

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, December 8, 2016
Commencing at 6:19 p.m.

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

MARGARITA GUTIERREZ
MIGUEL ORTIZ, (Arrived at 6:32 p.m.)
JOHN MEDINA, Alternate No. 1
JOSEPH D. BONACCI, Alternate No. 2
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:

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

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

CARA LANDOLFI, ESQ.
Attorney for Applicant,
Iglesia Evangelica Apostoles y Profetas

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, Rare Enterprise, LLC

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I N D E X

Rare Enterprise, LLC c/o Joseph Franco
415-419 35th Street

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

3 Please take notice that on Thursday,
4 December 8, 2016, at six p.m., a Regular Meeting
5 was scheduled for the Union City Zoning Board of
6 Adjustment to be held in the Municipal Chamber,
7 located on the --

8 VICE CHAIRMAN GRULLON: Starting the
9 meeting.

10 THE SECRETARY: -- second floor, 3715
11 Palisade Avenue, Union City, New Jersey.

12 Can everybody rise to salute the flag,
13 please?

14

15 (Whereupon, the Pledge of Allegiance was
16 said by all.)

17

18 THE SECRETARY: Thank you.

19 Notice of this meeting has been provided as
20 follow:

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

1 made available to the public at the Office of the
2 Municipal Clerk.

3

4 **ROLL CALL:**

5

6 THE SECRETARY: Roll call for tonight's
7 meeting.

8 Chairman Andres Garcia? Absent.

9 Vice Chairman Victor Grullon?

10 VICE CHAIRMAN GRULLON: Here.

11 THE SECRETARY: Margarita Gutierrez?

12 MS. GUTIERREZ: Here.

13 THE SECRETARY: Miguel Ortiz? Absent.
14 He's running little late.

15 David Pressey? Absent.

16 Harlenny Javier? Absent.

17 Khaled Dardir? Absent.

18 John Medina?

19 MR. MEDINA: Here.

20 THE SECRETARY: Joseph Bonacci?

21 MR. BONACCI: Here.

22 THE SECRETARY: Libero Marotta?

23 MR. MAROTTA: Here.

24 THE SECRETARY: Peter Doumas?

25 MR. DOUMAS: Here.

1 THE SECRETARY: Six present.

2 Those absent tonight are Andres Garcia,
3 Miguel Ortiz, David Pressey, Harlenny Javier and
4 Khaled Dardir.

5 So, we have Board made up of six members.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

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3 (1) Approval of previous meeting minutes from
4 November 17, 2016.

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6 THE SECRETARY: Okay.

7 Can I have a motion to approval of previous
8 meeting minutes from November 17, 2016?

9 VICE CHAIRMAN GRULLON: Make the motion.

10 THE SECRETARY: Motion by --

11 MS. GUTIERREZ: I'm seconding.

12 THE SECRETARY: -- Mr. Grullon.

13 Second by Margarita Gutierrez.

14 Roll call on the motion.

15 Mr. Grullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Mrs. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mr. Bonacci?

22 MR. BONACCI: Yes.

23 THE SECRETARY: Mr. Marotta?

24 MR. MAROTTA: Yes.

25 THE SECRETARY: Mr. Doumas?

1 MR. DOUMAS: Yes.

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

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1 **RESOLUTIONS:**

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3 (2) BHD Investments, 509-511 44th Street, Block
4 254, Lots 18, 19. Construct a new six family
5 house.

6 (3) 1811 Bergenline Avenue, LLC - 1811
7 Bergenline Avenue, Block 98, Lot 5. New
8 construction of a mixed use building with five
9 residential units, 600 square feet of commercial
10 space and basement.

11

12 THE SECRETARY: We have a -- we're going to
13 Resolutions.

14 First Resolution tonight's agenda, BHD
15 Investment, 509-511 44th Street.

16 Second Resolution, 1811 Bergenline Avenue,
17 LLC, 1811 Bergenline Avenue.

18 Can I have a motion --

19 Oh, the only members can vote on -- on this
20 Resolutions; Mr. Grullon, Mrs. Gutierrez, Mr.
21 Medina, Mr. Bonacci, and Mr. Marotta. Also, Mr.
22 Ortiz, but he's absent.

23 Can I have a motion to adopt these
24 Resolutions?

25 VICE CHAIRMAN GRULLON: I make a motion to

1 adopt the Resolutions.

2 THE SECRETARY: Motion by --

3 MS. GUTIERREZ: And I'm seconding.

4 THE SECRETARY: -- Mr. Grullon.

5 Second by Mrs. Gutierrez.

6 MS. GUTIERREZ: Si. Yeah, was here.

7 THE SECRETARY: Roll call on the motion.

8 Mr. Grullon?

9 VICE CHAIRMAN GRULLON: Yes.

10 THE SECRETARY: Mrs. Gutierrez?

11 MS. GUTIERREZ: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Bonacci?

15 MR. BONACCI: Yes.

16 THE SECRETARY: Mr. Marotta?

17 MR. MAROTTA: No.

18 THE SECRETARY: I think you vote yes at the

19 -- at the applications.

20 MR. MAROTTA: On which one?

21 THE SECRETARY: BHD Investment, 509-511

22 44th Street.

23 And the second was 1811 Bergenline Avenue,

24 LLC.

25 MR. MAROTTA: I vote no on these.

1 THE SECRETARY: Four in favor. Motion
2 carries. One against.

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1 **RESOLUTIONS:**

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3 (1) 541 42nd Street, LLC, 539-541 42nd Street,
4 Block 239, Lots 49, 50. Construct a new nine
5 family house.

6

7 THE SECRETARY: Next Resolution, 541 42nd
8 Street, LLC, 539-541 42nd Street.

9 And the only Board members can vote; Mr.
10 Grullon, Mrs. Gutierrez, Mr. Ortiz, and Mr.
11 Bonacci.

12 Can I have a motion to adopt this
13 Resolution?

14 VICE CHAIRMAN GRULLON: I make the motion.

15 THE SECRETARY: Motion by Mr. Grullon.

16 Second by?

17 MS. GUTIERREZ: I'm second.

18 THE SECRETARY: Second, Mrs. Gutierrez.

19 Roll call on the motion.

20 Mr. Grullon?

21 VICE CHAIRMAN GRULLON: Yes.

22 THE SECRETARY: Mrs. Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Bonacci?

25 MR. BONACCI: Yes.

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

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1 **RESOLUTIONS:**

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3 (4) Gerardo Tan, 203 New York Avenue, Block 8,
4 Lot 2. New single family dwelling in a vacant
5 lot.

6

7 THE SECRETARY: Next Resolution, Gerardo
8 Tan, 203 New York Avenue.

9 The only Board members can vote on this
10 Resolution; Mr. Grullon, Mrs. Gutierrez, Mr.
11 Ortiz, and Mr. Medina.

12 Can I have a motion to adopt this
13 Resolution?

14 VICE CHAIRMAN GRULLON: I make the motion.

15 THE SECRETARY: Motion by Mr. Grullon.

16 MS. GUTIERREZ: I'm seconding.

17 THE SECRETARY: Second by Mrs. Gutierrez.

18 Roll call on the motion.

19 Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Mrs. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Three in favor. Motion

1 carries.

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1 **RESOLUTIONS:**

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3 (5) Joseph Sosa, 640 36th Street, Block 260:01,
4 Lot 6. Legalization of an existing second floor
5 apartment.

6

7 THE SECRETARY: Next Resolution, Joseph
8 Sosa, 640 36th Street.

9 Only Board members can vote on this; Mr.
10 Grullon, Mrs. Gutierrez, Mr. Ortiz, Mr. Medina
11 and Mr. Bonacci.

12 Can I have a motion to adopt this
13 Resolution?

14 VICE CHAIRMAN GRULLON: I make the motion.

15 THE SECRETARY: Motion by Mr. Grullon.

16 MR. BONACCI: I'll second it.

17 THE SECRETARY: Second by Mr. Bonacci.

18 Roll call on the motion.

19 Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Mrs. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Bonacci?

1 MR. BONACCI: Yes.

2 THE SECRETARY: Four in favor. Motion
3 carries.

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1 **RESOLUTIONS:**

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3 (6) Resolution to approve the Zoning Board of
4 Adjustment Schedule for the year 2017

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6 THE SECRETARY: The next Resolution is to
7 approve the Zoning Board of Adjustment Schedule
8 for the year 2017.

9 Can I have a motion to adopt this
10 Resolution?

11 VICE CHAIRMAN GRULLON: I make the motion.

12 THE SECRETARY: Motion by Mr. --

13 MS. GUTIERREZ: And I'm seconding.

14 THE SECRETARY: -- Grullon.

15 MR. MAROTTA: On the question, Mr.
16 Chairman.

17 VICE CHAIRMAN GRULLON: Yes.

18 MR. MAROTTA: Some time ago, I spoke to the
19 Chairman about the starting time of the meetings.

20 I think six o'clock is too early a time to
21 start. We're not giving the citizens of Union
22 City an opportunity to attend these meetings.

23 VICE CHAIRMAN GRULLON: Yes. I have your
24 --

25 MR. MAROTTA: Let me finish, please.

1 VICE CHAIRMAN GRULLON: All right.

2 MR. MAROTTA: Okay?

3 Tonight's meeting didn't start until 6:20
4 because we didn't have a quorum. And -- and I
5 don't -- ever since I've been here, which is only
6 several months, we never started at six o'clock.
7 All right?

8 We have to give the people of this city an
9 opportunity to attend.

10 Now, in every memorialization resolution,
11 whoever prepares that resolution, usually the
12 attorney for the applicant, they state that no
13 members of the public appeared to object to the
14 application, which is true. But we cannot put
15 any strength into that statement, because the
16 members of the public cannot appear at six
17 o'clock.

18 This is a working class community. We're
19 not a membership of bankers and stockbrokers,
20 except for one retired over here, who's always
21 here before six o'clock.

22 All right?

23 These people come home from work after five
24 o'clock. Some of them not until six o'clock.

25 So, how are they going to attend a meeting

1 at six o'clock, when they can't even get here?

2 Number one.

3 Number two.

4 There's not even enough parking for them to
5 park here. All right. But at least give them an
6 opportunity.

7 I don't know if they're going to come at
8 seven o'clock. I've talked to many, many people
9 over the years, because I've attended these
10 meetings over a dozen years, as you know, many of
11 them don't come because they figure there's no
12 use to come, because it's going to be ruled
13 against them anyway.

14 But the fact is, we have to give the people
15 an opportunity to attend.

16 So, we -- I -- I'm suggesting that this
17 Board amend this to start at seven o'clock, not
18 at six o'clock. That's my suggestion.

19 VICE CHAIRMAN GRULLON: Mr. Marotta, what
20 we discussed on the previous meeting, I had the
21 opportunity to discuss it with the other Board
22 members, and they expressed that it's no
23 convenience for them to be here six o'clock.
24 Only Miguel Ortiz is the only member that cannot
25 be here by six o'clock sharp.

1 We been having this meeting for several
2 years at six o'clock, and haven't heard any
3 complaints from the public.

4 And I believe that six p.m. is a reasonable
5 time for them to come here and find parking,
6 because the school close. Usually after four
7 o'clock, there's parking around the area.

8 And the latest they come, the worst the
9 parking situation become because people come from
10 work and take all these parks.

11 I had the -- as I say, I had the
12 opportunity to discuss it with the other Board
13 members.

14 I know that you have a concern, a
15 conflicting meeting in some days, and we try to
16 adjust it. It never falls into the third
17 Thursday of the month. You will always come on
18 the second Thursday of the month, and that's the
19 only -- you know, thing that we were able to
20 notify you, is to make sure that the day that we
21 going to have the meetings at the second Thursday
22 of the month.

23 But I ask the other Board members, I
24 discussed it with them, and I had the opportunity
25 to discuss it, and they all agree. I mean, they

1 have the opin -- their own -- their own opinion,
2 they could vote now.

3 But I believe this is a good time to start
4 the meeting, in case we have long application,
5 you don't have to be here up to 12 -- like you --
6 on the past, after 12 midnight, or carry the
7 meeting because we didn't have enough time.

8 For that reason, do you have a -- anything
9 to say?

10 MR. PRICE: When you finish, I have a
11 question.

12 VICE CHAIRMAN GRULLON: I'm finished with
13 that. I'm finished.

14 MR. MAROTTA: I didn't finish, yet, Larry.
15 Excuse me.

16 VICE CHAIRMAN GRULLON: I'm finished.

17 MR. MAROTTA: Go ahead, Larry. I'll wait
18 for you.

19 MS. DILLON: Come to the microphone and
20 name and address for the record, please.

21 MR. PRICE: Larry Price, 1006 Palisade.

22 Just a quick --

23 Normally, we meet on the second Thursday of
24 each month.

25 VICE CHAIRMAN GRULLON: Yes.

1 MR. PRICE: I notice April 6th is a
2 scheduled date. That's got to be the first
3 Thursday.

4 THE SECRETARY: Yes.

5 MR. PRICE: Is there any reason for that?

6 VICE CHAIRMAN GRULLON: Well, yeah.

7 THE SECRETARY: It's a conflict of interest
8 and we -- we -- you know, that we reschedule. We
9 -- we accommodate to everybody can be present.

10 MR. PRICE: For the -- that's why it's the
11 --

12 VICE CHAIRMAN GRULLON: That's why we try
13 to accommodate all Board members are available
14 and --

15 MR. PRICE: Gee, no -- nobody checked with
16 me.

17 Okay. So, sorry it's just --

18 MR. PANEQUE: Are you making a notice,
19 public, that you won't be here that night?

20 MR. PRICE: Okay. Just to accommodate
21 members. Okay.

22 VICE CHAIRMAN GRULLON: Yes. With that --

23 MR. PRICE: It's not -- it's not an
24 oversight.

25 VICE CHAIRMAN GRULLON: In the -- in the

1 past, we have a -- sometime, we have problems
2 getting a full quorum, and that's why we tried to
3 accommodate for the members to be available to
4 come. And a lot of them, they finish work
5 between three and four p.m., and it's better for
6 them to come as early as possible.

7 But six o'clock, I think, is a good time.

8 MR. PRICE: Oh, no, no, no. I'm not asking
9 about the six o'clock time, just --

10 MR. PANEQUE: Date.

11 MR. PRICE: -- April 6th. The first
12 Thursday --

13 MS. GUTIERREZ: Not the time, the date.
14 The date.

15 MR. PRICE: -- in April, not the second
16 Thursday. So --

17 THE SECRETARY: Right.

18 MR. PRICE: -- it's out of the --

19 MS. GUTIERREZ: It's the first week of the
20 month.

21 Right?

22 MR. PRICE: Yes.

23 MS. GUTIERREZ: The first Thursday. That's
24 what he talking about.

25 THE SECRETARY: I -- I email everybody

1 | previously, the --

2 | MR. DOUMAS: Yeah.

3 | THE SECRETARY: -- tentative schedule for

4 | --

5 | MS. GUTIERREZ: Um hum.

6 | MR. PRICE: I mean, I don't know if --

7 | THE SECRETARY: -- 2017.

8 | MR. PRICE: -- there's a conflict with
9 | Easter.

10 | VICE CHAIRMAN GRULLON: Anyone has --

11 | THE SECRETARY: And everybody agree and
12 | that's it.

13 | VICE CHAIRMAN GRULLON: Yeah.

14 | MR. PANEQUE: It was the date that was
15 | picked, Mr. Price.

16 | THE SECRETARY: All right. Can we continue
17 | with the meeting, please?

18 | MR. PRICE: Okay.

19 | THE SECRETARY: Okay.

20 | MR. MAROTTA: Yeah. Mr. Chairman, you
21 | stated that you discussed this with the other
22 | members of the Board.

23 | What'd you do? Have a meeting with them?

24 | VICE CHAIRMAN GRULLON: Actually, the same
25 | day that you expressed your concern about having

1 a conflicting meeting. At that time, I asked the
2 other Board member at the same time that I --
3 that we discussed it. Not --

4 MR. MAROTTA: Individually?

5 VICE CHAIRMAN GRULLON: Not -- not in a --
6 not in a formal meeting. Not in a formal
7 meeting.

8 MR. MAROTTA: Individually, you --

9 VICE CHAIRMAN GRULLON: Individually, yes.

10 MR. MAROTTA: Yeah. You know, I sent you
11 an email.

12 You never responded. And I mentioned in my
13 email to you about the time of the meeting.

14

15 (Whereupon, Miguel Ortiz arrived at 6:32
16 p.m.)

