GARCIA: Okay.

20 MR. CARBALLO: You can see the handicap
21 spaces.

22 CHAIRMAN GARCIA: Okay.

23 MR. CARBALLO: We have one, two, three,
24 four, five, six. Actually, show more; seven,
25 eight, nine. Because we wanted to have handicap

1 spaces on every -- on every level.

2 CHAIRMAN GARCIA: Okay. Okay. You have
3 another witness?

4 MR. ALONSO: No.

5 CHAIRMAN GARCIA: And you said -- let me
6 ask you again, it is the same number of units
7 that --

8 MR. CARBALLO: That is correct.

9 CHAIRMAN GARCIA: -- was approved before.

10 MR. CARBALLO: Fifty-five units.

11 CHAIRMAN GARCIA: Fifty-five units.

12 MR. CARBALLO: Was and is.

13 CHAIRMAN GARCIA: One of the recommendation
14 in the report, Mr. Spatz, is the testimony of a
15 traffic consultant. However, I recall that in
16 previous application they did, I remember -- the
17 architect at that time was Mr. Minervini? Was
18 you?

19 MR. CARBALLO: Please.

20 CHAIRMAN GARCIA: I don't know. I --

21 MR. CARBALLO: You insulted me twice
22 tonight.

23 MS. GUTIERREZ: Oh, my --

24 CHAIRMAN GARCIA: You insult me first.

25 MR. CARBALLO: Geez.

1 CHAIRMAN GARCIA: Your client insult me
2 first with Hoboken Height.

3 MR. CARBALLO: Geez.

4 CHAIRMAN GARCIA: And you know that I fight
5 everything about when they come here --

6 MR. CARBALLO: So, let's go get them
7 outside.

8 CHAIRMAN GARCIA: -- before me with
9 Hoboken. We're Union City. Hello man?

10 Okay. I have no further question.

11 Do you have any other question?

12 VICE CHAIRMAN GRULLON: Mr. Alonso, if you
13 have the same amount of units, and -- and it's no
14 -- no changes in height or density or anything,
15 why do we have this application in front of the
16 Board?

17 MR. ALONSO: Because what happens is, as
18 we're preparing the construction plans, there's
19 always changes, because these plans are schematic
20 plans and they're just concept plans, to show the
21 Board what we want to do.

22 As you start generating the construction
23 drawings, get a lot more technical, a lot more
24 specific and things change.

25 My client is actually buying the approved

1 plans. His idea for the building is different
2 than the prior, or the current owner who's
3 selling it. So, he made some changes to reduce
4 it.

5 Now, the Building Department, when they
6 review the construction plans, they compare it to
7 what was approved, because they want to make sure
8 that when they issue the permits, that the Board
9 already approved it, and that someone's not
10 trying to get more or change what was -- what was
11 approved.

12 What happens is, when the decision was made
13 to make the changes, the zoning had changed. So,
14 it went from a permitted use, which went to the
15 Planning Board, now it's not -- this -- even
16 though it's a better project --

17 VICE CHAIRMAN GRULLON: Yes.

18 MR. ALONSO: -- it's not permitted because
19 it changed to an R zone. So, now we need a D-1
20 use variance, and that's what this Board has
21 jurisdiction over.

22 So, even though it's really an amendment to
23 a prior approval, we have to present it as a new
24 approval, because we have additional relief that
25 is required. So, that's how we got here.

1 So, should this not be approved, or should
2 this be appealed, well then, the other one, the
3 bigger building can be built, because they're
4 still valid.

5 VICE CHAIRMAN GRULLON: Still valid?

6 Okay.

7 MR. ALONSO: Yeah.

8 VICE CHAIRMAN GRULLON: And the other
9 question that I have is I wanted to ask Mr.
10 Spatz, but he's not present, is that I want -- I
11 want him to explain, or somebody to explain the
12 -- what is the Palisade Preservation Overlay
13 District?

14 MR. ALONSO: Right. That's -- that's
15 basically a Steep Slope District.

16 VICE CHAIRMAN GRULLON: Yes.

17 MR. ALONSO: And it basically goes from -
18 well, Jersey City doesn't have. Well, Jersey
19 City has part -- has part of it. And it just
20 basically goes up the whole Palisades. And
21 they're trying to preserve the Palisades and
22 trying to prevent more disturbance to the
23 Palisades.

24 So, what happens is, there's specific
25 requirements if you're going to develop on the

1 Palisades.

2 The testimony by Mr. Carballo is that we
3 have reduced the impact on the Palisades by doing
4 this -- this smaller project --

5 CHAIRMAN GARCIA: Can you --

6 MR. ALONSO: -- before it went further
7 down. So now, we're moving it up.

8 CHAIRMAN GARCIA: Can you show me again,
9 Mr. Carballo, the -- the previous application?
10 The -- the sketch that you have there?

11 MR. CARBALLO: Sure.

12 CHAIRMAN GARCIA: Not the -- the building.

13 MR. ALONSO: The --

14 CHAIRMAN GARCIA: The whole building. The
15 previous one.

16 MR. ALONSO: The steep slope section.

17 CHAIRMAN GARCIA: Right. I think that
18 answer the preservation.

19 MR. ALONSO: No. Mr. Carballo, I think you
20 had one -- did you have the one with the
21 topographical lines?

22 MR. CARBALLO: The --

23 MR. PANEQUE: I think they're referring to
24 the lines of disturbance.

25 MR. CARBALLO: The area of disturbance.

1 MR. PANEQUE: Yes.

2 MR. CARBALLO: The area of disturbance that
3 was originally approved, or the project that was
4 approved within the area of disturbance, this
5 dark line here is the area of disturbance. From
6 here down, we cannot disturb. We cannot do
7 anything.

8 So, these buildings, and they'll be larger,
9 and the parking spaces not being as order as we
10 have them, we actually were cantilevering over
11 that line, never going beyond it at --

12 CHAIRMAN GARCIA: Right.

13 MR. CARBALLO: -- ground level, but
14 cantilevering over that.

15 So, if we go to the new building, that line
16 is down here.

17 CHAIRMAN GARCIA: Right.

18 MR. CARBALLO: So, as you can see -- you
19 know, how much we shrunk --

20 CHAIRMAN GARCIA: Yeah. That's right.

21 MR. CARBALLO: -- that portion of the
22 building.

23 CHAIRMAN GARCIA: That was my -- that was
24 my --

25 Any other question?

1 VICE CHAIRMAN GRULLON: I know Mr. -- Mr.
2 Chairman asked the question already, and -- and
3 it was answered by comparing to a three units,
4 but the -- the parking.

5 You're going to have 110 parking spaces,
6 and we don't have a traffic report in this.

7 MR. ALONSO: No. But we don't -- we don't
8 need a parking variance. So, we comply.

9 VICE CHAIRMAN GRULLON: But a traffic --
10 traffic report, that -- that will be something to
11 consider, also. All the -- the traffic
12 generating to Manhattan Avenue.

13 MR. ALONSO: Right. I mean, the Board can
14 require that we provide one.

15 I would -- I would submit to you that
16 because we're going from seven driveways to four
17 driveways, there's -- there's less of an impact
18 on Manhattan Avenue, because most of the traffic
19 or circulation will be contained within the
20 property, as opposed to being disbursed through
21 seven different forms of ingress and egress.

22 The traffic was already considered when it
23 was originally approved.

24 VICE CHAIRMAN GRULLON: Yeah, but that was
25 back in 2005.

1 MR. ORTIZ: Yeah.

2 MR. ALONSO: Right.

3 VICE CHAIRMAN GRULLON: Yes.

4 MR. ALONSO: Right.

5 VICE CHAIRMAN GRULLON: Yeah, like -- and I
6 don't know if you were present at that time. Not
7 even the --

8 MR. BONACCI: Was anybody on this Board 11
9 years ago?

10 MR. ALONSO: Well, it was Planning Board.

11 CHAIRMAN GARCIA: I was here.

12 MR. BONACCI: You were still here?

13 MS. GUTIERREZ: Yes.

14 MR. PANEQUE: Mr. Alonso, we have a memo
15 from Mr. Spatz.

16 MR. ALONSO: Um hum.

17 MR. PANEQUE: I don't know if you've been
18 privileged --

19 MR. ALONSO: I have not seen that.

20 MR. PANEQUE: -- to share that. But --

21 THE SECRETARY: I think I emailed you. I
22 emailed you -- to your office, Mr. Spatz report.

23 MR. ALONSO: Yeah. Because I looked at my
24 file before coming tonight, I didn't see one from
25 him.

1 MR. PANEQUE: In alluding to what Vice
2 Chairman Grullon was just asking about, the
3 recommendation of Mr. Spatz is that testimony
4 from a traffic consultant be provided at the
5 hearing.

6 Do you have a traffic consultant with you
7 tonight?

8 MR. ALONSO: We do not.

9 MR. PANEQUE: Okay.

10 MR. ALONSO: We do not. And we'll -- I'll
11 defer to the Board, if the Board requires one.

12 MR. PANEQUE: Well, it's -- it's the
13 recommendation of Mr. Spatz that a traffic
14 consultant be provided.

15 There's other recommendations here, but I
16 -- most of them, you've touched upon. There was
17 -- there's one that hasn't been mentioned, and
18 that is, is there going to be any lighted warning
19 signals coming out of the driveway?

20 And that might be for Mr. Carballo to
21 answer.

22 MR. CARBALLO: Well --

23 CHAIRMAN GARCIA: There was another
24 requirement.

25 MR. CARBALLO: That would actually be

1 something that a traffic -- would be talking
2 about.

3 But yeah, you could -- you're not going to
4 have a -- I'm not sure what he means by lighted,
5 because we're not going to have little green or
6 yellow lights.

7 I mean, these are driveways, just like any
8 other driveway coming out of any building. And
9 there's -- as far as backing up from the
10 streetlight, or from the street line, but you can
11 actually see as you're coming out.

12 MR. PANEQUE: Okay.

13 MR. CARBALLO: So, you don't have a blind
14 spot coming out of these driveways.

15 So, I'm going to show what lighted --

16 MR. PANEQUE: Well --

17 MR. CARBALLO: But if it requires something
18 --

19 MR. PANEQUE: I'll read it --

20 MR. CARBALLO: -- we'll surely comply.

21 MR. PANEQUE: Yes. I'll read it into the
22 record.

23 Mr. Spatz is not here --

24 MR. CARBALLO: I understand.

25 MR. PANEQUE: -- tonight, but his

1 recommendation is the applicant must provide a
2 lighted warning signal for pedestrians on both
3 entrances to the garage.

4 MR. CARBALLO: It will be provided. That's
5 not a problem.

6 MR. PANEQUE: Okay.

7 MR. CARBALLO: That's not a problem. And --
8 and I'll discuss it with Mr. Spatz, as well, as
9 to what he requires, and we'll put it on the
10 drawing.

11 That is not a problem.

12 MR. PANEQUE: And then, there's a couple of
13 other recommendations for landscaping.

14 Are you going to touch upon landscaping?

15 MR. CARBALLO: Well, we -- we don't have a
16 landscaping plan, but we will -- if it gets
17 approved, again, we'll -- we'll submit a full
18 landscaping plan.

19 MR. PANEQUE: Okay.

20 And he mentions here, refuse storage area
21 shown on each residential floor.

22 MR. CARBALLO: That is correct.

23 MR. PANEQUE: Can you touch upon that, or
24 each floor --

25 MR. CARBALLO: I did -- I did touch upon

1 that.

2 MR. PANEQUE: You did? Okay.

3 MR. CARBALLO: I actually explained that,
4 but just to be on the safe side, if -- if you
5 look at every floor plan, there's a trash area at
6 this point.

7 MR. PANEQUE: Okay.

8 MR. CARBALLO: And every -- every level has
9 it.

10 I don't know if you recall when I explained
11 that since most of the levels are below the level
12 of Palisade Avenue, which is where the trash will
13 be picked up, instead of a trash chute, we
14 actually have a dumbwaiter, so the trash can be
15 brought up, it will be the only way.

16 At the level 6, coming down from the
17 bottom, we have a service area where the trash
18 will be picked up off-site at that area.

19 MR. PANEQUE: Okay.

20 And you also have security -- security
21 lighting being provided throughout.

22 MR. CARBALLO: We will -- we will provide
23 security lighting. We'll provide cameras. You
24 know, all that -- all those things will be
25 provided as part of this building. It's -- this

1 -- this building is -- you know, for lack of a
2 better word, it's a luxury building.

3 So, all those -- all those features that
4 make it luxury will be provided.

5 CHAIRMAN GARCIA: That's why I make the
6 comment about the elevators.

7 MR. CARBALLO: I'm sorry?

8 CHAIRMAN GARCIA: That's why I make the
9 comment about the elevators.

10 MR. CARBALLO: Well, you know, just having
11 an elevator for just two units on your floor, I
12 mean, that's -- that's enough.

13 When you buy one, I'll make it so it goes
14 into your apartment.

15 CHAIRMAN GARCIA: Unfortunately, I can't
16 buy it. Unfortunately.

17 Any other question?

18 Any member of the public want to step
19 forward?

20 Mr. Price?

21 MR. PRICE: Thank you.

22 One of the exhibits that was available for
23 inspection was the survey of the site.

24 Do you have that on your board?

25 MR. CARBALLO: I don't have that. I think

1 | that was submitted to -- to the Board.

2 | MR. PRICE: Okay. But you don't have it?

3 | MR. CARBALLO: I -- I don't have it. I --
4 | I show some lines, call the property lines. This
5 | is, basically, the property line.

6 | MR. PRICE: Oh, I'm -- okay. And it --
7 | okay.

8 | I have two questions.

9 | MR. CARBALLO: Sure. Sure. Go ahead.

10 | MR. PRICE: How far -- the property
11 | extends, basically, from Manhattan Avenue down to
12 | the railroad, to the light rail.

13 | Correct?

14 | MR. CARBALLO: No. It doesn't -- it
15 | doesn't go that far. It just goes out to here,
16 | which is another 200 feet beyond the building.

17 | And -- and it goes from the last house, or
18 | the last building -- this is about seven, 800
19 | feet. But it doesn't go all the way down to the
20 | viaduct, you're talking about?

