

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, September 8, 2016
Commencing at 6:12 p.m.

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

KHALED DARDIR
MARGARITA GUTIERREZ
DAVID W. PRESSEY
JOHN MEDINA, Alternate No. 1, (Arrived at 6:24 p.m.)
LIBERO MAROTTA, Alternate No. 3
PETER C. DOUMAS, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman

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

MIGUEL ORTIZ
HARLENNY E. JAVIER
JOSEPH D. BONACCI, Alternate No. 2
ANDRES GARCIA, Chairman

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

EUGENE P. O'CONNELL, ESQ.,
Attorney for Applicant, 108 36th Street,
Palisade Emergency Residence Corporation

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Lidia Nova

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Zohara 1601, LLC

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I N D E X

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1 MS. DILLON: On the record.

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

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

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

12

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

15

16 THE SECRETARY: Thank you.

17 Notice of this meeting has been provided as
18 follow:

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

1

2 **ROLL CALL:**

3

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

6 Chairman Andres Garcia? Absent.

7 Vice Chairman Victor Grullon?

8 VICE CHAIRMAN GRULLON: Here.

9 THE SECRETARY: Margarita Gutierrez?

10 MS. GUTIERREZ: Here.

11 THE SECRETARY: Miguel Ortiz?

12 Miguel Ortiz will join us a little late,
13 but is absent at this time.

14 David Pressey?

15 MR. PRESSEY: Here.

16 THE SECRETARY: Harlenny Javier? Absent.

17 Khaled Dardir?

18 MR. DARDIR: Here.

19 THE SECRETARY: John Medina? Absent.

20 Joseph Bonacci?

21 Mr. Bonacci's not in today. His
22 grandmother pass away this afternoon.

23 MS. GUTIERREZ: Oh, my God.

24 THE SECRETARY: Libero Marotta?

25 MR. MAROTTA: Here.

1 THE SECRETARY: Peter Doumas?

2 MR. DOUMAS: Here.

3 THE SECRETARY: Let the record indicate
4 that we have a full quorum, six present. So, we
5 have a Board made up of six members, which
6 considered full quorum to establish any
7 decisions.

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1 **108 36th Street, Palisade Emergency Residence**
2 **Corporation:**

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4 THE SECRETARY: On tonight's agenda, we are
5 going directly to the hearing -- hearings and
6 applications.

7 First hearing, 108 36th Street, Palisade
8 Emergency Residence Corporation, Block 217, Lot
9 20, 21, 44, and 45.

10 Applicant are seeking six month extension.
11 Resolution was adopted May 12, 2016.

12 Mr. O'Connell, please?

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

14 My name is Eugene O'Connell. I'm appearing
15 for the applicant.

16 Just a short history. We were here last
17 year for a six month approval for a warming
18 center, and we did not receive our CO until April
19 of this year.

20 So, we came back in May for a six month
21 extension, which was granted by the Board. We
22 thank you for that.

23 And the purpose of tonight is to get
24 another six month extension, because originally,
25 we were supposed to make sure that the warming

1 center works well during the winter months.

2 I do have two photos, which show that all
3 the improvements have been made.

4 I don't think we have to mark them, but if
5 you want to take a look at how the interior
6 looks.

7 VICE CHAIRMAN GRULLON: Do -- do we have to
8 mark them?

9 MR. PANEQUE: They should be marked, Mr.
10 O'Connell --

11 MS. GUTIERREZ: Um hum.

12 VICE CHAIRMAN GRULLON: Yes.

13 MR. PANEQUE: -- just for purposes of the
14 record, if you do not mind.

15 MS. DILLON: I'll mark it on the back.

16 MR. O'CONNELL: Yeah. Sure.

17 MS. DILLON: Okay.

18

19 (Whereupon, Photo Board was received and
20 marked as Exhibit A-1.)

21

22 (Whereupon, Photo Board was received and
23 marked as Exhibit A-2.)

24

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

1 MS. DILLON: Thank you.

2 MR. O'CONNELL: So, they're marked A-1 and
3 A-2, and they're just photographs of the interior
4 space, which was approved and received a CO.