17

18 MR. MAROTTA: Why didn't you give me an
19 opportunity and let me know that you spoke to the
20 other members of the Board so that I could speak
21 to them?

22 THE SECRETARY: Allow me one second, Mr.
23 Marotta.

24 Let the record indicate that Mr. Ortiz show
25 up to the meeting at --

1 MS. DILLON: Six thirty-two.

2 MS. GUTIERREZ: Welcome.

3 MR. SPATZ: Six --

4 THE SECRETARY: Six thirty-two.

5 MR. SPATZ: Six thirty-two.

6 THE SECRETARY: Thank you.

7 MR. MAROTTA: You didn't respond to my --

8 THE SECRETARY: Go ahead, Mr. Marotta.

9 VICE CHAIRMAN GRULLON: Mr. Marotta, your
10 email was referring to applications. And I don't
11 -- I don't discuss my opinion with the other
12 Board members outside the meetings.

13 And your -- your email was regarding to
14 application. I don't think -- I don't think
15 that's appropriate.

16 And in my opinion, I don't know if that's
17 legal or not. But I don't discuss any
18 application, any situation with parking. And the
19 first thing that I read about the email was
20 parking. I don't know if -- if there was
21 anything else in the body of the email.

22 You were referring to parking situation in
23 the city.

24 MR. MAROTTA: All I'm asking you is, why
25 didn't you let me know you spoke to the other

1 members?

2 VICE CHAIRMAN GRULLON: I --

3 MR. MAROTTA: You knew --

4 VICE CHAIRMAN GRULLON: I --

5 MR. MAROTTA: -- this was a contention of
6 mine.

7 VICE CHAIRMAN GRULLON: I --

8 MR. MAROTTA: Why didn't you tell me? Give
9 me an --

10 VICE CHAIRMAN GRULLON: You didn't send me
11 an --

12 MR. MAROTTA: -- opportunity --

13 VICE CHAIRMAN GRULLON: -- email about this
14 topic. I don't know if it was in the body of the
15 same email, about parking.

16 But, please, don't -- don't email me about
17 any application or any of your concerns.

18 We're all here with different opinions. If
19 you have anything, we -- you could express it
20 here.

21 You could call a motion. I don't -- we --
22 we all have our own -- you know, opinion of how
23 we see the application, how we see what's best
24 for the city.

25 And I mean, we -- we really appreciate your

1 -- all your input. You have a lot of experience,
2 and I -- I appreciate that. But it's not that
3 you're -- you're going to overrule all the
4 members of the Board.

5 You had to give them the opportunity, also,
6 to express their opinion about what's best for
7 the city.

8 MR. MAROTTA: You -- you said you didn't
9 hear -- you didn't have any objections from any
10 members of the public.

11 I'm a member of the public. I objected.

12 VICE CHAIRMAN GRULLON: Yes, but --

13 MR. MAROTTA: I objected to you several
14 months ago. Okay?

15 I still believe that you're not providing
16 the people of this city, with the opportunity to
17 attend.

18 Convince me that the people of Union City
19 are not working class people, and that they're
20 home by four or five o'clock, so that they could
21 come here at six o'clock.

22 MR. PANEQUE: Mr. Marotta, with all due
23 respect, the Vice Chairman does not have to
24 convince you. He's made an application, he's
25 made a motion to approve this. It's been

1 seconded. We'll have a vote.

2 If you want to make a motion to disapprove
3 this agenda, you have that right. And if you can
4 get the Board members to vote on your motion,
5 then so be it.

6 But right now, you've spoken your peace
7 with regards to what the agenda is.

8 There's a motion that's been made. It's
9 been seconded. And I'm going to ask the
10 Secretary to call for a vote.

11 MR. MAROTTA: Counsel, let me let you know
12 that I have the right to raise questions on here.
13 And if the Chairman, or any member --

14 MR. PANEQUE: Well --

15 MR. MAROTTA: Let me finish.

16 If the Chairman or any member gives me an
17 argument contra to what I'm saying, I have a
18 right to respond to that.

19 MR. PANEQUE: And you have. And we've
20 listened.

21 MR. MAROTTA: Okay. So don't try to cut me
22 short.

23 VICE CHAIRMAN GRULLON: We -- we heard --

24 MR. MAROTTA: All right?

25 VICE CHAIRMAN GRULLON: -- your argument.

1 MR. PANEQUE: Nobody has cut you short, Mr.
2 Marotta.

3 MR. MAROTTA: All right.

4 MR. PANEQUE: We've given you enough time
5 to express your concern. We've heard your
6 concerns. You've stated them. There's no need
7 to repeat them.

8 My point is, there's a motion. It's been
9 seconded. We'll take a vote.

10 And if you have your own motion, you can --
11 you can make your own motion and -- and see if
12 anybody will vote on your motion.

13 It's that simple.

14 Nobody's cut you off.

15 Mr. Secretary, call the --

16 THE SECRETARY: Let the --

17 MR. PANEQUE: -- roll.

18 VICE CHAIRMAN GRULLON: Does he have to
19 call it for another motion?

20 THE SECRETARY: No.

21 Motion to move the Resolution to -- for the
22 -- for the new schedule for 2017 was by Mr.
23 Grullon.

24 Seconded by Mrs. Gutierrez.

25 Roll call on the motion.

1 Mr. Grullon?

2 VICE CHAIRMAN GRULLON: Yes.

3 THE SECRETARY: Mrs. Gutierrez?

4 MS. GUTIERREZ: Yes.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: I didn't hear --

7 THE SECRETARY: It's -- it's on the
8 schedule --

9 MR. ORTIZ: -- from the beginning.

10 THE SECRETARY: -- for the next -- next
11 year's schedule for 2017.

12 MR. ORTIZ: What was the schedule?

13 THE SECRETARY: Is -- is right there on
14 your --

15 MR. DOUMAS: To approve.

16 THE SECRETARY: -- on -- on the table.

17 MR. ORTIZ: Oh, to approve.

18 MR. DOUMAS: This calendar.

19 MS. GUTIERREZ: The calendar for next year.

20 MR. ORTIZ: In that case, I will -- yes.

21 THE SECRETARY: Yes.

22 MR. ORTIZ: I will vote yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Bonacci?

1 MR. BONACCI: Yes.

2 THE SECRETARY: Mr. Marotta?

3 MR. MAROTTA: No.

4 THE SECRETARY: Mr. Doumas?

5 MR. DOUMAS: Yes.

6 THE SECRETARY: Six in favor, one against.

7 Motion carries.

8 Any other motion?

9 See no other motion, let's go back -- back
10 to regular agenda.

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1 **Iglesia Evangelica Apostoles y Profetas - 1709**

2 **New York Avenue:**

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4 THE SECRETARY: We have one hearing tonight
5 is Iglesia Evangelica Apostoles y Profetas, 1709
6 New York Avenue.

7 Mr. Paneque, please?

8 MR. PANEQUE: Counsel, please place your
9 appearance on the record.

10 MS. LANDOLFI: Good evening.

11 Cara Landolfi from the law firm of Kates,
12 Nussman, Rapone, Ellis and Farhi, located at 190
13 Moore Street in Hackensack.

14 I'm here on behalf of the church.

15 MR. PANEQUE: And do you have an
16 application, before we hear your -- the matter
17 that's been listed before the Board tonight?

18 MS. LANDOLFI: Yes.

19 At this time, I would like to request that
20 the Board withdraw our application.

21 MR. PANEQUE: Okay. You're withdrawing
22 your application?

23 MS. LANDOLFI: Yes.

24 MR. PANEQUE: So, you're asking the -- the
25 Board to accept your withdrawal of the

1 application.

2 MS. LANDOLFI: Yes.

3 MR. PANEQUE: Can you please state the
4 reason why?

5 MS. LANDOLFI: We -- we were concerned that
6 a certain Code in the City applied to our
7 variances that have been granted.

8 I've been advised that they're
9 inapplicable, and we still have an additional one
10 year timeframe before we would need to seek an
11 extension.

12 So, at this time, we would prefer to
13 withdraw our application for an extension, since
14 we intend to finish the project within that one
15 year timeframe.

16 MR. PANEQUE: Okay.

17 Just so that the Board is aware, I -- I did
18 have the opportunity to speak to counsel on this
19 application, before tonight's meeting.

20 This was a Resolution that was memorialized
21 on December 10th of 2015. So, it's coming on its
22 first year anniversary on two days from tonight.

23 Under the Municipal Land Use Law, those --
24 the Resolution is good for a period of two years.
25 As such, they still have another year to go,

1 | until December of 2017, before their Resolution
2 | would actually expire.

3 | Now, I also discussed this matter with Mr.
4 | Spatz, and it's our conclusion that there's no
5 | need to have an extension at this time. The
6 | applicant is a local church, and there's no need
7 | for the local church to pay for the extension and
8 | -- and spend money unnecessarily.

9 | So, in speaking to counsel, I suggested
10 | that the application be withdrawn and that her
11 | deposit be returned, so that the church can have
12 | this money back and not unnecessarily spend it.

13 | Okay?

14 | So, if this Board has no objection, there's
15 | a request to withdraw the application.

16 | Is there a motion?

17 | VICE CHAIRMAN GRULLON: No, just --

18 | MR. PANEQUE: Yeah. Any questions?

19 | THE SECRETARY: Motion to withdraw the
20 | application by --

21 | VICE CHAIRMAN GRULLON: Do we have to --

22 | THE SECRETARY: -- Mr. Grullon.

23 | VICE CHAIRMAN GRULLON: -- to motion --

24 | MR. PANEQUE: Well, she's --

25 | THE SECRETARY: We don't --

1 MR. PANEQUE: -- withdrawing it. I don't
2 know if we --

3 THE SECRETARY: We -- we don't need to --

4 MR. PANEQUE: -- need a motion.

5 VICE CHAIRMAN GRULLON: Do we need a -- we
6 don't need a motion.

7 THE SECRETARY: We don't need a motion.

8 MR. PANEQUE: We don't need a motion.

9 MS. GUTIERREZ: No.

10 VICE CHAIRMAN GRULLON: No. We don't need
11 a motion. It's -- it's -- if no one is
12 objecting, the --

13 MR. PANEQUE: Yeah.

14 Is anybody here on this application to be
15 heard from the public?

16 No?

17 Okay.

18 Your application is withdrawn.

19 MS. LANDOLFI: Okay.

20 Thank you.

21 MR. PANEQUE: Okay?

22 MS. GUTIERREZ: Thank you.

23 VICE CHAIRMAN GRULLON: Thank you.

24 MR. PANEQUE: Good night.

25 * * *

1 Sip Inka, LLC - 717-719 Sip Street and 718-720
2 31st Street:

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4 THE SECRETARY: Next hearing on tonight's
5 agenda, Sip Inka, LLC, 717-719 -- 718-720 31st
6 Street.

7 This Resolution was memorialized January
8 15, 2015. Applicants are seeking one year
9 extension.

10 Mr. Paneque?

11 MR. PANEQUE: Is anybody here on this
12 application?

13 THE SECRETARY: I think they are -- they
14 are supposed to be here. They -- I got a phone
15 call earlier. No, yesterday.

16 MR. PANEQUE: Is anybody here on the Sip
17 Inka, LLC application?

18 MS. GUTIERREZ: Check outside. Maybe they
19 outside.

20 VICE CHAIRPERSON GRULLON: No.

21 THE SECRETARY: Can we go next one?

22 MR. PANEQUE: Yeah. We'll skip that one --

23 MR. SPATZ: Do that at the end.

24 MR. PANEQUE: -- Mr. Vallejo.

25 MS. GUTIERREZ: And --

1 THE SECRETARY: Yeah. We skip that one.

2 MR. PANEQUE: Go to the next one, and then
3 we'll come back later on tonight.

4 THE SECRETARY: All right.

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

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1 **Rare Enterprise, LLC c/o Joseph Franco - 415-419**
2 **35th Street:**

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4 THE SECRETARY: Next application in
5 tonight's agenda is Rare Enterprise, LLC, Joseph
6 Franco, 415-419 35th Street.

7 Mr. Diaz, please?

8 MR. DIAZ: I'm here.

9 Good morning, Board members.

10 Luis --

11 MS. GUTIERREZ: Good morning?

12 MR. DIAZ: -- Diaz.

13 I mean, good morning. Good evening.

14 MR. IZQUIERDO: Very creative. Very
15 creative.

16 MR. DIAZ: You're on the ball. I can see
17 that you're --

18 MS. DILLON: One step closer to the
19 microphone.

20 MS. GUTIERREZ: See, I got you.

21 MR. DIAZ: You're on top of the ball there.

22 MS. DILLON: There you go.

23 MR. IZQUIERDO: Yeah.

24 MR. DIAZ: Good evening.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. DIAZ: Counsel?

3 Good evening, Board members.

4 Luis Diaz from the applicant.

5 I'm going to provide counsel with the
6 documents to obtain jurisdiction.

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

9 MR. PANEQUE: For the record, I've been
10 provided by Mr. Diaz with the following
11 documents:

12 An Affidavit of Service dated December 6,
13 2016, indicating that notice of tonight's
14 hearing, with respect to the property at 413-419
15 35th Street, Union City, New Jersey, was served on
16 all property owners within the 200 foot radius of
17 the property in question, as well as published in
18 the newspaper.

19 I've also been provided with a -- an
20 Affidavit from The Jersey Journal, indicating
21 that notice of tonight's hearing to be held on
22 the 8th day of December 2016, with respect to the
23 property located at 413-415 dash 417-419 35th
24 Street was published in the newspaper on November
25 18, 2016.

1 I've also been provided with a list of all
2 the property owners within the 200 foot radius of
3 the property in question, dated November 7, 2016.
4 Said list was promulgated by the Office of the
5 Tax Assessor of the City of Union City, and
6 contains all of the property owners within the
7 200 foot radius.

8 Also been provided with a copy of the
9 notice dated November 14, 2016 that was sent,
10 serving notice on all owners within the 200 foot
11 radius of tonight's application for December 8,
12 2016, on the subject site, as well as the notice
13 that was sent to be published in the newspaper.

14 Along with the documents, I've been
15 provided with copies of the certified mail
16 receipts --

17 MR. DIAZ: Counsel, originals.

18 MR. PANEQUE: I stand corrected. These are
19 the originals.

20 According to the Affidavit of -- of
21 Service, said notices were sent --

22 Is that November 14th? I don't have a --

23 MR. DIAZ: I believe so.

24 MR. PANEQUE: -- a time stamp.

25 MR. DIAZ: And I think the -- the

1 publication was on the -- on the 16th, I think.

2 MR. PANEQUE: Yes.

3 MR. DIAZ: You mentioned.

4 MR. PANEQUE: I note for the record that --
5 okay.

6 The actual dated stamp on the -- some of
7 the letters that came back is November 21st.

8 So, it appears that the certified mail
9 receipts were all placed in the post office on
10 November 21st.

11 And I have all the originals that have come
12 back to date, including letters that had to come
13 back unclaimed.

14 Based on the documents that have been
15 provided by Mr. Diaz, this Board has jurisdiction
16 to proceed and hear this matter.

17 VICE CHAIRMAN GRULLON: You may proceed --

18 MR. DIAZ: Thank you.

19 VICE CHAIRMAN GRULLON: -- Mr. Diaz.

20 MR. DIAZ: I have one expert. I would like
21 to have to him qualified.

22 Mr. Izquierdo has testified on numerous
23 occasion, before this Board. He will testify
24 first as an architect.

25 MS. DILLON: Mr. Izquierdo --

1 MR. DIAZ: And then he will be our planner.

2 MS. DILLON: Please raise your right hand.

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

5 MR. IZQUIERDO: I do.

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

8 MR. IZQUIERDO: My name is Jose Izquierdo,
9 I-Z like zebra, Q-U-I-E-R-D like David, O.

10 Architect license 09143, planner license
11 03385.

12 MS. DILLON: Thank you.

13 MR. DIAZ: Prior to Mr. Izquierdo starting
14 his presentation, I'm going to provide counsel
15 with a number of pictures of the property.
16 There's three of them.

17 One facing the west, the other one facing
18 the property from the front, and the other one
19 facing the property from the east.