21 | MR. PRICE: Well, I'm talking --

22 | MR. CARBALLO: You're talking south.

23 | MR. PRICE: I mean -- first --

24 | MR. CARBALLO: You're talking west.

25 | MR. PRICE: East/west.

1 MR. CARBALLO: East. East. Going east.

2 MR. PRICE: Manhattan Avenue, obviously, is
3 the western terminus and the eastern terminus is
4 --

5 MR. KOLLING: I -- I did look at the tax
6 map and there's -- there is a -- the last lot in
7 this -- in that tax block is owned by New Jersey
8 Transit.

9 I'm not sure if it -- the light rail right-
10 of-way is within it. But it is owned by New
11 Jersey Transit.

12 MR. PRICE: Okay. So, it's the light rail.

13 And it goes from 13th Street, or whatever.
14 How far down -- what -- what is the southern
15 terminus on this thing?

16 MR. CARBALLO: It's just before the
17 viaduct. It doesn't go all the way to the
18 viaduct.

19 MR. PRICE: Okay. I'm trying --

20 MR. CARBALLO: It goes down to 14th Street.

21 MR. PRICE: Because there was a reference
22 to five acres, which would be 210,000 square
23 feet.

24 MR. CARBALLO: It's actually 212,000 --

25 MR. KOLLING: The --

1 MR. CARBALLO: -- square feet. Yes.

2 MR. KOLLING: There's actually a series of
3 lots that come this -- that run to the north
4 behind the lots that front onto Manhattan Avenue.
5 They -- they have no frontage.

6 It's part of this parcel, but it's
7 undevelopable. So, it will always remain --

8 MR. PRICE: Be -- because --

9 MR. KOLLING: -- green.

10 MR. PRICE: -- it's behind -- the buildings
11 that have --

12 MR. CARBALLO: That's correct.

13 MR. PRICE: -- have access to the street
14 are in front of it so --

15 MR. CARBALLO: That is correct.

16 MR. KOLLING: Yes. Correct.

17 MR. PRICE: Okay.

18 MR. KOLLING: That's -- that's --

19 MS. DILLON: Can you answer one at a time,
20 please?

21 MR. KOLLING: Okay. I'm sorry.

22 MS. DILLON: Thank you.

23 MR. PRICE: Okay.

24 Okay. And we don't -- do you have a street
25 address on the southern terminus, or roughly a

1 street location?

2 MR. CARBALLO: No. All -- all we have is
3 1300 Manhattan Avenue.

4 MR. PRICE: Okay.

5 Okay. How long is your proposed building?

6 MR. CARBALLO: It's 409 feet.

7 MR. PRICE: Four hundred and nine feet?

8 MR. CARBALLO: Yeah.

9 MR. PRICE: Okay.

10 And then, there's a short distance to the
11 north of that.

12 MR. CARBALLO: What do you -- what do you
13 mean by a short distance?

14 MR. PRICE: Your side yard setback to the
15 property.

16 MR. CARBALLO: It's actually 71 feet.

17 MR. PRICE: Seventy-one feet.

18 And it's 400 feet, or whatever it is.

19 MR. CARBALLO: It's squared out. Yeah.

20 MR. PRICE: Okay.

21 Okay. In your density calcula -- in the
22 original application, because of the loss of
23 density entitlements, although it's a five acre
24 site, 5500 -- or sorry -- 55 units was the entire
25 density allowed on the site, because 90 percent

1 loss, because of the steepness of the slope.

2 MR. KOLLING: Right. There was a density
3 adjustment factor or something, which brought it
4 from having the ability to have whatever the
5 number was going to be, down to 55.

6 MR. PRICE: It was 550 and it ended up 55,
7 because you lost --

8 MR. KOLLING: Correct.

9 MR. PRICE: -- 90 percent of it.

10 MR. KOLLING: Yes. It was a --

11 MR. PRICE: Okay. Does that -- is that
12 still the case?

13 MR. KOLLING: The new -- and I read through
14 the Preservation Overlay District several times.
15 I couldn't find that factor in there at all. I
16 think it was -- I think it left, or it was taken
17 out when the -- the Ordinance was amended.

18 MR. PRICE: Okay. But it still speaks
19 about 90 -- disruptions.

20 MR. KOLLING: I think now they deal with
21 it, as -- as the architect was speaking to, of
22 areas of disturbance.

23 MR. PRICE: Okay. Areas of -- okay.

24 The reason I ask the question was although
25 it is a five acre site and this, I guess, fills

1 two acres of the site, under the old
2 interpretation, the entire site was developed
3 because that -- 55 units was the only -- was the
4 -- was the maximum density permitted on this
5 site.

6 So, although there's three acres
7 undeveloped, it was part of the site, and it
8 couldn't be developed further.

9 Now, is that still the case? Or --

10 MR. KOLLING: That I don't -- that I don't
11 know. That might -- that might be a question for
12 -- maybe that's a legal interpretation. I -- I
13 would certainly say that the lots behind this
14 could not be developed any further, because they
15 have no frontage.

16 I think that because of the slope going
17 further to the south, they also could not be
18 developed from a practical perspective.

19 MR. PRICE: Then, from a mechan -- from a
20 practical point of view development here, we
21 would agree would be very difficult. But
22 legally, before it was banned because you were
23 using your maximum density variance.

24 Now, is that still the case or is it not?

25 MR. KOLLING: That I don't -- I don't know.

1 MR. PRICE: Okay.

2 Okay. Then, I think I have a question for
3 Mr. Alonso.

4 The -- this is a modification of the old
5 approval.

6 MR. ALONSO: Technically, it's -- it is,
7 but technically, it's a new application because
8 we need a D-1 variance, which we didn't need the
9 last time. So, that's additional relief. So,
10 we're being conservative and treating it as a new
11 application. But the old approvals are still
12 valid.

13 MR. PRICE: Okay. Let me -- let me then
14 just ask the question.

15 The old approval was given subject to a
16 builder's agreement, where the builder agreed to
17 put a deed restriction beyond the 55 units. There
18 would be no further development on this site.

19 Is that still the case?

20 MR. ALONSO: If we were to develop that
21 approval, yes.

22 MR. PRICE: Well, is it the case? That's
23 why I'm asking the question.

24 I mean, is there going to be a builder's
25 agree -- are they going to put a deed restriction

1 in, no further development on the rest of the
2 site?

3 MR. ALONSO: It's up to the Board as to
4 what conditions they want to impose on the appli
5 -- on the approvals.

6 MR. PRICE: Oh, but, then you're --

7 MR. ALONSO: If any.

8 MR. PRICE: Then you're not recognizing the
9 -- the --

10 MR. ALONSO: No. I'm recognizing it under
11 the --

12 CHAIRMAN GARCIA: Just to clarify, we have
13 here a proposed new 55 units. So, we are -- the
14 interpretation that we understand that we're
15 giving to this one is it's a new application. We
16 are comparing it with the other one, but this is
17 a new application.

18 MR. ALONSO: Correct.

19 MR. PRICE: Then you're going to treat this
20 as a new application.

21 CHAIRMAN GARCIA: That's the way that we're
22 treating.

23 MR. PRICE: Then the builder --

24 CHAIRMAN GARCIA: That --

25 MR. PRICE: Then there's no builder -- then

1 | that thing -- that -- that provision in the old
2 | approval is out then.

3 | MR. ALONSO: Well, that -- that provision
4 | is there --

5 | CHAIRMAN GARCIA: That is something that is
6 | -- that's something like whatever the applicant
7 | take in consideration. You know I mean? it's
8 | like --

9 | MR. PANEQUE: Mr. Price, so far, that has
10 | not been offered by the applicant as a condition
11 | to approval.

12 | However, we'll question Mr. Alonso to see
13 | if that's still on the table, and if he wants to
14 | make it part of this application. It would be up
15 | to his client to then say, we will offer this, if
16 | this application is approved.

17 | MR. PRICE: Okay. But the reason I'm
18 | asking the question is this could be treated --
19 | this application tonight can be treated two ways.
20 | One is, as a modification of the old approval.
21 | Or as a new application.

22 | If it's a modification of the old approval,
23 | the old approval had -- you know, was subject to
24 | a builder's agreement that they would -- you
25 | know, there would be no further development on

1 the rest of the site.

2 What you're saying, I think, to me, is
3 that's not the way the Board's going to consider
4 it.

5 MR. PANEQUE: Well --

6 MR. PRICE: It's going to be considered as
7 a new application, and that that old condition is
8 -- is out the window and it's now up to the
9 applicant to offer that remedy, again, if they
10 wish --

11 MR. ALONSO: Mr. Chairman, if I maybe can
12 just cut -- cut it short.

13 I'm treating it as a new application simply
14 because of the relief that we're requesting. But
15 technically, it's a modification.

16 My client, when he agreed to purchase the
17 property, and reviewed the approvals that were
18 granted, did incorporate into it that builder's
19 agreement, with the -- with the restrictions.

20 My client has no objection to it being
21 continued into this application, should the Board
22 grant this approval, as a condition of that
23 approval.

24 CHAIRMAN GARCIA: But I mean, in legal
25 procedures, Mr. Paneque, I mean, whatever -- if I

1 | bought this -- this approval, if I'm buying this
2 | approval, and then I come with another idea, I
3 | can come with a -- with another project. And
4 | basically, it is another project.

5 | MR. PANEQUE: Well, if I can -- I believe
6 | what Mr. Alonso is saying is that even though
7 | they're coming in with a new application, and
8 | correct me if I'm wrong, Mr. Alonso, his client
9 | does not have an objection to having that deed
10 | restriction placed on his new application, just
11 | by the mere fact that he bought into the old
12 | project with that deed restriction, and had no
13 | objection to it at that time.

14 | MR. ALONSO: That's --

15 | MR. PANEQUE: So --

16 | MR. ALONSO: -- correct.

17 | MR. PANEQUE: If -- if --

18 | MR. ALONSO: Ultimately, it's up to the
19 | Board to --

20 | MR. PANEQUE: Yes.

21 | MR. ALONSO: -- impose reasonable
22 | conditions on any approval. And if that's a
23 | condition that the Board feels is necessary, we
24 | would have no objection to that.

25 | MR. BONACCI: I have a question.

1 So, we could grant the application with the
2 condition?

3 MS. GUTIERREZ: Andres?

4 MR. BONACCI: We can grant the application
5 with the condition that there's no further
6 development on -- past the 55 units?

7 MR. PANEQUE: Yes, this Board, on its own,
8 can make that a condition of approval. However,
9 we have the applicant's consent, as represented
10 by Mr. Alonso, that they would have no objection
11 to having a deed restriction, which would limit
12 the amount of units into the future, on this
13 parcel, which is the almost five acres, to the 55
14 units that they're requesting permission for.

15 That's correct, Mr. Alonso?

16 MR. ALONSO: That's correct.

17 MR. PRICE: Okay.

18 Thank you.

19 CHAIRMAN GARCIA: We're still open to the
20 public.

21 Any member of the public wants to step
22 forward?

23 Yes.

24 MS. DILLON: Sir, right in front of the
25 microphone.

1 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. LEHNBEUTER: Yes.

5 MS. DILLON: Can I ask you to please state
6 your name, spell it for the record, and give your
7 address?

8 MR. LEHNBEUTER: Sure.

9 Cory Lehnbeuter.

10 MS. DILLON: I'm sorry?

11 MR. LEHNBEUTER: Cory Lehnbeuter.

12 MS. DILLON: Spell your first name.

13 MR. LEHNBEUTER: C-O-R-Y. Last name is
14 L-E-H-N-B-E-U-T-E-R. And I live --

15 MS. DILLON: B-E-U-T-E-R?

16 And your address?

17 MR. LEHNBEUTER: L-E-H-N-B-E-U-T-E-R.

18 MS. DILLON: Address?

19 MR. LEHNBEUTER: My address is 1210
20 Palisade Avenue.

21 MS. DILLON: Thank you.

22 MR. LEHNBEUTER: So, I'm here with some of
23 my neighbors tonight. We had actually gotten
24 together to prepare a statement collaboratively,
25 based off of our understanding of the spirit of

1 the Palisade Preservation Overlay District, and
2 our understanding the 2009 Master Plan.

3 So, some of my neighbors are with me
4 tonight, who have been in the neighborhood for
5 decades. There are many others that actually
6 couldn't make it, so I'm just going to read the
7 statement that we had prepared together.

8 CHAIRMAN GARCIA: Just for your
9 information, the statement that you're going to
10 read, we're going to take consideration that you
11 are reading that statement, just on your behalf.
12 We -- in the practice, we don't use that you
13 speak on behalf of another. Usually, what -- if
14 -- the way that you could bring somebody to speak
15 on your behalf is bring your attorney, and
16 they're representing you.

17 But just for your information, whatever
18 you're going to read, we're going to take
19 consideration that it's your statement, not a
20 consensus statement.

21 MR. LEHNBEUTER: Fair enough.

22 CHAIRMAN GARCIA: Okay. No problem.

23 MR. LEHNBEUTER: So, I'd just like to make

24 --

25 CHAIRMAN GARCIA: No, no problem. No, no

1 --

2 MR. LEHNBEUTER: Yeah. No. Understand.

3 CHAIRMAN GARCIA: No, you can go.

4 MR. LEHNBEUTER: So, like to give an
5 opportunity for them to affirm --

6 CHAIRMAN GARCIA: Yes.

7 MR. LEHNBEUTER: -- it after.

8 MS. GUTIERREZ: Um hum.

9 MR. LEHNBEUTER: After I read it.

10 CHAIRMAN GARCIA: And everybody is open to
11 come take the time, do whatever. I mean, we're
12 more than happy to receive everybody that want to
13 come.

14 Thank you very much, sir. Thanks.

15 MR. LEHNBEUTER: Sure.

16 So, we, the Union City residents of
17 Palisade Avenue, have met collectively to discuss
18 our concerns regarding the proposed construction
19 at 1300 Manhattan Avenue.

20 We expect the Union City Zoning Board and
21 applicant to thoroughly address our concerns, and
22 any questions, before making a decision on the
23 variances related to this proposed project.