5 And that -- that is our application.

6 Our current CO terminates on September
7 30th, so that's why we're here tonight, to get the
8 extension --

9 VICE CHAIRMAN GRULLON: And --

10 MR. O'CONNELL: -- so we can --

11 VICE CHAIRMAN GRULLON: -- you're seeking
12 for another six month extension?

13 MR. O'CONNELL: Six months exactly, because
14 the -- the original application was always for a
15 six month period, to make sure that everything
16 was operating properly at the site, so we're
17 asking for that.

18 And the next time we come in, we'll come in
19 for permanent.

20 VICE CHAIRMAN GRULLON: And I see here that
21 you submit a copy of the Certificate of
22 Occupancy.

23 MR. O'CONNELL: I have a copy. I had
24 submitted it at the last -- at the May meeting,
25 but I have a copy with me. I can submit it.

1 Yes.

2 VICE CHAIRMAN GRULLON: Yes. I can see it
3 here.

4 And this is approved, to be a legal
5 occupancy of this --

6 MR. O'CONNELL: Yes.

7 VICE CHAIRMAN GRULLON: -- building?

8 And this picture represent the present
9 condition of the --

10 MR. O'CONNELL: Yes, it does. Yes. It's
11 the present condition.

12 VICE CHAIRMAN GRULLON: Yeah.

13 I don't have any other question.

14 Do you guys have questions?

15 Any members of the public want to step
16 forward?

17 Mr. Price?

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

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

22 MR. PRICE: I do.

23 MS. DILLON: Name and address for the
24 record.

25 MR. PRICE: Larry Price, 1006 Palisade.

1 MS. DILLON: Thank you very much.

2 MR. PRICE: I don't quite understand the
3 purpose of this application, because it came out
4 at previous meetings that the Governor signed off
5 an Extension Act for Hudson County, through June
6 30th of 2017.

7 So, they've automatically got an extension
8 through June of next year. They don't need an
9 extension now, do they?

10 MR. PANEQUE: If I may, Mr. O'Connell, I'll
11 answer Mr. Price's question.

12 The Resolution that was approved originally
13 was a Temporary Resolution, which expired in
14 March of this year.

15 And it was done with a specific reason that
16 way, in order to allow the warming center to be
17 used during the last winter months, and see how
18 it blended with the community, and how receptive
19 the community was to it, and whether there were
20 going to be any issues created by the warming
21 center.

22 So, their original application was only a
23 temporary one. They came in, in April,
24 requesting a six month extension, and the
25 Resolution that was granted in May specifically

1 | says that this six months extension will expire
2 | September 30th.

3 | So, the Permit Extension Act, which you're
4 | referring to, applies to the two year window
5 | that's given to Resolutions. But this Resolution
6 | was a temporary CO that was only given.

7 | So, what Mr. O'Connell is asking for is for
8 | this Board to give him an additional six months,
9 | because that trial period that we were looking to
10 | have as a gauge as to how receptive it was to the
11 | community, hasn't really taken place because
12 | permits were not issued by the City.

13 | And the best time to test out this
14 | facility, which is a warming center, is going to
15 | be during the winter months, from September
16 | through, I guess, March 30th of next year.

17 | MR. O'CONNELL: Correct.

18 | MR. PANEQUE: Am I correct, Mr. O'Connell?

19 | MR. O'CONNELL: That's exactly correct.

20 | MR. PRICE: Okay. So, because it's really
21 | a use application, rather than a developmental
22 | application --

23 | MR. O'CONNELL: Correct.

24 | MR. PRICE: -- the two year extension
25 | really doesn't apply to it.

1 MR. PANEQUE: It doesn't apply.

2 MR. PRICE: Okay.

3 MR. PANEQUE: It specifically says -- the
4 Resolution itself said that their CO would only
5 be extended through September 30th.

6 MR. O'CONNELL: Right.

7 MR. PRICE: Okay.

8 MR. PANEQUE: Okay.

9 MR. PRICE: Very good.

10 Thank you.

11 MR. O'CONNELL: I wish it could.

12 That was a great explanation. I couldn't
13 have said it better myself.

14 VICE CHAIRMAN GRULLON: Yeah. Any other
15 member of the public?

16 Closed to the public.

17 Do we need to mark this?

18 MR. PANEQUE: They're already marked for
19 identification.

20 VICE CHAIRMAN GRULLON: Just going to
21 mention for the record, Mr. O'Connell, I want to
22 thank you for the type of service you're
23 providing to the community.