20 MR. PANEQUE: Mr. Diaz, do you want these
21 marked for identification --

22 MR. DIAZ: They don't have to.

23 MR. PANEQUE: -- and introduce them?

24 MR. DIAZ: I think I provided those with
25 the application.

1 MR. PANEQUE: Okay.

2 MR. DIAZ: I'm just handing them out in
3 order to give the Board members a clearer view of
4 what the property is.

5 Mr. Izquierdo, who took the pictures, will
6 explain to you where the property is in relation
7 to Bergenline Avenue, on 35th Street.

8 Mr. Izquierdo, could you tell the Board
9 what is in the pictures, with regard to the
10 property, and the adjacent streets and --

11 MR. IZQUIERDO: Yes.

12 MR. DIAZ: -- of the property?

13 MR. IZQUIERDO: Yes. Good evening, members
14 of the Board.

15 There are some actually exhibits which are
16 a reduced site plan, 200 foot radius, map around
17 the property, that you don't have it in your set,
18 and also a reduced set of architectural drawings,
19 might be a little easier to see.

20 MR. PANEQUE: Okay.

21 MR. IZQUIERDO: But --

22 MR. PANEQUE: Are you --

23 MR. IZQUIERDO: -- the first --

24 MR. PANEQUE: -- introducing these into
25 evidence, Mr. Izquierdo?

1 MR. IZQUIERDO: It's exactly the same.

2 It's --

3 MR. PANEQUE: It is?

4 MR. DIAZ: Yeah.

5 MR. IZQUIERDO: Yeah.

6 MR. PANEQUE: Okay.

7 MR. DIAZ: It's the same as the plans, just
8 that it's compacted and may be easier --

9 MR. IZQUIERDO: User friendly.

10 MR. DIAZ: -- to follow.

11 MR. IZQUIERDO: User friendly.

12 MR. DIAZ: You can flip through the pages
13 easier than --

14 MR. IZQUIERDO: Exactly.

15 The first picture that is shown actually
16 shows the property. The property constitutes two
17 lots, the total of which is 10,000 square feet.
18 One of the lots, which is Lot 18, is located in
19 the R zone.

20 So, we're seeking a use variance for that
21 Lot 18. That is a 25 by a hundred.

22 The first picture also shows the other lot,
23 which is Lot 19. Essentially comprising 19, 20
24 and 21, which is 75 by a hundred, and is
25 presently occupied by a ground floor commercial,

1 second floor, a lot of apartments in a quite
2 disoriented and disorganized housing fashion.

3 So, what the applicant is intending to do
4 is knock down that building, the whole 75 by a
5 hundred, located in the CC zone, and also the
6 small building, located on Lot 18, which is just
7 a small commercial building, one story, with a
8 parking area in the front.

9 MR. DIAZ: Mr. Izquierdo, with regard to
10 the pictures, the first one shows the property in
11 the middle, and to the right, it shows
12 Bergenline.

13 And -- and the -- and the reason for that
14 picture is to show the relationship, how close
15 the property is to Bergenline Avenue.

16 MR. IZQUIERDO: Yeah, this --

17 MR. DIAZ: Are those properties seen all
18 the way on the right hand side, on Bergenline
19 Avenue?

20 MR. IZQUIERDO: Yes. Actually, this
21 property is a hundred feet from Bergenline
22 Avenue. And it's totally within the central city
23 commercial zone.

24 And my opinion, as a planner, and as an
25 architect, also, in the city, is that the CC zone

1 seeks to have ground floor commercial, ground
2 floor retail.

3 If in the CC zone, we have no ground floor
4 retail, then we don't have a commercial base for
5 the city, because the intent of the CC zone is
6 actually -- and this is taken straight from the
7 Ordinance, pedestrian friendly, active
8 streetscapes, public parks and high density
9 housing.

10 Specifically, in this neighborhood, there
11 has not been a lot of new construction. The
12 newest construction in this neighborhood, I'm
13 actually -- I'm speaking of the neighborhood
14 being 35th Street between New York Avenue and
15 Bergenline Avenue, is the three, three family
16 homes that Mr. Diaz and I had the pleasure of
17 gaining approval from -- actually, from this
18 Board, when a three family house was not an
19 allowed use in the zone.

20 MR. DIAZ: And if I --

21 MR. IZQUIERDO: That dated back to 2004 --

22 MR. DIAZ: And if --

23 MR. IZQUIERDO: -- or so.

24 MR. DIAZ: -- I may, those three houses are
25 the last picture on the set of pictures that were

1 given.

2 MR. IZQUIERDO: Exactly. So, that's the
3 only new construction here.

4 What the applicant is intending to do is to
5 knock down this and build a multi-family
6 building, being three stories on top of a ground
7 floor being mixed use.

8 The mixed use constitutes where the
9 applicant is providing 20 parking spaces in the
10 back of the ground floor, flat with the street,
11 no basement, no crazy conditions. And then, two
12 retail stores in the front.

13 The first sheet in that little reduction
14 that we submitted shows the site for which we
15 don't need a use variance. So, if we didn't have
16 Lot 18, jurisdiction would have been proper
17 before the Planning Board and not here.

18 So, we're seeking from this Board a D-1
19 variance to be able to treat this property as a
20 one property. So, not rezone, but basically a
21 use variance for Lot 18.

22 The use is a permitted zone (sic) in the C
23 zone. So, for the other three lots, for the 75
24 by a hundred, the lot area, the lot width, and
25 the lot depth conform. It's a hundred thous --

1 | it's 10,000 square feet, a hundred by a hundred.

2 | And that's exactly what we have.

3 | A survey of the property shows actually how
4 | on all four sides, essentially, the building is
5 | -- has other buildings right on the property
6 | line. So, everybody's on the property line here.

7 | So, essentially, the variance is that this
8 | application has a -- for the side yard and for
9 | the rear yards of the parking structure.

10 | The side yard required in the CC zone is
11 | above 50 feet, ten feet. And up to 50 feet, five
12 | feet.

13 | So, what we have, we have existing zero
14 | feet, but what we're proposing is to have zero
15 | feet for the parking and the retail. But for the
16 | upper levels, for the residential apartment, we
17 | comply with the side yard requirements of the CC
18 | zone.

19 | The rear yard required in the -- in the CC
20 | zone is 20 feet. The existing one is zero feet.
21 | And we're providing five feet on the -- on the
22 | apartment levels, but essentially zero feet on
23 | the parking level, for which a variance is
24 | sought.

25 | The side yard and the rear yard variances

1 are both C-2 flexible variances, where
2 essentially the applicant has the burden of
3 proving that a deviation from the Ordinance
4 satisfies the intent and furthers the intent of
5 the Master Plan.

6 And in my opinion, the side yard of 20 --
7 the -- the rear yard of 20 feet or the side yard
8 of five feet, for the parking level, is not best
9 served when -- when in actuality, we can get more
10 parking spaces having a reduced side and rear
11 yard, which actually matches the existing
12 conditions.

13 Also, because we are a development that
14 fringes between two zones, there is a requirement
15 in the CC zone that we set back from the R zone a
16 minimum of half of the building height, which, in
17 our case, since the building height is
18 approximately 40 feet, then we would have to set
19 back 20 feet. And actually, what we're setting
20 back is -- we're building within the R zone.

21 So, the proposed there is actually -- would
22 be required to be 23 feet, and I have five feet
23 one inch.

24 The building coverage is 80 percent for
25 parking within the building, and we have 86.9 for

1 the residential, but we have 99.6 because, again,
2 on the ground floor, we're putting the parking
3 and the required retail stores.

4 The lot coverage, essentially, it's a
5 hundred percent paved, presently, and it's going
6 to be again 86.9 for the residential, or 99.6 for
7 the parking levels. That is a variance, since
8 only 95 percent is allowed when parking is within
9 the building.

10 In terms of the parking, the existing six
11 apartments and the existing whatever number of
12 retail uses are there, yields that the building
13 presently has a need of 20 parking spaces. The
14 building provides none.

15 So, once we knock down the building, we're
16 going to need to have two parking spaces for
17 every two bedroom, and we have 24 of them, so
18 that would be 48. And five spaces for the retail
19 uses is -- I'm calculating them as one for every
20 300 square feet. We're exempt from the loading
21 zones.

22 So, the total required, presently, right
23 now, is 20, as we're proposing is 53. So,
24 there's a deficiency of 33, and we're providing
25 24 parking spaces, which are 20 in the parking

1 garage, four in the -- in a tandem condition.
2 And actually, the Ordinance allows us to take the
3 spaces in front of a nonresidential use, as
4 calculated one for every 23 feet, so that gives
5 me three more parking spaces. So, we're
6 basically providing between 24 and 27 parking
7 spaces for the building.

8 The minimum unit size for the two bedroom
9 apartments, according to the -- to our Ordinance,
10 is for a two bedroom to be 750 square feet. Of
11 course, the existing building doesn't meet any of
12 these standards. But we have apartments being
13 949, 875, 877, 928, 927, 879, 802 and 922, which
14 more than exceeds the Ordinance.

15 Of the drawings that I submitted with you,
16 you have first the -- the site plan here, with
17 the 200 foot, where you see how adjacent to
18 Bergenline it is, and how -- how important the
19 commercial store is on the ground floor.

20 Across the street from us, we have just
21 three units, two stories. It's like a three --
22 three family sort of neighborhood. We have three
23 -- three units next door to us, also.

24 There's a private parking lot, there's a
25 commercial clothing, the Emmanuel United

1 Methodist Church, number of multi-families, La
2 Churreria, Gift Center, Payless, everybody's
3 here.

4 Then the drawings, SP-1, shows the list of
5 variances and shows, also, a section through the
6 building, shows a roof plan, where we have a flat
7 roof.

8 And in our site plan, we show that we have
9 two retail stores, one 754 square feet, the other
10 one 806 square feet, and both are served with a
11 handicapped bathroom.

12 There are 20 -- 24 parking spaces within
13 the building, three outside, and we have the
14 space for the ADA, for the ANSI standard, and
15 what not. A small cellar for the sprinkler
16 system, and the meters.

17 And then, we have drawing A-1, which shows
18 the ground floor level. A-2 shows the layout of
19 the apartment, which is, I believe, a novel --
20 novel layout of space, on drawing A-2.

21 And then, we also have the elevations of
22 the building. The four --

23 MR. DIAZ: Excuse me?

24 MR. IZQUIERDO: -- elevations. Front,
25 rear.

1 MR. DIAZ: Excuse me?

2 If you could go back to the next to the
3 last of the plans, which show the configuration
4 of the apartments and the halls.

5 Could you go through it, because I think
6 it's different from the usual type of --

7 MR. IZQUIERDO: It's --

8 MR. DIAZ: -- of apartment entrance and --

9 MR. IZQUIERDO: I have been building in
10 Union City for 33 -- 33 years -- 33 years, and
11 this is the first time I came up with this floor
12 plan. And it's a -- I think it's a great floor
13 plan.

14 You come out of the elevator and you enter
15 into a center hall, and it's actually the center
16 geography of the space. And then, as you enter
17 every of the apartments, you have always a very
18 long vista, when you enter the apartment.

19 So, when you look out door five, you could
20 look at -- there's a big diagonal distance. And
21 actually, because the space goes like that,
22 everything works out very well.

23 Thank you for the -- for that. It's -- I
24 think I'm very proud of this floor plan. It's
25 very nice.

1 I have nothing further.

2 MR. DIAZ: Mr. -- Mr. Izquierdo, going back
3 to the map that you have shown with regard to the
4 neighborhood, could you tell the Board what it is
5 that is surrounding this property?

6 MR. IZQUIERDO: Well, this property is on
7 35th Street, between Bergenline Avenue and New
8 York Avenue.

9 On New York Avenue, you have Verizon on the
10 corner of 35th Street, and then you have a hair
11 salon, a seamstress, a restaurant, another
12 restaurant, a flower shop, a vacant lot, one
13 under construction, beauty salon, a nail salon,
14 and a deli/grocery. That's on that side.

15 On the other side, you have just a row of
16 three units, three story buildings that are from
17 3501 to 3515. And they all have a garage inside.

18 I don't know if they use it as a garage,
19 but they have a garage. No driveway.

20 Across the street from us you have a number
21 of three unit buildings, all being two and a half
22 stories, three stories. The older sort of
23 construction in Union City, the traditional house
24 in the Atlantic states. In Pennsylvania, New
25 Jersey, New York, they're all pretty much the

1 same structure, with the stoop in the front.

2 However, on this same side as us, we have
3 the three new three -- three families, that you
4 and I did together back then, and then the
5 proposed project.

6 And then, when you get into Bergenline,
7 that's where Bergenline is totally, totally
8 commercial. That's the corridor with Fine Fare,
9 with the supermarket. And with the diagonal over
10 there at the end of 34th Street, you have the --
11 the beautiful park now by the -- by Messivta-Sanz
12 and the Jewish community center.

13 So, it's -- it's that neighborhood.

14 MR. DIAZ: Mr. -- Mr. --

15 MR. IZQUIERDO: The retail store is -- is
16 required to be on the -- on the ground floor.
17 And there, it would be a travesty not to have a
18 retail store on the ground floor. Actually, it
19 would be a variance.

20 MR. DIAZ: Mr. Izquierdo, with regard to
21 the structures on Bergenline Avenue, do they
22 comprise of two, three, and four structure --
23 four story structures?

24 Is that correct?

25 MR. IZQUIERDO: No. Some of them actually

1 corner with 34th, they're all two stories.

2 Clothing Galaxy is two story. Then, you have a
3 four story. You have two one stories, a two, a
4 three, then you have El Carretero Nail Salon,
5 Gift Center, all of that, Payless, Save Latin
6 America.

7 And then, on the other side, you have
8 Rancho Colombiano, which has three stories, and
9 then one story, three stories.

10 That section of Bergenline, there --
11 there's a section there that is very low key.
12 That's the one story section that I'm saying.
13 And then you have Dollar Smart, and Fine Fare,
14 which are one stories.

15 On the other side, on -- on New York
16 Avenue, you have a number of four and a half
17 stories, multi-family buildings. Correct.

18 MR. DIAZ: And then, on the southwest
19 corner of 35th Street and New York Avenue, there
20 is a multi-level structure, multi-family
21 structure.

22 MR. IZQUIERDO: Yeah. That -- that --

23 MR. DIAZ: Is that correct?

24 MR. IZQUIERDO: Yeah. That is outside of
25 that, but that is -- that is correct.

1 Actually, the -- another thing that is
2 peculiar to this application is that very few --
3 on very few occasions do I have a client come in
4 and he has a hundred by a hundred in the CC zone,
5 or 75 -- excuse me -- 75 by a hundred with an
6 adjacent 25.

7 Most of the people, when they buy a
8 property, they're able to assemble either a 25 or
9 a 50, and they -- I have rather, not very often,
10 seen a hundred by a hundred in the CC zone.

11 So, this is an opportunity of getting rid
12 of all of that, and then, just having parking,
13 with the apartments, everything up to -- up to
14 Code, state-of-the-art, with very nice retail
15 stores on the ground floor.

16 MR. DIAZ: Mr. Izquierdo, just to clarify.

17 When you say to get rid of all of that,
18 you're talking about the structure that exists
19 there now, which is, I think you mentioned, an
20 assemblage of different --

21 MR. IZQUIERDO: I think it's --

22 MR. DIAZ: -- properties that were added on
23 and added on.

24 MR. IZQUIERDO: It's literally the house
25 that Jack built. And I think the owner was

1 | probably Jack, it was just built in -- in pieces
2 | and everything, and it's just -- I do not
3 | comprehend it.

4 | And anybody who sees the survey sees that
5 | actually there are a number of interior yards --
6 | do you want to -- to show them? I mean, this is
7 | an interior yard, which is two stories, which is
8 | specifically disallowed by the Ordinance, and by
9 | the Building Code.

10 | Two -- two inner-courts.

11 | MR. DIAZ: I think it's in the plans. The
12 | -- the survey.

13 | And I will correct you on the prior owner.
14 | I knew the -- the man, Teddy Greenbaum, an old
15 | time resident of Union City, merchant in Union
16 | City who owned this property, and pretty much
17 | owned the whole -- the whole south side of 35th
18 | Street.

19 | MR. IZQUIERDO: Which is where we are.

20 | MR. DIAZ: I don't know if Teddy
21 | Greenbaum's with us anymore. He was very -- very
22 | old and -- and not in very good health.