24 We have the following concerns for the
25 proposed construction at 1300 Manhattan Avenue.

1 One. The plan may not conform to the Union
2 City Master Plan of 2009.

3 Two. The project violates the Steep Slope
4 Ordinance, which is part of the Palisade
5 Preservation Overlay District -- District, PPOD
6 for short, laid out in 2009 Master Plan.

7 Three. Disruption to patterns on --
8 traffic patterns on Manhattan Avenue during peak
9 travel periods will be extremely problematic for
10 Union City residents and its businesses.

11 In addition, any type of traffic lane
12 closure on Manhattan Avenue will severely impede
13 the abilities of North Hudson Fire and Safety and
14 other emergency vehicles to respond to
15 emergencies. Evacuation routes will also be
16 impaired.

17 Four. The City will lose, during
18 construction, approximately, a hundred parking
19 spaces, in an area where parking is already
20 extremely limited.

21 And five. The environmental impact has not
22 been fully assessed, nor communicated to the
23 local community. A more thorough analysis is
24 needed regarding potential erosion, the local
25 ecology, impact of the building on the steep

1 slope, potential for property damage from
2 blasting and construction, and overall
3 destabilization of the retaining wall.

4 We, the Union City residents of Palisade
5 Avenue, have studied the proposed project, and we
6 do not believe that the Board should approve any
7 of the variances associated with this
8 development.

9 Thank you.

10 VICE CHAIRMAN GRULLON: Thank you.

11 MS. GUTIERREZ: Thank you.

12 CHAIRMAN GARCIA: Question to you, Mr. --

13 MR. LEHNBEUTER: Lehnbeuter.

14 CHAIRMAN GARCIA: -- Lehnbeuter.

15 MR. LEHNBEUTER: Sure.

16 CHAIRMAN GARCIA: And also, to you, Mr.
17 Alonso.

18 Your client never get together with the --
19 with the -- with the resident there?

20 MR. ALONSO: I don't believe my client ever
21 did. And the only reason was that that was
22 already approved back in 2005.

23 CHAIRMAN GARCIA: Okay.

24 MR. ALONSO: And in terms of some of the
25 comments that were made, with the Master Plan,

1 originally, when it was approved, it -- it was a
2 permitted use. So, this Board didn't have
3 jurisdiction, the Planning Board did.

4 The zoning has changed, so now it's no
5 longer permitted. However, what -- what we're
6 proposing is a better condition than what was
7 previously approved.

8 So, if this application should be denied,
9 then you're going to be stuck with the bigger
10 building.

11 In terms of the PPOD, as -- I don't know if
12 you heard Mr. Carballo testify, but there was
13 substantial reductions in the interference within
14 that -- that steep slope area, the area of
15 disturbance.

16 So that -- again, that's also an
17 improvement over what was previously approved.

18 With respect to the traffic patterns,
19 again, that was already approved, based on the
20 testimony that was -- that was presented in the
21 past. And whatever it is, it is on the prior.

22 What I can tell you is, that we're
23 proposing less parking spaces, although we don't
24 need a parking variance, the parking spaces are
25 larger, they be all -- they all are -- meet the

1 Code.

2 And being that there are less vehicles,
3 whatever the traffic impact would have been, with
4 vehicles coming in and out of the site, is also
5 going to be improved by the virtue of the fact
6 that there's less vehicles.

7 In terms of the construction issues that
8 you were addressing, a lot of that gets addressed
9 during the construction phase, through the
10 Building Department, making sure that proper
11 insurances are in place. If there's going to be
12 any blasting, which I don't know if there is or
13 there isn't, there's a lot of precaution that are
14 -- that are taken into consideration.

15 So, while they are all valid concerns that
16 you have, I believe that the testimony presented
17 to this Board was more than sufficient in order
18 to hopefully alleviate those concerns.

19 MR. LEHNBEUTER: I would say -- you know,
20 for me, personally, I understand -- you know,
21 this was a prepared statement ahead of time.

22 You know, our concerns, I think, are around
23 any proposal. This one, or potentially the other
24 one that was still on the table from the past.

25 You know, I understand there's other things

1 to be considered, but with regard to parking, for
2 instance, just for one, there's parking on that
3 street now. So, when you're putting in
4 driveways, and this is me talking -- you know,
5 for myself, again -- you know, you're losing some
6 of those parking spaces.

7 So, that's for the community --

8 MR. ALONSO: Right. But --

9 MR. LEHNBEUTER: -- as opposed to the
10 residents of --

11 MR. ALONSO: But again -- again, we have an
12 improved condition.

13 MR. LEHNBEUTER: Right.

14 MR. ALONSO: We're going from seven to four
15 driveways.

16 So, we're putting back more --

17 MR. LEHNBEUTER: Sure.

18 MR. ALONSO: -- more spaces onto the
19 street.

20 MR. LEHNBEUTER: I think it's just
21 something to consider.

22 And then, also, the additional traffic and
23 having the fire trucks, emergency vehicles, and
24 it's also an evacuation route for Hoboken, just
25 to consider that extra flow on a street that's

1 actually pretty narrow, to begin with.

2 So, I actually have some -- some -- you
3 know, other concerns, but I'd probably like to
4 review the plan myself more, or this revised plan
5 more in detail.

6 Actually, before I sit down, just a quick
7 question about the height, as well.

8 MR. CARBALLO: Sure.

9 MR. LEHNBEUTER: What is the height at
10 street level, Manhattan, at the northern most
11 point?

12 And then, what's the height of the wall?

13 MR. CARBALLO: Well, the -- the way that we
14 take -- you know, the height is defined in the
15 Ordinance is the point at -- at the midline point
16 of the building, at the -- at the center of the
17 street, and the height of the building at that
18 point.

19 We have a 32 foot height, and which is less
20 than the 40 that's permitted.

21 On this side, we have 22 feet. On this
22 side, we have 44 feet.

23 So, even at 44 feet, it's just a little
24 over the 40 that's -- that's permitted.

25 MR. LEHNBEUTER: What is the height of the

1 wall? The retaining wall?

2 MR. CARBALLO: The height of the wall?

3 Well, this is eight feet.

4 MR. LEHNBEUTER: On the other side.

5 MR. CARBALLO: That's about ten feet right
6 here. So --

7 MR. LEHNBEUTER: I meant on the -- on the
8 west side of Manhattan Avenue.

9 MR. CARBALLO: The height of the wall on
10 the west side of Manhattan Avenue.

11 MR. LEHNBEUTER: Yeah.

12 MR. CARBALLO: This is the west side of
13 Manhattan Avenue.

14 MR. LEHNBEUTER: I thought that's the --

15 MR. CARBALLO: I'm sorry.

16 MR. LEHNBEUTER: -- the east side.

17 MR. ALONSO: No, it's the east side.

18 MR. LEHNBEUTER: Yeah. Yeah.

19 MR. CARBALLO: This is the east side. This
20 is -- oh, did you mean the wall up across --

21 MR. LEHNBEUTER: Yeah. Yeah.

22 MR. CARBALLO: I'm sorry. Yeah.

23 MR. LEHNBEUTER: Because I think it was
24 mentioned earlier that was --

25 MR. CARBALLO: The existing wall.

1 MR. LEHNBEUTER: -- the existing wall in
2 the original proposal was to be in line with
3 that.

4 MR. CARBALLO: If you look at the grades up
5 here, you're looking at 208, 210, 208, 207. If
6 you go back to the elevation, we're at 204.

7 So, we're actually lower than the wall in
8 the back.

9 MR. LEHNBEUTER: I think that's all I have.

10 MS. GUTIERREZ: 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. REYES: Yes.

16 MS. DILLON: Can you state your name, spell
17 it for the record, and give your address?

18 MR. REYES: Ramon Reyes.

19 First name R-A-M-O-N, last name, R-E-Y-E-S.

20 MS. DILLON: And your address, sir.

21 MR. REYES: 1216 Palisade Avenue.

22 MS. DILLON: Thank you.

23 MR. REYES: I'm a long term resident of
24 Union City. And I've seen the City upgrade the
25 quality of life in this town. Street lighting,

1 pavements, safety, public safety. Also, the --
2 the new parks, the new schools.

3 So, much has been done to improve the City,
4 but I doubt very much if this building, this
5 isolated community, built on the fringes of Union
6 City, would benefit the critical mass of people
7 who live on Palisade Avenue, Bergenline Avenue,
8 New York Avenue, and some of the other main
9 thoroughfares.

10 I would imagine -- this is a 55 multi-
11 family unit, with only 110 parking spaces. I
12 believe that families in this unit will have many
13 friends, relatives and guests visiting. And we
14 already have this -- this major parking problem
15 in Union City.

16 I have very difficult time renting to -- to
17 tenants because there's no parking on Palisade
18 Avenue.

19 I -- just this afternoon, someone inquired
20 about an apartment. We inquired about the
21 municipal parking. Those municipal parkings are
22 full.

23 Now, the other issue is that residents of
24 this building will probably not seek out main
25 thoroughfares or escape routes into Hoboken, the

1 | Holland Tunnel, nor the Lincoln Tunnel.

2 | These residents, their escape routes, their
3 | main thoroughfares will have to be the New Jersey
4 | Turnpike, Route 3 West, they need access to 30th
5 | Street, Paterson-Plank Road. This traffic is
6 | coming into Palisade Avenue, New York Avenue,
7 | Bergenline Avenue.

8 | And I must tell you that right now, when I
9 | leave in the morning for work, I -- I live on
10 | Palisade Avenue. I have a driveway. I don't
11 | have to worry about on-street parking, like my
12 | other neighbors. But I do have a difficult time
13 | getting out of my driveway because of the backlog
14 | of traffic during peak hours. Peak traffic
15 | hours.

16 | So, I can't imagine what my commute will be
17 | like when these workers from this building, seek
18 | access to the main thoroughfares, via Palisade
19 | Avenue, New York Avenue, Bergenline Avenue and
20 | 30th Street.

21 | So, that -- that -- I'm so glad that this
22 | issue of the traffic consultant came up. I
23 | really think if this building goes up, the
24 | traffic flow might have to be reconfigured on
25 | Palisade Avenue, Bergenline Avenue, New York

1 Avenue, 30th Street.

2 Case in point. Perhaps because of the new
3 bus stops for the children on Palisade Avenue, we
4 now have this major transportation -- public
5 transportation offered on Palisade Avenue. We
6 have these traffic lights and it's almost as if
7 we have to reconfigure the traffic lights for the
8 existing traffic that we have on Palisade Avenue.

9 With this, it's going to be a necessity.

10 The other issue is that -- and I don't want
11 to sound alarmist. And I guess I am putting
12 myself at the risk of sounding alarmist, but
13 remember, about seven years ago, the retaining
14 wall, right below The Doric Towers on Manhattan
15 Avenue, that whole -- that whole retaining wall
16 collapsed. And -- and to this day, we, the
17 residents on Palisade Avenue, are concerned about
18 the -- the integrity of that retaining wall.

19 I, for example, have planted a lot of trees
20 and shrubs along that retaining wall, to make
21 sure that there's erosion control.

22 And I -- I find it rather strange that
23 we're thinking of building this, and that -- and
24 that the construction might even -- what's the
25 word -- threaten further the integrity of that

1 retaining wall.

2 And besides, once -- and that -- that --
3 the safety issue, regarding that retaining wall,
4 will be consequential when we have workers down
5 there, and after those workers leave, we have
6 occupants in this building, who might yet be
7 threatened by this compromised retaining wall.

8 So, that's an issue.

9 And lastly, this is a unit that can be
10 quite an obstruction, considering that most of
11 the -- most of the residents, the critical mass
12 of residents who now enjoy the views from
13 Palisade Avenue, will not have access to those
14 views because of this obstruction, right there in
15 the center of the -- of the views.

16 And that's my piece.

17 Thank you.

18 VICE CHAIRMAN GRULLON: Thank you, Mr.
19 Reyes.

20 MS. GUTIERREZ: Thank you.

21 MR. ALONSO: Mr. Chairman, if I can just
22 address a couple of those comments, briefly?

23 CHAIRMAN GARCIA: Can -- may I ask if --

24 MR. ALONSO: Sure.

25 CHAIRMAN GARCIA: Just a suggestion?

1 Is another person from the public going to
2 come up. Right?

3 A VOICE: Exactly.

4 A VOICE: Yes.

5 CHAIRMAN GARCIA: Yes. So, I think it's
6 better to address it because if you see they have
7 common concern, if you start to address every one
8 --

9 MR. ALONSO: Okay. I'll --

10 CHAIRMAN GARCIA: It's -- I mean, you could
11 address that way, but I think it's --

12 MR. ALONSO: All right. I just thought
13 while it was --

14 CHAIRMAN GARCIA: -- if you address
15 everybody --

16 MR. ALONSO: -- fresh in your mind, I could
17 address them just quickly.

18 CHAIRMAN GARCIA: Okay.

19 MR. ALONSO: And then, maybe that might
20 impact what they say.

21 But in terms of the -- the traffic
22 configuration, based on a traffic expert's
23 report, that's not -- that's not going to happen.
24 What the traffic engineer does is, he testifies
25 as to any impact, based on the traffic that would

1 | be generated from this site.

2 | He's not going to reconfigure Palisade
3 | Avenue, New York Avenue, Bergenline Avenue, or
4 | 30th Street. Those -- those -- we have to
5 | consider the existing conditions and how this
6 | proposed project is going to impact there.

7 | I believe that the testimony, based on what
8 | was testified in the past, is probably going to
9 | be that there is no substantial negative impact,
10 | based on the traffic.

11 | With respect to the -- the retaining wall,
12 | the structural integrity of the retaining wall
13 | has nothing, really, to do with us. We're --
14 | we're across the street. We don't own the
15 | retaining wall. We're not developing on that
16 | side of the street.

17 | I'm assuming that there are engineers,
18 | there's County engineers -- I believe that's a
19 | County road, which probably inspect that wall
20 | periodically, especially after the collapse just
21 | down the road.

22 | But that really is not an issue that should
23 | be considered by -- by this Board.

24 | And with respect to the obstruction of the
25 | views, Mr. Carballo just testified that the --

1 the height of the building, based on the
2 elevations, is 204 feet.