24 And for this process, we give you a -- a
25 Temporary Resolution for six month, to see if any

1 -- any -- if it was going to be a detriment to
2 the community, we actually saw the neighborhood
3 to be -- in a very quiet manner, and operating in
4 a normal procedure, in -- in the center.

5 Just want to make a motion to grant this
6 six month extension to the application.

7 THE SECRETARY: Motion to grant the
8 application --

9 MS. GUTIERREZ: And I'm seconding.

10 THE SECRETARY: -- asking six month
11 extension by Mr. Grullon.

12 Second by Mrs. Gutierrez.

13 Roll call on the motion.

14 Mr. Grullon?

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Mrs. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Pressey?

19 MR. PRESSEY: Yes.

20 THE SECRETARY: Mr. Dardir?

21 MR. DARDIR: Yes.

22 THE SECRETARY: Mr. Marotta?

23 MR. MAROTTA: Yes.

24 THE SECRETARY: Mr. Doumas?

25 MR. DOUMAS: Yes.

1 THE SECRETARY: Six in favor. Motion
2 carries.

3 VICE CHAIRMAN GRULLON: Thank you, Mr.
4 O'Connell.

5 MR. O'CONNELL: Thank you very much.

6 MS. GUTIERREZ: Thank you.

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

9 MR. PANEQUE: Thank you, sir.

10 MR. O'CONNELL: All right.

11 Thanks, again.

12 Have a good evening.

13 MS. GUTIERREZ: Good evening.

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

16 MR. PANEQUE: Off the record.

17 MS. DILLON: Off the record.

18

19 (Whereupon, the Board recessed from 6:23
20 p.m. to 6:28 p.m.)

21

22 (Whereupon, John Medina arrived at 6:24
23 p.m.)

24

25 THE SECRETARY: Let the record indicate

1 | that Mr. John Medina arrived.

2 | MS. DILLON: You got to wait.

3 | Now start over.

4 | It takes a couple of seconds for it to kick
5 | on.

6 | Okay. On the record.

7 | THE SECRETARY: May I have your attention,
8 | please?

9 | Let the record indicate now we have seven
10 | members.

11 | Mr. John Medina arrived to the meeting.

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1 **Zohara 1601, LLC - 1601-1605 Manhattan Avenue:**

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

5 Next application, Zohara 1601, LLC, 1601-
6 1605 Manhattan Avenue.

7 Mrs. Pereiras, please.

8 MS. PEREIRAS: Thank you.

9 Good evening, counsel, Mr. Chairman,
10 members of the Board.

11 Bianca Pereiras on behalf of 1601 Zohara.

12 MR. MAROTTA: Excuse me, counselor.

13 MR. PANEQUE: Yes?

14 MR. MAROTTA: Mr. Chairman, is this --

15 MR. PANEQUE: Mr. Marotta --

16 MR. MAROTTA: -- 1601 --

17 MR. PANEQUE: It --

18 MR. MAROTTA: -- Manhattan Avenue?

19 MR. PANEQUE: It is.

20 VICE CHAIRMAN GRULLON: Yes.

21 MR. PANEQUE: She has a -- she's going to
22 make an application to the court. And then, we
23 can entertain her application.

24 MR. MAROTTA: I'm sorry. All right.

25 MR. PANEQUE: Is that correct, Ms.

1 Pereiras?

2 MS. PEREIRAS: That is correct.

3 MR. PANEQUE: Okay.

4 MS. PEREIRAS: Counsel, you made me aware
5 that --

6 And thank you, Mr. Marotta.

7 I think you brought it to our attention
8 that we had the wrong zone. It was a typo on our
9 drawings. And so, we understand that concern and
10 we're going to resubmit to the Board --

11 MR. PANEQUE: Okay.

12 MS. PEREIRAS: -- referencing the correct
13 zone, which is in the R. And we'll get that to
14 the Board as soon as possible --