23 | MR. IZQUIERDO: The --

24 | MR. DIAZ: And I -- I think I remember that
25 | he was in one of the concentration camps during

1 World War II.

2 MR. IZQUIERDO: I'm sorry to hear that.

3 MR. DIAZ: Yeah. Yeah. Very --

4 MR. IZQUIERDO: In any event, it -- it
5 benefits -- it benefits the city to get rid of
6 this -- of this building, and to build a new
7 building. I believe that the -- for the C
8 variances associated with the CC zone, I believe
9 that the -- that the deviations that we have,
10 particularly in the side yard and in the building
11 coverage, satisfies the intent of the Master
12 Plan.

13 In terms of the parking, 24 plus three
14 parking spaces, or 22 plus three parking spaces
15 for 24 apartments, I proffer to the Board that
16 maybe it's -- maybe in this specific case, it
17 would be the right ratio, because the owner is
18 burdening himself with actually knocking down six
19 and getting rid of those tenants, or -- or
20 getting into a deal with the tenants. I don't
21 know what -- what's going to happen there. But
22 it seems to me that it's the right ratio. It's
23 not a -- it's not a totally -- it's -- we're not
24 seeking a five story building or anything, trying
25 to have two levels of park, because in reality,

1 | there's parking actually between 35th and 39th
2 | Street, between John F. Kennedy and Bergenline.
3 | That's a very large parking area.

4 | So, if that would be the case, the Board
5 | could entertain a shared parking approach, where
6 | the applicant is asked to make a connection to
7 | the Union City Parking Authority, or something
8 | like that, to -- in the event that people need
9 | parking spaces, he secures them through a monthly
10 | permit with the Union City Parking Authority.

11 | MR. DIAZ: Mr. Izquierdo, could you give us
12 | your -- your opinion with regard to the special
13 | reasons that will be --

14 | MR. IZQUIERDO: Well, Lot 18 is the only
15 | one that we're seeking a building use variance
16 | for.

17 | The special reasons for Lot 18, it's just
18 | when the drafters of the -- of the CC zone
19 | decided to make it 200 feet -- instead of making
20 | it 200 feet, they made it 175 feet.

21 | So, it encompassed, actually, those, but
22 | not this one. And actually, it's almost like a
23 | little bit of a pimple on the map, but it -- it's
24 | a special reason, it's not Lot 18, it's not
25 | occurring in a vacuum, it's actually -- we need

1 | that in order to satisfy and have a coherent
2 | hundred by a hundred, four story scheme.

3 | MR. DIAZ: And Mr. --

4 | MR. IZQUIERDO: No basement. No basement.
5 | Very complicated getting things in the basement.
6 | In this inner-city conditions, it's crazy. It's
7 | crazy. It's very dangerous, so we want to shy
8 | away from that.

9 | And that is another reason why we have 24
10 | plus three parking spaces.

11 | MR. DIAZ: And Mr. Izquierdo, with regard
12 | to your being familiar with the location, you are
13 | familiar with this location.

14 | Is that correct?

15 | MR. IZQUIERDO: Oh, yes. Yes.

16 | MR. DIAZ: And you drafted these plans that
17 | were --

18 | MR. IZQUIERDO: Yes.

19 | MR. DIAZ: -- submitted.

20 | MR. IZQUIERDO: Personally.

21 | MR. DIAZ: I -- I apologize for not
22 | bringing that up at the beginning of your
23 | presentation.

24 | Are there other vacant lots adjacent to
25 | this property that could be acquired or thought

1 | in order to increase the size of the -- of the
2 | parcel?

3 | MR. IZQUIERDO: No. No.

4 | Everything is built. Everything is built
5 | right here, right to the property line.
6 | Everybody goes to the property line here. You
7 | can see that in the survey.

8 | MR. DIAZ: And in your opinion, that would
9 | qualify as a hardship with regard to this
10 | application.

11 | MR. IZQUIERDO: Well, in terms of the -- of
12 | the basement, yes. I would not want to build a
13 | basement in this property because of everybody's
14 | adjacent to us, and I don't know what the
15 | subsurface conditions are going to be. If I'm
16 | going to find water, rock, whatever it is.

17 | So, yeah, just in -- in sanctity to
18 | everybody who's right on our door, we want to
19 | have no basement.

20 | MR. DIAZ: But being unable to acquire
21 | adjacent properties and being --

22 | MR. IZQUIERDO: Oh, yeah.

23 | MR. DIAZ: -- landlocked in, my question
24 | was, in your opinion, would that qualify as a
25 | hardship requirement for the C variances?

1 MR. IZQUIERDO: Well -- well, what happens
2 is, we don't have a site area deficiency. We
3 have 7500 square feet in the CC zone. We have
4 2500. We don't need any more -- any more land.
5 And if we needed any more land, it would be in
6 the R zone, anyway, because to the other side,
7 everything is fully built.

8 You have the cargo, you have the man with
9 the ice cream, you have everybody there on the
10 corner of 35th and Bergenline.

11 MR. DIAZ: So you cannot expand any
12 further. This is --

13 MR. IZQUIERDO: I cannot go anywhere here.

14 MR. DIAZ: You're landlocked in with this
15 100 by 100.

16 MR. IZQUIERDO: Yeah. And I have to be
17 away from all these other foundations, from
18 everybody.

19 MR. DIAZ: I have no more questions of this
20 witness at this time.

21 VICE CHAIRMAN GRULLON: He's your only
22 witness.

23 MR. DIAZ: My only witness. Yes.

24 VICE CHAIRMAN GRULLON: Mr. Izquierdo,
25 regarding to the parking deck -- you know, that

1 | you have. It's only one floor for --

2 | MR. IZQUIERDO: Yes.

3 | VICE CHAIRMAN GRULLON: -- parking.

4 | You're going to -- you're planning to --
5 | you're proposing 24 parking, but four of the
6 | parkings are tandem parking?

7 | MR. IZQUIERDO: Yeah. The -- the 20
8 | parking spaces in the back, they're all
9 | conforming. All of those -- you have your ANSI
10 | bank space for that and you have your
11 | handicapped. You meet all the criteria.

12 | The four spaces that I have exiting onto
13 | 35th Street, my reason for those is to give them
14 | to the retail stores, to the owners of the retail
15 | stores, because first of all, we have to cater to
16 | that commercial tenant, because we have to make
17 | sure he stays. A lot of commercial people, they
18 | fail. And these are not big stores. These are
19 | not anchor stores.

20 | So, we were thinking of having each retail
21 | store with two parking spaces. You know, the
22 | owner and the one in the back, so if they have to
23 | come in and out, it's not going to burden their
24 | operation.

25 | The three spaces that are going to be in

1 the front, they're going to be metered, because
2 everything around there is a meter by the -- by
3 the traffic.

4 But at least we have 20 parking spaces, and
5 if there is a need for those four to be rented
6 out, which I would go against that, or a shared
7 parking approach, but that's essentially where we
8 are with the parking.

9 VICE CHAIRMAN GRULLON: And you're
10 proposing 24 apartments, two bedroom units, for
11 20 parking spaces.

12 MR. IZQUIERDO: That's what -- that's what
13 --

14 VICE CHAIRMAN GRULLON: And the -- the --

15 MR. IZQUIERDO: -- it would have, if you
16 don't --

17 VICE CHAIRMAN GRULLON: The requirement --
18 the requirement for the 24 apartments will be --

19 MR. IZQUIERDO: Forty-eight.

20 VICE CHAIRMAN GRULLON: -- 48.

21 MR. IZQUIERDO: Yes.

22 VICE CHAIRMAN GRULLON: You -- that means
23 that you are not even providing .5 per apartment,
24 no?

25 It's less than --

1 MR. IZQUIERDO: One per -- not one per
2 apartment.

3 VICE CHAIRMAN GRULLON: Not even one per
4 apartment.

5 MR. IZQUIERDO: No.

6 VICE CHAIRMAN GRULLON: It will be --

7 MR. IZQUIERDO: No.

8 VICE CHAIRMAN GRULLON: -- less than one.

9 MR. IZQUIERDO: In that case, no. If you
10 -- if you take out those four out, and you have
11 just -- because we have 20, we have four, and we
12 have three.

13 These four are two tandems.

14 VICE CHAIRMAN GRULLON: Yeah. Okay.

15 MR. IZQUIERDO: So, yes. That -- that is
16 the application where it stands. Yes.

17 VICE CHAIRMAN GRULLON: Could you go over
18 the layout of, actually, the living area of the
19 building? The apartment. I know you have it
20 down here, but how many --

21 MR. IZQUIERDO: All the apartments --

22 VICE CHAIRMAN GRULLON: How many apartments
23 per floor?

24 MR. IZQUIERDO: Eight.

25 VICE CHAIRMAN GRULLON: Eight per floor.

1 MR. IZQUIERDO: Eight per floor. And all
2 of them are two bedrooms, one and a half bath.

3 MR. DIAZ: And could you give the Board the
4 size of the bedrooms?

5 MS. GUTIERREZ: Per floor.

6 MR. DIAZ: Do they comply?

7 MS. GUTIERREZ: And each apartment.

8 MR. IZQUIERDO: Yeah, I have the sizes of
9 the bedrooms in -- throughout there.

10 Yeah, 12 by 14.5; 10.8 by 12.0; 10.8 by
11 12.0. Living room is 10.11 by 32.6. And then, I
12 have a very large kitchen area over there. I'm
13 looking, actually, unit five. That becomes 18.3.

14 So, bed -- the --

15 VICE CHAIRMAN GRULLON: The apartment are
16 all the same, floor to floor.

17 MR. IZQUIERDO: Yeah.

18 VICE CHAIRMAN GRULLON: Floor.

19 MR. IZQUIERDO: They're all very ample.

20 And I don't have any balconies. I don't
21 have any French balconies. I just have a
22 building providing just 24 good apartments, on a
23 good building that's not going to leak, with a --
24 you know, with elevator and all the conveniences
25 that Union City offers as a -- as a community in

1 the -- in the metro area.

2 VICE CHAIRMAN GRULLON: And you are located
3 in the CC zone.

4 MR. IZQUIERDO: CC zone for --

5 VICE CHAIRMAN GRULLON: CC zone.

6 MR. IZQUIERDO: -- 75 percent of the area,
7 and the other 25 percent, which is the use
8 variance, is Lot 18. Because the -- the building
9 is built within two zones; 75 percent within the
10 CC zone, 25 percent within the R zone.

11 VICE CHAIRMAN GRULLON: Yeah, you are aware
12 of the parking situation in the area there is
13 very difficult to find parking.

14 That's number one.

15 And also, there will be -- there is an
16 approved school nearby that is coming in that
17 area, and is going to generate a lot more
18 traffic.

19 Are you aware of that?

20 MR. IZQUIERDO: No. I didn't know about
21 the school. I did know that there is a --

22 VICE CHAIRMAN GRULLON: And it actually is
23 going to be built on those lots, the Parking
24 Authority owns right now.

25 MR. IZQUIERDO: Oh, in the 35th --

1 VICE CHAIRMAN GRULLON: Yes.

2 MR. IZQUIERDO: -- to 39th?

3 VICE CHAIRMAN GRULLON: Yes.

4 MS. GUTIERREZ: Um hum.

5 MR. IZQUIERDO: Oh, so we're not going to
6 have --

7 VICE CHAIRMAN GRULLON: On 35th.

8 MR. IZQUIERDO: -- all that parking
9 anymore?

10 VICE CHAIRMAN GRULLON: They're going to
11 build park -- they're going to build a deck, like
12 they have on 38th Street --

13 MR. IZQUIERDO: Um hum.

14 VICE CHAIRMAN GRULLON: -- for one of the
15 sites. But that's going to take awhile. The
16 school is going to come up first.

17 MR. IZQUIERDO: No, I understand. I
18 understand.

19 VICE CHAIRMAN GRULLON: Yeah.

20 MR. IZQUIERDO: No. I had heard about the
21 parking lot, but I didn't know that it came --
22 you know, at the expense of --

23 VICE CHAIRMAN GRULLON: Yes.

24 MR. IZQUIERDO: Putting something up on
25 top, which -- yeah. No, I didn't know about

1 | that.

2 | VICE CHAIRMAN GRULLON: And on 35th Street,
3 | any other of those lot -- I mean, like
4 | construction there, do they have commercial?

5 | MR. IZQUIERDO: There's a -- there's a
6 | private parking lot that is located on the corner
7 | of 34th and on New York Avenue. This one here.

8 | VICE CHAIRMAN GRULLON: But there are no
9 | other commercials on 35th Street, no?

10 | MR. IZQUIERDO: No. No. There is a
11 | Verizon, which is on New York Avenue. Then, you
12 | have that parking lot, private, here. And then
13 | -- oh, no. That's all New York Avenue. He says
14 | on 35th Street. No.

15 | VICE CHAIRMAN GRULLON: On 35th, yeah.

16 | MR. IZQUIERDO: No.

17 | Okay.

18 | MR. DIAZ: I think there's a barber shop.

19 | MR. IZQUIERDO: No. No. No. No.

20 | VICE CHAIRMAN GRULLON: And the setback on
21 | the building, you're on the zero line, on the
22 | parking floor.

23 | MR. IZQUIERDO: Zero feet to -- two inches
24 | on the -- on the parking.

25 | VICE CHAIRMAN GRULLON: On the ground

1 floor.

2 MR. IZQUIERDO: Two -- on -- on the sides.
3 And then, on the upper floors, five feet one inch
4 to all the windows.

5 A simple utilitarian structure is what's
6 being proposed, with active commercial. I'm
7 trying to keep the commercial vibrant in the
8 city.

9 VICE CHAIRMAN GRULLON: My main concern is
10 parking. And you're not providing enough parking
11 for the -- at least --

12 MS. GUTIERREZ: For the tenant.

13 VICE CHAIRMAN GRULLON: What -- what we are
14 used to -- to accept application here is at least
15 1.4 per -- per apartment, when you're proposing
16 two bedroom units.

17 And in this case, you're only proposing
18 less than -- than one -- one parking per floor
19 (sic).

20 MR. IZQUIERDO: Yeah. That would be 34.

21 MS. GUTIERREZ: One parking per apartment.

22 VICE CHAIRMAN GRULLON: I mean, per
23 apartment.

24 MR. IZQUIERDO: One point four would be 34.

25 VICE CHAIRMAN GRULLON: Do you -- I just

1 want to -- you know, continue with the Board
2 members, to see if they have any question?

3 Any Board members has any question?

4 No Board members.

5 And he already testified as a planner?

6 MR. DIAZ: He did.

7 VICE CHAIRMAN GRULLON: You're not asking
8 for height variance.

9 MR. IZQUIERDO: Not -- no.

10 VICE CHAIRMAN GRULLON: No. You're not
11 asking --

12 MR. IZQUIERDO: No, no.

13 VICE CHAIRMAN GRULLON: -- for height
14 variance.

15 MR. IZQUIERDO: We have --

16 In the CC zone, I'm allowed to have a four
17 story, 50 feet structure, if I have 10,000 square
18 feet. I have 10,000 square feet. It's just that
19 2500 square feet of that is in the R zone.

20 So, for that specific piece of property,
21 that one lot, 18, that 25 by a hundred, I am
22 seeking a D-1, to allow the multi-story building,
23 and a D-6, to allow the four story building.

24 MR. MAROTTA: Mr. Chairman, is the witness
25 finished?

1 VICE CHAIRMAN GRULLON: Yes. He's
2 finished. He's open for question.

3 MR. MAROTTA: I don't have question, I have
4 some comments to make to the Board.

5 Review the memorandum submitted by our
6 expert, Mr. Spatz, this application requires a
7 use variance. I'll start off first with respect
8 to the parking.

9 According to Mr. Spatz, he sets forth there
10 is a significant shortfall in the number of
11 parking spaces provided.

12 Well, let me say, initially, in my opinion,
13 I think the applicant has failed to prove both
14 the positive and negative criteria.

15 All right? And I'll get to that later,
16 show you how.

17 There's a significant shortfall in the
18 number of parking spaces provided. And also, he
19 sets forth that the applicant shall also indicate
20 whether any curbside parking spaces will be lost.

21 We heard no testimony along that line at
22 all. Okay.

23 However, according to Mr. Spatz, there's
24 going to be two 19 feet wide curb cuts, which is
25 38 feet. So, I think we could conclude from that

1 | that there will be some curbside parking lost,
2 | because of that 38 feet.

3 | All right?