3 Palisade Avenue is at 210 feet. So,
4 Palisade Avenue is higher than the top of our
5 building. So, any structures higher than
6 Palisade Avenue, is substantially higher than
7 that building. So, there's absolutely no
8 obstruction of any views by -- by this building.

9 That's it.

10 MS. GUTIERREZ: Thank you.

11 CHAIRMAN GARCIA: Next person?

12 MS. DILLON: Hello, sir.

13 Please raise your right hand.

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

16 MR. GRAHAM: I do.

17 MS. DILLON: Please state your name and
18 spell it for me.

19 MR. GRAHAM: Sure.

20 My name is Peter Graham, P-E-T-E-R,
21 G-R-A-H-A-M.

22 MS. DILLON: And your address.

23 MR. GRAHAM: 1206-1208 Palisade Avenue.

24 MS. DILLON: Thank you.

25 MR. GRAHAM: You're welcome.

1 Would the Board like me to re-read the
2 prepared comments, so they would be recognized as
3 my comments, as well, or can I just say that I
4 affirm the same comments that Mr. Lehnbeuter --

5 CHAIRMAN GARCIA: No, no. You have your
6 time. You can do --

7 MR. GRAHAM: Would you like me to read them
8 again?

9 CHAIRMAN GARCIA: That's all right. Yeah.

10 MR. GRAHAM: Okay.

11 CHAIRMAN GARCIA: You can do.

12 MR. GRAHAM: I also believe that I am part
13 of a group that the Union City residents of
14 Palisade Avenue have met collectively many times
15 in the past to discuss this project. Some of
16 them are not here today.

17 Our concerns regarding the proposed
18 construction at 1300 Manhattan Avenue.

19 We expect the Union City Zoning Board and
20 applicant to thorough -- thoroughly address our
21 concerns, and any questions, before making a
22 decision on the variances related to the proposed
23 project.

24 We have noted the following concerns for
25 the proposed construction at 1300 Manhattan

1 Avenue.

2 The plan does not conform to the Union City
3 Master Plan of 2012.

4 The project violates the Steep Slope
5 Ordinance, which is part of the Palisade
6 Preservation Overlay District, also known as the
7 PPOD, laid out in the 2009 Master Plan.

8 Disruptions to traffic patterns on
9 Manhattan Avenue, during peak travel periods,
10 will be extremely problematic for Union City
11 residences and its businesses, in addition to any
12 type of traffic lane closure on Manhattan Avenue
13 that will severely impede the abilities of North
14 Hudson Fire and Safety and other emergency
15 vehicles to respond to emergencies.

16 Evacuation routes will also be impaired.

17 The City will lose up to 100 parking spaces
18 during the construction of this project in the
19 area, of which some of those parking spaces, but
20 an undetermined amount, will be restored.

21 The environmental impact of the project has
22 not fully been assessed, nor communicated to the
23 local community.

24 A more thorough analysis is needed
25 regarding the potential erosion, the local

1 ecology impact of building of the steep slope,
2 potential property damage from blasting and
3 construction, and overall destabilization of the
4 retaining wall.

5 I would also like to point out, not part of
6 this statement, but now that I'm allowed to make
7 my own, this is a tremendous green area which
8 will be eliminated.

9 There are multiple trees. Probably
10 hundreds of them, as much as 40 feet tall on this
11 property, which will all be wiped out.

12 I conclude the statement with we, the Union
13 City residents of Palisade Avenue, have studied
14 the proposed project carefully, and do not
15 believe that the Board should approve the
16 variances associated with the development of this
17 project.

18 CHAIRMAN GARCIA: I just want you -- I
19 mean, keep in mind that we are here just for the
20 -- the application is here only for one parking
21 that they wanted to provide it. And only multi-
22 family residential.

23 So, it's only one variance. So, it's not
24 like they are requesting more in bulk
25 requirements.

1 MR. GRAHAM: Well, tonight --

2 CHAIRMAN GARCIA: Just --

3 MR. GRAHAM: -- we've heard that they may
4 submit another variance on density, but they may
5 not, depending on what you said.

6 Or did I misunderstand that?

7 MR. ALONSO: No, no. My position was I
8 just want to make sure that the Board considers
9 all the relief that -- that we're required
10 legally to obtain.

11 Our position is that a density variance is
12 not required. However, to be conservative, we
13 put the proofs in, in the event --

14 MR. GRAHAM: Sure.

15 MR. ALONSO: -- that somebody challenges it
16 later on, and says, you know what, you never --
17 you were required to get a density variance, you
18 never obtained it. We provided the testimony to
19 the Board. The Board can consider it.

20 And -- and if they approve it, at least
21 that's -- that's on the record.

22 MR. GRAHAM: So, you may submit more than
23 one variance.

24 MR. ALONSO: No, no, no. Right -- right
25 now, we need a D-1 use variance. We had a

1 parking variance, which by Mr. Carballo's
2 testimony is going to be eliminated, because
3 we're going to provide at least one more parking
4 space, which would eliminate that.

5 So, the only variance that we need is a D-1
6 -- a D-1 use variance.

7 We're also throwing in there a D-5, to the
8 extent that somehow, somebody argues that a D-5
9 variance was required, and we never submitted the
10 proofs.

11 MR. GRAHAM: Sure.

12 MR. ALONSO: So, as far as we're concerned,
13 we don't need a D-5, but it's in there for the
14 Board's consideration. All we need is a D-1 use
15 variance.

16 MR. GRAHAM: Okay. I understand.

17 So, if it's not a modification, and it's a
18 new application, wouldn't it not be considered
19 then an application in 2016?

20 MR. ALONSO: Well, it is, but what happens
21 is, if this application is denied, the old
22 application is still valid.

23 MR. GRAHAM: For how much longer?

24 MR. ALONSO: Well, there's -- there's a
25 request, right now, for an extension for another

1 year.

2 MR. GRAHAM: But if that request isn't
3 granted, then it's only good for a couple more
4 days.

5 MR. ALONSO: But it's -- what happens is,
6 it's -- it would be the first request, and the
7 first request, typically, always granted.

8 MR. GRAHAM: Okay.

9 MR. ALONSO: Especially coming out of the
10 -- the market that we came out of, which is the
11 whole reason why we had the Permit Extension Act.

12 MR. GRAHAM: Right. Okay.

13 That concludes my statement.

14 CHAIRMAN GARCIA: Thank you.

15 MS. GUTIERREZ: Thank you, sir.

16 MR. GRAHAM: You're welcome.

17 CHAIRMAN GARCIA: Any other member of the
18 public wants to step forward?

19 MS. DILLON: Hello, ma'am.

20 Please raise your right hand.

21 MR. DOUMAS: Can we just let them affirm?

22 MS. DILLON: Do you affirm the testimony
23 you're about to give this Board is the whole
24 truth?

25 MR. DOUMAS: I'm sorry.

1 Not read that whole --

2 CHAIRMAN GARCIA: No. You don't have to
3 read it again.

4 MS. GRAHAM: That's okay.

5 CHAIRMAN GARCIA: Again, so it's --

6 MS. GRAHAM: I'm sorry.

7 Yes.

8 MS. DILLON: Do you affirm the testimony
9 you're about to give this Board is the whole
10 truth?

11 MS. GRAHAM: Yes, I do.

12 MS. DILLON: Okay. Could you please your
13 name and spell it for me?

14 MS. GRAHAM: My name is Pamela, P-A-M-E-L-A,
15 Graham, G-R-A-H-A-M.

16 MS. DILLON: And your address.

17 MS. GRAHAM: 1206-1208 Palisade Avenue.

18 MS. DILLON: Thank you.

19 MS. GRAHAM: I, too, agree with the
20 statement that my neighbors and colleagues have
21 made.

22 I have heard a number of the comments back
23 from those asking for this plan to be approved.

24 While I recognize that you don't consider
25 the stability of the ground around the area where

1 | you'll be building your responsibility, because
2 | it's on the other side of Manhattan Avenue, I can
3 | tell you that having lived there for over ten
4 | years now, there have been times when some of the
5 | construction in Hoboken, just the -- the pounding
6 | of the various construction equipment has
7 | actually -- you can feel it in Union City, up on
8 | that hill.

9 | So, blasting, additional heavy equipment
10 | used, et cetera, could potentially have an impact
11 | on that wall, and the stability of the ground
12 | across the street from Manhattan Avenue from
13 | where you are.

14 | MR. ALONSO: Maybe I misspoke.

15 | I didn't -- what I was saying is that the
16 | responsibility of maintaining the wall --

17 | MS. GRAHAM: Um hum.

18 | MR. ALONSO: -- is not my client. We don't
19 | really own it.

20 | MS. GRAHAM: Sure.

21 | MR. ALONSO: We do have a responsibility,
22 | in developing our property, not to disrupt our
23 | neighbors.

24 | MS. GRAHAM: Um hum.

25 | MR. ALONSO: Even if I was building a one

1 family house, I have to make sure I don't knock
2 over my neighbor's one family house.

3 We have that responsibility and that will
4 extend across the street to the retaining wall.

5 Obviously, if there are any concerns, it
6 gets addressed at the Building Department, and --
7 and precautions are put into place.

8 MS. GRAHAM: Um hum.

9 MR. ALONSO: They could have different
10 types of monitors that they use to -- to
11 determine whether or not there's any movement in
12 the wall, and things like that.

13 MS. GRAHAM: Um hum.

14 MR. ALONSO: So, there's a lot of
15 precautions that go into place, when you have
16 sensitive areas such as this.

17 So, when I say it wasn't our response -- it
18 is our responsibility to make sure we don't
19 disrupt that.

20 MS. GRAHAM: Okay.

21 MR. ALONSO: So -- and that will be -- that
22 would be addressed during the construction phase.

23 MS. GRAHAM: Okay.

24 Thank you.

25 I also had a question about, during the

1 construction phase, what kind of impact would
2 that have on the area with regards to the number
3 of workers who will be working on those projects,
4 their vehicles, facilities for them, construction
5 equipment, et cetera, how will that potentially
6 impact Manhattan Ave -- Avenue and the easement
7 of that, and the traffic?

8 MR. ALONSO: Well, there -- there are local
9 Ordinances. There are code regulations and there
10 are statutes that all apply in governing how all
11 that works.

12 MS. GRAHAM: Um hum.

13 MR. ALONSO: And it all goes through the
14 Building Department.

15 If there are valid complaints, then the
16 Building Department will issue a stop work order
17 --

18 MS. GRAHAM: Um hum.

19 MR. ALONSO: -- until those -- those
20 issues are -- are addressed.

21 MS. GRAHAM: Okay.

22 MR. ALONSO: So, there a -- there's a
23 checks and balances, and believe me, you're not
24 going to try to build a building like this, and
25 try to have that kind of disruption --

1 MS. GRAHAM: Okay.

2 MR. ALONSO: -- because every day that
3 you're stopped is a -- is a substantial amount of
4 money.

5 MS. GRAHAM: Certainly.

6 MR. ALONSO: So, obviously, my client is
7 going to be as diligent as possible to make sure
8 that the neighbors aren't disturbed, because if
9 you're disturbed, then it's going to funnel down
10 to him.

11 MS. GRAHAM: And it's not just neighbors,
12 it's all of the residents of Union City who use
13 16th Street, down Manhattan Avenue.

14 MR. ALONSO: Right.

15 MS. GRAHAM: And all of those who come up
16 the viaduct and use that wing of Manhattan
17 Avenue, which by the way, often times, at peak
18 hours, that viaduct is backed up all the way back
19 to Hoboken.

20 MR. ALONSO: Right.

21 MS. GRAHAM: So --

22 MR. ALONSO: And if you see construction,
23 there's all kind of phasing in the construction.

24 MS. GRAHAM: Um hum.

25 MR. ALONSO: So, I know the one gentleman

1 indicated that we're going to lose 100 parking
2 spaces during the construction.

3 MS. GRAHAM: Um hum.

4 MR. ALONSO: Well, that's probably not
5 going to happen because most of the time, the
6 materials, the equipment, everything is on-site.
7 There's no need to disrupt the -- the parking
8 spaces.

9 MS. GRAHAM: Okay.

10 MR. ALONSO: So -- and especially, at night
11 time. There's no construction going on at night
12 time. There's -- there's an Ordinance in town
13 that says you can't start before a certain hour,
14 or after a certain hour. You can't work at
15 night. You can't work at least on Sundays. I
16 don't know about Saturdays.

17 So, you're not going to have that type of
18 disturbance that -- that you're imagining.

19 MS. GRAHAM: And my last question is, you
20 mentioned that the top of the building is below
21 the top of the wall 204 feet versus 210 feet.

22 MR. ALONSO: Right.

23 MS. GRAHAM: Now --

24 MR. ALONSO: Based on Mr. Carballo's
25 testimony.

1 MS. GRAHAM: Sure.

2 Now, with regards to air conditioner
3 condensers, and other air conditioning equipment,
4 do you expect that that will be put on the roof?

5 MR. ALONSO: I believe the testimony by Mr.
6 Carballo was that their all going to be self-
7 contained units, within --

8 MR. CARBALLO: Right. Self-contained units
9 within the building. The -- there will be some
10 equipment up on the roof.

11 MS. DILLON: Just come forward, Mr.
12 Carballo.

13 MR. CARBALLO: Sorry.

14 There be some equipment on the roof, but
15 that is all very low equipment. I would say
16 probably a couple of feet off. That's it.

17 MS. GRAHAM: Couple of feet off the roof.
18 So -- so, now we're -- we're just under the 210.

19 MR. CARBALLO: But that's just in certain
20 areas. That doesn't cover the entire building.

21 MS. GRAHAM: Right. Okay. Okay. Great.

22 Thank you very much.

23 MR. BONACCI: Thank you.

24 MS. GUTIERREZ: Thank you, ma'am.

25 CHAIRMAN GARCIA: Any other member of the

1 public, step forward.