15 MR. PANEQUE: Okay.

16 MS. PEREIRAS: -- so that we can hopefully
17 be heard at the next meeting.

18 MR. PANEQUE: You're withdrawing your
19 application?

20 MS. PEREIRAS: We are withdrawing, at this
21 point.

22 MR. PANEQUE: Okay.

23 MS. PEREIRAS: We'll be happy to re-notice
24 and republish for purposes of going forward.

25 MR. PANEQUE: Okay.

1 Thank you.

2 Any questions of the Board members?

3 MR. MEDINA: No.

4 MR. MAROTTA: I think -- I think that new
5 notices have to be sent, don't you?

6 VICE CHAIRMAN GRULLON: Yeah. That's what
7 she said.

8 MR. DARDIR: Yeah, that's what she said.

9 MS. PEREIRAS: Yes.

10 MR. PANEQUE: She -- she said that.

11 MS. PEREIRAS: I --

12 VICE CHAIRMAN GRULLON: She just said that,
13 Mr. Marotta.

14 MR. PANEQUE: Yeah.

15 Okay. So, your motion is -- your
16 application is withdrawn, Ms. Pereiras?

17 VICE CHAIRMAN GRULLON: So we don't have to
18 --

19 THE SECRETARY: No.

20 MR. PANEQUE: There's no vote on it.

21 MS. PEREIRAS: There's nothing to submit.

22 VICE CHAIRMAN GRULLON: No vote on it.

23 MS. GUTIERREZ: No vote on it.

24 MR. PANEQUE: Okay.

25 THE SECRETARY: It's in the records only.

1 VICE CHAIRMAN GRULLON: Thank you, Mrs.
2 Pereiras.

3 MS. PEREIRAS: Thank you very much.

4 MS. GUTIERREZ: Thank you.

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

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1 **Lidia Nova - 704-706 New York Avenue:**

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3 THE SECRETARY: Next application tonight's
4 agenda, Lidia Nova, 704-706 New York Avenue,
5 Block 37, Lot 17.

6 Mrs. Pereiras, please.

7 MS. PEREIRAS: Again, Bianca Pereiras, on
8 behalf of Lidia Nova, in regards to property
9 located at 704-06 New York Avenue, also known as
10 Block 114 (sic), Lot 2 (sic).

11 Counsel.

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

14 MR. PANEQUE: Let the record reflect that I
15 have been provided with the certified mail
16 receipts, postmarked August 29th, 2016, as well as
17 the return green cards that have come back, and a
18 certification as to publication and service on --
19 which indicates that notice is being given to all
20 property owners within the 200 foot range of 704-
21 706 New York Avenue, for tonight's application,
22 Thursday, September 8th, 2016.

23 Also attached to the documents is the
24 Affidavit of Publication from The Jersey Journal.
25 Said Affidavit indicates that notice was

1 published in The Jersey Journal on August 27,
2 2016, giving notice of the hearing Thursday, the
3 8th of September, for 704-706 New York Avenue in
4 Union City.

5 All the notices appear to be in proper
6 order -- order, and therefore, this Board has the
7 jurisdiction to hear this matter.

8 I -- I just have an issue, Ms. Pereiras.

9 MS. PEREIRAS: Sure.

10 MR. PANEQUE: And this is something that
11 just came in, as I was looking at --

12 Is your applicant here tonight?

13 MS. PEREIRAS: They are not.

14 MR. PANEQUE: They are not.

15 Okay. The reason I'm asking is because I
16 believe that this applicant may have been a
17 client of my office.

18 MS. PEREIRAS: Oh.

19 MR. PANEQUE: And if she is a client of my
20 office, I would have to recuse myself from being
21 the attorney representing the Board.

22 And I just realized looking at your
23 application --

24 MS. PEREIRAS: Yes.

25 MR. PANEQUE: -- and what it was being

1 requested, and the fact that it's a bakery, what
2 it is that this -- you have listed here a Lida
3 (sic) Nova.