4 | Now, as to the parking, according to the
5 | application, and according to Mr. Spatz's report,
6 | 53 spaces are required, and 24 spaces are
7 | provided.

8 | Now, that 24 spaces, according to my
9 | calculations, is approximately 45 percent of what
10 | the -- the Code requires. In other words,
11 | they're 55 percent deficient.

12 | But I'll go further than that. According
13 | to our zone, our Code, Mr. Spatz sets forth that
14 | the parking spaces are -- the required width is
15 | nine feet, and what they're providing here is
16 | eight feet two inches.

17 | Now, I know the architect isn't here, so I
18 | couldn't question him on that.

19 | MR. IZQUIERDO: I am the architect.

20 | MR. MAROTTA: However -- however, the eight
21 | feet two inches --

22 | You testified as a planner.

23 | -- the eight feet two inches in width, in
24 | my opinion, the reduction in what was required is
25 | so that you could get the 24 in.

1 Now, I did a calculation here and if they
2 follow the Code, they would not have 24 parking
3 spaces, they could only provide 21 parking
4 spaces, which is like 60 percent short of what is
5 required by the Code.

6 MR. DIAZ: Mr. Marotta, if I may correct
7 you?

8 MR. MAROTTA: Let me finish, please.

9 MR. DIAZ: No, no, no. I want to correct
10 something you said --

11 MR. MAROTTA: Let me finish.

12 MR. DIAZ: -- before.

13 Mr. Izquierdo testified as an architect and
14 a planner.

15 MR. MAROTTA: Okay.

16 MR. IZQUIERDO: Yeah. Hello.

17 MR. MAROTTA: Now let's -- well, --

18 Further according to our expert, the rear
19 yard requirements in this plan are 20 feet and 25
20 feet. They're providing no rear yard.

21 The side yard requirements are five feet
22 and two feet. They're providing zero.

23 Lot coverage is 80 percent and 60 percent.
24 They're providing 99.6, or 100 percent lot
25 coverage.

1 Now, when I say that they failed to prove
2 both the positive and negative criteria, in
3 proving the positive criteria, we have special
4 reasons.

5 We weren't given any special reasons. It's
6 the burden upon the applicant to show special
7 reasons.

8 And also, a burden upon the applicant to
9 satisfy the negative criteria. Now, there are
10 two circumstances to show special reasons.

11 One is that the refusal to grant would
12 impose on the applicant an undue hardship. We
13 don't have that here. Although Mr. -- my -- my
14 good friend, the attorney, tried to get the --
15 the witness to talk about an undue hardship,
16 there was no undue hardship.

17 So, the other aspect of proving special
18 reason is that when the project carries out a
19 purpose of the zone as defined in the statute
20 40:55D-2, I think there's about 13 or 14 reasons,
21 which has not been presented to us.

22 In addition to that, like I say, the burden
23 is always on the applicant.

24 Okay?

25 If there was a purpose of zoning -- okay --

1 | they would also have to prove that the site is
2 | particularly fitted or suited for this purpose.

3 | We had no testimony along that line.

4 | Now, my question is -- to this Board is
5 | this, with the rear yard, side yard, lot
6 | coverage, parking, all these deficiencies that we
7 | have here, it's not a burden on this Board to
8 | prove -- to find affirmatively that our zone plan
9 | is substantially impaired. That's not our
10 | obligation.

11 | The obligation and burden is on the
12 | applicant to prove that it's not impaired. And I
13 | submit to this Board there's been absolutely no
14 | testimony along that line.

15 | Therefore, I say this application has to go
16 | down the well and be rejected.

17 | Thank you.

18 | MR. DIAZ: Mr. Izquierdo, --

19 | VICE CHAIRMAN GRULLON: Thank you, Mr.
20 | Marotta.

21 | MR. DIAZ: -- you heard Mr. Marotta with
22 | regard to the rear yard and the side yard. The
23 | zero setback and side yards that Mr. Marotta was
24 | alluding to, is that for the entire structure?

25 | MR. IZQUIERDO: Well, there are a number of

1 | concepts that are being dealt with here. Mr.
2 | Marotta was referring to lot coverage and
3 | building coverage taken from the R zone, not from
4 | the CC zone, first of all.

5 | So, in the CC zone, the lot coverage is 95
6 | percent allowed, if I have the parking within the
7 | building. And I have 99.6 percent. Evidently,
8 | if I go to the R zone, the requirement is less.

9 | The reason that we're before this Board,
10 | and in this specific case, we have a 75 by a
11 | hundred, with a pimple on it, which is another 25
12 | by a hundred, and it is to take this lot and let
13 | the requirements of the CC zone apply.

14 | So, in this specific case, and for that
15 | reason, that's why we're seeking a D-1 variance,
16 | for Lot 18.

17 | In addition to that, the purposes of
18 | zoning, I cover that as well, because I indicated
19 | that we have a structure with multi-family
20 | buildings that are, at best, unsafe, with inner-
21 | courtyard, at best, unsafe, and we are proposing
22 | a state-of-the-art sprinklered building which
23 | complies with A, appropriate use, or development
24 | -- I'm citing from Municipal Land Use Law,
25 | specific purposes and purposes of zoning, which

1 are special reasons, and which qualify as
2 positive criteria, for Lot 18 only. I am not
3 seeking a use variance for 75 percent of the
4 application.

5 So, that was an entirely -- I would say
6 that it was -- how do you say -- unfair
7 statement, Mr. Marotta.

8 In addition to that, we -- we comply with
9 safety from fire, flood, panic and other
10 disasters, which the existing building, which the
11 six units that Jack built are not safety from
12 fire.

13 So, if you want to keep that, fine.

14 Adequate light, air, and open space. Did I
15 not mention that the existing property has a lot
16 of inner-courts that are prohibited? Yes, I did.

17 No conflicts with development of our other
18 municipalities, because we're not within 200 feet
19 of any other municipalities.

20 In addition to that, I have all the other
21 ones that I can give, if you want me to continue
22 with the purposes of zoning.

23 MR. DIAZ: Mr. --

24 MR. IZQUIERDO: I have not misled this
25 Board. This is an application that stands on its

1 own.

2 I understand the issue with parking, Mr.
3 Marotta. And I am not -- but let's keep the
4 application where it is.

5 I have an allowed use, with a CC zone. And
6 I have the 25 by a hundred, that if you don't
7 want me to do anything with it, then I have a 75
8 by a hundred lot, and then I have to go before
9 the Planning Board.

10 MR. MAROTTA: Mr. Chairman, I want to keep
11 the record straight.

12 My comments came from the memorandum of our
13 expert, Mr. Spatz. That's where my comments came
14 from.

15 MR. IZQUIERDO: Very well.

16 VICE CHAIRMAN GRULLON: Yes.

17 MR. MAROTTA: All right?

18 VICE CHAIRMAN GRULLON: That -- that --

19 MR. MAROTTA: Now also --

20 VICE CHAIRMAN GRULLON: And that's correct,
21 --

22 MR. MAROTTA: -- I want to state --

23 VICE CHAIRMAN GRULLON: -- Mr. Izquierdo.

24 MR. MAROTTA: -- once again, Mr. Izquierdo
25 says that he gave reasons for the zoning.

1 Well, I still did not hear any testimony as
2 to why the location of this site is particularly
3 suited to the use.

4 MR. IZQUIERDO: It is attached.

5 MR. MAROTTA: And I also did not hear any
6 testimony as to any unique characteristics of
7 this site itself, which make it particularly
8 appropriate for the proposed use.

9 Therefore, again, I say this application
10 has to go down the well.

11 MR. IZQUIERDO: If I take Lot 18, and I
12 take it out and I throw it somewhere else in the
13 City, yes, then I have not satisfied it.

14 But if Lot 18 is attached to Lot 19, I
15 either develop a hundred by a hundred, or I don't
16 have a hundred by a hundred. It's just very
17 simple.

18 MR. DIAZ: Board member --

19 MR. IZQUIERDO: It's not --

20 MR. DIAZ: Board members, what you have
21 here is one parcel which has been divided by use.
22 One lot is in the R, and the other three lots are
23 in the CC section.

24 MR. IZQUIERDO: A hundred and seventy-five
25 feet.

1 MR. DIAZ: Um hum.

2 MR. IZQUIERDO: Not 200 feet from the
3 avenue, when they made the -- the zone plan. A
4 hundred and seventy-five feet. If that was not
5 arbitrary, I don't know.

6 But it is what it is. It is 175 feet, and
7 25 feet. And that constitutes a legal prima
8 facie of -- of particular case and special
9 reasons, Mr. Marotta.

10 MR. DIAZ: Mr. --

11 MR. IZQUIERDO: I'm sorry.

12 MR. DIAZ: Mr. Izquierdo, you also
13 testified that this is a hundred by a hundred
14 parcel.

15 MR. IZQUIERDO: It is.

16 MR. DIAZ: Is that correct?

17 MR. IZQUIERDO: Yes.

18 MR. DIAZ: And that you don't find too many
19 hundred by hundred parcels in Union City, much
20 less in the CC section.

21 Is that correct?

22 MR. IZQUIERDO: That's exactly what I said.

23 MR. DIAZ: And, in your opinion, would that
24 qualify as this property being suited for the use
25 that is being proposed, due to the size?

1 MR. IZQUIERDO: The building is allowed in
2 the CC zone. The Master Plan tells me that if I
3 have a hundred by a hundred in the CC zone, they
4 want to see a building four stories high, with
5 ground floor retail.

6 That's what I have done. I have a parking
7 situation, and I have a situation that 25 percent
8 of the lot is in the R zone. I don't have to
9 prove that the building is good for the CC zone,
10 because the Master Plan tells me that's exactly
11 what you want.

12 MR. DIAZ: So, Mr. Izquierdo, just to get
13 this straight.

14 So, you have a lot that's a hundred by a
15 hundred.

16 MR. IZQUIERDO: Twenty-five percent is
17 wrong.

18 MR. DIAZ: And you are proposing a use
19 that's particularly --

20 MR. IZQUIERDO: It's called for in --

21 MR. DIAZ: -- for -- for that --

22 MR. IZQUIERDO: -- the Ordinance.

23 MR. DIAZ: -- for that 75 percent of that
24 parcel.

25 MR. IZQUIERDO: Yes.

1 MR. DIAZ: So, you are complying with 75
2 percent on the lot, and 25 percent is being left
3 out.

4 MR. IZQUIERDO: And that's --

5 MR. DIAZ: Because it is a different --

6 MR. IZQUIERDO: -- what gives jurisdiction
7 to this Board, because I have a conforming use
8 for that CC section.

9 MR. DIAZ: Which is 75 percent of the lot.

10 MR. IZQUIERDO: Which is 75 percent of the
11 lot.

12 But if that application just goes down the
13 drain, like Mr. Marotta says, then -- then --

14 MR. DIAZ: You're going to keep what they
15 have.

16 MR. IZQUIERDO: The intent of the Master
17 Plan, for the CC zone, is to revitalize the --
18 the zone in Union City.

19 If those buildings don't require to be
20 knocked down and revitalized, please, somebody
21 tell me what's going to be knocked down here and
22 revitalized.

23 I -- I need to know.

24 MR. DIAZ: And the -- the intent of the
25 Ordinance to have, in the CC section, a building,

1 a structure, as be -- as it is being proposed.

2 Is that correct?

3 MR. IZQUIERDO: It has to have retail on
4 the ground floor. It has to provide parking for
5 its uses. And that's exactly what it intends to
6 do.

7 And apartments upstairs is the -- is what's
8 going to carry this building. And if I don't
9 cater to those commercial tenants, I'm going to
10 end up with a building having two empty stores.
11 That's exactly what's going to happen.

12 MR. DIAZ: And Mr. Izquierdo -- Mr.
13 Izquierdo --

14 MR. IZQUIERDO: Yes?

15 MR. DIAZ: Just going back to --

16 MR. IZQUIERDO: No, no, no. Yeah.

17 MR. DIAZ: -- to a comment that Mr. Marotta
18 said about the rear and the side yard being at
19 zero.

20 Is that --

21 MR. IZQUIERDO: That's the parking.

22 MR. DIAZ: -- for the entire structure, or
23 just for the ground floor?

24 MR. IZQUIERDO: Just for the ground floor.

25 MR. DIAZ: And --

1 MR. IZQUIERDO: For the -- for the parking.

2 MR. DIAZ: And the reason for having that
3 zero on the ground floor is to maximize the
4 amount of space to provide parking.

5 MR. MAROTTA: You know, I know we have --
6 I have an objection here.

7 I know we're not following the rules of
8 court to the T. But you know, we got leading
9 questions here.

10 Let the -- let the witness testify, not the
11 lawyer. Please.

12 MR. DIAZ: It's not leading, Mr. Marotta.

13 MR. MAROTTA: Come on. Let him testify.
14 Come on.

15 MR. DIAZ: He's -- he's -- he has
16 testified.

17 MR. MAROTTA: You don't want to give him
18 leading questions.

19 MR. PANEQUE: Mr. Diaz?

20 MR. DIAZ: Maybe you don't like the way --
21 you know, he has testified, but he has testified.
22 Just --

23 MR. PANEQUE: If you could --

24 MR. IZQUIERDO: Shocker.

25 MR. PANEQUE: -- pose your questions and --

1 and have Mr. --

2 MR. DIAZ: Um hum.

3 MR. PANEQUE: -- Izquierdo answer without
4 being in a leading form.

5 MR. DIAZ: Understood.

6 MR. PANEQUE: So that the record is very
7 clear.

8 MR. DIAZ: Understood.

9 VICE CHAIRMAN GRULLON: Mr. -- Mr.
10 Izquierdo, one more thing about parking.

11 You have two curb cuts there. No?

12 MR. IZQUIERDO: Right now, there's only a
13 curb cut in front of Lot 18, which is for the
14 paved area in front of the one story block
15 building in Lot 18. That is the curb cut that I
16 have.

17 VICE CHAIRMAN GRULLON: And -- and the
18 proposed --

19 MR. IZQUIERDO: Twenty-five feet.

20 VICE CHAIRMAN GRULLON: The proposed
21 application is for two curb cuts.

22 MR. IZQUIERDO: One for the four parking
23 spaces here, and one for the four parking spaces
24 here. Nineteen and 19 is 38. The center is 62.
25 And I stated that the Ordinance allows me one

1 space for every 23 feet. So, I indicated that we
2 would have three spaces in 62 feet, which would
3 be a waiver of a site plan performance standard.

4 VICE CHAIRMAN GRULLON: Yes. But again,
5 there will be two --

6 MR. IZQUIERDO: Yes, there would be two.

7 VICE CHAIRMAN GRULLON: Two spaces less --

8 MR. IZQUIERDO: One space less.

9 VICE CHAIRMAN GRULLON: -- for the present
10 off-street parking.

11 MR. IZQUIERDO: One space less, because I
12 have 19 and 19 is 38, minus the 25 that I already
13 have as a curb cut, then it's 13. One space I
14 lose. And I'm creating --

15 VICE CHAIRMAN GRULLON: Okay. I don't have
16 any more --

17 MR. IZQUIERDO: -- 24.

18 VICE CHAIRMAN GRULLON: -- question.

19 At this point --

20 MR. MAROTTA: Mr. Chairman?

21 VICE CHAIRMAN GRULLON: -- I'm going to
22 open it to the public.

23 MR. MAROTTA: I have another comment.

24 VICE CHAIRMAN GRULLON: You have what?

25 MR. MAROTTA: Yeah. Sure.

1 VICE CHAIRMAN GRULLON: Please. Please.

2 MR. MAROTTA: You know, in -- in his --

3 VICE CHAIRMAN GRULLON: Please.

4 MR. MAROTTA: -- attempt at rebuttal, Mr.

5 Izquierdo argued that we're building a state-of-
6 the-art building here.

7 I submit to this Board that the building of
8 a state-of-an-art building is not a reason for
9 granting a variance.

10 Okay?

11 And when we hear that partially --
12 partially apply -- comply. Well, this is not a
13 partial application. That's hogwash, partially
14 apply.

15 Either you prove your case or you don't
16 prove your case, and I submit to this Board, this
17 applicant has failed to prove its case to grant
18 this application.

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

21 At this point, I want to open it to the
22 public.

23 Any member of the public?

24 Mr. Price?

25 MS. DILLON: Mr. Price, please raise your

1 right hand.