2 MS. DILLON: Hello, sir.

3 Please raise your right hand.

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

6 MR. LAGOMARSINO: I do.

7 MS. DILLON: Would you please state your
8 name and spell it for me?

9 MR. LAGOMARSINO: Victor Lagomarsino. I
10 reside at 1204 Palisade Avenue.

11 MS. DILLON: Can you spell your last name
12 for me?

13 MR. LAGOMARSINO: L-A-G-O --

14 MS. DILLON: L-A --

15 MR. LAGOMARSINO: -- M-A-R-S-I-N-O.

16 MS. DILLON: Thank you.

17 MR. LAGOMARSINO: I --

18 MS. DILLON: And you said Victor is your
19 first name?

20 MR. LAGOMARSINO: Please?

21 MS. DILLON: Victor?

22 Your first name.

23 MR. LAGOMARSINO: Victor.

24 MS. DILLON: Thank you, sir.

25 I didn't hear you. I apologize.

1 MR. LAGOMARSINO: I just want to go on
2 record as agreeing with all my neighbors what
3 they said. I can't prolong the debate, whatever
4 be it.

5 I do know that I've lived on Palisade
6 Avenue and years ago, Manhattan Avenue, trucks
7 were allowed to go down. Now, I know they're
8 not.

9 But when a truck would go down, I could
10 feel the vibration from my house, actually, when
11 a heavy truck went down.

12 So, the only concern would be when the
13 construction of this thing goes through, if it
14 does, the liability on the retaining wall, and
15 any homes in the area, that they take all that
16 into consideration.

17 Have they considered, would there be any
18 damage to the -- to the wall?

19 I know many, many years ago, when they
20 built the tunnel, the Port Authority came in and
21 bought all the homes on Kings Road, because they
22 were afraid they were going to be damaged while
23 they're doing explosion to the tunnel.

24 And I was just wondering if they have taken
25 that into consideration.

1 MR. ALONSO: We -- we have, and we're
2 required to post the appropriate bonds and
3 insurance.

4 MR. LAGOMARSINO: You have a bond put up.

5 MR. ALONSO: Yeah. And insurance to make
6 sure --

7 MR. LAGOMARSINO: Yeah. Okay.

8 MR. ALONSO: -- that --

9 MR. LAGOMARSINO: A liable insurance.

10 MR. ALONSO: -- in -- in the event of any
11 damage --

12 MR. LAGOMARSINO: Right.

13 MR. ALONSO: -- and the developer's
14 responsible.

15 MR. LAGOMARSINO: Right. Well, they're not
16 going to go above Palisade Avenue. Is that it,
17 Manhattan Avenue?

18 MR. ALONSO: The wall.

19 MR. LAGOMARSINO: Right. On -- at one
20 time, ten years ago, I believe it was, when they
21 were going to do this here, they -- they had it
22 up to central point. Then all of a sudden, they
23 just started to put a lot of air conditioners on
24 the roof, and they were going beyond the zone
25 there. Whatever it be.

1 MR. ALONSO: Right.

2 MR. LAGOMARSINO: You know?

3 MR. ALONSO: Based on Mr. Carballo, the
4 architect's testimony --

5 MR. LAGOMARSINO: Yes.

6 MR. ALONSO: -- there's going to be a
7 couple of units on there. But if you have a
8 building that's over 400 feet long, a couple of
9 units is going to be de minimis. Most of the air
10 conditioning units are going to be self-contained
11 within the apartments.

12 MR. LAGOMARSINO: How high will they be?

13 MR. CARBALLO: Mr. Lagomarsino, probably
14 about two, two and a half feet.

15 MR. LAGOMARSINO: Two and a half feet over
16 this?

17 MR. CARBALLO: It's like this. Yes.

18 MR. LAGOMARSINO: Over Manhattan Avenue.
19 Over the wall.

20 MR. CARBALLO: On the roof.

21 MR. LAGOMARSINO: The top of the wall?

22 MR. CARBALLO: No, no. The roof.

23 CHAIRMAN GARCIA: No, no.

24 MR. CARBALLO: On the roof. They'll still
25 be lower than the wall itself.

1 MR. LAGOMARSINO: They will be lower -- I'm
2 saying, Manhattan Avenue.

3 MR. CARBALLO: Yes.

4 MR. LAGOMARSINO: Okay. You're building on
5 the other side.

6 MR. CARBALLO: Correct.

7 MR. LAGOMARSINO: The -- the roof -- on the
8 top of the roof, you're going to put air
9 condition.

10 MR. CARBALLO: Not the air conditions.
11 Those units, the air handlers, will be within the
12 --

13 MR. LAGOMARSINO: The air handlers. Okay.

14 MR. CARBALLO: Okay? It's the --

15 MR. LAGOMARSINO: How high will they be?

16 MR. CARBALLO: Inside the unit?

17 MR. LAGOMARSINO: Oh, no.

18 MR. CARBALLO: The -- the condensers on the
19 roof. Is that your question is?

20 MR. LAGOMARSINO: Yeah. Right.

21 MR. CARBALLO: The equipment on the roof.
22 The condensers. Probably going to be about two,
23 two and a half feet.

24 MR. LAGOMARSINO: Oh, two.

25 MR. CARBALLO: Which is about that low.

1 MR. LAGOMARSINO: About two.

2 MR. CARBALLO: Yes.

3 MR. LAGOMARSINO: Okay. Then we'll go --

4 MR. CARBALLO: Yeah. They're small units.

5 MR. LAGOMARSINO: Yeah. Because it's a
6 shame to block the view.

7 MR. CARBALLO: Of course it is. And that's
8 what we're --

9 MR. LAGOMARSINO: And the Palisades are so
10 beautiful. There's no more Palisades.

11 MR. CARBALLO: I -- I understand. I
12 understand.

13 MR. LAGOMARSINO: I mean, the Palisades are
14 gone.

15 MR. CARBALLO: Mostly gone. We'll leave --

16 MR. LAGOMARSINO: It's a shame.

17 MR. CARBALLO: We'll leave you some on this
18 side.

19 MR. LAGOMARSINO: Okay. That's it.

20 MR. CARBALLO: All right?

21 MR. LAGOMARSINO: Okay.

22 Thank you.

23 MR. CABALLO: Thank you.

24 MR. LAGOMARSINO: All right.

25 Thank you everybody, your patience.

1 CHAIRMAN GARCIA: Regarding the --

2 MS. GUTIERREZ: Thank you. Thank you.

3 CHAIRMAN GARCIA: Regarding the -- the
4 insurance, you can explain to them a few cases --
5 one of the cases happen in 43rd Street, remember
6 what happened, and 22nd Street?

7 MR. ALONSO: Um hum.

8 CHAIRMAN GARCIA: So, definitely. And it's
9 also something like that the Building Department
10 doesn't going to let you build --

11 MR. ALONSO: Right.

12 CHAIRMAN GARCIA: -- if you don't have
13 those.

14 MR. ALONSO: Right. You have -- you have
15 to post all that before they issue permits.

16 CHAIRMAN GARCIA: Okay. Any other member
17 of the public?

18 Yes.

19 MS. DILLON: Hi.

20 MS. DeVITA: Hello.

21 MS. DILLON: Please raise your right hand.

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

24 MS. DeVITA: I do.

25 MS. DILLON: Your name for the record.

1 MS. DeVITA: Nicole Marie DeVita.

2 MS. DILLON: N-I-C-O-L-E?

3 MS. DeVITA: Correct.

4 MS. DILLON: Marie.

5 MS. DeVITA: Right.

6 MS. DILLON: Spell your last name.

7 MS. DeVITA: D-E-V-I-T-A.

8 MS. DILLON: Is it a capital V-I?

9 MS. DeVITA: It is. Thank you for asking.

10 MS. DILLON: And your address.

11 MS. DeVITA: 1210 Palisade Avenue.

12 MS. DILLON: Thank you very much.

13 MS. DeVITA: So, I just wanted to say that
14 I agree with the comments that were made. I'm
15 not going to read through the statement as
16 addressed, but I concur with all the comments
17 that were made.

18 I just want to go back to a few points that
19 were made during the -- the question and answer
20 period.

21 So, we did talk about how the height in
22 certain areas will go up to 44 feet, which is
23 above the approved amount.

24 So, I just want to understand, you said
25 that was a slight amount over and now, we're

1 | talking about there could be condensers and other
2 | things that go on top.

3 | What point would there be approval for
4 | other --

5 | MR. ALONSO: Just a clarification.

6 | MS. DeVITA: Sure.

7 | MR. ALONSO: The 44 feet is not over what's
8 | the permitted amount. The permitted amount --

9 | MS. DeVITA: Correct. It was 40 and it was
10 | four, so I clarified. Right?

11 | MR. ALONSO: No, no, no. The permitted
12 | amount is based on the midline, which is the --

13 | MR. CARBALLO: The height of the building
14 | is actually taken at the midpoint of where the
15 | building's going to be, right at the curb. And
16 | the distance from the top of the curb to the top
17 | of the building, at that point, that's what the
18 | height is.

19 | MS. DeVITA: Um hum.

20 | MR. CARBALLO: Our height is 32 feet.

21 | MS. DeVITA: Okay.

22 | MR. CARBALLO: So, if you take the average,
23 | that might be the height. But it's taken at the
24 | midpoint.

25 | MS. DeVITA: Right.

1 MR. CARBALLO: Now, the 44 feet occur when
2 the -- when the -- Manhattan Avenue starts
3 sloping down towards the south. That's where you
4 -- you know, expose a little bit more of the
5 property.

6 But even at that point, you're still at
7 204.

8 MS. DeVITA: Okay.

9 MR. CARBALLO: Because it's never going to
10 go beyond that.

11 MS. DeVITA: The question or -- or the
12 concern that I had, I guess, is just in the
13 comment that we said it was just slightly over.
14 And we said that four feet was just slightly
15 over. It could be. Right?

16 And then, if we talk -- talk about other
17 equipment that could be put on top of the roof,
18 that's where my concerns come from.

19 MR. ALONSO: Right, but --

20 MS. DeVITA: So, we talked about the
21 condensers. Are there any other --

22 MR. ALONSO: No. But if --

23 MS. DeVITA: -- forms --

24 MR. ALONSO: But if you -- if you think
25 about it, think about Palisade Avenue --

1 MS. DeVITA: Um hum.

2 MR. ALONSO: -- it's level.

3 MS. DeVITA: That it slopes. I understand.

4 MR. ALONSO: And the roof is level. So,
5 even though it's 44 feet, it's still at the same
6 height --

7 MS. DeVITA: Right. My concern --

8 MR. ALONSO: -- at Palisade Avenue.

9 MS. DeVITA: -- was just that the comment
10 that was made, that it's just slightly over. So,
11 what if we go slightly over by six, or eight, or
12 ten, and then that keeps growing?

13 I guess that's my point is, the -- the
14 concern on how that was worded.

15 MR. ALONSO: Right. I think -- I think he
16 made -- he made that as a relative statement to
17 compare that the highest portion of the building
18 --

19 MS. DeVITA: Um hum.

20 MR. ALONSO: -- to what the zone permits,
21 if this was a freestanding 44 foot building.

22 MS. DeVITA: Okay.

23 MR. ALONSO: Okay? So, don't take that to
24 mean that our height is slightly over than what's
25 permitted. It's not. It's -- we're -- we don't

1 need a height variance.

2 MS. DeVITA: Okay. What other structures,
3 if anything, or what else could be potentially
4 put on top of the roofs of these buildings?

5 MR. CARBALLO: The --

6 MS. DeVITA: Including, potentially, the
7 elevator shaft.

8 MR. CARBALLO: The -- the elevators fully
9 do not -- going to go up another two feet.

10 MS. DeVITA: Okay. Two feet in addition --

11 MR. CARBALLO: From the roof.

12 MS. DeVITA: Okay.

13 MR. CARBALLO: From -- from the roof. And
14 we only have four of those. We're not going to
15 have --

16 MS. DeVITA: Is that part of the plan
17 anywhere? Just so we know the height of those
18 elevator shafts. Again, just for the maximum.

19 MR. CARBALLO: I'm sorry. What was your
20 question?

21 MS. DeVITA: The elevator shafts. Is --

22 MR. CARBALLO: Yes.

23 MS. DeVITA: Is there anything in the plan
24 that dictates that it's just two feet? Or can
25 that go beyond that, as well?

1 MR. CARBALLO: It -- it's the elevator. We
2 -- we need 12 feet. We have 11 feet floor to
3 floor. So, once it penetrates that, and you have
4 -- you put -- you know, obviously, a roof over
5 it.

6 MS. DeVITA: Um hum.

7 MR. CARBALLO: It's two feet. Two, two and
8 a half feet. That's all it is.

9 So, it's going to be at the same level as
10 those condensers that we're talking about.

11 MS. DeVITA: Okay. So, we spoke about
12 condensers, elevator shaft. Anything else that
13 potentially --

14 MR. CARBALLO: That --

15 MS. DeVITA: -- could be there?

16 MR. CARBALLO: That's it. That's it.

17 MS. DeVITA: Okay.

18 My next point, I just wanted to check, we
19 had come back, we had a hearing, I believe, in
20 May.

21 Are these the same plans that were proposed
22 in May to the public, at that May hearing?

23 MR. CARBALLO: May when?

24 MR. ALONSO: I don't believe that they were
25 revised --

1 MS. DeVITA: Have they changed?

2 MR. ALONSO: -- plans.

3 Correct?

4 MR. CARBALLO: No.

5 MS. DeVITA: So, is this the same --

6 MR. ALONSO: When we made the -- we made
7 the initial submission, we have not filed --

8 MR. CARBALLO: No.

9 MR. ALONSO: -- revised plans.

10 MR. CARBALLO: No, no.

11 MR. ALONSO: They'll be the same plans.

12 MS. DeVITA: This is the same?

13 MR. CARBALLO: This is the same.

14 MS. DeVITA: Just wanted to confirm.

15 MR. CARBALLO: Yes.

16 MR. ALONSO: Yes.

17 MR. CARBALLO: These are the only plans
18 that were filed.

19 MS. DeVITA: Okay.

20 Third. I wanted to, again, reiterate, and
21 I know my neighbors have made this point over and
22 over, but just again, about the environment and
23 the stability of the retaining wall.

24 I do have some concerns about the
25 provisions. I know you just mentioned the last

1 part, that there would be a bond, but what
2 assurance do we have that -- you know, the amount
3 will cover? And will that fall on the City?
4 Will that fall on the State if there was to be
5 damage?