4 MS. PEREIRAS: Correct.

5 MR. PANEQUE: Lidia Nova.

6 MS. PEREIRAS: Lidia Nova. Yes.

7 MR. PANEQUE: Do you have the other name of
8 the property owner? Is it Rafael?

9 MS. GUTIERREZ: Um hum. Yeah. And Rafael
10 Nova.

11 MR. PANEQUE: It is?

12 VICE CHAIRMAN GRULLON: Do you want to take
13 a five minute break and look at the --

14 MR. PANEQUE: Yeah. We'll just take a
15 minute break.

16 MS. PEREIRAS: Sure.

17 MR. MAROTTA: Rafael Nova is the other
18 owner.

19 MS. DILLON: Off the record?

20 MR. PANEQUE: Yes. Off the record.

21 MS. PEREIRAS: Rafael is the other --

22 VICE CHAIRMAN GRULLON: Five minute break.

23 MR. PANEQUE: Okay.

24 MS. PEREIRAS: Is the husband, yes.

25 MS. GUTIERREZ: Yeah. The husband.

1 MR. PANEQUE: Okay. Rafael Nova.

2 It was -- it was not till just now that I
3 caught the fact that -- because I've always had
4 this listed as Rafael Nova, and it was only now
5 that I caught the fact that these are actually
6 clients of my office.

7 I would not be able to sit for this
8 hearing. Okay.

9 MS. PEREIRAS: Okay.

10 So, counsel, does that mean this gets
11 adjourned, and then we have a --

12 MR. PANEQUE: Yeah.

13 MS. PEREIRAS: -- replacement attorney?

14 MR. PANEQUE: We have -- your publication
15 is in order. Okay? And everything appears to be
16 properly noticed. And therefore, I've already
17 established that you have jurisdiction.

18 However, on the merits of the case, I
19 should have to recuse myself because of the fact
20 that they are clients and they were -- they have
21 been clients in my office. And I should not be
22 sitting here for this hearing.

23 MS. PEREIRAS: I understand, counsel. If
24 you believe that there is a conflict --

25 MR. PANEQUE: Yeah.

1 MS. PEREIRAS: -- then I wouldn't --

2 MR. PANEQUE: So --

3 MS. PEREIRAS: -- object to that.

4 MR. PANEQUE: What I would suggest to the
5 Board is to adjourn this matter with no need for
6 further notices or publication, as that has been
7 done. And then, carry it to the next hearing
8 date.

9 MR. MAROTTA: Yes.

10 MR. PANEQUE: And I apologize, but I never
11 made the connection when I reviewed who was here
12 before, which I normally do.

13 MS. PEREIRAS: I understand.

14 MR. PANEQUE: And it was only now that I
15 made the connection and it was probably because
16 Lidia -- I never associate Lidia, I've always
17 associated the --

18 MS. PEREIRAS: With Rafael.

19 MR. PANEQUE: -- property with Rafael.

20 MS. PEREIRAS: I understand, counsel. It
21 happens.

22 MR. PANEQUE: Yeah.

23 MS. GUTIERREZ: Better be safe than sorry.

24 VICE CHAIRMAN GRULLON: With that I would
25 make my motion to adjourn this application for

1 the next meeting, without new notice.

2 MS. GUTIERREZ: And I'm seconding.

3 THE SECRETARY: Motion by Mr. Grullon to
4 adjourn --

5 MR. MAROTTA: Without a new requirement of
6 notices.

7 THE SECRETARY: -- the application.

8 MR. MAROTTA: Right?

9 MR. DARDIR: Yeah.

10 THE SECRETARY: Second by Margarita
11 Gutierrez.

12 Roll call on the motion to adjourn this
13 application for October 13, 2016.

14 Thank you, sir.

15 MR. MAROTTA: September what?

16 MR. DARDIR: October 13.

17 THE SECRETARY: Roll call on the motion.

18 MR. DOUMAS: That's the next meeting.

19 THE SECRETARY: Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Mrs. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Pressey?