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

4 MR. PRICE: I do.

5 MS. DILLON: Name and address for the
6 record, please.

7 MR. PRICE: Larry Price, 1006 Palisade
8 Avenue.

9 MS. DILLON: Thank you very much.

10 MR. PRICE: Okay.

11 MR. IZQUIERDO: You have to speak there or
12 here.

13 I guess there.

14 MR. PRICE: Can we stand close?

15 MR. IZQUIERDO: We can do that if you want.
16 Doesn't matter.

17 MR. PRICE: Okay. First, you -- on
18 parking.

19 You testified that there were two parking
20 lots on New York Avenue.

21 MR. IZQUIERDO: There is one -- this
22 parking lot, private, here, and there is another
23 one along 35th Street, here, next to the -- this
24 is Verizon and this is the Jewish Community
25 Center, Messivta of Hudson. So, Hudson is over

1 here.

2 This is a private parking lot, and that's a
3 private parking lot. And this is another
4 parking, private lot, for the Emmanuel United
5 Methodist Church.

6 That's what we have.

7 Oh, and this is also parking. That's next
8 to La Churreria, the supermarket.

9 MR. PRICE: Okay.

10 MR. IZQUIERDO: Yeah.

11 MR. PRICE: Where -- okay. This --

12 MR. IZQUIERDO: And this The Arc of New
13 Jersey. That has a lot of parking, also, on the
14 front, but that's for them.

15 These are the only three.

16 MR. PRICE: Okay. Forget. This is the
17 Verizon parking lot?

18 MR. IZQUIERDO: No. This is -- this is
19 Verizon. This is the Verizon parking lot. I
20 believe.

21 This is a one story, with that building
22 there. And this is here.

23 MR. PRICE: Okay. Where's --

24 MR. IZQUIERDO: Where's what?

25 MR. PRICE: Palisade Avenue.

1 MR. IZQUIERDO: Palisade Avenue. Whoo.

2 You have New York, then you have Hudson, and then
3 Palisade way over there.

4 MR. PRICE: Okay.

5 Okay. The point I guess I'm struggling
6 with is --

7 MR. IZQUIERDO: This is --

8 MR. PRICE: -- the two parking lots.

9 MR. IZQUIERDO: Okay.

10 MR. PRICE: Parking lot here, which is New
11 York Avenue --

12 MR. IZQUIERDO: And 34th.

13 MR. PRICE: -- 34th.

14 MR. IZQUIERDO: Yeah.

15 MR. PRICE: Who owns that lot?

16 MR. IZQUIERDO: Oh, I have no idea.

17 MR. PRICE: Is it available for --

18 MR. IZQUIERDO: I would --

19 MR. PRICE: -- public parking?

20 MR. IZQUIERDO: I would love for it, and I
21 -- I indicated to the Board that part of the
22 application, and put in to here the schedule, is
23 a shared parking approach, what the Ordinance
24 specifically requires if the owner comes into an
25 agreement with some sort of somebody who provides

1 parking, and that is within 500 feet of this
2 property, then the Board can entertain that
3 shared parking approach.

4 So, it -- it maximizes the -- the resources
5 of the -- of the municipality. That's
6 specifically for the Ordinance.

7 Who owns that? I don't know. I don't
8 know.

9 MR. PRICE: Is it available for public
10 parking currently?

11 MR. IZQUIERDO: It looks like a private
12 parking lot. So --

13 MR. PRICE: Okay.

14 There are parking lots in this area -- it
15 happens, is Saint John's Redevelopment Program in
16 litigation, so I know a lot about parking in this
17 neighborhood.

18 There are two parking lots on Palisade
19 Avenue. One is the Verizon lot. But that's not
20 available --

21 VICE CHAIRMAN GRULLON: That's not
22 available.

23 MR. PRICE: -- for private park.

24 And there's also the Saint John's parking
25 lot, which is 10,000 square feet, and would --

1 | you can get 40 cars in there.

2 | MR. IZQUIERDO: What's there?

3 | MR. PRICE: But that's -- that's a church
4 | parking lot. That's not available either.

5 | And I wasn't aware of any other lot in that
6 | immediate vicinity that is available currently
7 | for private parking.

8 | MR. MAROTTA: There aren't any.

9 | MR. IZQUIERDO: I'm not suggesting that
10 | there are. I'm -- I'm suggesting this is what
11 | exists there.

12 | MR. PRICE: This would be the corner of
13 | 34th Street and --

14 | MR. IZQUIERDO: And New York Avenue.

15 | MR. PRICE: -- New York Avenue.

16 | MR. IZQUIERDO: Right across Messivta-Sanz.

17 | MR. PRICE: Okay. I'll check it out.

18 | Okay.

19 | MR. IZQUIERDO: You have one of those.

20 | MR. PRICE: I got them.

21 | From the testimony in that particular case,
22 | parking in this neighborhood is very tight. Very
23 | tight.

24 | And I guess it's tight everywhere in Union
25 | City, but this neighborhood has a particular --

1 MR. IZQUIERDO: It's the --

2 MR. PRICE: -- problem.

3 MR. IZQUIERDO: It's the center city.

4 MR. PRICE: Yes.

5 Okay. The next question about parking.

6 How wide is the aisle in your garage?

7 MR. IZQUIERDO: Twenty-two feet.

8 MR. PRICE: What is the RSIS requirement?

9 MR. IZQUIERDO: Twenty-four. My spaces are
10 8.2 by 18. So, this -- the total aisle here is
11 18, 22 and 18.

12 MR. PRICE: Okay. Just for the aisle. The
13 requirement --

14 MR. IZQUIERDO: Twenty-four.

15 MR. PRICE: Okay. So, you're two feet
16 short of the RSIS.

17 MR. IZQUIERDO: Yeah.

18 MR. PRICE: What is the required width for
19 a parking spot on the RSIS requirement?

20 MR. IZQUIERDO: Mostly nine by 18.

21 However, the one for the handicapped ramp, for
22 the -- for the handicapped van has to be 11 by
23 16. The one for the handicap space has to be
24 eight by 16.

25 So, I believe that the RSIS says nine feet

1 as being the -- the optimum size, allowing a
2 number to be reduced. This, in this case, are
3 8.2 by 18. And the RSIS, with the 18 feet, I
4 think it's a little more flexible, because cars
5 are being made a little shorter, but not
6 narrower. You know what I'm saying? I mean,
7 it's coming that here.

8 So, I would say that the minimum RSIS would
9 be nine by 18. We have 8.2 by 18.

10 MR. PRICE: Okay.

11 Now --

12 MR. IZQUIERDO: Not uncommon in the city.

13 MR. PRICE: Yes.

14 Okay. Just to clarify.

15 The side yard requirement in the CC zone,
16 if you're less than 50 feet --

17 MR. IZQUIERDO: Is five feet.

18 MR. PRICE: -- is five feet on each side.

19 MR. IZQUIERDO: Correct.

20 MR. PRICE: Correct?

21 And you have zero on each.

22 MR. IZQUIERDO: For the parking. I have
23 five feet on the upper building.

24 MR. PRICE: Okay. But the footprint is
25 zero.

1 MR. IZQUIERDO: Yes. Yes. Correct. Yes.

2 MR. PRICE: Okay. Okay. Just -- okay.

3 The rear yard --

4 MR. IZQUIERDO: It's 20 feet. That --

5 that's what they want. Twenty feet. And I'm

6 asking for a variance. I'm being zero feet on

7 the -- on the parking level and five feet

8 upstairs.

9 MR. PRICE: Okay. Now, that's in the CC
10 zone.

11 Now, you also incorporate on this site, 25
12 percent of the site is an R zone site.

13 MR. IZQUIERDO: Correct.

14 MR. PRICE: Okay.

15 MR. IZQUIERDO: I believe that's 50.

16 MR. PRICE: Twenty-five percent of the lot.

17 MR. IZQUIERDO: Is -- is it 25 percent?

18 For the R zone --

19 MR. PRICE: Trust me.

20 MR. IZQUIERDO: No. I believe you. Wait
21 one second.

22 It's the side -- well, what happens is,
23 they don't -- I mean, two or five, if you have a
24 one family or a two family, but if you have all
25 other uses, the R zone would allow you to have

1 six feet on one side --

2 MR. PRICE: No. You're looking at the side
3 yard requirement, not the rear yard requirement.

4 MR. IZQUIERDO: Twenty-five percent of
5 both. Yeah.

6 MR. PRICE: Okay.

7 So, in the -- in the -- on this site, is it
8 not correct that on the -- on the CC part of the
9 zone, the requirement is 20 feet, and you have
10 zero.

11 MR. IZQUIERDO: On the park -- yeah.

12 MR. PRICE: But on the -- on the R zone
13 side, the requirement is 25 percent.

14 MR. IZQUIERDO: Twenty-five feet.

15 MR. PRICE: Sorry. Sorry. Sorry. Twenty-
16 five feet and you have zero.

17 MR. IZQUIERDO: Correct.

18 MR. PRICE: Okay.

19 Okay. Okay.

20 Building height. You're asking for a D-6
21 height variance.

22 MR. IZQUIERDO: That's actually for -- just
23 for the Lot 18. And that's subject to
24 interpretation.

25 Is it subsumed under the D-1? So, if -- if

1 the Board grants the D-1, allowing this use, so
2 the four stories, 50 feet would apply here, then
3 we don't have a D-6.

4 If you say in the -- in the R zone, they
5 allow me to have a height of three stories, or 40
6 feet, then I'm exceeding that by ten percent.
7 So, I would have a D-6.

8 So, it's either a D-1, subsuming the D-6,
9 or the D-1 and the D-6 independently.

10 MR. PRICE: Okay.

11 MR. IZQUIERDO: Always associated with the
12 development of this building, I indicated that
13 the development of Lot 18 is not occurring in a
14 vacuum.

15 MR. PRICE: Fine.

16 My only question is, are you requesting a
17 D-6 height variance?

18 MR. IZQUIERDO: Yes.

19 MR. PRICE: You are.

20 MR. IZQUIERDO: For Lot 18.

21 MR. PRICE: Okay.

22 MR. IZQUIERDO: Yes.

23 MR. PRICE: Okay. Okay. That's fair.

24 Okay. Again, we have --

25 By the way, the setback from the R zone --

1 MR. IZQUIERDO: Um hum.

2 MR. PRICE: -- as you know, it has to be
3 half the building. Your building height is 46
4 feet ten inches.

5 MR. IZQUIERDO: Yes. Um hum.

6 MR. PRICE: Forty-six feet.

7 MR. IZQUIERDO: Forty-six feet.

8 MR. PRICE: Six inches. Okay.

9 MR. IZQUIERDO: Okay.

10 MR. PRICE: So, you're required to --

11 MR. IZQUIERDO: Twenty-three feet.

12 MR. PRICE: Twenty-three feet.

13 MR. IZQUIERDO: So, build nothing on the --
14 on the Lot 18.

15 MR. PRICE: Well, that was my question.
16 You're not -- you're saying --

17 MR. IZQUIERDO: Five feet.

18 MR. PRICE: You say, you basically --
19 you're counting -- to meet that requirement,
20 you're counting block (sic) 18.

21 Correct?

22 MR. IZQUIERDO: I don't meet that
23 requirement. I'm asking for a variance.

24 MR. PRICE: Okay.

25 MR. IZQUIERDO: The setback from the R zone

1 is supposed to be minimum, half of the building
2 height, which would be 23 feet three inches in
3 your calculation. And I'm having five feet one
4 inch, and that's why I'm having it as a C-2
5 variance, for both ground floor and the uppers,
6 second, third and fourth.

7 MR. PRICE: Okay. Okay. Okay.

8 Building coverage. Basically, it's a
9 hundred percent.

10 Correct?

11 MR. IZQUIERDO: Yes.

12 MR. PRICE: Okay.

13 Now, in a CC zone, you're allowed, if you
14 provide parking in the building, which you are,
15 you're allowed --

16 MR. IZQUIERDO: Ninety-five percent.

17 MR. PRICE: Well, no. Building coverage.

18 MR. IZQUIERDO: Building coverage? Eighty
19 percent.

20 MR. PRICE: Eighty percent.

21 MR. IZQUIERDO: And I'm at 86.9.

22 MR. PRICE: Well, you're at a hundred
23 percent, at the -- at the footprint level.

24 Correct?

25 MR. IZQUIERDO: Yes. Yes.

1 MR. PRICE: Okay.

2 So, you're at hundred percent, and 80
3 percent is allowed on the CC portion.

4 MR. IZQUIERDO: Correct.

5 MR. PRICE: Okay. In the R zone portion,
6 the --

7 MR. IZQUIERDO: Sixty --

8 MR. PRICE: -- building --

9 MR. IZQUIERDO: -- and 80.

10 MR. PRICE: -- is 60 percent.

11 MR. IZQUIERDO: Correct.

12 MR. PRICE: So, you're 40 percent variance
13 there.

14 MR. IZQUIERDO: Correct.

15 MR. PRICE: Correct?

16 MR. IZQUIERDO: Correct.

17 MR. PRICE: Okay.

18 Okay. In terms of lot coverage, in the CC
19 zone, if you provide parking in the building,
20 it's 95 percent.

21 MR. IZQUIERDO: Yes.

22 MR. PRICE: Correct?

23 And you're at a hundred percent.

24 In the R zone, you're at 85 -- sorry --
25 you're -- the lot coverage permitted --

1 MR. IZQUIERDO: So then --

2 MR. PRICE: -- is 85 percent.

3 MR. IZQUIERDO: Indulge me, if the witness
4 is able to ask a question generally?

5 If the CC zone says that I'm allowed to
6 have a lot coverage of 95 percent with the
7 parking within building, 95 percent of the lot,
8 how am I going to provide a rear yard of 20 feet?

9 Geometrically impossible. Geometrically
10 impossible. And you know that it's correct.

11 If the Ordinance allows me to build a
12 building 94 -- 95 percent, with the parking
13 within building, how can I provide a rear yard of
14 20 feet? Physically impossible.

15 Now, what do I do with that?

16 It's physically impossible. I cannot have
17 a lot with a 20 feet setback for -- for
18 landscaping, and yet, the Ordinance says 95
19 percent, parking within the building. You tell
20 me.

21 So, I don't have that variance. I meet the
22 rear yard, do I not? I'm at five -- I'm at five
23 feet.

24 MR. PRICE: By the way --

25 MR. IZQUIERDO: Tell me.

1 MR. PRICE: I would admit that there's a --

2 MR. IZQUIERDO: A little --

3 MR. PRICE: -- shall we say --

4 MR. IZQUIERDO: -- bit of a conflict.

5 MR. PRICE: -- inconsistency --

6 MR. IZQUIERDO: Okay.

7 MR. PRICE: -- in the --

8 MR. IZQUIERDO: I am not suggesting it's
9 invalid.

10 MR. PRICE: But that you have to take that
11 up with the --

12 MR. PANEQUE: If I may?

13 MR. PRICE: -- governing body not --

14 MR. PANEQUE: Mr. Izquierdo, you posed a
15 question. I think we -- we should have our
16 planner.

17 MR. SPATZ: Yeah, there isn't an
18 inconsistency, because it's impervious coverage,
19 which means it could be land, it could be paved
20 for parking lot, if you had exterior parking.

21 So, the building could provide a 20 foot
22 rear yard setback, and your impervious coverage
23 could be -- could exceed -- could be at 95
24 percent --

25 MR. PRICE: Okay. Yeah.

1 MR. SPATZ: -- because you would have
2 parking on the side and to the rear of the
3 building.

4 MR. IZQUIERDO: Impossible.

5 MR. SPATZ: I --

6 MR. IZQUIERDO: Because the Building Code
7 requires me to have the first parking space ten
8 feet away from the property line. Impossible.

9 MR. SPATZ: It -- it requires you to have
10 it ten feet?

11 MR. IZQUIERDO: It --

12 MR. SPATZ: Or it allows you within ten
13 feet?

14 MR. IZQUIERDO: No. If I don't have a ten
15 foot setback for the parking, I'm required to
16 have a building with a wall, with a foundation,
17 and with a roof. Impossible.

18 MR. SPATZ: We have a significant number of
19 developments in -- in the city that have parking
20 in the --

21 MR. IZQUIERDO: Illegal.

22 MR. SPATZ: -- in the rear yard.

23 MR. IZQUIERDO: Ten feet within the
24 property line, they have to be enclosed. If not,
25 try to get a permit from the Building Department.