6 MR. ALONSO: Basically what happen -- we
7 don't come up with a number. They tell us what
8 the number is.

9 MS. DeVITA: The City? Or the State?

10 MR. ALONSO: The City. Usually, the City
11 -- there's multiple levels of review within the
12 Building Department, including engineering
13 review. And if there is a -- the builder's
14 agreement that we were referring to earlier, the
15 City engineers will, based on their calculations,
16 determine what the amounts of the bonds and
17 insurance are going to be.

18 And then, we would have to post that in
19 order to get permits.

20 MS. DeVITA: Okay. Okay.

21 And lastly, I guess I just wanted to
22 concur, this is maybe more a statement of opinion
23 than fact here, but the point that was raised
24 about the Hoboken Heights name, I will say as a
25 proud Union City resident, I am very disappointed

1 to hear that we wouldn't be promoting the
2 community that you're asking to build in. I find
3 that a little disheartening.

4 You know, you're looking to come into our
5 community, and then you're not proud to use our
6 name. So, that's a statement of opinion, but I
7 am disappointed to hear that.

8 CHAIRMAN GARCIA: Thank you.

9 MS. DeVITA: Okay? And I will conclude on
10 that note.

11 Thank you.

12 MS. GUTIERREZ: Thank you.

13 CHAIRMAN GARCIA: Any other member of the
14 public wants to step forward?

15 MS. GUTIERREZ: Nobody else?

16 CHAIRMAN GARCIA: Okay. Closed to the
17 public.

18 Any question?

19 MR. BONACCI: I just have a couple of
20 comments.

21 I just wanted to say that I know that
22 there's a lot of people here that have been
23 waiting, like over four hours, to make their
24 points. So you know, this Board doesn't take
25 what they have to say lightly in coming to a

1 decision on this, very difficult.

2 Also understand that the applicant puts a
3 lot of time and money into this. So you know, we
4 have to do our -- you know, judgement on those
5 two things.

6 But they do bring up some good points on
7 the traffic patterns. And I know that we've had
8 people testify before the Board before, experts
9 on traffic, and things like that.

10 So, I mean, if it eases the concerns of
11 some of the residents, I don't think it would
12 hurt just to -- you know, have somebody come in
13 here next month, and maybe knock out some of
14 those concerns that the citizens have.

15 That's just -- you know, my suggestion
16 going forward, coming to a decision here.

17 MR. MEDINA: I agree.

18 MR. BONACCI: I don't know what you guys
19 think, but it's been 15 years. Another month --

20 VICE CHAIRMAN GRULLON: Yeah.

21 MR. BONACCI: -- is another month.

22 CHAIRMAN GARCIA: Basically, one of my -- I
23 was ready to make a suggestion is, I understand
24 that this application is completely way, way, way
25 better than the one that you had that you could

1 build, because all the concern that I had, if you
2 build the other one, you don't accomplish one,
3 but building this one, you probably could.

4 However, I think that everybody deserve the
5 chance to be heard. So, I'm going to ask you if
6 you can ask your client to adjourn -- I mean, we
7 -- we're going to adjourn this application for
8 next month. And meet with -- with those people,
9 --

10 MR. ALONSO: Okay.

11 CHAIRMAN GARCIA: -- because it's something
12 -- I'm not here to sell anything. I'm here just
13 to be fair with whatever is good for Union City.

14 MS. GUTIERREZ: Um hum.

15 CHAIRMAN GARCIA: And I think that all the
16 -- all the improvement you have in this
17 application are way, way better than the other
18 one.

19 However, you need to let them know, and
20 also you have to sit with them and tell how can
21 we get a middle point to see what's going on?

22 I think -- I mean I always, with project
23 like this, I always recommend to get together
24 with the community, because that's the best way,
25 that everybody going to win.

1 MR. ALONSO: Okay.

2 Well, I think we're going to have to come
3 back anyway because I believe that the comments
4 from the Board, several Board members at least,
5 with respect to the traffic --

6 CHAIRMAN GARCIA: Right.

7 MR. ALONSO: -- I think that --

8 CHAIRMAN GARCIA: Right.

9 MR. ALONSO: -- if I were to push a vote,
10 the Board could say, you know what? I'm voting,
11 and I don't have enough information.

12 CHAIRMAN GARCIA: Right.

13 MR. ALONSO: And we know how that would end
14 up.

15 CHAIRMAN GARCIA: Not only that --

16 MR. ALONSO: So, I definitely defer to the
17 Board. If the Board needs more testimony, we
18 will --

19 CHAIRMAN GARCIA: Not only that, we are
20 treating this one as a new application.

21 MR. ALONSO: Right.

22 CHAIRMAN GARCIA: So why -- I'm not going
23 to tell you, okay, let's grab the other traffic
24 report from the application.

25 MR. ALONSO: No.

1 CHAIRMAN GARCIA: You know what I mean?

2 MR. ALONSO: I'll --

3 CHAIRMAN GARCIA: So, I think it's --

4 MR. ALONSO: I'll definitely defer to the
5 Board members. If they need the -- if they need
6 it to make a determination, then we have to
7 provide it.

8 CHAIRMAN GARCIA: Okay.

9 VICE CHAIRMAN GRULLON: And also, Mr.
10 Alonso, now that you had -- you will have the
11 opportunity to go to the -- to the -- the memo of
12 --

13 MR. ALONSO: Um hum.

14 VICE CHAIRMAN GRULLON: -- our City
15 Planner, Mr. Spatz, and address all the concerns
16 that he has.

17 MR. ALONSO: Absolutely.

18 VICE CHAIRMAN GRULLON: He expressed.

19 MR. ALONSO: What I'll do is, before we
20 leave, I'll just give some of the neighbors --

21 CHAIRMAN GARCIA: Yes, please.

22 MR. ALONSO: -- my business card.

23 MS. GUTIERREZ: Please. Um hum.

24 CHAIRMAN GARCIA: Yes, please.

25 MR. ALONSO: We'll coordinate a meeting

1 before the next --

2 MS. GUTIERREZ: Yes.

3 CHAIRMAN GARCIA: Perfect.

4 MR. ALONSO: -- hearing.

5 CHAIRMAN GARCIA: Thank you for your
6 consideration.

7 So, I make my motion to adjourn this
8 application to next meeting, July the 14.

9 MS. GUTIERREZ: And I'm seconding.

10 THE SECRETARY: Motion to adjourn the
11 application --

12 CHAIRMAN GARCIA: No new notice.

13 THE SECRETARY: -- to July 14, 2016, no new
14 notice required, by Chairman Andres Garcia.

15 Second by Margarita Gutierrez.

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

18 CHAIRMAN GARCIA: Aye.

19 Oh, roll call.

20 THE SECRETARY: Chairman Garcia?

21 CHAIRMAN GARCIA: Yes.

22 THE SECRETARY: Vice Chairman Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Margarita Gutierrez?

25 MS. GUTIERREZ: Yes.

1 THE SECRETARY: Miguel Ortiz?

2 MR. ORTIZ: Yes.

3 A VOICE: Thank you.

4 THE SECRETARY: John Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Joseph Bonacci?

7 MR. BONACCI: Yes.

8 THE SECRETARY: Mr. Peter Doumas?

9 MR. DOUMAS: Yes.

10 THE SECRETARY: Seven in favor to adjourn
11 this application for the next meeting on July 14,
12 2016.

13 Motion carries.

14 A VOICE: Thank you.

15 CHAIRMAN GARCIA: Thank you.

16 MS. GUTIERREZ: Thank you.

17 THE SECRETARY: Can you give back my --

18 MS. GUTIERREZ: Good night.

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

21 THE SECRETARY: Let the record reflect that
22 Mr. Bonacci is leaving the meeting.

23

24 (Whereupon, Mr. Bonacci left the meeting at
25 9:57 p.m.)

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

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

2

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

5 Next application on tonight's agenda, Peter
6 and Andrea Yassa, 134-136 35th Street.

7 Mr. Alonso, please?

8 MR. ALONSO: Yes.

9 Good evening, members of the Board. For
10 the record, Alvaro Alonso from the firm Alonso
11 Navarette, on behalf of the applicant.

12 This is an application to construct a four
13 family building in the R zone which requires a D-
14 1 use variance.

15 I have two witnesses this evening. I have
16 Demetrios Kaltsis, our architect. I also have
17 Mr. Kolling, who is our licensed planner.

18 We have provided the notices at the prior
19 hearing, and the Board has jurisdiction, I
20 believe, continued jurisdiction to -- to continue
21 with this matter.

22 MR. PANEQUE: Yes. Let the record reflect
23 that notices of this application were presented
24 at the last meeting, and therefore, it's carried
25 to today. The Board has jurisdiction.

1 CHAIRMAN GARCIA: Did they start -- did
2 they start the application?

3 MR. PANEQUE: There was --

4 MS. GUTIERREZ: No.

5 MR. PANEQUE: -- no testimony --

6 MS. GUTIERREZ: No.

7 MR. PANEQUE: -- given, other than just
8 presenting the jurisdictional proofs.

9 CHAIRMAN GARCIA: Thanks.

10 MS. GUTIERREZ: There was nothing else.

11 MR. ALONSO: That's correct.

12 So, my first witness will be Demetrios
13 Kaltsis.

14 MS. DILLON: Sir, please raise your right
15 hand.

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

18 MR. KALTSIS: I do.

19 MS. DILLON: Please state your name and
20 spell it for the record.

21 MR. KALTSIS: It's Demetrios Kaltsis,
22 D-E-M-E-T-R-I-O-S.

23 My last name is K-A-L-T-S-I-S.

24 MS. DILLON: Thank you.

25 MR. ALONSO: Mr. Kaltsis, can you please

1 review your qualifications in the field of
2 architecture?

3 MR. KALTSIS: Sure.

4 I'm a registered architect in the state --
5 in the State of New Jersey.

6 CHAIRMAN GARCIA: We are more than happy to
7 have you here.

8 MR. ALONSO: Oh, thank you. I've never had
9 Mr. Kaltsis here in Union City.

10 CHAIRMAN GARCIA: No? You never?

11 MR. ALONSO: No, I have other -- other
12 Boards.

13 MR. KALTSIS: Many times.

14 CHAIRMAN GARCIA: Many, many times. Yes.

15 MR. ALONSO: Okay. Very good.

16 Thank you, Mr. Chairman.

17 Mr. Kaltsis, you prepared the plans that
18 are before the Board?

19 MR. KALTSIS: Yes, we have.

20 MR. ALONSO: Okay.

21 And can you please review what the existing
22 conditions are and the proposal?

23 MR. KALTSIS: Sure.

24 The property is located on the north side
25 of 35th Street, between the streets Hudson Avenue

1 and Park Avenue.

2 It is 50 feet wide by 100 feet in depth,
3 and there's an existing two story structure on
4 the property that has fallen into disrepair.

5 We are -- this particular property is
6 locate in the R zone, which permits a three
7 family dwelling on a 25 foot wide by 100 foot
8 deep lot, which would total six units.

9 What we are proposing to do is construct
10 one building that consists only of four dwelling
11 units, which is two dwelling units less than is
12 actually allowed on this particular property.

13 So, we're proposing a three story
14 structure, with a total of four dwelling units.
15 If I take you to Sheet A2, we have the floor
16 plans. We have the ground floor plan and the
17 second floor plan.

18 So, this -- this particular structure is
19 divided up into two halves. There is essentially
20 two dwelling units on each side.

21 The ground floor of one side consists of a
22 kitchen, living and dining area. It's one large
23 open space, as well as a bedroom located towards
24 the front, and a handicap bathroom.

25 There's also a laundry area and a

1 mechanical room.

2 There's an interior stairwell that leads
3 you up to the second floor, to the -- to the rear
4 portion of the second floor, which consists of
5 two bedrooms and -- and two bathrooms.

6 And that -- that's the entirety of that one
7 unit.

8 The second dwelling unit, upon entering,
9 you travel up the stairs to the front portion of
10 the second floor, that front half of the second
11 floor. And that is a kitchen area, living and
12 dining, as well as a half bath. And there's an
13 interior stairwell that leads you up to the third
14 floor, which is -- which that dwelling unit
15 occupies the entire depth, the entire area.

16 And that consists of two bedrooms, two
17 bathrooms, as well as a family room located in
18 the -- in the front portion.

19 There's also an additional rooftop terrace
20 that's accessed only from this unit. There's an
21 interior stairwell located off of the common
22 hall, which has access to the rooftop terrace,
23 located towards the front of the -- of the
24 structure.

25 And this is basically -- the other half is

1 | essentially a mirror image of -- of the other
2 | side.

3 | With regard to the elevations, we're
4 | proposing a -- a modern design, with a
5 | combination of a brick veneer and a metal panel
6 | finish, large amounts of glass on the corners,
7 | highlighted by this metal -- this metal panel, as
8 | well as a -- a wood panel finish along the
9 | center, which divides the two units.

10 | With regard to the variances that we're
11 | requesting relief for, there are only two.

12 | The first is rear yard setback. We're
13 | required to have a 25 foot rear yard setback,
14 | which is 25 percent of the lot depth. And we are
15 | proposing only 20. So, we are short by five
16 | feet.

17 | The only reason we're requesting a variance
18 | for rear yard setback is because we decided to
19 | push the building back to accommodate parking in
20 | the front yard.

21 | The front yard setback requirement is only
22 | 6.85 feet, which is a prevailing setback and
23 | consistent with the -- with the other homes on
24 | the block.

25 | But we are proposing a front yard setback

1 of 18 feet. So, had we complied with the front
2 yard setback, we would have not required a
3 variance for the rear yard.

4 And the other variance is parking. We are
5 providing four parking spaces in the front, two
6 of which are handicap parking spaces for the
7 ground floor units, because handicap units are
8 required with four or more dwelling units.