24 MR. PRESSEY: Yes.

25 THE SECRETARY: Mr. Dardir?

1 MR. DARDIR: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. Marotta?

5 MR. MAROTTA: Yes.

6 THE SECRETARY: Mr. Doumas?

7 MR. DOUMAS: Yes.

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

10 MR. PANEQUE: Okay.

11 Ms. Pereiras, we'll arrange for conflict
12 counsel to be here at the next hearing. Okay?

13 MS. PEREIRAS: Okay, that's fine.

14 MR. PANEQUE: And then, it will be
15 rescheduled without the need for further notice.

16 MS. PEREIRAS: I appreciate that.

17 Thank you.

18 MR. PANEQUE: Okay.

19 Thank you.

20 And I --

21 MS. PEREIRAS: Good night, everybody.

22 MR. PANEQUE: -- apologize.

23 VICE CHAIRMAN GRULLON: Good night.

24 MS. GUTIERREZ: Good night.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. PANEQUE: Okay. That's fine.

3 There's going to be a five minute break
4 waiting for Mr. Ortiz to arrive. He's on his way,
5 and then we'll take the votes on the Resolution.

6 MR. DOUMAS: Okay.

7

8 (Whereupon, the Board recessed from 6:37
9 p.m. to 6:45 p.m.)

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1 **RESOLUTIONS:**

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3 (1) Kids Paradise, LLC - 526 Monastery Place
4 aka 2000 West Street. Block 1090, Lot 26.

5 Proposed children's daycare in existing
6 office/residential building. Approved

7 (2) Ruth Slutsky - 727 32nd Street. Block 174,
8 Lot 15. Appeal on zoning determination letter
9 and interpretation. Approved

10

11 THE SECRETARY: May I have your attention,
12 please?

13 We are going to the agenda. We are going
14 to Resolutions.

15 Resolution number 1.

16 Kids Paradise, LLC, 526 Monastery Place,
17 a/k/a 2000 West Street.

18 Second Resolution.

19 Ruth Slutsky, 727 32nd Street, Block 174,
20 Lot 15. It was an appeal on zoning determination
21 letter and interpretation.

22 Can I have a motion to adopt this
23 Resolution?

24 The only persons -- they can vote on this
25 Resolution is Mr. Grullon, Mr. Ortiz who's

1 absent, Mr. Dardir, Mr. Medina and Mr. Bonacci.

2 Can I have a motion to adopt --

3 VICE CHAIRMAN GRULLON: Make a motion to
4 adopt --

5 THE SECRETARY: -- these two Resolution?

6 VICE CHAIRMAN GRULLON: -- these
7 Resolutions.

8 THE SECRETARY: Motion by Mr. Grullon.
9 Second by?

10 Mr. Dardir.

11 MR. MAROTTA: Is that this one?

12 THE SECRETARY: Roll call on the motion.

13 MR. DARDIR: Yeah --

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

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Mr. Dardir?

18 MR. DARDIR: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Three -- three in favor.

22 Motion carries.

23 MR. MAROTTA: Okay.

24 * * *

25

1 **RESOLUTIONS:**

2

3 (4) Estate of Assunta Y. Scarinci - 554 36th
4 Street. Block 218, Lot 5. Expand to a
5 preexisting, nonconforming use of existing four
6 family building. Approved

7 (5) Jaime Fuentes, 307 47th Street. Block
8 269.02, Lot 17. Legalization of two units,
9 Basement and one on the second floor, in an
10 existing two family house. From two to four
11 families. Approved.

12

13 THE SECRETARY: Can I have -- Resolution
14 number 3 and 4.

15 Resolution number 3 (sic).

16 Estate of Assunta Y. Scarinci, 554 36th
17 Street, Block 218, Lot 5.

18 Resolution number 4 (sic).

19 Jaime Fuentes, 307 47th Street, Block 269,
20 Lot 17.

21 The only members can vote is Mr. Grullon,
22 Mr. Ortiz, Mr. Dardir, Mr. Medina, Mr. Bonacci,
23 Mr. Marotta.

24 Can I have a motion to adopt the -- the
25 Resolution 3 and 4?

1 VICE CHAIRMAN GRULLON: I make a motion to
2 adopt the Resolutions.

3 THE SECRETARY: Motion to adopt the
4 Resolution by Mr. Grullon.

5 Second by?

6 Mr. Dardir.

7 Roll call on the motion.

8 Mr. Grullon?

9 VICE CHAIRMAN GRULLON: Yes.

10 THE SECRETARY: Mr. Dardir?

11 Mr. Dardir?

12 MR. DARDIR: Oh, yes.

13 THE SECRETARY: Thank you, sir.

14 Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Mr. Marotta?