1 Ten feet.

2 I can cite you the Building Code. Ten
3 feet.

4 MR. SPATZ: I -- you've put it --

5 MR. IZQUIERDO: Inconsistent.

6 MR. SPATZ: -- on the record. I'm not --
7 I'm not sure that that's the case --

8 MR. DIAZ: If I may interrupt?

9 MR. SPATZ: -- because I know that they are
10 --

11 MR. IZQUIERDO: I -- I can guarantee --

12 MR. SPATZ: -- a number of -- of --

13 MS. DILLON: Whoa.

14 MR. IZQUIERDO: -- you that is the case.

15 MR. SPATZ: Okay.

16 MS DILLON: Wait.

17 MR. DIAZ: If I may interrupt --

18 MR. SPATZ: Yes.

19 MR. DIAZ: -- the -- the going back and
20 forth?

21 I have spoken with the applicant, and he
22 has instructed me to amend this application, and
23 reduce the number of apartments on each floor
24 from eight to six. That would lower the parking
25 requirement.

1 But make -- leaving the same space. In
2 other words, making the apartments two bedrooms,
3 bigger, but less apartments. So, it will be six
4 per floor, rather than eight per floor.

5 MR. IZQUIERDO: So then, the total --

6 MR. DIAZ: That would lower the amount of
7 -- of parking that is required, and it will give
8 each apartment one parking space. And I think it
9 would have four additional spaces, if my math --

10 MR. IZQUIERDO: Two.

11 MR. DIAZ: -- is correct.

12 Two additional --

13 MR. IZQUIERDO: No. No additional space.

14 MR. DIAZ: It will be eight --

15 MR. IZQUIERDO: If the --

16 MR. DIAZ: It will be 18 apartments.

17 MR. IZQUIERDO: If the applicant reduces
18 six apartments per level, it would have 18 --

19 MR. DIAZ: Apartments.

20 MR. IZQUIERDO: -- two bedrooms. Still
21 calculated at two, being 36, plus five for the
22 retail would be 41.

23 The applicant has 18 apartments. Forget
24 the retail. Eighteen apartments.

25 Of the 20 parking spaces, the garage in the

1 back, albeit at eight feet two inches -- I'm
2 sorry -- eight -- those 18 parking spaces I still
3 have one for the handicap, which is not assigned
4 to any unit, and one for the hand -- ANSI van
5 space, which is not allowed to every unit.
6 That's one per unit.

7 MR. DIAZ: So, then we would -- Mr.
8 Izquierdo, how many parking spaces per unit would
9 that proposed application have?

10 MR. IZQUIERDO: One point zero exactly.

11 MR. DIAZ: One. That is the proposal that
12 the applicant has instructed me to -- to go
13 forward and reduce the amount of apartments.

14 MR. PRICE: But then every -- every
15 apartment would have at least one garage.

16 MS. GUTIERREZ: Instead of 24, there will
17 be 18.

18 MR. IZQUIERDO: Assigned.

19 MR. DIAZ: One --

20 MR. IZQUIERDO: Yeah.

21 MR. PRICE: One parking --

22 MR. DIAZ: One parking --

23 MR. PRICE: -- spot.

24 MR. DIAZ: -- space.

25 MR. BONACCI: Then you got to redo the

1 whole plan.

2 MR. DIAZ: That's correct.

3 MR. MAROTTA: Are you withdrawing --

4 MR. IZQUIERDO: So, the requirement was 48.

5 MR. BONACCI: Totally different thing.

6 MR. MAROTTA: Are you withdrawing this
7 application --

8 MR. IZQUIERDO: Modi --

9 MR. MAROTTA: -- and submitting a new
10 application?

11 MR. DIAZ: No.

12 MR. BONACCI: Because then it's a different
13 plan and everything.

14 MR. MAROTTA: No?

15 MR. BONACCI: It's a whole new -- it's a
16 whole new thing we're looking at.

17 MR. DIAZ: Well, we will submit the --

18 MS. GUTIERREZ: The apartments --

19 MR. MAROTTA: My position is still no on
20 this --

21 MR. DIAZ: -- new plans.

22 MR. MAROTTA: -- application.

23 MS. DILLON: Excuse me?

24 One speaker at a time, please.

25 MR. DIAZ: Yeah.

1 MS. DILLON: So the record's clear.

2 MR. DIAZ: We would submit the new plans
3 with the six apartments, rather than the eight.
4 The application will be the same.

5 We will submit that at the -- if -- if this
6 Board decides to approve it, then we will submit
7 the new plans for the review of -- of the experts
8 from the -- from the City. And then, proceed
9 with the -- with the approval, if that is so.

10 MR. BONACCI: Can I just chime in for a
11 second?

12 VICE CHAIRMAN GRULLON: First, we would
13 like to finish --

14 MR. BONACCI: Okay.

15 VICE CHAIRMAN GRULLON: -- hearing the
16 public. And then, we -- actually --

17 MS. GUTIERREZ: Continue.

18 VICE CHAIRMAN GRULLON: -- continue.

19 Do you have any --

20 MR. PRICE: Just a concluding question, if
21 I may?

22 MS. GUTIERREZ: Okay.

23 MR. PRICE: Now, this -- this change --
24 this amendment will not change the size of the
25 building or anything.

1 MR. IZQUIERDO: No.

2 MR. PRICE: So, the only questions that I
3 ask, and answers that would change, would be
4 regarding parking.

5 MR. IZQUIERDO: We have reduced the
6 deficiency.

7 We previously were requesting -- our
8 proposal required 53 parking space. And our
9 proposal now has been reduced by 12 parking
10 spaces. So, now I'm required to have only 41.
11 From the 53 that I was asking, 48 plus five; now
12 it's 36 plus five.

13 MR. PRICE: Okay.

14 But my question to you is, the questions
15 regarding the setback and the rear yard --

16 MR. IZQUIERDO: It should all remain the
17 same because --

18 MR. PRICE: -- there's --

19 MR. IZQUIERDO: -- the -- the --

20 MR. PRICE: That would remain the same.

21 MR. IZQUIERDO: -- it's the same.

22 MR. PRICE: Okay.

23 MR. IZQUIERDO: Just people are going to
24 have more room.

25 MR. PRICE: Very good.

1 Thank you.

2 VICE CHAIRMAN GRULLON: Mr. Diaz, now that
3 you spoke to your client and -- and asking about
4 reducing the amount of apartment, will he
5 consider, like, taking one floor out and leaving
6 16 apartment instead of 18? That will reduce,
7 also, the request for all the variance, I
8 believe.

9 MR. DIAZ: The height --

10 VICE CHAIRPERSON GRULLON: Yeah.

11 MS. GUTIERREZ: The height.

12 MR. DIAZ: -- would be the one that would
13 be changed. I -- you know, I -- want to take two
14 -- two minutes off? I'll -- I'll propose that?

15 MR. PANEQUE: Two minute break.

16 MR. IZQUIERDO: Instead of six -- instead
17 of --

18 VICE CHAIRMAN GRULLON: Yeah. Let's take a
19 two minute --

20 MS. GUTIERREZ: Take a two minute break.

21 VICE CHAIRMAN GRULLON: We're going to take
22 a two minute break.

23 MR. IZQUIERDO: Instead of 18, to be 16, is
24 what you're saying.

25 MS. GUTIERREZ: We'll take two minute

1 break.

2 MR. PANEQUE: It would be one elimination
3 of the --

4 MR. IZQUIERDO: Ocho y ocho.

5 MR. PANEQUE: -- fourth floor. Yes.

6 MR. DIAZ: Right. It will be --

7 MR. IZQUIERDO: Not six, six, six.

8 MR. PANEQUE: No.

9 MR. IZQUIERDO: Eight, eight.

10 MR. DIAZ: It will be a three story, with
11 eight apartments on each floor.

12 All right?

13 VICE CHAIRMAN GRULLON: Yes.

14 MR. DIAZ: Fine.

15 MR. IZQUIERDO: Two levels of apartments.

16 VICE CHAIRMAN GRULLON: We're going to take
17 two minute break for them to --

18 THE SECRETARY: Off the record.

19

20 (Whereupon, the Board recessed from 7:53
21 p.m. to 8:03 p.m.)

22

23 THE SECRETARY: Your attention, please.

24 Mr. Diaz, please?

25 MR. DIAZ: Yes.

1 THE SECRETARY: Let's go back in business.

2 MR. DIAZ: Yes.

3 THE SECRETARY: Thank you, sir.

4 MR. DIAZ: Again Board members --

5 MS. DILLON: In front of the microphone,
6 Mr. Diaz, please.

7 MR. DIAZ: Yes. I'm sorry.

8 MS. DILLON: Thank you.

9 MR. DIAZ: Again, Board members, we made
10 that proposal to cut one floor of the project.
11 That would be 16 apartments, same size. Three
12 stories, one would be the parking and the
13 commercial, second and third would be the
14 residential in the same manner that is being
15 described in the plans that as they are now.

16 We request to return with the amended
17 plans, so they can be reviewed and verified, and
18 come back before this Board at the next -- next
19 hearing.

20 MR. PANEQUE: Okay.

21 VICE CHAIRMAN GRULLON: Yeah. I mean,
22 first, I think we -- we're going to continue with
23 the public, to give the opportunity for them to
24 express any concern they have.

25 MS. GUTIERREZ: They already did.

1 VICE CHAIRMAN GRULLON: And then we will
2 make a decision.

3 Okay?

4 Any members of the public want to step
5 forward?

6 MS. GUTIERREZ: Nobody here will be
7 waiting.

8 MR. R. PANEQUE: Yes, hi. Good evening,
9 everyone.

10 MS. DILLON: Sir, one second.

11 I need you --

12 MR. R. PANEQUE: Oh.

13 MS. DILLON: -- to please raise your right
14 hand.

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

17 MR. R. PANEQUE: Yes, I do.

18 MS. DILLON: Could you please state your
19 name and spell it for me?

20 MR. R. PANEQUE: Yeah.

21 Rene Paneque, R-E-N-E. Last name is
22 Paneque, P-A-N-E-Q-U-E.

23 MS. DILLON: And your address.

24 MR. R. PANEQUE: Four-zero-eight 35th
25 Street.

1 MS. DILLON: Thank you.

2 MR. R. PANEQUE: Thank you.

3 The reason I'm here, along with my
4 neighbors, 12 years ago, I believe, Mr. Diaz and
5 Mr. Izquierdo arrive here. They were proposing a
6 big project. If I recall correctly, was 20 -- 22
7 units right on the 35th Street, between Bergenline
8 and New York Avenue.

9 And we all agreed to see if the owner
10 decided to make two or three three family houses.

11 MR. DIAZ: I'm sorry. That is not correct.

12 MR. IZQUIERDO: No.

13 MR. DIAZ: That application, 12 years ago,
14 straight from the beginning, was for the three
15 three family houses.

16 MR. IZQUIERDO: Correct. I was there.

17 MR. DIAZ: Maybe you are confused with
18 somebody else.

19 MR. R. PANEQUE: No. Believe me --

20 MR. IZQUIERDO: Factually incorrect.

21 MR. R. PANEQUE: I've lived on my same --

22 MR. DIAZ: State correct facts, please.

23 MR. R. PANEQUE: I live on my same -- same
24 house for the last 18 years, which is right
25 across the street, 408 --

1 MR. IZQUIERDO: And I did --

2 MR. R. PANEQUE: -- 35th.

3 MR. IZQUIERDO: -- the drawings. They were
4 --

5 MR. R. PANEQUE: And --

6 MR. IZQUIERDO: -- always three three
7 families.

8 MR. R. PANEQUE: Most definitely my
9 neighbors --

10 MR. DIAZ: Mr. -- Mr. Paneque -- Rene
11 Paneque --

12 MR. MAROTTA: Will you please let the
13 gentleman finish?

14 MR. R. PANEQUE: Sir, I assure you that was
15 not the case.

16 In any event, again, my neighbors and I, we
17 live there in a very quiet street. All the
18 houses are two and three families, except for the
19 corner building.

20 And we feel it's going to be totally
21 overpopulated on the same block, by having a
22 project of this magnitude.

23 So, please do consider that.

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

1 MR. R. PANEQUE: Thank you.

2 MS. GUTIERREZ: Thank you, Mr. --

3 VICE CHAIRMAN GRULLON: We appreciate your
4 concerns.

5 Any other member of the public?

6 MS. DILLON: Hello, ma'am.

7 Please raise your right hand.

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

10 MS. MADRID: Yes.

11 MS. DILLON: If you could please state your
12 name, spell it for the record, and give your
13 address?

14 MS. MADRID: Irlanda Madrid.

15 MS. DILLON: Spell your first name.

16 MS. MADRID: I-R-L-A-N-D-A. Last name is
17 M-A-D-R-I-D.

18 MS. DILLON: I'm sorry. M-A?

19 MS. MADRID: D-R-I-D.

20 MS. DILLON: And your address.

21 MS. MADRID: 410 35th Street.

22 MS. DILLON: Thank you.

23 MS. MADRID: Okay.

24 Like Paneque said, that block is very
25 popula -- overpopulated.

1 If you get home -- I get home from work at
2 5:30. I park the car. If, for whatever reason,
3 I have to leave, I will not find a parking back
4 in my house. Even though we have the residential
5 sticker now, it doesn't -- it doesn't matter. I
6 still can't find.

7 I have two little ones that sometimes, I
8 can't find a parking in front of the house, and
9 they're both asleep. So, I have to go run
10 inside, drop one off. And then if my mom is not
11 -- for instance, there, what am I going to do
12 with the parking condition, no parking?

13 Sundays when -- and -- and mind you, the --
14 all the stores, commercial, they close at six.
15 But you can't park there, or you can't find a
16 parking past seven, eight o'clock.

17 And like I said, you have to go -- and
18 especially that block, it goes straight into
19 thirty -- there is no way to go straight. You
20 have to turn onto Bergenline Avenue.

21 If I want to go around my block, it take me
22 15 minutes. Between the traffic, between the
23 lights, takes me 15 minutes. If I can't find, I
24 have to go again.

25 And I have two little kids. I can't park

1 two blocks, when one is sleeping, and the other
2 one -- or -- or half -- you know, awake, half
3 asleep.

4 It's very -- as it is, we're over parked.
5 And for us to build a building, and like I was
6 mentioning to -- to my neighbors, currently, the
7 building that stands there is -- it seems like
8 it's -- it's low income families that live there.
9 So they don't have a lot of vehicles. If there's
10 maybe one or two, but there's not a lot.

11 And they're bringing in this new building
12 that I'm sure is going to be luxury apartments,
13 with families that can afford 3,000, \$4,000.00
14 rent, and they can afford one to two cars. So,
15 we're adding additional vehicles that need --
16 need to find parking, and that's just not going
17 to be --

18 I think it's -- it's just going to make
19 more of a mess. And like I said, we get
20 frustrated every single time, we have to go
21 around and park.

22 Grocery shopping? It's a nightmare. I
23 can't park my car. I have to park in somebody's
24 driveway, quickly take the stuff out, and then --
25 it -- it's horrible. It -- it's truly horrible,

1 | so I think this would definitely be a big
2 | mistake.

3 | And that's just how I feel.

4 | VICE CHAIRMAN GRULLON: Thank you. Thank
5 | you.

6 | MS. GUTIERREZ: Thank you.

7 | VICE CHAIRMAN GRULLON: We appreciate
8 | coming forward.

9 | Any other member of the public?

10 | Closed to the public.

11 | Mr. Spatz?

12 | MR. SPATZ: Yes.

13 | VICE CHAIRMAN GRULLON: Could you -- for --
14 | for the record, could you tell us what's
15 | permitted there? Like --

16 | MR. SPATZ: Sure.

17 | VICE CHAIRMAN GRULLON: In those two lots,
18 | because they are -- they be two different lots.

19 | MR. SPATZ: Well, the -- three of the lots,
20 | 75 by a hundred, is in the CC zone, and one lot
21 | is in the residential zone.

22 | VICE CHAIRMAN GRULLON: Yes.

23 | MR. SPATZ: They could be divided -- they
24 | could be developed separately, or he could come
25 | in with a total project and -- and seek

1 variances.

2 In -- in the CC zone, the permitted uses
3 are retail sales and personal service
4 establishment; offices, but on the upper floors
5 only; medical offices on the upper floors only;
6 apartments on upper floors only; restaurants;
7 bars; hotels; theaters; banks; open air markets;
8 childcare centers.

9 There are a variety of uses that could be
10 in that. It could be a fully commercial
11 building, also.

12 VICE CHAIRMAN GRULLON: Could they build
13 three -- three family houses on the 25, if they
14 -- if they --

15 MR. SPATZ: On the twenty -- on the one in
16 the residential zone could be a three family
17 house.

18 The 75 by a hundred would have to be
19 commercial of some sort.

20 And if they were to do a total project,
21 like they're being proposed now, they would have
22 to seek use variances on one lot or the other.

23 VICE CHAIRMAN GRULLON: Okay. My --

24 MR. IZQUIERDO: A three family house would
25 be a use not allowed in the CC zone. So, the

1 possibility of having four three families is a
2 huge use variance. It's actually downscaling --

3 MR. DIAZ: Mr. Izquierdo, I think that --

4 MR. IZQUIERDO: -- the Master Plan.

5 MR. DIAZ: -- Mr. Spatz stated --

6 VICE CHAIRMAN GRULLON: He --

7 MR. SPATZ: I was suggesting that --

8 MR. DIAZ: Mr. Spatz --

9 MR. SPATZ: -- potentially, and it's up to
10 your client, is that the R zone could be
11 developed with a three family house. And the 75
12 by a hundred, which is in the CC zone, could be
13 constructed with a permitted use. You would need
14 certain variances, because it's now you're less
15 than 10,000 square feet, but that is a
16 possibility.

17 But that -- you know, it's up to you how
18 you want to proceed.

19 MR. DIAZ: Mr. Spatz, that will be one of
20 the possibilities, other than the one that has
21 been proposed would be one on each --

22 MR. SPATZ: That's correct. There were a
23 number of things that could be done on those
24 lots, either in -- as one total parcel, or -- or
25 separate parcels.

1 The -- you know, you could, theoretically,
2 seek four three family houses, and that would be
3 up to the Board to determine whether they would
4 want to grant that use variance.

5 But that is another way of developing it.

6 MR. DIAZ: But three of those two family
7 houses, correct me if I'm wrong, would they be in
8 an allowable zone?

9 MR. SPATZ: Three --

10 MR. DIAZ: Three out of the four?

11 MR. SPATZ: If -- if you were to subdivide
12 the lot into three lots, or -- or combine -- do
13 in one and build four three family homes, three
14 of those three family homes would need use
15 variances, just like this needs a use variance.

16 Different use variance and it would be up
17 to the Board to review it and indicate -- and
18 determine what impacts there are, and what
19 they're willing to grant or not grant.

20 But that's -- it's totally up to you how
21 you want to proceed. You can proceed as you're
22 doing, and the Board reviews it that way.

23 MR. DIAZ: Understood.

24 MR. SPATZ: Right.

25 MR. MAROTTA: Mr. Chairman, I -- I want to

1 comment.

2 I think the young lady who spoke hit the
3 nail right on the head. I've been talking about
4 this for years.

5 We have a very serious parking problem in
6 the city. And she brought a point out that I had
7 forgotten, because my office was on that corner
8 for many, many years. And I forgot that when you
9 go west on 35th Street, from New York Avenue to
10 Bergenline Avenue, you cannot go straight
11 through. You have to make a turn. Okay?

12 So, my concern is parking. If an applicant
13 does not provide parking, pursuant to the
14 Ordinance, I will vote against that application,
15 because we have a safety situation and a safety
16 factor here. That's why I'm against this
17 application.

18 VICE CHAIRMAN GRULLON: And that's the
19 reason why we -- we actually request for the
20 applicant to consider cutting a floor to provide
21 enough parking for the tenants of the building,
22 that they don't have to be off-street parking.

23 And actually, I believe that your client is
24 doing that request.

25 MR. DIAZ: That's correct. That's the --

1 VICE CHAIRMAN GRULLON: And you are asking
2 to come back with the modified plans.

3 MR. DIAZ: That's correct. As they were
4 proposed before.

5 VICE CHAIRMAN GRULLON: Okay.

6 And we're asking for an adjournment on the
7 application or --

8 MR. PANEQUE: Yeah.

9 MR. MAROTTA: Is there a withdrawal of this
10 application?

11 MR. DIAZ: No.

12 MR. PANEQUE: Mr. -- Mr. Diaz, are you
13 asking to withdraw or you're asking to --

14 MR. DIAZ: No.

15 MR. PANEQUE: -- to --

16 MR. DIAZ: No, no.

17 MR. PANEQUE: -- adjourn --

18 MR. DIAZ: To adjourn.

19 MR. PANEQUE: -- this application --

20 MR. DIAZ: And --

21 MR. PANEQUE: -- in order to modify your --

22 MR. DIAZ: Correct.

23 MR. PANEQUE: -- plans?

24 MR. DIAZ: That's correct.

25 MR. PANEQUE: Okay.

1 And you also need to modify the actual
2 application that was presented, because the
3 application provided for 24 units.

4 MR. DIAZ: That's correct.

5 MR. PANEQUE: So, we would request that
6 along with the modified plans, you modify the
7 application, and that same be submitted prior to
8 ten days of the next scheduled hearing.

9 MR. DIAZ: That's correct.

10 MR. PANEQUE: Okay?

11 MR. DIAZ: You're correct.

12 MR. PANEQUE: Thank you.

13 MR. MAROTTA: Is there going to be notice
14 required?

15 MR. PANEQUE: Okay.

16 MR. MAROTTA: If it's a new application, I
17 think there should be notice.

18 MR. PANEQUE: Well, it's -- it's --

19 MR. DIAZ: Not a new application. It's the
20 same application. It's just that it's being
21 reduced.

22 Now, if it was enlarged, I will understand
23 Mr. Marotta's concern. But the application is
24 not being enlarged, it's being lessened.

25 MR. PANEQUE: Yes.

1 Will Mr. Chairman --

2 MR. MAROTTA: It's a new application.

3 Let's face it. It's not the same application.

4 An amendment makes it a new application.

5 MR. DIAZ: An amendment does not make
6 anything new.

7 MR. MAROTTA: You call it an amendment, I
8 called it a new application.

9 MR. DIAZ: You called it an amendment, not
10 I. An amendment is not new. An amendment is an
11 amendment. It's a change, is an addition.

12 Your words.

13 MR. IZQUIERDO: Or a reduction.

14 VICE CHAIRMAN GRULLON: Mr. Diaz, the --

15 MR. MAROTTA: Let's be safe.

16 VICE CHAIRMAN GRULLON: You had an
17 opportunity to speak to the neighbor? To the
18 neighbors --

19 MR. DIAZ: I have.

20 VICE CHAIRMAN GRULLON: -- in the area?

21 MR. DIAZ: Yes. I spoke with them before.

22 VICE CHAIRMAN GRULLON: Okay. And have
23 they expressed what -- would they be -- would
24 satisfy them to be -- you know, built there?

25 MR. IZQUIERDO: The --

1 MR. DIAZ: No.

2 MR. IZQUIERDO: The --

3 MR. DIAZ: I did not get to that point.

4 But again, the -- the concerns were
5 expressed before, which is the parking, and
6 that's one of the reasons that we are lessening
7 the -- the application, and bringing in less
8 amount of -- of --

9 MR. IZQUIERDO: The CC zone --

10 MR. DIAZ: -- apartments.

11 MR. IZQUIERDO: The CC zone is for mixed
12 use commercial buildings. That's what the zone
13 wants. Those are the permitted uses.

14 The neighbors that are here, live in 35
15 Street, on three family homes, that the city now
16 has taken from here, and says this is the CC
17 zone.

18 So, providing a permitted use is going to
19 discourage these neighbors, which want us to
20 provide a three family house, which is not an
21 allowed use, in 75 percent of the application.

22 So, that's the answer to your question. I
23 mean, 35th Street, that may be a very quiet
24 neighborhood, but that's not what the -- what the
25 CC zone stands for.

1 It's not a quiet neighborhood, what the CC
2 zone says.

3 VICE CHAIRMAN GRULLON: Is something that I
4 see from --

5 MR. IZQUIERDO: It's -- it's the center of
6 the city. It's a commercial section.

7 VICE CHAIRMAN GRULLON: What I typically
8 see, from three family house, that they don't
9 provide enough parking --

10 MR. IZQUIERDO: I understand.

11 VICE CHAIRMAN GRULLON: -- for the three
12 families.

13 MR. IZQUIERDO: The CC zone does not allow
14 me to have three families.

15 MR. DIAZ: CC.

16 MR. IZQUIERDO: I cannot have a three
17 family here.

18 VICE CHAIRMAN GRULLON: No. I'm just
19 saying that --

20 MR. IZQUIERDO: Oh, no. I -- I understand.

21 VICE CHAIRMAN GRULLON: -- in the event
22 that you have -- that will be allowed, you had to
23 build three family houses, the parking situation
24 will be --

25 MR. IZQUIERDO: Horrible.

1 VICE CHAIRMAN GRULLON: -- even worse
2 because --

3 MR. IZQUIERDO: Because the three family --

4 VICE CHAIRMAN GRULLON: -- they're not
5 going to have --

6 MR. IZQUIERDO: -- takes up the entire
7 street, the whole frontage, and does not leave
8 any parking on the street.

9 I understand that. It's not a good
10 solution.

11 VICE CHAIRMAN GRULLON: I think we're going
12 to adjourn without re-notice.

13 MR. PANEQUE: We don't need to re-notice.

14 VICE CHAIRMAN GRULLON: We don't need to
15 re-notice. Okay.

16 MR. PANEQUE: Mr. Diaz, then, your request
17 is to have this matter carried to the next
18 meeting, with the understanding that you will be
19 submitting revised plans and an amended
20 application.

21 MR. DIAZ: That's correct.

22 MR. PANEQUE: I'm going to request that the
23 Chairman make a notice to the public here that
24 the matter is going to be carried --

25 Mr. Vallejo, when is the next meeting?

1 MS. GUTIERREZ: January 12.

2 THE SECRETARY: January 12.

3 MS. GUTIERREZ: January 12, 2017.

4 MR. PANEQUE: January 12, and Mr. Chairman,
5 you can make --

6 VICE CHAIRMAN GRULLON: Yes.

7 Anyone here for this application, this --
8 this application is going to be carried. They're
9 going to come back with revised plans for the
10 next meeting on January 17 (sic).

11 THE SECRETARY: Twelve.

12 MS. GUTIERREZ: No, January 12.

13 VICE CHAIRMAN GRULLON: Oh, January 12,
14 I'm sorry, 2017.

15 MS. GUTIERREZ: 2017.

16 MR. MAROTTA: Seven (sic) o'clock.

17 VICE CHAIRMAN GRULLON: And no new notice
18 are needed.

19 If -- like, if you have any other resident
20 that are for this application in your area,
21 please let them know. On January 12, we're going
22 to meet again with this, with revised plans.

23 MR. PANEQUE: And they can review the
24 revised plans at least ten days prior.

25 VICE CHAIRMAN GRULLON: Yeah. And the

1 revised plans will be available at the -- Mr.
2 Vallejo's office ten days -- ten days prior to
3 the meeting. You can go there and revise (sic)
4 it.

5 Okay?

6 MR. PANEQUE: Okay.

7 VICE CHAIRMAN GRULLON: Make a motion to
8 adjourn this meeting to --

9 THE SECRETARY: Motion to adjourn --

10 VICE CHAIRMAN GRULLON: -- to January 12.

11 MS. GUTIERREZ: And I'm seconding.

12 MR. IZQUIERDO: Merry Christmas.

13 MS. GUTIERREZ: Merry Christmas.

14 MR. DOUMAS: You, too.

15 THE SECRETARY: -- by Mr. Grullon.

16 MR. PANEQUE: It's supposed to be carried.
17 Hold on.

18 MR. DIAZ: To adjourn the application.

19 MR. PANEQUE: To adjourn the application.

20 THE SECRETARY: To adjourn the application.
21 Yes.

22 VICE CHAIRMAN GRULLON: To adjourn the
23 application. Yes.

24 THE SECRETARY: Second by --

25 MR. DIAZ: Thank you very much. Have a

1 good night.

2 THE SECRETARY: -- Margarita Gutierrez.

3 VICE CHAIRMAN GRULLON: Thank you, Mr.
4 Diaz.

5 MS. GUTIERREZ: Good night.

6 VICE CHAIRMAN GRULLON: Good night.

7 MS. GUTIERREZ: And happy holiday.

8 MR. DIAZ: Thank you.

9 THE SECRETARY: Roll call on the motion to
10 --

11 MR. DIAZ: We'll see you after the --

12 THE SECRETARY: -- adjourn this
13 application.

14 Mr. Grullon?

15 MS. GUTIERREZ: Yeah, not morning.

16 VICE CHAIRMAN GRULLON: Yes. Yes.

17 THE SECRETARY: Mrs. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Mr. Bonacci?

24 MR. BONACCI: Yes.

25 THE SECRETARY: Mr. Marotta?

1 MR. MAROTTA: Yes.

2 THE SECRETARY: Mr. Doumas?

3 MR. DOUMAS: Yes.

4 THE SECRETARY: Seven in favor. Motion

5 carries.

6 MS. GUTIERREZ: Ortiz. Did you call Ortiz?

7 MS. DILLON: Yes.

8 MR. PANEQUE: Wait.

9 MS. DILLON: He did.

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1 Sip Inka, LLC - 717-719 Sip Street and 718-720

2 31st Street:

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4 THE SECRETARY: Next -- next application or
5 next hearing --

6 MR. PANEQUE: We have one more matter,
7 gentlemen.

8 THE SECRETARY: -- on tonight's agenda --

9 VICE CHAIRMAN GRULLON: One -- one more
10 application.

11 MS. GUTIERREZ: One more application.

12 MR. PANEQUE: One more.

13 MS. GUTIERREZ: Where you going?

14 THE SECRETARY: Sip Inka, LLC 717-719 --

15 MR. BONACCI: Nobody's here for that.

16 MR. MAROTTA: What is this?

17 THE SECRETARY: -- Street and 718-720 31st
18 Street.

19 Mr. Paneque, please?

20 May I have your attention, please?

21 VICE CHAIRMAN GRULLON: Okay. We're on the
22 record.

23 MR. PANEQUE: The second application on
24 tonight's agenda was a request from the
25 applicant, Sip Inka, LLC, for property at 717-719

1 and 718-720 31st Street, seeking a one year
2 extension.

3 The applicant's attorney, F. Josovitz, is
4 not here this evening.

5 This is an application by a corporation or
6 an LLC, and therefore, has to be represented by
7 counsel.

8 The application was memorialized on January
9 15th, 2015. Therefore, it's two year anniversary
10 will be January 15th, 2017.

11 The matter's going to be carried until the
12 January 12th meeting, and the applicant will be
13 advised that they have to be here if they want to
14 go through with their extension request.

15 Is there a motion to carry this
16 application?

17 VICE CHAIRMAN GRULLON: I make a motion to
18 carry the application.

19 MS. GUTIERREZ: And I'm seconding.

20 THE SECRETARY: Motion by Victor Grullon.

21 Second by Margarita Gutierrez to carry to
22 the next meeting, January 12th, 2017.

23 Roll call on the motion.

24 Mr. Grullon?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: Mrs. Gutierrez?

2 MS. GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Ortiz?

4 MR. ORTIZ: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Bonacci?

8 MR. BONACCI: Yes.

9 THE SECRETARY: Mr. Marotta?

10 MR. MAROTTA: Yes.

11 THE SECRETARY: Mr. Doumas?

12 MR. DOUMAS: Yes.

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

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1 **ADJOURNMENT:**

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

6 Motion by Mr. Ortiz.

7 Second by?

8 Mr. Bonacci.

9 All in favor?

10

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

12

13 THE SECRETARY: The ayes have it.

14 Thank you.

15 Have a good night.

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

18 Thank you.

19 MS. GUTIERREZ: Listen.

20 MR. MEDINA: I see you next year.

21 MR. BONACCI: Merry Christmas, guys.

22 MS. GUTIERREZ: Merry Christmas. Happy New
23 Year.

24 MR. MEDINA: I'll see you next year.

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1 (Whereupon, the proceedings were concluded
2 at 8:22 p.m.)
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1 STATE OF NEW JERSEY :

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3 COUNTY OF ESSEX :

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

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25 Monitored and proofread by: Deborah Dillon