9 That is the extent of the project.

10 MR. ALONSO: Thank you.

11 Mr. Chairman, I have no further questions
12 from the architect.

13 CHAIRMAN GARCIA: I have a question.

14 Can you go to A4? The right side
15 elevation.

16 MR. KALTSIS: Yes.

17 CHAIRMAN GARCIA: And the -- this -- how
18 you call that? High -- the --

19 MS. GUTIERREZ: And the top.

20 CHAIRMAN GARCIA: No. The --

21 MR. KALTSIS: The overhang?

22 CHAIRMAN GARCIA: The overhang. This is
23 the -- this is the front side. Right? That's
24 the front here?

25 MR. KALTSIS: This is the front elevation.

1 This is the side elevation.

2 CHAIRMAN GARCIA: I know the side
3 elevation, but that -- that part is in the front.

4 MR. KALTSIS: Yes.

5 CHAIRMAN GARCIA: How -- how many feet is
6 this one coming out?

7 MR. KALTSIS: There's a three foot
8 overhang.

9 CHAIRMAN GARCIA: Three feet overhang?

10 MR. KALTSIS: Yes.

11 CHAIRMAN GARCIA: And you have the front
12 yard that you mention -- the front setback that
13 you mention is 12 -- I mean, proposing 18.

14 MR. KALTSIS: Yes.

15 CHAIRMAN GARCIA: In the front.
16 Right?

17 MR. KALTSIS: Yes.

18 CHAIRMAN GARCIA: That's 18 minus three.
19 Right? Because that 18 is at the ground level.

20 MR. KALTSIS: No. That's -- that's 18 to
21 the -- to the overhang.

22 CHAIRMAN GARCIA: So that mean that the
23 ground level is still -- is like twenty-one
24 something feet setback.

25 MR. KALTSIS: Wait. I'm sorry. Sixty-

1 three --

2 Yes. That's actually just to the overhang.

3 Yes.

4 CHAIRMAN GARCIA: So, the ground level, you
5 have an extra three.

6 MR. KALTSIS: That's correct.

7 CHAIRMAN GARCIA: Okay.

8 The size of the units. How many square
9 feet?

10 Oh, you got here. Nineteen twenty-one.

11 Okay.

12 MR. KALTSIS: Yes.

13 CHAIRMAN GARCIA: And so, the only variance
14 that you are requiring is the rear set -- the
15 rear yard and the -- and the parking.

16 MR. KALTSIS: And the parking. Yes.

17 CHAIRMAN GARCIA: Okay.

18 And how did you configure the -- how is
19 the configuration of the parking space?

20 MR. KALTSIS: We have four parking spaces
21 in the -- in the front, in the front yard.

22 Essentially, there's a continuous depressed curb
23 along the front of the building, along the front
24 of the property. And they pull in straight --
25 straight into the front of the building.

1 CHAIRMAN GARCIA: Okay.

2 And what is the -- what is the existing
3 condition of that one? How many -- the other
4 driveway there?

5 MR. KALTSIS: Yes. There is a -- there's a
6 driveway on the east side of the property,
7 currently.

8 CHAIRMAN GARCIA: Okay. I have no further
9 question for him.

10 Do you have any -- any member of the Board
11 have any question?

12 No? Okay.

13 Do you have a planner?

14 MR. ALONSO: Yeah. We have a planner.

15 Mr. Kolling?

16 MS. DILLON: Mr. Kolling was previously
17 sworn.

18 MR. ALONSO: Yeah. And also his
19 qualifications were previous -- previously
20 accepted this evening.

21 So, I'm going to ask Mr. Kolling just to go
22 through this planning analysis in connection with
23 this application.

24 MR. KOLLING: Okay.

25 Yeah. The property is on 35th Street,

1 | between Hudson and Park. It consists of two tax
2 | lots. So, it's 50 feet wide by a little over a
3 | hundred feet deep. So, it's five -- a little
4 | over 5,000 square feet.

5 | The surrounding area is pretty much
6 | residential on this street, for the most part.
7 | Most of the buildings are on 25 by a hundred foot
8 | lots. Most are two and three stories tall. Most
9 | are two and three family. There's a couple of
10 | fours, and there's a six unit condo building.

11 | The zoning is R residential, as was
12 | described. The purpose of the district is to
13 | preserve the integrity of the existing
14 | residential areas, prevent intrusion of non-
15 | residential uses into residential neighborhoods,
16 | and maintain existing development intensity and
17 | population density, consistent with the
18 | neighborhood patterns, and I think that we do
19 | that.

20 | Although we're here for a use variance for
21 | a four family, this is a double lot. So, the
22 | density on this lot is exactly as if you built
23 | two, two family homes and had these as two lots.

24 | So, there's no increase in density over
25 | what would be permitted. And it's consistent

1 with what's on the block as it is. Many of them
2 are two family, as I said, but there are threes
3 and fours on 25 foot wide lots. We are -- again,
4 we're on a 50 foot lot.

5 So, I think that that indicates that we are
6 consistent with the purpose of this R district,
7 that we are consistent with the character of the
8 area, and that promotes the intent and purpose of
9 the zone plan, which then also promotes the
10 public health, safety and welfare.

11 We also promote the establishment of an
12 appropriate population density, because again,
13 we're consistent with what you'd expect to have
14 here, had these been two separate lots. So, that
15 goes to subparagraph 2E.

16 And that because of the oversized nature of
17 the lot, the lot provides sufficient space in the
18 appropriate location for the -- for the four
19 family versus, say, a two family, because of the
20 oversized nature of the lot.

21 In terms of the bulk criteria, we meet all
22 -- all bulk standards, except for the -- the rear
23 yard. And I think the reason for that as the
24 architect had mentioned is, the front yard is --
25 we set back -- we set back further in order to

1 accommodate the vehicles on-site, without
2 overhanging into this -- into the pedestrian
3 right -- right-of-way or walkway. And I think
4 that's -- that's really a beneficial aspect.
5 There will be no intrusion into the public right-
6 of-way.

7 And actually, it results in less lot
8 coverage. We have six percent or six and a half
9 percent or so less building coverage, and about
10 15 percent less lot coverage.

11 So, although we're seeking a rear yard
12 variance, we're actually providing more air and
13 light, and less -- less coverage. So, I think
14 that's a beneficial aspect.

15 So, the granting of the variance actually
16 results in a benefit. So, that falls into the C2
17 criteria, where the benefits outweigh the
18 detriments.

19 In terms of parking, we're providing four
20 parking spaces for the four units. I believe
21 that for -- in a two family house, you need to
22 have one and a half per unit. So, we're a little
23 bit short.

24 But I think that the one -- the one per
25 unit is -- is sufficient. According to U.S.

1 Census data, up to, I believe, 40 percent of
2 workers use public transportation to commute to
3 work, with less than 30 percent using their own
4 car.

5 So, there's less demand for cars because of
6 Union City being a very walkable community. And
7 -- and in fact, over 40 percent of households do
8 not own a car.

9 Now, of course, because this is a two
10 family type house configuration, four families,
11 but it looks like a two -- two, two family
12 houses, it's likely that these households will
13 own a car, but it's -- but it's unlikely that
14 they'll be a significant number, or any
15 additional cars that would be generated by this.

16 On a weighted average, when I did the
17 calculations based on the census data, it really
18 comes out to about three-quarters of a vehicle
19 per unit. So, providing one per unit, I think,
20 should be adequate.

21 And if you look at the Residential Site
22 Improvement Standards, some of the things that
23 they -- that that standard suggests looking at
24 when you gauge giving a parking deviation, or a
25 variance, are household characteristics. And

1 again, the household characteristics of Union
2 City demonstrate a lesser level of auto
3 ownership, the availability of mass transit, and
4 in Union City, there's a great deal of mass
5 transit, and it is well used by -- you know, as
6 evidenced by the number of people who use it for
7 commutation to work.

8 And then, also an urban versus suburban
9 location. And Union City is certainly an urban
10 location.

11 So, I believe that the parking variance can
12 be granted, as well, and the one to one parking
13 rate should be adequate, and will not result in a
14 substantial detriment to the public good or the
15 intent of the zone plan.

16 So, I think we've met the positive and
17 negative criteria. I think that this building
18 will fit into the character of the area. It's a
19 -- it's of similar height to the other buildings
20 in the area, similar types of characteristics.
21 And certainly, is not over the density you'd
22 expect. You would expect to have anywhere from
23 four to six units on this size property, and
24 we're providing four.

25 MR. ALONSO: Thank you.

1 I have nothing further.

2 CHAIRMAN GARCIA: Mr. Kolling, the only
3 reason -- I mean, the reason that it's here is
4 because is a -- is because you have two -- two
5 attached unit.

6 Right?

7 MR. KOLLING: Exactly.

8 CHAIRMAN GARCIA: So, if you don't attach
9 those two, then they will --

10 MR. ALONSO: Then they're permitted.

11 CHAIRMAN GARCIA: They're going to be okay
12 for the -- going to be permitted.

13 Right?

14 MR. KOLLING: Yes.

15 CHAIRMAN GARCIA: Because you have there
16 are two lot, 25 by a hundred. They allow to go
17 to a -- to three family house in each one?

18 MR. KOLLING: You -- you could go as high
19 as a two -- as two, three family house. Yes. So
20 you could get as many as six units on this
21 parcel.

22 CHAIRMAN GARCIA: So, if you could come --
23 you could come with two, two three -- two, three
24 family houses, and you don't have to come here.

25 MR. KOLLING: Correct.

1 MR. ALONSO: Correct.

2 CHAIRMAN GARCIA: Okay. I have no further
3 question.

4 VICE CHAIRMAN GRULLON: Mr. Kolling, on the
5 east and west, what do you have? What properties
6 you have? Are they higher than the -- than the
7 proposed property?

8 MR. KOLLING: To the west, I think there's
9 a -- I think that's where the six unit condo
10 building is. And that's a little taller.

11 VICE CHAIRMAN GRULLON: Is it higher?

12 MR. KOLLING: Yes.

13 VICE CHAIRMAN GRULLON: Taller?

14 MR. KOLLING: It's higher.

15 And then, to the east, I think the
16 immediate building is -- is like a two and a half
17 story. It's a wood frame building, two stories,
18 with a peaked roof.

19 It's -- it would be of comparable height.
20 If it's lower --

21 VICE CHAIRMAN GRULLON: My --

22 MR. KOLLING: -- it would -- by a couple --

23 VICE CHAIRMAN GRULLON: My question is
24 because of the terrace.

25 MR. KOLLING: Yes.

1 VICE CHAIRMAN GRULLON: The roof terrace
2 that you have. I know that you -- it's going to
3 be set back. I don't know are the setbacks --
4 how it's going to be, but like if -- if you have
5 a terrace on top, and then you have properties
6 that are higher, you might be -- you know, close
7 to the windows.

8 MR. KOLLING: Oh, yeah. I know that
9 definitely the one to the east, there wouldn't be
10 windows, because that has a peaked roof. It's
11 the -- you'd be level with their attic.

12 VICE CHAIRMAN GRULLON: Okay.

13 MR. KOLLING: And so, you wouldn't be
14 looking in.

15 I'm not certain on the other -- other side.
16 That might -- that might be the condo building.

17 VICE CHAIRMAN GRULLON: The setbacks on the
18 -- for the side yards are like, according to
19 this, it says they exist two on each side.

20 MR. KOLLING: The setbacks on the sides are
21 actually greater than that. We have three foot
22 one inch on both sides.

23 VICE CHAIRMAN GRULLON: Oh, three.

24 MR. KOLLING: So, rather than having a two
25 and a three, we have two threes.

1 VICE CHAIRMAN GRULLON: Two threes.

2 CHAIRMAN GARCIA: Any other question?

3 Any member of the public want to step
4 forward?

5 Mr. Price?

6 MR. PRICE: Larry Price.

7 Just a quick question to the architect.

8 MR. KALTSIS: Yes.

9 MR. PRICE: Would you describe what's on
10 the ground floor? You have four parking spots --

11 MS. DILLON: Wait a minute, Mr. Kaltsis.
12 I've got to put the wireless on you.

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

15 MR. KALTSIS: Yes.

16 MR. PRICE: Okay. Could you just describe
17 the first floor to me?

18 MR. KALTSIS: The interior?

19 So, the first floor consists of -- there's
20 a front door entry here. There's a bedroom
21 that's located in the front right hand corner.
22 The full size bathroom, an accessible bathroom.
23 There's a mechanical room here, with a laundry.
24 And then, it opens up into one large open space,
25 with a kitchen, living, dining area.

1 MR. PRICE: So, there are two, one bedroom
2 apartments on the ground floor.

3 MR. KALTSIS: No. Well, this -- this floor
4 is connected to the rear half of the second
5 floor. So, there's an interior stairwell here
6 that leads you up --

7 CHAIRMAN GARCIA: So you have this --

8 MR. KALTSIS: -- that leads you up --
9 Right.

10 CHAIRMAN GARCIA: -- to connect it.
11 Right?

12 MR. KALTSIS: That leads you up to the rear
13 portion of the second floor, which has two --
14 which has an office here and a -- and a bedroom
15 with two full bathrooms. And there's a wall that
16 separates the front half of the building.

17 MR. PRICE: Okay. So the -- they get to
18 the second floor by using the stairwell to the --

19 MR. KALTSIS: The interior.

20 MR. PRICE: -- right.

21 MR. KALTSIS: The interior stairwell.
22 Right.

23 MR. PRICE: That's -- that's from the first
24 floor. How --

25 MR. KALTSIS: So, to get to the other unit,

1 | you have the second entry door.

2 | MR. PRICE: Okay.

3 | MR. KALTSIS: Upon entering, there's a
4 | stair leading you up to the front half of the
5 | second floor.

6 | MR. PRICE: Right.

7 | MR. KALTSIS: Which has an open space here,
8 | kitchen, living/dining and a half bath. And
9 | then, there's another interior stair here that
10 | leads you up to the -- to the bedrooms.

11 | Now, this -- this other unit occupies the
12 | entire third floor.

13 | So, basically, there's three floors of
14 | living space. The middle floor is divided from
15 | front to back, and is one -- the front portion of
16 | the second floor is for the upper unit, and the
17 | rear portion of the second floor is for the lower
18 | unit.

19 | MR. PRICE: So, the -- so, the unit on the
20 | first floor has the entire -- well, half floor,
21 | plus half the next floor.

22 | Correct?

23 | MR. KALTSIS: Has the entire first floor,
24 | plus half of the second floor. Yes.