17 MR. MAROTTA: Yes.

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

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1 **RESOLUTIONS :**

2

3 (6) P & F Hudson, II, LLC - 4510 Hudson
4 Avenue. Block 273, Lot 6. Legalization of
5 ground floor apartment for a total of a six
6 units. **Approved**

7

8 THE SECRETARY: We have Resolution number 5
9 (sic).

10 P and F Hudson, II, LLC, 4510 Hudson
11 Avenue, Bock 273, Lot 6.

12 The only Board members can vote on this
13 Resolution, Miguel Ortiz, Khaled Dardir, John
14 Medina, Joseph Bonacci, Libero Marotta.

15 Can I have a motion to adopt this
16 Resolution, number 5 (sic)?

17 MR. DARDIR: I'll make a motion.

18 THE SECRETARY: Motion by Mr. Khaled
19 Dardir.

20 Second by?

21 Can be Mr. Medina or Mr. Marotta?

22 MR. DARDIR: Second. Second.

23 MR. MAROTTA: Second.

24 THE SECRETARY: Mr. Marotta?

25 MR. MAROTTA: Yes.

1 THE SECRETARY: Libero Marotta.

2 Roll call on the motion.

3 Mr. Dardir?

4 MR. DARDIR: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Marotta?

8 MR. MAROTTA: Yes.

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

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1 **RESOLUTIONS:**

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3 (3) Paladin Homes, Inc. - 1300 Manhattan
4 Avenue. Block 185, Lots 1, 2, 18, 19, 20, 21,
5 22, 23, 24, 25, 26 and 27. Block 187, Lots 1.01,
6 1.02, 3, 4. Proposed to construct a new 55 unit
7 multi-family building with 110 off-street parking
8 spaces. Denied

9

10 THE SECRETARY: We have -- the next
11 Resolution, Paladin Homes, Inc., 1300 Manhattan
12 Avenue, Block 185, Lots 1, 2, 18, 19, 20, 21, 22,
13 23, 24, 25, 26 and 27; Block 187, Lots 1.01, .02,
14 3, and 4.

15 The only Board members can vote on this --
16 in this deny Resolution is Mr. Grullon, Mr.
17 Ortiz, Mr. Medina, Mr. Bonacci, Mr. Marotta.

18 Can I have a motion to adopt this deny
19 Resolution?

20 VICE CHAIRMAN GRULLON: I make my motion to
21 --

22 THE SECRETARY: Motion by --

23 VICE CHAIRMAN GRULLON: -- accept this
24 Resolution.

25 THE SECRETARY: -- by Mr. Grullon.

1 MR. MAROTTA: Second.

2 THE SECRETARY: Second by Mr. Libero

3 Marotta.

4 Roll call on the motion.

5 Mr. Grullon?

6 VICE CHAIRMAN GRULLON: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Mr. Marotta?

10 MR. MAROTTA: Yes.

11 THE SECRETARY: Three in favor. Motion

12 carries.

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1 **CORRECTIVE RESOLUTIONS:**

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3 (1) Rayyaz, LLC - 224-19th Street. Block 175,
4 Lot 92. Legalize an existing basement apartment
5 in a multi-family structure. Resolution was
6 memorialized December 12, 2014.

7 (2) Arturo Hernandez - 413-415 36th Street.
8 Block 209, Lots 21 & 22. Legalization of
9 existing residential units in an existing multi-
10 family. Resolution was memorialized April 9,
11 2015.

12

13 THE SECRETARY: We have a Corrective
14 Resolutions. We have two.

15 Number 1.

16 Rayyaz, LLC, 224 19th Street, Block 175,
17 Lot 92.

18 Resolution number 2.

19 Arturo Hernandez, 413-415 36th Street,
20 Block 209, Lots 21 and 22.

21 The only Board members can vote -- I'm
22 sorry. I apologize for that.

23 Everybody can vote.

24 Can I have a motion to adopt this
25 Resolution?

1 Go ahead, Mr. --

2 MR. PANEQUE: If I may --

3 VICE CHAIRMAN GRULLON: Yes.

4 MR. PANEQUE: -- Mr. Vallejo?

5 Before we proceed to have a motion, I'd
6 like to explain to the Board what these
7 Corrective Resolutions are.

8 MS. GUTIERREZ: Um hum.

9 MR. PANEQUE: With respect to number 1,
10 Rayyaz, LLC, this is a request from the law
11 office of Bianca Pereiras.

12 The Resolution that was approved by this
13 Board on December 12, 2014 contained a number of
14 mistakes, both typographical and errors in which
15 certain items were omitted, such as the address.

16 The Resolution -- in the body of the
17 Resolution had the incorrect block and lot. It
18 was missing the street address, where they only
19 wrote 19th Street instead of 224 19th Street,
20 Union City, New Jersey.

21 There was sentences that were cut and
22 completely missing information. And the major
23 point in the Resolution is that the Resolution
24 indicated that the entire building was to be
25 sprinklered.

1 In reviewing the transcript, and what this
2 Board approved, it was clear that the request for
3 approval was based on only the domestic line
4 sprinkler system being installed in the ground
5 floor unit which was being approved by this
6 Board.

7 There was no requirement from this Board to
8 sprinkle the entire building.

9 As such, the Resolution incorrectly stated
10 that the whole building was going to be
11 sprinkled, and that item is also being corrected
12 in the Corrective Resolution.

13 Now, with respect to the Corrective
14 Resolution number 2, Arturo Hernandez, this was a
15 request made by Sal Ferlise from the Union City
16 Building Department.

17 Mr. Ferlise, in reviewing this Resolution,
18 that was approved by the Board on April 9th, 2015,
19 noticed that the Resolution incorrectly stated
20 that it was to legalize two preexisting second
21 floor units.

22 The actual transcript and the request was
23 to legalize three preexisting second floor
24 residential units.

25 And therefore, that, along with other

1 mistakes that were in the Resolution, Mr.
2 Ferlise, Building Inspector's Office, requested
3 that we provide him with a Corrective Resolution,
4 which is what we've done.

5 So, basically, the -- that Corrective
6 Resolution just clarifies that it's a
7 legalization of three preexisting second floor
8 units, and makes that correction so that the
9 Building Department can issue the appropriate
10 permits.

11 VICE CHAIRMAN GRULLON: Thank you, Mr.
12 Paneque, for the -- for the clarification on
13 these corrections.

14 THE SECRETARY: All right.

15 Motion was --

16 VICE CHAIRMAN GRULLON: With that said, I
17 make a motion --

18 THE SECRETARY: -- by Mr. --

19 VICE CHAIRMAN GRULLON: -- to grant -- to
20 adopt these Resolutions.

21 MS. GUTIERREZ: And I'm seconding.

22 THE SECRETARY: Motion to -- Mr. Grullon.
23 Second by Mrs. Gutierrez.

24 Roll call on the motion.

25 Mr. Grullon?

1 VICE CHAIRMAN GRULLON: Yes.

2 THE SECRETARY: Mrs. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Pressey?

5 MR. PRESSEY: Yes.

6 THE SECRETARY: Mr. Dardir?

7 MR. DARDIR: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Marotta?

11 MR. MAROTTA: I wasn't here on that. I
12 can't vote on that.

13 MS. GUTIERREZ: No, he can't vote.

14 VICE CHAIRMAN GRULLON: Abstain.

15 THE SECRETARY: Abstain.

16 Mr. Doumas?

17 MR. DOUMAS: Yes.

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

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1 **ADJOURNMENT :**

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

6 Motion by Mr. Pressey.

7 MS. GUTIERREZ: And I'm seconding.

8 THE SECRETARY: Second by Margarita
9 Gutierrez.

10 All in favor?

11

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

13

14 THE SECRETARY: The aye have it.

15 Thank you.

16 Good night, everybody.

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

19

20 (Whereupon, the proceedings were concluded
21 at 6:55 p.m.)

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25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

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

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25 Monitored and proofread by: Deborah Dillon