25 | MR. PRICE: Then --

1 MR. KALTSIS: And then, the other unit has

2 --

3 MR. PRICE: Second unit has half of --

4 MR. KALTSIS: Second floor.

5 MR. PRICE: -- second floor, and all of the
6 third unit.

7 MR. KALTSIS: Correct.

8 MR. PRICE: And the guy on the left hand
9 side gets the roof, too.

10 MR. KALTSIS: Well, it's a mirror image on
11 the -- on the other side.

12 MR. PRICE: Well, but only -- you said only
13 one apartment had access --

14 MR. KALTSIS: No, no. Two apartments. So,
15 the two apartments have access to the rooftop
16 terrace.

17 MR. PRICE: Okay.

18 CHAIRMAN GARCIA: The two second floor has
19 --

20 MR. KALTSIS: Correct.

21 CHAIRMAN GARCIA: -- access to the -- to
22 the terrace.

23 MR. KALTSIS: Correct.

24 MR. PRICE: Two third floors. Two third
25 floors.

1 MR. KALTSIS: Correct.

2 MR. PRICE: Yeah. You're --

3 VICE CHAIRMAN GRULLON: Second.

4 MR. PRICE: You're weak on spatial
5 relations like me. Okay. But I think I got the
6 --

7 CHAIRMAN GARCIA: But is -- every one --
8 each one has one and a half. A floor and a half.

9 MR. PRICE: Each -- yeah.

10 CHAIRMAN GARCIA: Right?

11 MR. PRICE: There are two apartments on
12 each --

13 MR. KALTSIS: Correct.

14 MR. PRICE: -- side, and each apartment has
15 one and a half floors --

16 MR. KALTSIS: Correct.

17 MR. PRICE: -- is what it comes --

18 MR. KALTSIS: Correct.

19 MR. PRICE: Okay.

20 CHAIRMAN GARCIA: Third floor has half of
21 the second, and the first floor has half of the
22 second.

23 MR. PRICE: Half -- yeah. Got it. And
24 then, they fight over the parking -- and then,
25 there's no garage and there are parking spaces in

1 the front of the building.

2 MR. KALTSIS: Correct.

3 MR. PRICE: And they all -- they get on --
4 okay. Very good.

5 Thank you.

6 CHAIRMAN GARCIA: Any other member of the
7 public want to step forward?

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

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

12 MR. SOMMA: Yes.

13 MS. DILLON: Would you please state your
14 name and spell it for me?

15 MR. SOMMA: First name is Michael, second
16 name is Somma, S-O-M-M-A.

17 MS. DILLON: And your address.

18 MR. SOMMA: 122 35th Street.

19 MS. DILLON: Thank you.

20 MR. SOMMA: My question was -- is about the
21 -- I know, there's one driveway. Right now,
22 there's a driveway that's only -- actually, there
23 wasn't really a driveway originally in the
24 building.

25 MR. KALTSIS: Right.

1 MR. SOMMA: There's a driveway now that
2 there's no curb cut to drive over the curb.

3 MR. KALTSIS: Okay.

4 MR. SOMMA: Pretty much. But you're saying
5 there's four parking.

6 MS. GUTIERREZ: Bless you.

7 CHAIRMAN GARCIA: Thank you.

8 MR. SOMMA: You're going to have one
9 driveway, you're going to have one big apron
10 going across the whole front of the building.

11 MR. KALTSIS: It's going to be one -- one
12 big apron along the entire frontage.

13 MR. SOMMA: Which means you're eliminating
14 like two or three parking spots.

15 MR. KALTSIS: Correct.

16 MR. SOMMA: And if you -- anybody here can
17 go to that block right now --

18 MR. KALTSIS: Right.

19 MR. SOMMA: -- I'll give you -- if you
20 could take a car, I'll pay for you to get a
21 parking spot on that block right now.

22 MR. KALTSIS: Right.

23 MR. SOMMA: There is a six -- the house
24 next to it is a two family house. The unit
25 you're talking about the six units, the next

1 house over.

2 MR. KALTSIS: Right.

3 MR. SOMMA: And there's a one family to the
4 right. With that -- you know, I thought they
5 were going to build, when I was told that they
6 were going to put garage underneath it.

7 MR. KALTSIS: No. We -- we never had a
8 plan --

9 MR. SOMMA: No.

10 MR. KALTSIS: -- that was similar to that.

11 MR. SOMMA: And the other thing is, you're
12 saying --

13 MR. KALTSIS: And if we had the three -- if
14 even -- even if we had two, three family
15 dwellings on this property, we would have had a
16 depressed curb on each side.

17 MR. SOMMA: Right. Well, there is the same
18 type of construction on the other side of the
19 street.

20 MR. KALTSIS: Right.

21 MR. SOMMA: But you want to put a deck in
22 the back but you know, there is two, three
23 families right behind that property.

24 MR. KALTSIS: Right.

25 MR. SOMMA: That their decks overhang

1 almost to the property line.

2 MR. KALTSIS: Okay. We're -- we're putting
3 a rooftop terrace on the front.

4 MR. SOMMA: In the front.

5 MR. KALTSIS: Yes.

6 MR. SOMMA: And there's -- there's nothing
7 in the back.

8 MR. KALTSIS: No. It's a -- it's a sloping
9 roof.

10 MR. SOMMA: And there's -- it's going to be
11 three -- it's three floors.

12 MR. KALTSIS: Yes.

13 MR. SOMMA: Three floors.

14 And there's four unit -- it's four separate
15 units.

16 MR. KALTSIS: Four total units. Yes.

17 MR. SOMMA: There's two entrances? I mean,
18 you -- you have --

19 MR. KALTSIS: Well, there's two -- four --
20 four entrances total.

21 MR. SOMMA: Oh, okay.

22 MR. KALTSIS: On the -- on the ground
23 floor.

24 MR. SOMMA: So, you basically, you got to
25 go through corridors to get to each unit.

1 MR. KALTSIS: Well, the -- the two
2 entrances lead you directly into the apartment.
3 The other --

4 MR. SOMMA: Right.

5 MR. KALTSIS: -- two entrances, you have to
6 go up a flight of stairs --

7 MR. SOMMA: To go to the next --

8 MR. KALTSIS: -- to the open --
9 Correct.

10 MR. SOMMA: Yeah. So, it's like a split --
11 it's like different levels.

12 MR. KALTSIS: Right.

13 MR. SOMMA: But they're separated --
14 there's four units, something like the six unit
15 apartments that's next to it.

16 MR. KALTSIS: No. There's only --

17 MR. SOMMA: It's something like that?

18 MR. KALTSIS: -- four. There's two units
19 on the left side, and two units on the right
20 side.

21 MR. SOMMA: Okay. It's one on top of each
22 other.

23 MR. KALTSIS: Right.

24 MR. SOMMA: On each side.

25 MR. KALTSIS: Each has one and a half

1 floors.

2 MR. SOMMA: Oh, okay. I got it.

3 I just was concerned about the -- you know,
4 the parking. I mean, for right now, it's a one
5 family home --

6 MR. KALTSIS: Right.

7 MR. SOMMA: -- in the same lot.

8 MR. KALTSIS: Right.

9 MR. SOMMA: And you're putting four.

10 MR. KALTSIS: Right.

11 MR. SOMMA: You know, right next to it's a
12 one, and you -- I'm telling you, you can't --
13 there's no --

14 MR. KALTSIS: Right.

15 MR. SOMMA: -- parking in that area.

16 MR. KALTSIS: Right. Okay.

17 MR. SOMMA: Thank you.

18 MS. GUTIERREZ: Thank you.

19 CHAIRMAN GARCIA: Thank you.

20 MR. SOMMA: Thank you.

21 CHAIRMAN GARCIA: Thanks.

22 Any other member of the public wants to
23 step forward?

24 Closed to the public.

25 Any other question? No?

1 I mean, I think like was mentioned before,
2 the applicant could build there two, three family
3 houses. We're going to be worse situation that
4 if that what the application is.

5 And it's only -- it's a multi-family just
6 because it's attached. If you -- if you
7 separate, then going to be two, two family.

8 MR. KALTSIS: Right.

9 CHAIRMAN GARCIA: Not -- nothing to do
10 here, this Board.

11 Also, I think there's only -- was only the
12 rear yard, that you're requiring a variance, and
13 also the parking spaces. However, like I
14 mentioned before, the situation could be worse.
15 And I think that this kind of an application, I
16 don't see it that greedy. Like you could be more
17 greedy and come with, like I mention, like with
18 two, three family houses, that going to be nine
19 bedroom versus four bedroom -- eight bedroom.
20 Right?

21 MR. KALTSIS: Right.

22 CHAIRMAN GARCIA: So, I make my motion to
23 grant this application take in consideration all
24 my statements --

25 THE SECRETARY: Motion to grant the

1 application by Chairman Andres Garcia.

2 Second by Margarita Gutierrez.

3 CHAIRMAN GARCIA: Oh, one second. Sorry.

4 You show a setback in the terrace. The
5 roof terrace.

6 MR. KALTSIS: Yes.

7 CHAIRMAN GARCIA: But you didn't tell me
8 the setback in the terrace. In -- in the terrace
9 -- top terrace.

10 This is only safety issue.

11 MR. KALTSIS: There is a three foot setback
12 from the -- from the edge of the wall. There's a
13 -- the railing is set back three feet from the
14 edge of the building.

15 CHAIRMAN GARCIA: Yeah. I want to see that
16 dimension in the -- in the plans that we going to
17 -- we usually sign the plans before we --

18 MR. KALTSIS: Okay.

19 CHAIRMAN GARCIA: -- submit it to the --
20 please show it.

21 MR. KALTSIS: Sure. No problem.

22 CHAIRMAN GARCIA: Thank you.

23 Sorry.

24 THE SECRETARY: All right. We are going to
25 -- all right, Mr. Chairman, we will do --

1 MR. PANEQUE: A vote.

2 THE SECRETARY: A vote.

3 MR. PANEQUE: On this.

4 CHAIRMAN GARCIA: Yeah. The roll call.

5 MS. DILLON: Roll call.

6 THE SECRETARY: Okay. Motion to approve
7 this application by --

8 CHAIRMAN GARCIA: I make my motion to grant
9 this application.

10 MS. GUTIERREZ: And I'm second.

11 THE SECRETARY: -- by Andres Garcia.

12 Second by Margarita -- Margarita Gutierrez.

13 Roll call.

14 Chairman Garcia?

15 CHAIRMAN GARCIA: Yes.

16 THE SECRETARY: Margarita -- Victor
17 Grullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Margarita Gutierrez?

20 MS. GUTIERREZ: Yes.

21 THE SECRETARY: Miguel Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: John Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Peter Doumas?

1 MR. DOUMAS: Yes.

2 THE SECRETARY: Six in favor. Motion
3 carries.

4 MR. KALTSIS: Thank you.

5 MR. ALONSO: Thank you very much. Have a
6 good --

7 THE SECRETARY: Allow me one second,
8 please.

9 Oh, no. It's okay, Mr. Alonso.

10 MR. ALONSO: Have a good evening.

11 * * *

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1 **RESOLUTIONS:**

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3 (1) K & J Union City, LLC, 609-611 25th Street &
4 608-610 24th Street, Block: 136 Lots: 9, 10, 21,
5 22. Applicants are seeking for a one year
6 extension. Resolution was memorialized April 12,
7 2012 and corrective resolution was memorialized
8 May 10, 2012. Approved.

9 (2) Garden State Episcopal Community Development
10 Corporation, 1514-1518 Palisade Avenue, Block:
11 Lot: Resolution was memorialized September 11,
12 2014. Applicants are seeking for one (1) year
13 extension. Approved.

14

15 THE SECRETARY: We are going to re-vote --
16 re-voting the Resolution of -- let's see here --
17 on Resolution number 2.

18 Garden State Episcopal Community
19 Development Corporation, 1514-1518 Palisade
20 Avenue.

21 The only person can vote on this Reso --

22 Go ahead, Mr. --

23 MR. PANEQUE: Both Resolutions, we need to.

24 THE SECRETARY: Oh, both Resolutions?

25 MR. PANEQUE: Yes.

1 THE SECRETARY: I apologize for that.

2 We are going to re-vote on both
3 Resolutions.

4 The first Resolution is K and J Union City,
5 LLC, 609-611 25th Street and 608-610 24th Street.

6 Second Resolution.

7 Garden State Episcopal Community
8 Development Corporation, 1514-1518 Palisade
9 Avenue.

10 Can -- the only members can vote in this
11 Resolution is Mr. Victor Grullon, Margarita
12 Gutierrez, Miguel Ortiz, David Pressey is absent,
13 and John Medina.

14 Can I have a motion to adopt these
15 Resolutions?

16 VICE CHAIRMAN GRULLON: I make a motion to
17 adopt the Resolution.

18 THE SECRETARY: Motion by --

19 MS. GUTIERREZ: And I'm seconding.

20 THE SECRETARY: -- Vice Chairman Victor
21 Grullon.

22 MS. GUTIERREZ: And I'm seconding.

23 THE SECRETARY: Second by Margarita
24 Gutierrez.

25 Roll call on the motion.

1 Victor Grullon?

2 VICE CHAIRMAN GRULLON: Yes.

3 THE SECRETARY: Margarita Gutierrez?

4 MS. GUTIERREZ: Yes.

5 THE SECRETARY: Miguel Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: John Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Four in favor.

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

11 THE SECRETARY: Motion carries.

12 One second, please.

13 Was one absent.

14 MR. DOUMAS: It's going to be a quick
15 goodbye, when he lets me out of here. I'm just
16 going to wave.

17 I got to be up at six o'clock in the
18 morning, and be back in Manhattan.

19 * * *

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1 **ADJOURNMENT:**

2

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

6 Motion by --

7 MS. GUTIERREZ: Aye.

8 THE SECRETARY: -- Miguel Ortiz.

9 Second by Margarita Gutierrez.

10 MS. GUTIERREZ: Yes.

11 THE SECRETARY: All in favor?

12

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

14

15 THE SECRETARY: The ayes have it.

16 Thank you.

17 Good night.

18 MR. DOUMAS: All right, guys.

19 THE SECRETARY: Let the record show that --

20 MS. GUTIERREZ: Good night.

21 MR. DOUMAS: See you later. All right?

22 THE SECRETARY: -- the meeting has ended.

23

24 (Whereupon, the proceedings were concluded
25 at 10:28 p.m.)

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, June 9, 2016, and
10 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon