

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, January 12, 2017
 Commencing at 6:18 p.m.

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

MARGARITA GUTIERREZ
 MIGUEL ORTIZ
 DAVID W. PRESSEY
 JOHN MEDINA, Alternate No. 1
 LIBERO MAROTTA, Alternate No. 3, (Left at 7:42 p.m.)
 VICTOR M. GRULLON, Vice Chairman

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

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

P L A N N I N G B O A R D
 M E M B E R S P R E S E N T:

ALICIA MOREJON, (Left at 7:42 p.m.)
 RUDY RIVERO, (Left at 7:42 p.m.)
 JEANNE KOEHLER, (Left at 7:42 p.m.)
 YDALIA GENAO, (Left at 7:42 p.m.)

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney
(Recused on 25 Central, LLC)

REGINA I. RODRIGUEZ, ESQ., Acting Board Attorney,
Central 25, LLC Resolution, (Left at 6:29 p.m.)

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

ELISE DiNARDO, ESQ.,
Attorney for Applicant,
Union City Board of Education

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Sip Inka, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Paula Escobar

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 2505 Central, LLC

MICHAEL S. GOODMAN, ESQ.,
Attorney for Applicant, Oz Holdings, LLC

ALAIN MULKAY, ESQ.,
Attorney for Applicant, 310 4th Street, LLC

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

3 Please take notice that on Thursday,
4 January 12, 2017 --

5 MS. GUTIERREZ: You have to speak louder.

6 THE SECRETARY: -- a Regular Meeting is
7 scheduled for the Union City Zoning Board of
8 Adjustment and be held in Municipal Chamber,
9 located on the second floor, 3715 Palisade
10 Avenue.

11 Can everybody raise to salute the flag,
12 please?

13

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

16

17 THE SECRETARY: Thank you.

18 Notice of this meeting has been provided
19 follow:

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

1 of the Municipal Clerk.

2

3 **ROLL CALL:**

4

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

7 Andres Garcia? Absent.

8 Victor Grullon?

9 VICE CHAIRMAN GRULLON: Here.

10 THE SECRETARY: Margarita Gutierrez?

11 MS. GUTIERREZ: Here.

12 THE SECRETARY: Miguel Ortiz?

13 MR. ORTIZ: Here.

14 THE SECRETARY: David Pressey?

15 MR. PRESSEY: Here.

16 THE SECRETARY: Harlenny Javier? Absent.

17 Khaled Dardir? Absent.

18 John Medina?

19 MR. MEDINA: Here.

20 THE SECRETARY: Joseph Bonacci? Absent.

21 Libero Marotta?

22 MR. MAROTTA: Here.

23 THE SECRETARY: Peter Doumas? Absent.

24 Let the record indicate there are six
25 present.

1 **RESOLUTION:**

2

3 (1) Resolution Appointing the Zoning Board of
4 Adjustment Secretary for the year 2017.

5

6 THE SECRETARY: Right. On tonight's
7 agenda, we have the first Resolution.

8 Appointing the Zoning Board of Adjustment
9 Secretary for the year 2017.

10 Can I have a motion to --

11 VICE CHAIRMAN GRULLON: I -- I move the
12 motion.

13 THE SECRETARY: Motion by Mr. Grullon.

14 MS. GUTIERREZ: And I'm seconding.

15 THE SECRETARY: Second by Mrs. Gutierrez.
16 Roll call on the motion.

17 Mr. Grullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Mrs. Gutierrez?

20 MS. GUTIERREZ: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Mr. Pressey?

24 MR. PRESSEY: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Marotta?

3 MR. MAROTTA: Yes.

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

6 Thank you.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

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3 (1) Approval of previous meeting minutes from
4 December 8, 2016.

5

6 THE SECRETARY: Approval of previous
7 meeting minutes.

8 Approval of previous meeting minutes from
9 December 8, 2016.

10 Can I have a motion?

11 VICE CHAIRMAN GRULLON: Make a motion to
12 approve the minutes.

13 THE SECRETARY: Motion by Mr. Grullon.

14 MS. GUTIERREZ: I'm seconding.

15 THE SECRETARY: Second by Mrs. Gutierrez.
16 Roll call on the motion.

17 Mr. Grullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Mrs. Gutierrez?

20 MS. GUTIERREZ: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Mr. Pressey?

24 MR. PRESSEY: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Marotta?

3 MR. MAROTTA: Yes.

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

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1 **REVISED RESOLUTION:**

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3 (1) Central 25, LLC - 2415-2417 Central Avenue.
4 Block 135, Lots 19 & 20. Proposed Poultry and
5 Fish Market at existing building. Has been
6 remanded back by Superior Court of the State of
7 New Jersey to adopt a memorializing resolution
8 setting forth more specific findings of facts and
9 conclusions of law. (The Application was denied
10 on October (sic) 10, 2015 and the Resolution to
11 deny Applicant's Application was adopted on
12 February 11, 2016.)

13

14 THE SECRETARY: We have one Revised
15 Resolution tonight.

16 Central 25, LLC, 2415-2417 Central Avenue.

17 MR. PANEQUE: Mr. Vallejo, on this
18 Resolution, as I previously had recused myself,
19 I'm going to recuse myself and I'm going to have
20 substitute attorney from the office of Mr. Ortiz
21 step in for that.

22 THE SECRETARY: Thank you, Mr. Paneque.

23 MS. RODRIGUEZ: So, on this Resolution --

24 MS. DILLON: Counsel, just state your name
25 for the record.

1 MS. RODRIGUEZ: Regina Rodriguez, Dario,
2 Albert, Metz and Eyerman.

3 MS. DILLON: Thank you.

4 MS. RODRIGUEZ: You're welcome.

5 So, the -- the Resolution was remanded back
6 by Judge Turula of the Superior Court of the
7 State of New Jersey, to adopt a memorializing
8 resolution setting forth the more specific
9 findings of fact and conclusion of law.

10 The -- the only individuals that were able
11 to vote on this are Victor Grullon, Margarita
12 Gutierrez, Miguel Ortiz, Khaled Dardir, John
13 Medina, and Joseph Bonacci.

14 And the Vice Chair will read the --

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Thank you, Mr. Grullon.

17 VICE CHAIRMAN GRULLON: Yes.

18 Yeah, I want to take a moment just to, for
19 the record, to read the Resolution.

20 We -- we, the Board, we determined that the
21 relief of the request by the applicant cannot be
22 granted without substantially impact the public
23 good, without substantially impairing the intent
24 and the purpose of the Zoning Plan and the Master
25 Plan for the following reasons:

1 First. The project would be in conflict
2 with the character of the neighborhood, and with
3 the Master Plan of the City.

4 Second. The conversion of one story
5 warehouse, formerly used as a printing
6 establishment, into a fish and live poultry
7 market will be against the public interest and
8 have detrimental effect on the community.

9 Third. The applicant has failed to meet
10 the burden of proof of the relief of the request.

11 Four. The one negative -- negative
12 criteria associated with the project that
13 outweighed the positive criteria for the
14 following reasons:

15 The current -- the current Zoning
16 Ordinance, recently adopted on 2012, specifically
17 exclude such a use from the -- from the zones.

18 B. No proof was offered by the applicant
19 as a reason for the relief of the latest
20 Ordinance to overlook the factors in excluding
21 such a use in the zone.

22 C. Granting this variance would be --
23 impair the intent of the purpose of the Zoning
24 Ordinance, which specifically designates the --
25 the area for residential purpose. And no

1 evidence has been introduced which should change
2 the -- the area consistency with the purpose use.

3 The commercial use --

4 D. The commercial use is not allowed in
5 the zone, as -- as this is an R zone, low density
6 residential.

7 E. There were a lot of other business in
8 the City that provides similar products and
9 service in -- in the -- in areas properly zoned
10 for this use.

11 F. No specific evidence that the use
12 promotes the general welfare of the zone where --
13 where the service provide is already available to
14 the residents at several location in the City.

15 G. The applicant provides personal --
16 personal economic reasons why the variance should
17 not be granted, rather than the general welfare
18 of the public.

19 H. No special reason were given for -- for
20 the granting of the variance other than the
21 applicant's expenditures of funds to acquire the
22 property without prior approval.

23 E (sic). I mean, actually, I. The
24 Ordinance has designated a specific commercial
25 area in the defined section of the City

1 sufficiently near the neighborhood to provide for
2 local residents.

3 J. No proof offer by the applicants as to
4 reason why the use is compatible with the other
5 uses in the zones.

6 K. Insufficient proof as why the proposed
7 development of this property is particular
8 appropriate in the residential neighborhood.

9 L. Objection from the neighborhood --
10 objection from the neighborhood that proposed use
11 inconsistency with the recreational and
12 educational areas located around the -- the
13 proposed site.

14 M. The objection from the neighborhood
15 indicating that the trend for this area is for
16 residential use and away from commercial use
17 consistent with the -- with the latest zoning
18 plans.

19 N. The evidence from the neighborhood that
20 prior similar uses was detrimental to the -- to
21 the neighborhood.

22 O. The objection from the neighborhood
23 that the applicant, who lived in Franklin Lakes,
24 New Jersey, far from the -- from this area,
25 failed to show concern for the detrimental aspect

1 of the proposed use in this neighborhood.

2 P. There are legitimate concerns of
3 congestion, pollution and parking that were
4 raised by the neighborhood and the -- and the
5 community.

6 Q. There were public health, rodent
7 infestation concerns raised by the neighborhood
8 and the community.

9 And finally, the final thing is that there
10 was sizeable opposition to the approval of the
11 project from the neighborhood and the community.

12 For those reason, we -- I make the motion
13 to accept the Resolution.

14 THE SECRETARY: Motion to adopt the Revised
15 Resolution by Mr. Grullon.

16 MS. GUTIERREZ: And I'm seconding.

17 THE SECRETARY: Second by Mrs. Gutierrez.
18 Mr. Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Roll call on the
21 Resolution.

22 VICE CHAIRMAN GRULLON: Yes.

23 THE SECRETARY: To deny the -- to approve
24 the deny Resolution.

25 Mrs. Gutierrez?

1 VICE CHAIRMAN GRULLON: Yes to accept.

2 MS. GUTIERREZ: Yes. To deny.

3 THE SECRETARY: Mr. Ortiz?

4 MR. ORTIZ: Yes, to deny.

5 THE SECRETARY: Mr. Dardir is absent.

6 Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Mr. Bonacci's absent.

9 All in favor?

10 Motion carries.

11 Thank you.

12 MR. PANEQUE: Let the record reflect that
13 I'm stepping back into the meeting as the Board
14 attorney.

15 THE SECRETARY: Okay.

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

17 MS. RODRIGUEZ: Thank you.

18 THE SECRETARY: Thank you, Mr. Paneque.

19

20 (Whereupon, Regina I. Rodriguez, Esq. left
21 the meeting at 6:29 p.m.)

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1 **Union City Board of Education -**

2 **516-526 35th Street and 517-527 36th Street:**

3

4 THE SECRETARY: The first application on
5 tonight's hearing is Union City Board of
6 Education, 516-526 35th Street and 517-527 36th
7 Street, Block 213, Lot 28, multi-level parking
8 garage.

9 Ms. Lavelle?

10 MS. DiNARDO: No Ms. Lavelle tonight. Ms.
11 DiNardo.

12 THE SECRETARY: I'm sorry, Ms. DiNardo.

13 MS. GUTIERREZ: We're going to recuse?

14 THE SECRETARY: Mr. --

15 MR. PANEQUE: Mr. Vallejo --

16 THE SECRETARY: Mr. Paneque, go ahead.

17 MR. PANEQUE: -- before we proceed, there
18 are certain members of the Board that have a
19 conflict of interest.

20 Those members are going to recuse
21 themselves from hearing this application. I
22 understand that there might be some substitute
23 members coming in.

24 THE SECRETARY: Yes, Mr. --

25 MR. PANEQUE: Okay. May we --

1 THE SECRETARY: -- Mr. Paneque.

2 MR. PANEQUE: -- have the members that are
3 recusing themselves, just state their names?

4 VICE CHAIRMAN GRULLON: First, we have to
5 appoint --

6 MR. PANEQUE: Well --

7 VICE CHAIRMAN GRULLON: Or we just recuse
8 ourselves?

9 MR. PANEQUE: You recuse, and then we'll --

10 VICE CHAIRMAN GRULLON: Yeah. Victor
11 Grullon.

12 MS. GUTIERREZ: Margarita Gutierrez.

13 MR. PANEQUE: Okay.

14 MR. MEDINA: John Medina.

15 MR. PANEQUE: Mr. Medina, you're recusing
16 yourself from this application?

17 THE SECRETARY: Also Mr. --

18 MR. PANEQUE: Yes. Okay.

19 THE SECRETARY: Mr. Pressey, too.

20 VICE CHAIRMAN GRULLON: And David Pressey.

21 MR. PANEQUE: All right.

22 MS. DILLON: I'm sorry. Who?

23 THE SECRETARY: Let the record reflect that

24 --

25 MS. DILLON: Mr. Pressey.

1 THE SECRETARY: -- the Board members who
2 recusing themselves for this application, they
3 are Mr. Gullon, Mrs. Gutierrez, Mr. Pressey, Mr.
4 Medina.

5 MR. PANEQUE: Okay.

6 THE SECRETARY: Thank you. You can have a
7 seat on the benches.

8
9 (Whereupon, Victor Gullon, Margarita
10 Gutierrez, John Medina and David Pressey were
11 recused and stepped down from the dais.)

12
13 THE SECRETARY: In tonight's agenda, we're
14 going to have a joined Board, Planning and Zoning
15 for this first application.

16 Mr. Paneque?

17 MR. PANEQUE: That is correct, Mr. Vallejo.

18 If we could have the substituted members
19 step up?

20 THE SECRETARY: The Planning Board members
21 who are going to hear the Union City Board of
22 Education, please?

23 Mrs. Genao, Mr. Rivero, Mrs. Morejon, and
24 Mrs. Koehler, please.

25

1 (Whereupon, Planning Board Members Ydalia
2 Genao, Rudy Rivero, Alicia Morejon and Jeanne
3 Koehler were seated at the dais.)
4

5 THE SECRETARY: Let the record indicate
6 that the members present for this application are
7 Mr. Ortiz, Mr. Marotta, Mr. Rudy Rivero from the
8 Planning Board, Mrs. Ydalia Genao from the
9 Planning Board, Mrs. Alicia Morejon from the
10 Planning Board, Mrs. Jeanne Koehler from the
11 Planning Board.

12 We have six members present.

13 MR. PANEQUE: Mr. Vallejo, we could have a
14 motion to appoint a temporary Chairperson.

15 MS. MOREJON: I make a motion to appoint
16 Mr. Marotta.

17 THE SECRETARY: Motion to appoint temporary
18 Chairperson Mr. Marotta -- by Mrs. Morejon.

19 Motion by Mrs. Morejon.

20 MS. KOEHLER: Second.

21 THE SECRETARY: Second by?

22 Mrs. Koehler.

23 Roll call on the motion.

24 Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Mr. Marotta?

2 MR. MAROTTA: Yes.

3 THE SECRETARY: Mr. Rivero?

4 MR. RIVERO: Yes.

5 THE SECRETARY: Mrs. Genao?

6 MS. GENAO: Yes.

7 THE SECRETARY: Mrs. Morejon?

8 MS. MOREJON: Yes.

9 THE SECRETARY: Mrs. Koehler?

10 MS. KOEHLER: Yes.

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

13 Mr. Marotta is the Acting Chairperson for
14 this hearing.

15 Go ahead, Mrs. DiNardo, please.

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

17 Ms. DiNardo?

18 MS. DiNARDO: Yes.

19 Good evening, everyone.

20 Elise DiNardo, on behalf of the Union City
21 Board of Education.

22 I'd like to begin with submitting to
23 counsel the original Affidavit of Publication
24 from The Jersey Journal, and also the original
25 certified mailings.

1 Previously, I did submit the -- the list of
2 all the owners within 200 feet of the project to
3 -- with copies of the certified mailings to Mr.
4 Vallejo.

5 MR. PANEQUE: Okay.

6 Ms. DiNardo, did you provide Mr. Vallejo
7 with an Affidavit as to the notices having been
8 mailed to all --

9 MS. DiNARDO: I did.

10 MR. PANEQUE: -- residents within 200 feet?

11 MS. DiNARDO: I did.

12 MR. PANEQUE: Okay. Mr. Vallejo --

13 THE SECRETARY: I have in the --

14 MR. PANEQUE: -- you have that?

15 THE SECRETARY: -- records, Mr. Paneque.

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

18 MR. PANEQUE: Did you get the Affidavit?

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

21 MS. DiNARDO: It was attached with my
22 December 27th letter.

23 MR. PANEQUE: Did you keep a copy?

24 MS. DiNARDO: I don't have a copy with me.
25 I didn't bring the whole file with me.

1 THE SECRETARY: I remember I receive those
2 -- those notifications.

3 The Affidavit of Publication.

4 MR. PANEQUE: December 27th. Do you have a
5 letter from Ms. DiNardo?

6 THE SECRETARY: Yes, I did.

7 MR. PANEQUE: You have it?

8 THE SECRETARY: But I don't have the letter
9 right now.

10 MR. PANEQUE: Okay. All right.

11 THE SECRETARY: Let me see. Let me review
12 it one more time.

13 Not the notice, right?

14 MR. PANEQUE: No. It's -- she --

15 MR. SPATZ: Affidavit.

16 MR. PANEQUE: -- Ms. DiNardo indicated that
17 it's attached to her December 27th letter.

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

20 THE SECRETARY: Have to be confused, in the
21 office.

22 MR. PANEQUE: Okay.

23 Let the record reflect that I've been
24 provided by Ms. DiNardo with the certified mail
25 receipts, which are dated December 27, 2016.

1 I've also been provided with a -- an
2 Affidavit from The Jersey Journal, dated December
3 29, 2016. Said Affidavit indicates that notice
4 for tonight's hearing, on January 12th, 2017, was
5 published in the local newspaper, giving notice
6 of the intent of the applicant looking for a
7 multi-level parking structure on the premises
8 known as 516-526 35th Street and 517-527 36th
9 Street.

10 I've also been provided by Mr. Vallejo with
11 a list from the Union City Tax Assessor's Office,
12 dated December 16th, 2016, indicating all property
13 owners within the vicinity of the subject site.
14 Said tax list has a date of December 16, 2016.

15 Ms. DiNardo, it's your representation to
16 the Board that an Affidavit that these notices
17 went out was provided to Mr. Vallejo?

18 MS. DiNARDO: Yes. And --

19 MR. PANEQUE: Okay.

20 MS. DiNARDO: -- also, too, I'll note for
21 the record that each one of the certified mails
22 are stamped by the post office.

23 MR. PANEQUE: Correct.

24 It's just that it's a -- it's a requirement
25 that we have an Affidavit from the attorney that

1 the notices --

2 MS. DiNARDO: It was --

3 MR. PANEQUE: -- went out.

4 MS. DiNARDO: -- submitted.

5 MR. PANEQUE: Okay. We'll have Mr. Vallejo
6 provide that. Okay.

7 THE SECRETARY: Have to be --

8 MR. PANEQUE: It's in your office?

9 THE SECRETARY: -- in the office. You
10 know.

11 MR. PANEQUE: All right.

12 THE SECRETARY: Been misplaced.

13 MR. PANEQUE: Okay, that will be a post-
14 hearing requirement that that becomes part of the
15 file.

16 MS. DiNARDO: I will call Mr. Vallejo
17 tomorrow, and make sure that he finds it. And if
18 he hasn't found it, I will get him a copy.

19 MR. PANEQUE: That's fine.

20 MS. DiNARDO: If that's sufficient?

21 MR. PANEQUE: Thank you, Ms. DiNardo.

22 Based on the documentation that has been
23 provided, it's evident that this Board does have
24 the jurisdiction to proceed and hear this matter,
25 as --

1 ACTING CHAIRMAN MAROTTA: Very good.

2 MR. PANEQUE: -- has been established.

3 ACTING CHAIRMAN MAROTTA: Ms. DiNardo?

4 MS. DiNARDO: Yes?

5 ACTING CHAIRMAN MAROTTA: The floor -- the
6 floor is yours.

7 MS. DiNARDO: Thank you. Thank you.

8 Good evening, everyone.

9 The Union City Board of Education is here
10 this evening with an application to construct a
11 multi-story parking structure.

12 This parking structure is going to be
13 affiliated with a new middle school.

14 I have photographs of the area. Mr.
15 Vallejo had specifically asked me to bring some
16 photographs.

17 I'd ask that you mark it as A-1 for the
18 record, Mr. Paneque.

19

20 (Whereupon, Photo Sheet (4) was received
21 and marked as Exhibit A-1.)

22

23 MS. DiNARDO: You may be familiar with the
24 area. It's between Bergenline Avenue and JFK,
25 35th Street, 36th Street and 37th Street, which are

1 currently surface parking lots, metered surface
2 parking lots, and owned --

3 ACTING CHAIRMAN MAROTTA: Okay.

4 Thank you.

5 MS. DiNARDO: -- by the Union City Parking
6 Authority.

7 The District is in contract with the
8 Parking Authority for the acquisition of those
9 sites. And the consideration in the agreement is
10 for the construction of a multi-story parking
11 structure.

12 The District, for some time now, has been
13 in negotiations with the New Jersey School
14 Development Authority, for the construction of
15 this new school. It's going to be a middle
16 school.

17 That will be a separate application by the
18 New Jersey School Development Authority before
19 the Planning Board.

20 What's interesting and -- and what we think
21 is very important for -- for the people of the
22 Board to know, being Union City residents, our
23 school district is growing immensely.

24 Since 2011, we have gained approximately
25 3,000 new students. Of course, great city, great

1 | school district. People are going to come here
2 | to live and they're going to put their kids in
3 | our school district.

4 | So, it's an absolute necessity that we get
5 | a new school, because we do have unhoused
6 | students, and Mrs. Abbato, our Superintendent, is
7 | here tonight if you have any questions with
8 | regard to our enrollment and our need for this
9 | new school facility.

10 | That being said, for witnesses this
11 | evening, I have our architect, Jeff Schlecht of
12 | RSC Architects, and he's going to review with you
13 | the structure, what it's going to encompass, the
14 | lot coverage, and the front yard, side yard, and
15 | back -- and backyard setbacks. And he'll be
16 | prepared to answer any questions that you may
17 | have.

18 | MS. DILLON: Would you like him sworn now,
19 | Ms. DiNardo?

20 | MS. DiNARDO: Please.

21 | MS. DILLON: Sir, please raise your right
22 | hand.

23 | Do you affirm the testimony you're about to
24 | give this Board is the whole truth?

25 | MR. SCHLECHT: Yes, I do.

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

3 MR. SCHLECHT: It's Jeff Schlecht,
4 S-C-H-L-E-C-H-T.

5 MS. DILLON: Thank you.

6 MR. SCHLECHT: Um hum.

7 MS. DiNARDO: And -- and Mr. Schlecht, are
8 you a licensed architect?

9 MR. SCHLECHT: Yes, I am.

10 MS. DiNARDO: And how long have you been a
11 licensed architect?

12 MR. SCHLECHT: For about 16 years.

13 MS. DiNARDO: Can you tell us a little bit
14 about your educational background?

15 MR. SCHLECHT: Sure.

16 A graduate from Syracuse University,
17 registered in the State of New Jersey, and I've
18 been working for RSC Architects for 14 years now
19 on various projects throughout the state.

20 MS. DiNARDO: Have you ever appeared before
21 the Zoning or Planning Board in Union City?

22 MR. SCHLECHT: I have.

23 MS. DiNARDO: Okay.

24 And has that been more than once? Several
25 times?

1 MR. SCHLECHT: Several times.

2 MS. DiNARDO: Does the Board --

3 ACTING CHAIRMAN MAROTTA: Accepted.

4 MS. DiNARDO: -- have any questions?

5 ACTING CHAIRMAN MAROTTA: Accepted.

6 MS. DiNARDO: Thank you.

7 Okay. So, let's get to the project.

8 MR. SCHLECHT: Okay.

9 Want me to begin?

10 MS. DiNARDO: Please.

11 MR. SCHLECHT: So, the project, as the
12 attorney's mentioned, is the site of the existing
13 parking lot between 35th and 36th Street, behind
14 the commercial buildings of Bergenline Ave.

15 We're proposing a six level parking
16 structure that would have a roof. So, a roof on
17 top of it, so when you get to the top level,
18 you'll have a roof. It won't be exposed to the
19 elements, which will improve the maintenance of
20 that garage.

21 The -- the -- it will have a flat roof,
22 however, at the -- at the top level.

23 We'll be having a 40 -- 433 parking spaces,
24 which will replace the 88 that we are taking over
25 of the existing parking lot.

1 The distribution of the parking spaces
2 within it will be ten handicapped, 92 dedicated
3 for the Board of Education, and 331 dedicated for
4 public use.

5 It will be a public lot that will be --
6 have a gate arm for controlling in and out, and
7 allow for automatic payment if -- if -- you know,
8 programmed so.

9 As far as the construction of the -- of the
10 garage, it will be pre-cast concrete, open
11 structure, meaning that there's more than 80, 90
12 percent openings of the garage for clear air.

13 And the north and south elevations will be
14 similar in that they will be articulated with
15 thin brick inlay in the pre-cast panel when it's
16 fabricated.

17 We will have openings to resemble more of a
18 residential character, so there will be small
19 openings with metal frames, painted metal frames
20 to mimic or resemble window openings and mullions
21 and things.

22 We will have a -- a stair tower on 36th
23 Street, stair and elevator tower that will have a
24 glass front to it.

25 We will have one entrance on 36th Street

1 and -- and entrance and exit on 35th Street. So
2 from 36th Street, you'll be able to come off of
3 Kennedy and enter into the garage. From 35th
4 Street, you can come in and out of the garage,
5 and exit towards Kennedy Boulevard.

6 Both elevations we will have planters at
7 the street level, near the entrances. And what
8 else is there?

9 MS. DiNARDO: If I just can interrupt you?

10 We'll --

11 MR. SCHLECHT: Um hum.

12 MS. DiNARDO: We'll mark this as A-2, and
13 this is a rendering of -- of the actual facility.

14 MR. SCHLECHT: Exactly.

15 MS. DiNARDO: The actual deck. Okay.
16 So, do you mind?

17 MR. SCHLECHT: Go ahead. Put it on the
18 back?

19 MS. DiNARDO: I'll put it on the back.

20

21 (Whereupon, Rendering was received and
22 marked as Exhibit A-2.)

23

24 MR. SCHLECHT: I do have floor plans, if
25 you're interested in seeing parking -- interior

1 of the parking garage, but it is just a parking
2 garage, spiral level all the way up to the sixth
3 -- sixth level.

4 The top two levels are the areas that are
5 going to be dedicated for the Board of Education
6 parking spaces.

7 And we do have a small office, hundred
8 square foot, to help for -- you know, monitoring
9 the garage.

10 MS. DiNARDO: Now, just so that -- that
11 it's clear, Mr. Schlecht testified that 88
12 parking spaces will be taken from that surface
13 parking lot.

14 However, with the school and the
15 playground, and the other two surface parking
16 lots also being taken for this -- this project,
17 this will then provide the City of Union City
18 with an additional approximately a hundred fifty
19 --

20 MR. SCHLECHT: Yes. There's --

21 MS. DiNARDO: -- additional parking spaces
22 from what's being taken from the surface parking
23 lots.

24 I think the total count is four -- just
25 bear with me -- I think it's in the -- actually

1 in the application, I put it.

2 MR. SCHLECHT: We're providing 433 parking
3 spaces.

4 ACTING CHAIRMAN MAROTTA: Four thirty-
5 three.

6 MS. DiNARDO: Right. It's 433 for the loss
7 of approximately 230 metered surface -- surface
8 parking spaces. Okay.

9 Now, this will have running water. Will it
10 have any other plantings, other than just at the
11 street level?

12 MR. SCHLECHT: There -- the office will
13 have a hose bib for maintenance purposes. But
14 that -- that is it. There's no bathroom facility
15 or anything like that.

16 MS. DiNARDO: What kind of maintenance is
17 involved with this -- with this facility?

18 MR. SCHLECHT: General cleaning, small
19 street sweeper to dust and debris and -- and
20 things that are accumulated over time.

21 We have -- do have the roof covering, so
22 that there's no concern about snow accumulation
23 in a parking garage, which makes -- you know,
24 snow removal -- removal difficult.

25 Other than that, there's not much more

1 maintenance.

2 MS. DiNARDO: Okay.

3 Tell us a little bit about the -- the lot
4 size and the coverage of -- of the garage with
5 regard to the -- the lot size.

6 MR. SCHLECHT: It's -- it's taking up the
7 full lot, with the exception of ten feet on
8 either side of the north and south side, which
9 will be left as separation to allow for that
10 clear area for air circulation.

11 That space will be enclosed with a fence,
12 so that people cannot go in there to loiter.

13 And in terms of square footage, it's just
14 under 25,000 square feet in footprint.

15 MS. DiNARDO: And -- and what is -- what's
16 the size of the existing lot? Do you know?

17 MR. SCHLECHT: Is just a little bit bigger
18 than that. So, another 3,000 square feet.

19 MS. DiNARDO: Does anybody have any
20 questions?

21 ACTING CHAIRMAN MAROTTA: Any members of
22 the --

23 MS. DiNARDO: If you'd like to go --

24 ACTING CHAIRMAN MAROTTA: -- Board have any
25 questions?

1 MS. DiNARDO: -- through each --

2 MS. MOREJON: We don't have no questions.

3 MS. DiNARDO: -- each level?

4 ACTING CHAIRMAN MAROTTA: Do you have a --

5 MS. MOREJON: No.

6 ACTING CHAIRMAN MAROTTA: I have a few
7 questions. All right?

8 MR. SCHLECHT: Okay.

9 MS. DiNARDO: Great.

10 ACTING CHAIRMAN MAROTTA: Is there an
11 elevator?

12 MR. SCHLECHT: There is an elevator.

13 ACTING CHAIRMAN MAROTTA: And what was the
14 reasoning behind entering on 36th Street and
15 exiting on 35th Street?

16 MR. SCHLECHT: So that way we have all of
17 our traffic -- we're not contributing any traffic
18 to Bergenline Ave.

19 ACTING CHAIRMAN MAROTTA: The reason I
20 mention that is because traffic going west on 35th
21 Street, when you reach the Boulevard, and I drive
22 there everyday, okay, and there's no 433 parking
23 spaces at the present time.

24 MR. SCHLECHT: Um hum.

25 ACTING CHAIRMAN MAROTTA: And sometimes, I

1 have to wait three, four, five minutes before I
2 can make a right turn to go north, because the
3 only way you could go.

4 Why don't you enter on 35th Street, and
5 exit on 36th Street, because in my opinion, you're
6 going to have a big traffic jam on 35th Street?

7 MS. DiNARDO: Well, we actually have our
8 planner and civil engineer who can address that
9 particular question on why it has been set up
10 that way, and what the traffic conditions may or
11 not be -- may be or may not be, and how we feel
12 that the flow of traffic will be better than it
13 is now because you don't have people waiting for
14 a parking space at the surface level.

15 There's no back up onto the street. They
16 go into the facility. They go up and they park.

17 ACTING CHAIRMAN MAROTTA: Yeah. But I'm
18 talking about exiting.

19 If you exit on 35th Street, there's only
20 one way to go, and that's west. And when you --
21 and there's a traffic light on Central Avenue,
22 right in front of the church, Holy Family Church.
23 And between that traffic light and Kennedy
24 Boulevard, there's always a backup, because
25 traffic going north on Kennedy Boulevard prevents

1 people exiting from 35th Street to go north onto
2 Kennedy Boulevard.

3 You're going to have a -- you're going to
4 have a traffic expert?

5 MS. DiNARDO: Yes. He's here tonight.

6 ACTING CHAIRMAN MAROTTA: All right.

7 MS. DiNARDO: And --

8 ACTING CHAIRMAN MAROTTA: We'll wait and
9 see, and talk to him.

10 MS. DiNARDO: And the alternative argument
11 to that is, is that having the exit, where now
12 the flow would go onto Bergenline Avenue, you
13 have exactly the same issue.

14 Bergenline Avenue, one lane, one way.

15 ACTING CHAIRMAN MAROTTA: Believe me. I
16 live in Union City. I travel 35th Street. I
17 travel 36th Street. My office is on 40th Street
18 and --

19 MS. DiNARDO: Um hum.

20 ACTING CHAIRMAN MAROTTA: -- Bergenline.

21 It's a bigger problem on 35th Street than
22 it is going onto --

23 So, there's a problem there. No question
24 about it, but I see a bigger problem exiting on
25 35th Street.

1 That's from my own experience.

2 MS. DiNARDO: Absolutely. And you know,
3 aside from -- from the -- the questions with
4 regard to the traffic flow, I just want to make
5 one additional comment that -- that I failed to
6 make when I -- in my opening statement is, in
7 order to put this whole project together -- the
8 school, the parking structure -- in our
9 negotiations with the New Jersey School
10 Development Authority, it was required, by law,
11 that the City and the -- the District put
12 together a joint site identification report,
13 noting the publicly held and publicly owned sites
14 in Union City, where it would be appropriate to
15 develop a new school.

16 This site, along with the -- with the
17 corresponding other lots, the other surface
18 parking lots were identified by the State as
19 being an appropriate location for a new middle
20 school. And -- and therefore, the corresponding
21 parking deck.

22 I would like to just note that this was
23 also a project that was on the agenda in 2002,
24 with the New Jersey School Construction
25 Commission, and Jeff was involved in that

1 project.

2 And if I remember correctly, we were
3 somewhere around 90 percent completed with the
4 drawings for the garage, and about 60 percent
5 completed with the drawings for the school, when
6 the project was pulled because of financial
7 issues with the State.

8 So -- so, just so that you kind of get a
9 little bit of a background on how these sites --
10 you know, came to fruition for -- be the location
11 for a new school, and then of course, the new
12 parking deck.

13 Jeff, if you'd like to maybe go through
14 some of the background on the floors and -- and
15 give --

16 ACTING CHAIRMAN MAROTTA: Well, let me see
17 --

18 MS. DiNARDO: -- the Board a little bit of
19 an idea.

20 ACTING CHAIRMAN MAROTTA: -- if there's any
21 members of the public who have questions.

22 Any members of the public have questions?

23 MS. DiNARDO: Well, I don't think we're
24 there yet.

25 ACTING CHAIRMAN MAROTTA: Oh.

1 MS. DiNARDO: I think he wants to go over
2 the --

3 ACTING CHAIRMAN MAROTTA: Oh, okay.

4 MS. DiNARDO: -- interior a bit --

5 ACTING CHAIRMAN MAROTTA: All right. Okay.

6 MS. DiNARDO: -- with you.

7 ACTING CHAIRMAN MAROTTA: All right.

8 MR. SCHLECHT: I'll just walk through the
9 -- the --

10 ACTING CHAIRMAN MAROTTA: Go ahead.

11 MR. SCHLECHT: -- first floor --

12 ACTING CHAIRMAN MAROTTA: Go ahead.

13 MR. SCHLECHT: -- interior, since you asked
14 about the -- the elevators.

15 So, we have 35th Street and we have 36th
16 Street here. The -- the elevator -- elevator
17 bank is going to be on the north side, on 36th
18 Street, with the office.

19 The school will be on the other side of
20 36th Street, which is one reason why we have this
21 as sort of a entrance only.

22 The -- as I mentioned that the parking
23 garage is -- it's a ramp, basically, and you just
24 spiral up.

25 So, this is the low level of the ramp, and

1 | you come up and as the grades allow, 35th Street
2 | is actually a little higher than 36th Street, so
3 | you come up a little bit, and then we continue up
4 | our ramp and we spiral up in this direction.

5 | This one -- and we have another stair tower
6 | on the south side. So -- and then, we have our
7 | two entrance and exits, both with gate control.

8 | The north side, two elevators and a stair
9 | tower, and the elevator machine room. This
10 | corner, underneath the first ramp, if you will,
11 | is going to be designated for Board of Ed
12 | vehicles. So, we've got about nine spaces there,
13 | put their vans and -- and things like that,
14 | whereas, the rest of them will be all the way up
15 | at the top.

16 | As I mentioned, there's two side yards of
17 | -- of about ten feet, north -- east and west.
18 | And they will be enclosed with a -- a fence and
19 | gate to prevent people from loitering in there.

20 | Other than that, the typical floor plate --

21 | MS. DiNARDO: Now, Mr. Schlecht, A101, that
22 | was part of the package that was submitted to --

23 | MR. SCHLECHT: Yes.

24 | MS. DiNARDO: -- the Board? Correct.

25 | Okay.

1 MR. SCHLECHT: And A102. Continue on all
2 the way up. The two stair towers and the
3 elevators remain. We do have bollards in front
4 of the elevator entrance, to prevent a car from
5 mistakenly driving through it.

6 And then, on the upper level, we have a
7 gate entrance to control the access to the Board
8 of Ed parking, all the way up to the bottom --
9 top level, and then we have our roof, which will
10 just be a flat roof, accessible only for
11 maintenance.

12 ACTING CHAIRMAN MAROTTA: Am I right in
13 assuming that the elevator will be operational 24
14 hours a day?

15 MR. SCHLECHT: Correct.

16 ACTING CHAIRMAN MAROTTA: All right. Since
17 there's going to be parking for residents in the
18 area, what's the nature of the security for this
19 place?

20 MR. SCHLECHT: There's opportunity for
21 security for emergency buttons at each of the
22 stairs, and for security cameras.

23 At this time --

24 ACTING CHAIRMAN MAROTTA: That's it?

25 MR. SCHLECHT: I'm sorry?

1 ACTING CHAIRMAN MAROTTA: That's it?

2 MR. SCHLECHT: Yes.

3 ACTING CHAIRMAN MAROTTA: All right.

4 Anybody else have any questions?

5 MR. ORTIZ: Yes, I do.

6 What -- how many parking you have for
7 handicaps? How many handicaps?

8 MR. SCHLECHT: Ten. Ten spaces, and they
9 are spread out throughout each of the levels.

10 MR. ORTIZ: Okay. And the sizes of the
11 parking?

12 MR. SCHLECHT: They're all nine by 18
13 spaces. Typical one.

14 Just looking to see if there's one on your
15 sheet that will show the full numbering. But
16 they're nine by 18.

17 Some of them wind up being eight, eight and
18 a half, but those are for the handicaps, because
19 you have your drop off area.

20 MR. ORTIZ: Thank you.

21 ACTING CHAIRMAN MAROTTA: Any other member
22 of the Board have any questions?

23 MS. DiNARDO: The handicap spaces are
24 located in close proximity to the elevator, I
25 assume.

1 MR. SCHLECHT: Correct.

2 MS. DiNARDO: Correct?

3 MR. SCHLECHT: Yup.

4 MS. DiNARDO: Because there is a code that
5 requires that.

6 Is that right?

7 MR. SCHLECHT: Yes.

8 MS. KOEHLER: I just wanted to add --

9 ACTING CHAIRMAN MAROTTA: Have a question.

10 MS. KOEHLER: -- similar -- this seems
11 similar to the parking structure next to the
12 Union City High School, which I use, and there's
13 -- it feels safe. There's -- I use it around the
14 clock. It -- and it seems very similar to that.

15 MR. SCHLECHT: It is very similar.

16 MS. KOEHLER: Is that right?

17 MS. MOREJON: Oh, yes.

18 MR. SCHLECHT: And to -- to that point, I
19 did neglect one -- one aspect.

20 On the lower level, we do have, and it's
21 not very easily seen, we have wire mesh panels
22 within the lower level openings, so that the only
23 way you can really get in is through the regular
24 man door, if that were locked, or otherwise
25 through the vehicle entrance.

1 So, it is trying to maintain some level of
2 security.

3 MS. KOEHLER: One more question.

4 Remind where the new school will be.

5 MR. SCHLECHT: The new --

6 MS. KOEHLER: On what street?

7 MR. SCHLECHT: The new school will be --
8 this elevation will be facing it. So, this is
9 36th Street.

10 MS. KOEHLER: Um hum.

11 MR. SCHLECHT: So, on the north side of
12 36th Street.

13 MS. KOEHLER: On the entrance side.

14 MS. MOREJON: If I may?

15 MS. KOEHLER: The entrance side of the
16 parking lot.

17 MR. SCHLECHT: The entrance only. So --

18 MS. KOEHLER: Entrance only.

19 MR. SCHLECHT: As I mentioned, there's two
20 -- you can enter from both sides.

21 MS. KOEHLER: Okay.

22 MR. SCHLECHT: And you can only exit out of
23 35th Street.

24 MS. KOEHLER: Right. And --

25 MR. SCHLECHT: But you can enter both

1 sides.

2 MS. KOEHLER: Okay.

3 MS. MOREJON: And I'm pretty sure they're
4 going to have cameras all over.

5 Right? So --

6 MS. DiNARDO: Well, the -- the intention is
7 --

8 MS. MOREJON: That's the security.

9 MS. DiNARDO: And -- and Jeff is -- is just
10 handling the wiring aspect for the security.
11 However, in discussions with the Parking
12 Authority, it's -- it's the intention of the
13 District, the Parking Authority that we would
14 have dual security.

15 For the floors that are going to be
16 controlled by the Parking Authority, they would
17 have their security, which would be online with
18 the Police Department.

19 And then on the top floor, again, security
20 cameras that are online with the School District
21 and -- and the school, because that would be used
22 during the day.

23 MS. MOREJON: Right.

24 MS. DiNARDO: And in the early evening
25 hours, when there are -- you know, events at the

1 school. However, that wouldn't be round-the-
2 clock.

3 ACTING CHAIRMAN MAROTTA: Okay.

4 MS. DiNARDO: It wouldn't be 24 hours a
5 day.

6 So, we're confident that there will be
7 sufficient security, certainly, with the -- with
8 the cameras.

9 And also, the office there -- that is in
10 the deck may or may not be used for an attendant
11 during the day. And -- and that's something that
12 will be left to the decision of the Parking
13 Authority, because they will be managing the
14 facility.

15 ACTING CHAIRMAN MAROTTA: Okay.

16 Any members of the public have any
17 questions?

18 Mr. Price?

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

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

23 MR. PRICE: I do.

24 MS. DILLON: Name and address for the
25 record, please.

1 MR. PRICE: Larry Price, 1006 Palisade
2 Avenue.

3 MS. DILLON: Thank you.

4 MR. PRICE: A couple of ques --

5 By the way, you -- Mr. --

6 MS. DILLON: Mr. Price, just take one step
7 --

8 MR. PRICE: Sorry.

9 MS. DILLON: -- back so you're --

10 MR. PRICE: Yes.

11 MS. DILLON: -- by my microphone.

12 MR. PRICE: Yes.

13 MS. DILLON: Thank you so much.

14 MR. PRICE: Sorry. Yeah.

15 You said there was a ten foot side box on
16 -- on both sides of the building.

17 MR. SCHLECHT: Correct.

18 MR. PRICE: Okay. Is that on the side of
19 the building or on the street end of the
20 building?

21 MR. SCHLECHT: The -- the sides of the
22 building.

23 MR. PRICE: Side. Okay.

24 MR. SCHLECHT: The street level goes up to
25 the sidewalk.

1 The street sides, it goes up to the
2 sidewalk.

3 MR. PRICE: Correct. Okay.

4 The property is currently owned by the
5 Parking Authority.

6 Correct?

7 MS. DiNARDO: Yes. I can answer that for
8 you.

9 MR. PRICE: Okay. Who's going to own it
10 after the Board of Ed builds the garage?

11 MS. DiNARDO: The Board of Ed is going to
12 own that property, along with the other surface
13 parking lots for the school.

14 MR. PRICE: Okay.

15 MS. DiNARDO: That's the agreement. And
16 then, the deck will be built, hopefully. And
17 that is the consideration for acquiring all the
18 properties.

19 MR. PRICE: Okay.

20 It's -- it sounds to me, from the
21 testimony, that the middle school, which is going
22 to be across the street, is still a little bit of
23 an iffy situation.

24 MS. DiNARDO: No. That's --

25 MR. PRICE: Okay.

1 MS. DiNARDO: That's not the case. In
2 fact, we had a conference call with the SDA just
3 this week, on Tuesday --

4 MS. DILLON: Just step forward, Ms. DiNardo
5 --

6 MS. DiNARDO: Yes.

7 MS. DILLON: -- please.

8 MS. DiNARDO: I'm sorry.

9 MR. PRICE: Oh, yeah.

10 MS. DiNARDO: Yes. We had a conference
11 call with the SDA on Tuesday of this week, and
12 the charter is going to be approved at their
13 March meeting, for the new middle school.

14 MR. PRICE: Okay. So, it won't be a case
15 of we're building a garage for a school --

16 MS. DiNARDO: Oh, no.

17 MR. PRICE: -- that will never --

18 MS. DiNARDO: Oh, no, no, no, no.

19 MR. PRICE: -- exist.

20 MS. DiNARDO: No. No. The way the project
21 has been set up and why I'm here today is because
22 the project schedule is coordinated with the
23 development of the school.

24 MR. PRICE: Okay.

25 You testified -- the square footage of the

1 -- the footprint of the building was, you gave
2 the number, but I --

3 MR. SCHLECHT: It's just under 25,000 --
4 it's 24,785 square feet. Footprint.

5 MR. PRICE: Twenty-four. Seven --

6 MR. SCHLECHT: Eight-five.

7 MR. PRICE: Eight-five. Okay.

8 MR. SCHLECHT: Square foot per floor.

9 MR. PRICE: Thank you.

10 MR. SCHLECHT: Six floors.

11 MR. PRICE: And the lot would be 20 feet
12 times -- probably 4,000 square feet more. Okay.
13 Okay.

14 I'll put the question to whoever.

15 Of the 433 spaces --

16 By the -- let me digress for a second.

17 The Board of Ed spaces are the 92 spaces up
18 on the top deck.

19 Correct?

20 MR. SCHLECHT: Approximately.

21 MR. PRICE: Okay. Those spaces -- has any
22 consideration been given to -- those spaces lend
23 themselves, it would appear to me, well to a
24 shared space program, because they're obviously
25 going to be used during the day, during the

1 school year. They're rarely, I would think,
2 going to be used at night.

3 Has anybody given any consideration to
4 that?

5 MS. DiNARDO: The District and the Parking
6 Authority has given consideration to that.
7 Absolutely. And on the weekends, if the facility
8 -- if the school facility is not being used.

9 So, there will be consideration given to
10 the public, perhaps, using those spaces.

11 MR. PRICE: Has any decision been made?

12 MS. DiNARDO: No. No. It's kind of
13 premature. We want to see if we get the project
14 approved first.

15 MR. PRICE: Okay. And built, possibly.

16 MS. DiNARDO: Well, there you go. That,
17 too.

18 MR. PRICE: Okay.

19 Let's go to -- is -- of the 433 spaces, 331
20 are public spaces. Why is the Board of Education
21 building a facility that is mainly intended for
22 general public use?

23 MS. DiNARDO: Again, this is the
24 consideration for acquiring all the lots. The
25 consideration in the contract, for acquiring

1 title to all of the -- the surface lots.

2 ACTING CHAIRMAN MAROTTA: I think what Mr.
3 Price is asking is that if there's going to be
4 approximately 100 parking spaces for the school,
5 why 433 parking spaces?

6 I think that's what your question is.

7 MR. PRICE: Well, that -- that's one aspect
8 of the question.

9 The other is it's a general parking
10 facility, with a side use by Board of Ed
11 employees.

12 MS. DiNARDO: Well, no, no, no, no. No,
13 no.

14 MR. PRICE: Why is the Board of Ed --

15 MS. DiNARDO: No. It's not a side use by
16 the Board of Ed employees.

17 It's -- it's a parking facility to -- to
18 replace the parking that we're taking away from
19 the Parking Authority and the public, by building
20 a new school and a playground. And this will be
21 a new facility for -- for the --

22 MR. PRICE: Okay.

23 MS. DiNARDO: -- public to --

24 MR. PRICE: The --

25 MS. DiNARDO: -- park in. And then, also,

1 the Board of Ed would have use of the top floor,
2 so that the teachers and the custodians, and all
3 the support staff have parking. And we're not
4 taking street spots.

5 MR. PRICE: Okay.

6 You said there were 230 parking spots lost.
7 How -- how many lots are -

8 Let me -- first question.

9 You -- you said that there were 230 parking
10 spots lost as a result of this project.

11 MS. DiNARDO: Approximately, yes. And that
12 --

13 MR. PRICE: That --

14 MS. DiNARDO: -- would be the surface
15 metered parking.

16 MR. PRICE: Surface met -- on the lot which
17 -- the lot which is going to go to the school.
18 And the lot which is going to go to the new
19 parking facility. Those --

20 MS. DiNARDO: And the lot that goes to the
21 new playground that's going to be associated with
22 the school.

23 MR. PRICE: Well --

24 MS. DiNARDO: There's three of them in a
25 row. It's 35th Street, 36th Street, and 37th

1 Street. And if you're familiar with the area,
2 it's like right behind Bergenline Avenue.

3 MR. PRICE: Right.

4 MS. DiNARDO: It's where the public parks
5 to shop and so forth and so on. Businesses --

6 MR. PRICE: Thirty-fifth to 36th will be
7 the parking garage; 36 to 37th --

8 ACTING CHAIRMAN MAROTTA: Will be the
9 school.

10 MR. PRICE: -- will be the --

11 MS. MOREJON: School.

12 MR. PRICE: -- school.

13 MR. SCHLECHT: Um hum.

14 MS. DiNARDO: And then, 37 --

15 MS. MOREJON: Thirty-eight.

16 MR. SCHLECHT: To 38 will be the park --

17 MS. DiNARDO: -- to 38 will be the --

18 MR. SCHLECHT: -- outdoor --

19 MR. PRICE: Was -- is a park for the --

20 MR. SCHLECHT: Outdoor playground, yeah.

21 MS. DiNARDO: It's a playground. Yes.

22 MR. PRICE: Okay. Okay.

23 So, you're providing 330 spots because you
24 really -- you got to makeup for the lost --
25 right. And you're making a little extra --

1 MS. DiNARDO: No. No, no, no. It's
2 because we did an appraisal of all lots and when
3 you look at the value of all the properties, in
4 the consideration for the contract, that's why
5 we're building the deck. That is -- there is no
6 -- there is no moneys transacted. There's no
7 moneys transferred. It is the consideration is
8 the -- is the parking deck.

9 MR. PRICE: Okay. Okay.

10 MS. DiNARDO: Based upon the value of --

11 MR. PRICE: You're --

12 MS. DiNARDO: -- the property.

13 MR. PRICE: But you're -- basically, this
14 facility will compensate and maybe over-
15 compensate a little bit for the parking loss on
16 those three lots, which currently exists for the
17 benefit of the public.

18 MS. DiNARDO: But based upon our
19 appraisals, yes. That this would be compensating
20 the public for the loss of the properties and the
21 parking.

22 MR. PRICE: Okay.

23 The last -- then, the last question.

24 There are six decks in this zone. The top
25 deck is sort of the Board of Ed deck.

1 MR. SCHLECHT: Um hum.

2 MR. PRICE: And the Board of Ed is
3 responsible for security and, I guess, issuing --
4 the first five decks are the Parking Authority's
5 responsibility.

6 MS. DiNARDO: Correct.

7 MR. PRICE: And they're responsible for
8 security --

9 MS. DiNARDO: Maintenance.

10 MR. PRICE: -- and issuing --

11 MS. DiNARDO: Yes.

12 MR. PRICE: Okay.

13 Okay. I would just -- I will actually add
14 a little testimony.

15 This week, I went up to the Parking
16 Authority, which is in this general vicinity, as
17 you know, and to get a -- whatever you call it --
18 parking permit. Yes. Visitor parking permit.

19 I went up at 12 o'clock during the day.
20 There are six decks. I don't know, 300 car --
21 200 cars in that -- 200 spaces. There were 200
22 cars in that facility. There was not -- this is
23 Tuesday. There was not a single empty space in
24 the entire building, except at the Parking
25 Authority --

1 MS. MOREJON: That's why they need that
2 deck.

3 MR. PRICE: -- facilities at the top.

4 So, parking clearly is -- during the day,
5 at least, clearly at a premium in this
6 neighborhood. But not a single empty spot.

7 MS. DiNARDO: Wow.

8 MS. MOREJON: That's what they have to do.

9 MR. PRICE: Okay.

10 Thank you.

11 MS. DiNARDO: This will be great for the
12 neighborhood then.

13 ACTING CHAIRMAN MAROTTA: I just have one
14 --

15 MS. DiNARDO: Yes.

16 ACTING CHAIRMAN MAROTTA: -- one point for
17 clarification.

18 MS. DILLON: Just come forward, Ms.
19 DiNardo.

20 MS. DiNARDO: I'm coming.

21 ACTING CHAIRMAN MAROTTA: Will -- will we
22 have more public parking, after this is
23 constructed, than we presently have with the
24 three lots?

25 MR. SCHLECHT: Yes.

1 MS. DiNARDO: Yes.

2 ACTING CHAIRMAN MAROTTA: Okay.

3 MR. SCHLECHT: Yes.

4 ACTING CHAIRMAN MAROTTA: All right.

5 Any other questions, either members of the
6 Board or from members of the public?

7 If -- gentleman here. Please come up, sir.

8 State your name and address, please.

9 MR. KAY: My name is Philip Kay. My
10 address is 540 35th Street, Union City.

11 MS. DILLON: Sir, I need you to spell your
12 name for me.

13 MR. KAY: Yes. It's one L, Philip.

14 MS. DILLON: Um hum.

15 MR. KAY: K-A-Y.

16 MS. DILLON: Okay. And your address was?

17 MR. KAY: 540 35th Street, Union City.

18 MS. DILLON: Okay. And if you would please
19 raise your right hand.

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

22 MR. KAY: Yes.

23 MS. DILLON: Thank you.

24 MR. KAY: Okay. I would just like to
25 reiterate Mr. Marotta's point, and emphasize,

1 | also, that now, all of the traffic exiting from
2 | what is now the three parking lots will all exit
3 | onto 35th Street, and 35th Street has the traffic
4 | light. And then, a stop sign on Kennedy
5 | Boulevard, and the intersection of 32nd Street to
6 | 35th Street on Kennedy Boulevard is always very
7 | busy. And even as it is now, there's a lot of
8 | traffic. And that traffic backs up onto Central
9 | Avenue, because people try to avoid the traffic
10 | on 32nd Street, the light, which is no turn on
11 | red.

12 | So, there's going to be, like, a lot of
13 | traffic on 35th Street, because now you have all
14 | the traffic from three parking lots now exiting
15 | onto one street in which there's only a --
16 | there's a traffic light immediately as you exit,
17 | and then there's traffic that's trying to avoid
18 | 32nd Street that's coming down Central Avenue.
19 | And then, at the end of 35th Street, there's a
20 | stop sign, and then all of the traffic.

21 | So, it's -- it's a great idea, but it's a
22 | -- a problem. So, I just want to reemphasize
23 | that point because he's absolutely correct.

24 | You know so --

25 | ACTING CHAIRMAN MAROTTA: Thank you.

1 MR. KAY: Good.

2 MS. DiNARDO: I think my next witness can
3 maybe assist with those concerns.

4 ACTING CHAIRMAN MAROTTA: If there's no
5 other questions, no other person with a question,
6 call your next witness.

7 MS. DiNARDO: Okay. My next witness is
8 Robert Curley --

9 MS. DILLON: Mr. Schlecht --

10 MS. DiNARDO: -- who is a professional
11 engineer and a --

12 MS. DILLON: -- I need the microphone.

13 MS. DiNARDO: -- planner.

14 She only has one.

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

17 MS. DILLON: Sir, please raise your right
18 hand.

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

21 MR. CURLEY: I do.

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

24 MR. CURLEY: Robert Curley, C-U-R-L-E-Y.

25 MS. DILLON: Thank you.

1 MS. DiNARDO: Mr. Curley, tell us who
2 you're employed by.

3 MR. CURLEY: Maser Consulting.

4 MS. DiNARDO: Okay.

5 And in what capacity are you employed by
6 Maser Consulting?

7 MR. CURLEY: I'm a department manager and
8 I'm a licensed professional engineer and a
9 professional planner in the State of New Jersey.

10 MS. DiNARDO: Can you -- can you tell us a
11 little bit about your educational background?

12 MR. CURLEY: I have a bachelor of science
13 in civil engineering from New Jersey Institute of
14 Technology, and a bachelor of arts from Ocean
15 County College.

16 MS. DiNARDO: Okay.

17 MR. CURLEY: I -- I've been a licensed
18 engineer for the last 26 years, and I've been
19 practicing engineering for 35 years.

20 I've been the Planning Board Engineer for
21 the Township of Brick for seven years. The
22 alternate Planning Board Engineer for Brielle,
23 alternate Planning Board Engineer for Island
24 Heights.

25 I appeared before many boards in a

1 professional engineering and professional
2 planning capacity throughout the State.

3 I've not -- I've not appeared before this
4 Board before, though.

5 MS. DiNARDO: I'd ask you accept --

6 ACTING CHAIRMAN MAROTTA: You're offering
7 him --

8 MS. DiNARDO: -- his qualifications.

9 ACTING CHAIRMAN MAROTTA: -- as a planner.

10 MS. DiNARDO: Yes. Absolutely.

11 ACTING CHAIRMAN MAROTTA: Okay. Accepted.

12 MS. DiNARDO: So, I'll move. I think I
13 have to move a little bit here, so you can get in
14 here.

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

17 MS. DiNARDO: So, you have some drawings
18 there.

19 Were those drawings submitted with the
20 plans?

21 MR. CURLEY: That's correct.

22 MS. DiNARDO: Okay. So we don't have to
23 mark them.

24 Okay. So, you're familiar with the -- this
25 site that we're talking about here, 516 35th

1 Street, 517 36th Street.

2 Correct?

3 MR. CURLEY: That's correct.

4 MS. DiNARDO: Okay.

5 And you've heard a number of questions from
6 the Board and the public with regard to the
7 traffic conditions there.

8 What can you tell us about your
9 observations of the location and the traffic
10 conditions?

11 MR. CURLEY: If -- if I can just -- just
12 for the record, that the lot area is 29,964
13 square feet. So, it is a little bit bigger than
14 what the building is.

15 There's -- the area is an interesting area,
16 as -- as described by the Board members. There
17 is traffic throughout.

18 I have noticed, on numerous occasions, that
19 the parking lot in -- in multiple photographs, is
20 pretty much not always full, but very close to
21 full.

22 What's interesting about the distribution
23 of parking stalls that's being proposed is that
24 we're providing 331 public stalls, and then, the
25 -- the balance of that would -- would be, I

1 | guess, the 92 parking stalls for the Board of Ed.

2 | All of that traffic is not going to be
3 | leaving the garage all at once. It's not that
4 | there's -- everyone's getting -- going to be
5 | getting out of school, and then leaving all at
6 | once, because of the distribution of the parking,
7 | being -- 331 being public.

8 | The other consideration that -- that has to
9 | be thought about is, when people now are -- are
10 | driving in the area and looking for a parking
11 | stall, and understanding that a large majority of
12 | the parking is for residential parking on the
13 | streets, that they're circulating and looking for
14 | these parking stalls.

15 | This is going to eliminate that -- that
16 | quest. You will know where to go. You will
17 | ultimately see that there's a parking garage. It
18 | will be a destination. People will go there.
19 | They will park and it will eliminate that
20 | conflict that you would have, potentially, with
21 | again people circulating, looking for a parking
22 | stall, and then, potentially, having to wait for
23 | someone that's pulling out of a stall to -- to
24 | park.

25 | So, the other -- the other consideration

1 | that -- that, again, with the distribution of the
2 | parking being 331 for public parking, this -- the
3 | traffic that's associated with this, already
4 | exists. It -- it exists in the town, and it's
5 | not going to be made greater by the -- the
6 | construction of this garage. It's not like we're
7 | generating traffic as a retail use would, if this
8 | was associated with a retail use. This is a
9 | parking garage that's going to be utilized,
10 | again, largely by the public and by a portion of
11 | the -- of the Board of Ed.

12 | So, in that regard, I understand your
13 | concern that there's -- that there's going to be
14 | traffic on 35th Street. That's -- that's
15 | absolutely correct.

16 | But all of the traffic is not going to be
17 | leaving the garage all -- all at once. If this
18 | were only for the Board of Ed, I would say that
19 | concern would be much greater. But because it is
20 | a public distribution, people are going to be
21 | coming and going throughout the day. It's not
22 | going to be everyone leaving at six o'clock at
23 | night or -- or when school is out, if it's at
24 | 2:30 or -- or three o'clock.

25 | So, from a traffic standpoint, that's why I

1 | believe that -- that this parking garage is -- is
2 | again, there's existing traffic in the area and
3 | it's not going to create a higher level of
4 | traffic that's generated for the area.

5 | MS. DiNARDO: Now, from -- from a planning
6 | perspective, does this facility benefit the area?

7 | MR. CURLEY: Yes. There's -- there's a
8 | number of benefits for -- for the site.

9 | The site is an existing parking lot, so
10 | it's consistent with the City Zone Plan and it's
11 | well suited for the proposed use.

12 | It's inherently beneficial by providing --
13 | again, we're taking what exists today for 88
14 | stalls, and we're providing 331 total public
15 | stalls, which would be 243 new public parking
16 | stalls within this site.

17 | So, again, that -- that provides a huge
18 | public benefit.

19 | Any deviation from -- from the development
20 | standards that we're proposing, for the building
21 | height, the front yard setbacks, can be granted
22 | by the Board for -- based upon the benefits of
23 | the facility outweighing the detriments.

24 | The proposed variances can be granted
25 | without any substantial detriment to the public

1 good. And again, because the traffic exists
2 onsite, and because of the distribution of the
3 traffic, this will not impair the -- the intent
4 or the purpose of the zone. And I -- I believe
5 that this is a -- a big plus for the area, as far
6 as parking goes.

7 MS. DiNARDO: Does anybody have any
8 questions?

9 ACTING CHAIRMAN MAROTTA: Any members of
10 the Board have any questions?

11 Yeah, I do have a few.

12 Were any studies conducted upon which you
13 relied to come to the conclusion that with this
14 parking garage there, there would be no
15 additional impact on the traffic situation on 35th
16 Street?

17 MR. CURLEY: I --

18 ACTING CHAIRMAN MAROTTA: Or is that just
19 your opinion?

20 MR. CURLEY: I did not do a traffic study
21 for this, only because of the distribution of the
22 parking stalls within the deck, and the fact that
23 we're not -- we are not building a new facility
24 to -- to make the parking lot viable, whereby, it
25 would be drawing new vehicles to the area.

1 The vehicles that are going to be using the
2 parking lot, already exist, and they're already
3 in the area.

4 ACTING CHAIRMAN MAROTTA: You know, from my
5 own experience, in the City, and I've lived here
6 all my life, okay, just the 90 plus parking
7 spaces for the Board of Education use, when those
8 90 vehicles leave, and they'll be approximately
9 at the same time, because school gets out at a
10 certain time of day. All right. Just those 90
11 are going to create a -- an impact on the traffic
12 on 35th Street, going to Kennedy Boulevard, in my
13 opinion.

14 Why is -- why hasn't any consideration been
15 given to go through 36th Street instead of 35th
16 Street?

17 MR. CURLEY: Again, providing -- the
18 circulation being one way streets --

19 ACTING CHAIRMAN MAROTTA: Um hum.

20 MR. CURLEY: -- I believe that the
21 circulation that's being proposed is -- is the
22 better circulation that will benefit the area, as
23 far as traffic flow from -- to and from the
24 garage.

25 I -- I don't have a traffic report. I

1 don't have park -- I don't have turning movements
2 at the traffic signals today. I don't have that.

3 ACTING CHAIRMAN MAROTTA: See, we don't
4 have a problem with both streets, because going
5 east on 36th Street, you cannot go directly -- you
6 have to stop at the corner --

7 MR. CURLEY: Correct.

8 ACTING CHAIRMAN MAROTTA: -- make a right
9 turn and then make a left turn --

10 MR. CURLEY: Correct.

11 ACTING CHAIRMAN MAROTTA: -- to continue on
12 36th Street. And a similar situation on 35th
13 Street, going west. You go to the boulevard, you
14 cannot go onto the boulevard to go south. You
15 have to make a right turn.

16 MR. CURLEY: Correct.

17 ACTING CHAIRMAN MAROTTA: We have -- but
18 what I can't understand is this, I -- I can't
19 believe that with -- with this -- with traffic
20 coming from the 38th Street garage, parking lot,
21 the 37th Street parking lot, and the 35th Street
22 parking lot, there will not be an increase from
23 what we have today.

24 I just can't buy that.

25 MR. CURLEY: Again, with the distribution

1 of parking, it -- I would agree with you if this
2 were solely for the use of the Board of Ed, I
3 would agree with you a hundred percent.

4 But with the distribution being public
5 parking, all of the public is not going to be
6 utilizing or leaving all at the same time.

7 ACTING CHAIRMAN MAROTTA: All right.

8 MR. CURLEY: So, that's -- that's the
9 differentiation, I believe, that -- that makes
10 this --

11 ACTING CHAIRMAN MAROTTA: Okay.

12 MR. CURLEY: -- something different.

13 And also --

14 ACTING CHAIRMAN MAROTTA: Anybody have any
15 --

16 MR. CURLEY: -- provides --

17 ACTING CHAIRMAN MAROTTA: -- questions?

18 MR. CURLEY: -- for the public benefit.

19 ACTING CHAIRMAN MAROTTA: Any members of
20 the public?

21 Larry?

22 MR. PRICE: Larry Price.

23 Mr. Curley, one -- one question, which is,
24 are you testifying as a traffic engineer --

25 ACTING CHAIRMAN MAROTTA: No.

1 MR. PRICE: -- or as a planner?

2 MR. CURLEY: I'm a licensed professional
3 engineer and also, a licensed planner.

4 MR. PRICE: Well, are you testifying as
5 both?

6 MR. CURLEY: Yes.

7 MR. PRICE: You are?

8 Okay.

9 ACTING CHAIRMAN MAROTTA: Excuse me? Did
10 you say traffic engineer?

11 MR. PRICE: Traffic engineer.

12 ACTING CHAIRMAN MAROTTA: No, no. He's not
13 testifying as a traffic.

14 I asked the counsel, he's here as a
15 planner.

16 MR. PRICE: As a planner.

17 MS. DiNARDO: As a planner.

18 MR. PRICE: Okay. Then I'll just ask
19 planning questions.

20 One of the questions is, this is a permit
21 -- this is a municipal use. It's a permitted use
22 in the R zone.

23 Why are you before the Board --

24 MR. CURLEY: This is a P zone. This is a
25 public zone.

1 The property is zoned public, not R.

2 MR. PRICE: Why are you before the Zoning
3 Board?

4 MR. CURLEY: Due to the building height.
5 The building height --

6 MR. PRICE: Because you're restricted to 40
7 feet and you're whatever --

8 MR. CURLEY: Fifty.

9 MR. PRICE: -- it is.

10 MR. CURLEY: Fifty feet.

11 MR. PRICE: Fifty.

12 MR. CURLEY: And -- and we are in excess of
13 ten feet.

14 MR. PRICE: You're --

15 MR. CURLEY: And ten percent.

16 MR. PRICE: -- 60 feet high.

17 MR. CURLEY: Correct.

18 MR. PRICE: Okay.

19 Okay. So ten feet. Ten feet, so you --
20 basically, you're here for a D-6 height variance.

21 MR. CURLEY: That's correct.

22 MR. PRICE: Okay.

23 Okay. Then, I will leave that, and just
24 say, the point that I think Mr. Marotta was
25 making, the other witness was making, was

1 | basically, currently, you have three lots, a
2 | total of 230 parking spots. Those parking --
3 | anybody exiting from those 230 spots could go
4 | down 35th Street westbound, 36th Street eastbound,
5 | or 37th Street westbound.

6 | So, it's 230 spots. That traffic is
7 | disbursed over at least three exit points.

8 | Now, you're going to have one facility for
9 | 433 spots and it all exits on 35th Street. It's
10 | all funneled into one street. And the concern
11 | that I hear expressed is that -- you know, you're
12 | -- you risk overloading 35th Street.

13 | As I understand your response, it is that
14 | traffic already exists. But it would seem that's
15 | really not quite true, because you're talking
16 | currently 230 spots, going to 433, you're adding
17 | two hundred and thir -- 200 -- 200 additional
18 | spots.

19 | So, you're going to have additional traffic
20 | that does not exist today, and it's not
21 | disbursed. It's concentrated on one street.

22 | That's the express -- whatever. Would you
23 | --

24 | MR. CURLEY: I agree. I -- I agree that
25 | the traffic is all exiting onto 35th Street.

1 Again, if -- my -- my testimony and -- and
2 it -- it's fairly logical that if the public is
3 using the -- the total of the 331 parking stalls,
4 they're not all going to be coming and going all
5 at the same time. That just doesn't -- it's not
6 going to happen.

7 They're going to be shopping. Some people
8 might be coming and going coincident with the
9 School Board -- when the school lets out, but
10 it's going to be distributed over a time period.

11 MS. MOREJON: He's right.

12 MR. CURLEY: And it's not all going to
13 backup all at the same time.

14 The -- the people are -- some people will
15 keep their car there all day, and then possibly
16 leave --

17 MR. PRICE: Isn't that true of the 230
18 spots that currently exists?

19 MR. CURLEY: That's correct. That's
20 correct.

21 But the other -- the other positive that --
22 that this lot does provide is a focused area for
23 people not having to have to look for parking
24 stalls.

25 So, it's going to eliminate people

1 circulating and continuing to look for parking
2 stalls. That's going to help bring traffic off
3 of the streets, help free things up.

4 MR. PRICE: How many cars are circulating
5 around at any given time? Do you have --

6 MR. CURLEY: I'll -- I'll tell you. I -- I
7 drove around this facility tonight twice to try
8 and find a parking stall. I did get lucky and
9 found the number one parking stall right in
10 front.

11 MR. PRICE: Inside job, clearly. Okay.

12 MR. CURLEY: One other -- and -- and I know
13 that --

14 MR. PRICE: Yeah.

15 MR. CURLEY: -- this wasn't testified to
16 previously, but we are going to be picking up
17 probably two parking stalls right in front, on
18 either side, that we would be able to add another
19 four parking stalls on the street.

20 So, that -- that has not been testified to.
21 I just want to bring that to the Board's --

22 MR. PRICE: Won't that be true of every
23 lot?

24 In other words --

25 MR. CURLEY: Ultimately, when they are --

1 | when they are developed. Yes. Ultimately, when
2 | they are developed.

3 | There may be the need for a fire lane in --
4 | in portions of those, based upon access points
5 | for the school.

6 | I -- I'm not currently involved in that
7 | application, so I couldn't be a hundred percent
8 | to tell you how many stalls would be picked up.

9 | MR. PRICE: But all three lots, I assume,
10 | have wide curb cuts --

11 | MR. CURLEY: Yes.

12 | MR. PRICE: -- currently.

13 | MR. CURLEY: That's correct.

14 | MR. PRICE: And would not need, unless
15 | there's a fire lane need, once those -- once the
16 | playground is in --

17 | MR. CURLEY: That's correct.

18 | MR. PRICE: -- in place, and once the
19 | school is in place, so you -- you should be
20 | picking up some spots on -- in the case of each
21 | lot.

22 | MR. CURLEY: That's correct.

23 | MR. PRICE: Okay.

24 | One last -- whatever.

25 | Again, remember, I don't think you've

1 adjusted -- right now, we have disbursed traffic
2 patterns; 37th Street, 36th Street, 35th Street.
3 Actually, I think also would be exiting on 38th
4 Street, because I think that's a through lot.

5 Correct?

6 MR. CURLEY: I don't -- I'm not sure. I --
7 I don't want to answer.

8 MR. PRICE: Okay.

9 MR. PANEQUE: That is correct, Mr. Price.

10 MR. PRICE: So, we -- we have 230 spots
11 exiting on four different streets. We're going
12 to have 430 exiting on one street.

13 Now, your claim is, well, because it's a
14 larger facility, will cut down on circulating
15 traffic, but does that offset the impact of going
16 from four exit streets to one?

17 MR. CURLEY: I'm not going to -- I'm not
18 going to testify that there's not going to be
19 traffic on that street.

20 What I'm -- the testimony that I'm giving
21 is that it's going to be distributed throughout
22 the day. It's not going to happen all at once.

23 And I -- I understand your concern.
24 There's definitely going to be traffic in the
25 area. There's existing traffic in the area as it

1 is today.

2 MR. PRICE: Okay. The bottleneck, or the
3 predicted bottleneck by the -- whatever -- is the
4 light at Kennedy Boulevard and 35th Street.

5 MR. CURLEY: Um hum.

6 MR. PRICE: Kennedy Boulevard is a County
7 road.

8 Who has control over that light?

9 MR. CURLEY: It would be the County, then.

10 MR. PRICE: So, if somebody wanted to
11 lengthen the --

12 MR. CURLEY: Could look at the signal
13 timing on that.

14 MR. PRICE: -- the signal timing, it would
15 be the County's decision.

16 MR. CURLEY: That's correct.

17 MR. PRICE: Okay.

18 Thank you.

19 MS. DiNARDO: If -- if I can, I -- I just
20 --

21 ACTING CHAIRMAN MAROTTA: Sure.

22 MS. DiNARDO: -- want to kind of follow up
23 on something that Mr. Price asked.

24 The additional street spots -- there will
25 be additional street spots as a result of this

1 facility.

2 Correct?

3 MR. CURLEY: That's correct.

4 MS. DiNARDO: Okay.

5 And how many?

6 MR. CURLEY: At a minimum, four.

7 MS. DiNARDO: And will that only be on 35th
8 Street or it will be 35th and 36th Street?

9 MR. CURLEY: Thirty-fifth and 36th Street.

10 MS. DiNARDO: Okay.

11 And with the surface parking lots, to the
12 best of your knowledge, is there several
13 entrances and exits?

14 MR. CURLEY: That's correct.

15 MS. DiNARDO: So --

16 MR. CURLEY: There's -- there's multiple --
17 there's multiple entrances on -- there are two
18 way entrances on both streets. Two, two way
19 entrances on both streets.

20 MS. DiNARDO: And so -- so, this will give
21 us an additional four spots for the residents in
22 the area.

23 MR. CURLEY: That's correct.

24 MS. DiNARDO: Okay.

25 If -- if -- hypothetically, if you were to

1 change the exit to 36th Street, as some are
2 proposing, then in what direction would the
3 traffic go, if it exited on 36th Street?

4 MR. CURLEY: It would have to go in a
5 easterly direction. But -- and the other problem
6 is there's -- it's a blinking light at -- at the
7 end. It's not a full signalized intersection at
8 that end.

9 That -- that would, I believe, present a
10 worse situation than bringing --

11 ACTING CHAIRMAN MAROTTA: There is no light
12 on 36th and Bergenline.

13 MS. MOREJON: Not on Bergenline. No.

14 MR. CURLEY: It -- it --

15 A VOICE: Stop sign.

16 MR. CURLEY: It's -- I thought it was a
17 blinking red.

18 ACTING CHAIRMAN MAROTTA: No.

19 A VOICE: No.

20 ACTING CHAIRMAN MAROTTA: There's no light
21 there.

22 MS. DiNARDO: Is it a stop sign, perhaps?

23 MR. CURLEY: Definitely. There's definite
24 -- there's definitely a stop sign, but I thought
25 there was a blinking red there.

1 MS. DiNARDO: And then the flow --

2 ACTING CHAIRMAN MAROTTA: We got a problem
3 -- which -- whether you come out 35th Street or
4 36th Street, I recognize a big traffic problem.
5 No question about it.

6 MS. DiNARDO: I have nothing further.

7 ACTING CHAIRMAN MAROTTA: Excuse me?

8 I see a young woman here wants to ask a
9 question.

10 MS. DiNARDO: Yeah. Please.

11 ACTING CHAIRMAN MAROTTA: Come up, please.

12 MS. DILLON: Right in front of the
13 microphone.

14 MS. TRIGG: Okay.

15 MS. DILLON: Please raise your right hand.

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

18 MS. TRIGG: Yes.

19 MS. DILLON: I need you state your name,
20 spell it for the record, and give your address.

21 MS. TRIGG: Okay. My name is Mary Trigg.
22 M-A-R-Y, T-R-I-G-G. And my address is 2507
23 Central Avenue.

24 MS. DILLON: Thank you.

25 MS. TRIGG: I'm here for a different

1 matter, but I have two children in Union City
2 public schools. And I've lived in Union City for
3 over nine years, and parking and traffic is
4 definitely just part of the way of life here.

5 I think utilizing the space, three big
6 lots, to create more space for schools, for
7 children, is a much more valuable use of this
8 space, than keeping flat parking lots.

9 So, unfortunately, this -- this multi-level
10 parking garage may create some conflict of
11 exiting and entering into 35th and 36th Street,
12 but I'm confident that the City can figure out a
13 way to flow the traffic maybe a little better,
14 work with the lighting system, or the crossing
15 guards, or the -- I don't know, some -- something
16 where at least we're going to utilize this --
17 this space for -- for our kids, because my kids
18 are already in the system. We're fortunately in
19 smaller classrooms, but I know there are other
20 classrooms that are overpopulated.

21 So, I think that's the positive and the big
22 picture to what's on the table here.

23 MS. MOREJON: That's right.

24 MS. KOEHLER: Thank you.

25 MS. TRIGG: You're welcome.

1 ACTING CHAIRMAN MAROTTA: Thank you.

2 MS. TRIGG: You're welcome.

3 ACTING CHAIRMAN MAROTTA: Yes?

4 MS. ABBATO: Good evening.

5 My name is Silvia Abbato. I'm the
6 Superintendent, the proud Superintendent of Union
7 City Schools.

8 My address is 31 Robin Hood Way, Wayne, New
9 Jersey. And my last name is A-B-B-A-T-O. First
10 name Silvia, with an I, not a Y.

11 MS. DILLON: Please raise your right hand.

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

14 MS. ABBATO: Yes, it is.

15 MS. DILLON: Thank you.

16 MS. ABBATO: First, I would like to thank
17 the Chairman and the members of the Board of
18 Adjustment here, and the Zoning Board, and also
19 the members of the public.

20 We are very proud of the Union City school
21 system. We have been receiving national
22 attention. As a matter of fact, we have been
23 receiving some international visitors, as far
24 away as Norway and Canada.

25 Our district is growing, as Ms. DiNardo

1 mentioned before, leaps and bounds. The numbers,
2 anywhere between 500 to 600 students a year.

3 Again, thank you, Ms. Trigg.

4 We have a wonderful school system. We were
5 recently recognized in The Star-Ledger, in The
6 New York Times, Wall Street Journal, Fox 5 News,
7 and most recently, January 11th, which was just a
8 few days ago, by Congressman Albio Sires on the
9 floor of the U.S. House of Representatives,
10 stating how wonderful the Union City schools are.

11 Wonderful schools create wonderful
12 communities. They help each other. We need to
13 plan for the future. We do not want schools that
14 are overcrowded.

15 Right now, that school -- first, it's the
16 parking deck, and then the building of the
17 school. It's a few years away. We cannot afford
18 to wait any longer, because our schools are
19 recognized as high achieving schools, and we want
20 to get better.

21 This -- the SDA will be affording us the
22 opportunity of a state-of-the-art, brand new
23 school, all paid for through State funding. And
24 we want to -- hopefully, the Zoning Board will
25 vote for this because we cannot -- time is of the

1 essence.

2 Districts and communities that have waited
3 have lost. The reason Union City schools have so
4 many new schools is we've jumped on the
5 opportunity, and we need to be aggressive in
6 additional funding. Any type of funding that's
7 available for a school district.

8 Thank you very much.

9 ACTING CHAIRMAN MAROTTA: Thank you.

10 MS. KOEHLER: Thank you.

11 ACTING CHAIRMAN MAROTTA: Thank you.

12 MS. DiNARDO: Thank you, Ms. Abbato.

13 MR. PRICE: Could I ask a question?

14 ACTING CHAIRMAN MAROTTA: Yes.

15 MS. DiNARDO: I couldn't say it better.
16 Please.

17 ACTING CHAIRMAN MAROTTA: Mr. Price has a
18 question.

19 MR. PRICE: Yeah. Two.

20 Who's going to pay for the garage? The
21 School Construction Authority?

22 MS. DiNARDO: No. We're -- no.

23 MS. ABBATO: The school district.

24 MS. DiNARDO: The -- the school district --

25 MS. ABBATO: That's why I loved your

1 question --

2 MS. DiNARDO: -- is paying.

3 MS. ABBATO: -- because right now, their
4 charter, the SDA charter will go into effect now
5 the month of March.

6 We were concerned about building a parking
7 deck and then not having a school. So, it's
8 happening simultaneously.

9 MR. PRICE: SCA will pay for the school, we
10 pay for the parking deck.

11 MS. ABBATO: Correct.

12 MR. PRICE: Okay. Very good.

13 Thank you.

14 MS. ABBATO: Thank you.

15 MS. DiNARDO: And they pay for the
16 playground, too.

17 ACTING CHAIRMAN MAROTTA: The gentleman has
18 another question.

19 MS. DiNARDO: You need to give that back.

20 I just wanted to hear that.

21 MR. PRICE: Spoiled rotten kids and it's --

22 MS. DILLON: Just state your name again for
23 us, Mr. Kay.

24 MR. KAY: My name's Philip Kay.

25 MS. DILLON: Thank you.

1 ACTING CHAIRMAN MAROTTA: He's still under
2 oath.

3 MS. DILLON: Yes. Yes.

4 MR. KAY: Yes.

5 All right. The exit on 35th Street is
6 really a mistake, and an exit -- that only change
7 -- you don't have to change very much in your
8 plans at all.

9 Exit on 36th Street or the exit on 35th
10 Street allows all the traffic only onto
11 northbound Kennedy Boulevard. That's it.

12 If you exit and put a traffic light on
13 Bergenline Avenue and 36th Street, you can control
14 the traffic there, and allow the traffic also to
15 exit through New York Avenue, Palisade Avenue,
16 Park Avenue, Hudson Avenue, going north and
17 south.

18 So, you have more options for the exit of
19 traffic leaving on 36th Street and not blocking up
20 Kennedy Boulevard, or Bergenline Avenue.

21 So, I think that 36th Street is much better
22 idea than the 35th Street --

23 ACTING CHAIRMAN MAROTTA: I -- I --

24 MR. KAY: -- because the 35th Street is
25 really problematic.

1 ACTING CHAIRMAN MAROTTA: I think the
2 reason for the 36th Street exit is because the
3 school will be on the north side --

4 MS. MOREJON: That's right.

5 ACTING CHAIRMAN MAROTTA: -- of 36th
6 Street.

7 MR. KAY: All right.

8 ACTING CHAIRMAN MAROTTA: And I think what
9 the Board is thinking is that if you exited all
10 these vehicles on 36th Street, you'll have a
11 problem with children in that area.

12 MR. KAY: Why --

13 ACTING CHAIRMAN MAROTTA: By exiting on
14 35th Street --

15 MR. KAY: Why can't we have an --

16 ACTING CHAIRMAN MAROTTA: -- there are no
17 children --

18 MR. KAY: -- exit and entrance --

19 ACTING CHAIRMAN MAROTTA: -- there.

20 MR. KAY: -- on both streets?

21 ACTING CHAIRMAN MAROTTA: That's what I
22 think is the reason.

23 MR. KAY: Why -- why not --

24 ACTING CHAIRMAN MAROTTA: I can't think of
25 any --

1 MR. KAY: -- both?

2 ACTING CHAIRMAN MAROTTA: -- other reason
3 for exit on --

4 MR. KAY: But why not both streets?

5 Why not exit/entrance on either street, and
6 leave people some opt -- some option to go
7 somewhere else other than only Kennedy Boulevard
8 northbound?

9 ACTING CHAIRMAN MAROTTA: Okay.

10 Thank you.

11 MS. DiNARDO: If I -- if I could answer
12 that, and I agree with you, Mr. Chairman, that --
13 that the thought process is, since the school is
14 going to be there, there will be children in the
15 area. It's -- it's less likely a danger to the
16 children, number one.

17 And number two, although if you do exit on
18 36th Street, you have Bergenline Avenue. It's a
19 one way, and it's a one way south.

20 And then, you go further down. You have a
21 one way north. A one way south.

22 So, when you exit out onto Kennedy
23 Boulevard, you have the option, two lanes of
24 traffic, and you can --

25 ACTING CHAIRMAN MAROTTA: No, no, no.

1 MS. DiNARDO: -- immediately --

2 ACTING CHAIRMAN MAROTTA: Excuse me?

3 Kennedy Boulevard -- if you exit on Kennedy
4 Boulevard, 35th Street, you could only go one way,
5 north.

6 MS. MOREJON: One way.

7 MS. DiNARDO: No, no, no. But you have two
8 lanes of traffic going north, and then you can
9 make, at that first traffic light, a left hand
10 turn.

11 A VOICE: No.

12 ACTING CHAIRMAN MAROTTA: Okay.

13 MS. DiNARDO: Well, again, that was the
14 thought process. I -- I think I'm trying to
15 explain to you.

16 ACTING CHAIRMAN MAROTTA: All right. Okay.

17 MS. DiNARDO: And I do certainly agree with
18 you. That is the thought process.

19 ACTING CHAIRMAN MAROTTA: Right. Okay.
20 All right.

21 MS. DiNARDO: Because you have a
22 playground, you're going to have a school.

23 ACTING CHAIRMAN MAROTTA: Yeah. Yeah.
24 Yeah.

25 MS. DiNARDO: You're going to have children

1 in the area. And we're talking about middle
2 school --

3 ACTING CHAIRMAN MAROTTA: Right.

4 MS. DiNARDO: -- children.

5 ACTING CHAIRMAN MAROTTA: I -- I appreciate
6 that.

7 MS. DiNARDO: So that is the thought
8 process.

9 Now, certainly, the District, the Parking
10 Authority, we can speak to the City to talk to
11 the County about the timing of the light at
12 Kennedy Boulevard.

13 I mean, these are things that we can do,
14 because a school is inherently beneficial and the
15 parking deck is inherently beneficial to the --
16 to the residents.

17 So, certainly, any of those recommendations
18 that you make, we certainly can -- you know,
19 follow with those recommendations to alleviate --
20 you know, the concerns that the residents do
21 have.

22 ACTING CHAIRMAN MAROTTA: Any other
23 questions?

24 MS. MOREJON: No.

25 ACTING CHAIRMAN MAROTTA: Do you have

1 another witness?

2 MS. DiNARDO: I do not.

3 MS. MOREJON: So we make a motion.

4 ACTING CHAIRMAN MAROTTA: Excuse me?

5 MS. DiNARDO: I just have a -- a couple --

6 ACTING CHAIRMAN MAROTTA: Does anyone have
7 a motion on -- you're ready to submit?

8 MS. DiNARDO: Yeah. I just -- I am ready
9 to submit. I just wanted to make it clear for
10 the record, when we're talking about height of --
11 of the structure, my witness did testify that
12 it's 60 or better. I believe it's 64 to be
13 exact. Okay? With a roof on the deck.

14 So, just so that it's very clear for the
15 record.

16 MR. CURLEY: That's correct.

17 MS. DiNARDO: The variance that we're
18 seeking.

19 ACTING CHAIRMAN MAROTTA: Ms. DiNardo, you
20 want to make a closing statement, or you want to
21 just --

22 MS. DiNARDO: No --

23 ACTING CHAIRMAN MAROTTA: -- submit?

24 MS. DiNARDO: -- Mr. Chairman. I'll
25 submit.

1 ACTING CHAIRMAN MAROTTA: Okay.

2 Is there a motion on this?

3 MS. MOREJON: Motion.

4 MS. KOEHLER: Second.

5 THE SECRETARY: Motion to?

6 MS. MOREJON: Approve.

7 THE SECRETARY: To approve the --

8 ACTING CHAIRMAN MAROTTA: Is there a
9 second?

10 THE SECRETARY: -- application, Mrs.
11 Morejon.

12 MS. KOEHLER: I'll second. Second it.

13 THE SECRETARY: Second by, Mrs. Koehler.

14 ACTING CHAIRMAN MAROTTA: Did we get a
15 second on the motion?

16 THE SECRETARY: Yes, Mr. --

17 ACTING CHAIRMAN MAROTTA: Call the roll,
18 please.

19 THE SECRETARY: -- Marotta.

20 Roll call on the motion.

21 Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Mr. Marotta?

24 ACTING CHAIRMAN MAROTTA: Yeah. I want to
25 make a comment on this. Okay?

1 I recognize the problems we're going to
2 have with parking here. And really, it's not
3 this new school. We need the school. And it's
4 not the new school that's created the parking
5 situation.

6 But I want to talk to the Zoning Board and
7 to the Planning Board members, it's no secret
8 that for the past dozen years, I have appeared
9 before these Boards and cried out about the
10 problem with parking in this City, with the --
11 with the variances that have been granted,
12 allowing development to go on without providing
13 adequate parking.

14 And I'm going to ask the members of the
15 Planning Board and the members of the Zoning
16 Board to consider the parking situation, and it's
17 a tragic situation in Union City.

18 I vote yes on the -- on this matter.

19 THE SECRETARY: Mr. Rivero?

20 MR. RIVERO: Yes.

21 THE SECRETARY: Mrs. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mrs. Morejon?

24 MS. MOREJON: Yes.

25 THE SECRETARY: Mrs. Koehler?

1 MS. KOEHLER: Yes.

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

4 MS. MOREJON: Thank you.

5 MS. DiNARDO: Thank you.

6 THE SECRETARY: Thank you.

7 ACTING CHAIRMAN MAROTTA: Thank you.

8 MS. MOREJON: Thank you very much.

9 ACTING CHAIRMAN MAROTTA: Thank you.

10 So good to see you.

11 MS. MOREJON: Good to see you.

12 MR. SPATZ: Take a couple minute break to
13 allow them to switch.

14 THE SECRETARY: Can we have a five minute
15 break? Like that, we can switch.

16

17 (Whereupon, Planning Board members Alicia
18 Morejon, Rudy Rivero, Jeanne Koehler and Ydalia
19 Genao left the meeting at 7:42 p.m.)

20

21 (Whereupon, Libero Marotta left the meeting
22 at 7:42 p.m.)

23

24 (Whereupon, the Board recessed from 7:42
25 p.m. to 7:47 p.m.)

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

3

4 MS. DILLON: Now, Carlos.

5 THE SECRETARY: Okay. Let the record
6 indicate that Mr. Marotta left the meeting, and
7 the Board member present are Mr. Ortiz, Mr.
8 Medina, Mr. Pressey, Mr. Grullon, and Mrs.
9 Gutierrez.

10 MS. GUTIERREZ: Medina.

11 THE SECRETARY: Five members.

12 Next application on tonight's agenda, Rare
13 Enterprise, LLC, 415-419 35th Street.

14 Mr. Diaz, please?

15 MR. DIAZ: Good evening, Board members.

16 Luis Diaz for the applicant.

17 This matter was before the Board back in
18 December 8. You obtained jurisdiction, at that
19 time.

20 Nevertheless a few more return letters have
21 turned up. And I'm presenting counsel with --
22 with those.

23 MR. PANEQUE: Thank you, Mr. Diaz.

24 For the record, I've been provided with
25 envelope that has been returned from the post

1 office, unclaimed, from the notices that were
2 sent out.

3 MR. DIAZ: May I proceed, counsel?

4 MR. PANEQUE: Yes, you may, Mr. Diaz.

5 MR. DIAZ: Thank you.

6 MR. PANEQUE: Thank you.

7 MR. DIAZ: Again, this application was
8 before the Board back in December 8th of last
9 year, 2016.

10 It is 415, 17, 19 and 21 35th Street. At
11 that time, I had Mr. Izquierdo qualified and
12 testified as a planner, and as an architect.

13 On December 8, we came before the Board
14 with -- with a project, which consisted of the
15 demolition of the existing structure, and the
16 construction of four story mixed use building.

17 The ground floor would be what's going to
18 be two commercial store spaces, with 24 parking
19 spaces, and then three stories with 24
20 residential units.

21 After the presentation and conferencing the
22 neighbors, and suggestions from the -- from the
23 Board, and in conference with the -- with the
24 applicant, he has decided to scale down the
25 presentation, the project, and to reduce one

1 complete floor, the top floor, from the
2 presentation.

3 The building would be the same size, but it
4 would only be three stories. It will be a ground
5 floor with the same amount of parking spaces, 24
6 parking spaces, and the two commercial units.

7 And then, a second and a third floor, with
8 16 residential units.

9 MR. Izquierdo, again, you were qualified as
10 an expert and --

11 MS. DILLON: Let me to swear him in, Mr.
12 Diaz.

13 MR. DIAZ: Yes.

14 MS. DILLON: Please raise your right hand.

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

17 MR. IZQUIERDO: I do.

18 MS. DILLON: Name for the record, please.

19 MR. IZQUIERDO: Jose Izquierdo, New Jersey
20 architect 09143, New Jersey planner 03385.

21 MS. DILLON: Thank you.

22 MR. DIAZ: Mr. Izquierdo, again, as you
23 stated before, you prepared the -- the plans that
24 were submitted originally, and the new plans.

25 Is that correct?

1 MR. IZQUIERDO: Correct.

2 MR. DIAZ: And you are familiar with the --
3 with the location and the site?

4 MR. IZQUIERDO: I am.

5 MR. DIAZ: Could you explain to the Board
6 the new plans and the reduction on the -- on the
7 size of the project?

8 MR. IZQUIERDO: Yes.

9 Good evening, members of the Board.

10 This Board gains jurisdiction of this
11 application because this is a D-1 building use
12 variance.

13 The previous application included both a
14 D-1 building use variance, as well as a D-6,
15 which was a building height variance.

16 The reason for the building use variance is
17 because this is a hundred by a hundred lot, of
18 which 75 percent of the lot lies within the CC
19 zone, and 25 percent of the lot lies within the R
20 zone.

21 Within the R zone, I'm only allowed to
22 build one, two, and three family homes. Within
23 the C -- CC zone, I'm actually not allowed to
24 build a three family home, but actually, I am to
25 build retail spaces on the ground floor and

1 apartments or offices are allowed on the upper
2 floors, as long as they're not at the street
3 level.

4 The existing build -- the -- this 75
5 percent, 25 percent is not an error in the
6 drafter's of the Master Plan. It's because these
7 properties have merged through unity of title,
8 through unity of ownership, and now we have a
9 hundred by a hundred lot, which is not wholly
10 within any zone.

11 If I was to build four three family homes,
12 I would need a use variance because I'm not
13 allowed to use -- to put the three family homes
14 in the CC zone.

15 If I'm to build a multi-family building, I
16 comply with the CC zone, but I do not comply with
17 -- with the R zone.

18 So, in any event, this is not something
19 that -- that the applicant brought upon himself,
20 but actually, as a matter of law, they all merged
21 and that is the situation.

22 And that actually qualifies as a C-1
23 hardship variance.

24 The existing building is a three story
25 building, which is -- which grew out of a number

1 of additions. And it's -- I call it the house
2 that Jack built, because it's not a planned
3 building. It consists of a number of buildings
4 with a number of interior courts.

5 There is a Laundromat that has 20 washers,
6 20 dryers. There's a vacant building. There are
7 six to seven apartments. There's a beauty
8 parlor, and there's a beauty supply store. No
9 parking. Actually, the existing conditions
10 requires you to have 20 parking spaces.

11 In the proposed conditions, as we have
12 scaled it down, now we have 16 apartments with
13 two retail stores, and we're required to have 37
14 parking spaces, of which we're providing between
15 21 and 24.

16 The last time that we submitted the -- this
17 application, there was a comment from one of the
18 Board members, actually, Mr. Marotta, about the
19 sizes of the parking spaces.

20 And in the revised layout that you have,
21 you have, on the upper section, in the hundred
22 foot section, we can either have 11 spaces at
23 eight feet ten and a half inches, or we can have
24 ten spaces at -- or 12 spaces at eight feet,
25 three inches.

1 So, it is the Board's decision, and I would
2 like to hear which way the Board would like us to
3 --

4 MR. DIAZ: Mr. --

5 MR. IZQUIERDO: -- to do.

6 MR. DIAZ: -- Izquierdo, just to go into
7 that -- that point that you're bringing.

8 With the -- the way that you have presented
9 the plans, and the size of those parking spaces,
10 you will be gaining how many spaces?

11 MR. IZQUIERDO: I would have 24 spaces, two
12 being tandem. If they are the larger spaces, and
13 you don't count the tandems, we have 21 spaces.

14 But we have 16 units, and we have two
15 commercial spaces. So, in the worst of
16 circumstances, each apartment has its own parking
17 space, not in a tandem condition or anything, and
18 the retail stores are actually served as well.

19 MR. DIAZ: So, it would be either having 21
20 spaces or 24 spaces.

21 Is that correct?

22 MR. IZQUIERDO: Correct. And -- and the
23 drawings shows specifically that.

24 So, it's either the Board's pleasure if
25 they would like to see 11 parking spaces, at

1 eight feet ten and a half inches in the back, or
2 they would like to see 12 spaces at eight feet
3 three inches each.

4 The variances -- as I mentioned, the D-1
5 variance comes through the -- through the merger,
6 which happened as a matter of law.

7 The lot area required in the CC zone, all
8 I'm going to say is the CC zone, because we're
9 applying under the CC zone, not under the R zone.

10 We're required to have 10,000 square feet,
11 and we're proposing 10,000 square feet, which
12 conforms.

13 Also conforming is the lot width and the
14 lot depths of a hundred feet.

15 For instance, if I was going to say these
16 75 percent of the -- I'm going to develop within
17 the CC zone, and this 25 percent I will develop
18 within the R zone, then I have a problem because
19 I do not conform to the lot area, I do not
20 conform to the lot width either.

21 The maximum -- the maximum front yard is
22 ten feet. The front yard required is zero feet.
23 And above the fifth level, we're required to have
24 ten feet.

25 We conform because we have actually zero

1 feet in the front, from cellar to the fourth.

2 The side yard, we're requesting a variance
3 only for the parking level, because the side
4 yard, up to 50 feet, we're required to have five
5 feet, and I actually have five feet one inches in
6 the upper level.

7 So, I do not need a variance for the upper
8 level, but I need a variance for the side yard in
9 the parking level.

10 The rear yard required is 20 feet and we're
11 actually leaving five feet one inch on the
12 residential levels, and zero feet in the parking
13 level.

14 That is actually a C-2 variance. Actually,
15 where the purposes of zoning are advanced by a
16 deviation thereof, in -- in terms of providing
17 more parking spaces.

18 Actually, the intent of the -- of the
19 Center City -- this is the Center City Core
20 District, and it's supposed to be the gateway,
21 it's supposed to be the center of Union City.
22 And, actually, the Ordinance calls for higher
23 density housing and more approach as to
24 pedestrian into -- into a downtown environment.
25 And that's why we're filing under CC zone.

1 In the revision of the drawings, we have
2 eliminated the building height variance, because
3 we're allowed to have three stories in the R -- R
4 zone, four stories in the CC zone. So, in order
5 not to request a variance for height, we have
6 reduced everything to the standard of the three
7 stories in the R zone.

8 Actually, the three stories conforms very
9 well to the entire neighborhood because behind
10 this, on 34th Street, we have a two story
11 commercial, we have a parking lot on the corner
12 of New York Avenue and 34th Street, as well as
13 Messivta Sanz on the other side, the Jewish
14 Community Centers. We have Verizon. And across
15 the street, from us on 35th Street, we have a
16 number of three families being two and a half
17 stories high, being of the older type.

18 The newer two families are actually on our
19 same side, which are three stories.

20 So, there's only one four story building
21 which is actually on the center of the block
22 between 34th and 35th Street.

23 So, the building height is not a variance
24 anymore.

25 The setback from the R zone is a

1 requirement from the CC zone, and actually, we're
2 required to have a setback of 20 feet from the R
3 zone. And because we're using that lot, to -- to
4 make it conform to the hundred by a hundred that
5 we need for the CC zone, that, I believe, is a
6 special reason, and the -- and the merger of the
7 lots constituting a special reason, as well.

8 The building coverage allowed is 70
9 percent, 80 percent with the parking within the
10 building.

11 The existing one is 89 percent, and the
12 proposed is 99 percent for the parking levels --
13 for the parking level. And 86.9 percent for the
14 residential levels. That is also a C-2 variance.

15 MR. DIAZ: And, Mr. Izquierdo, just to go
16 on the ground floor, what is the reason of going
17 to the 99 percent on the ground floor? Does it
18 have anything to do with parking or any other
19 factor?

20 MR. IZQUIERDO: Well, the CC zone requires
21 me to have retail spaces on the ground floor. I
22 do not want to have a building that's just
23 parking on the ground floor, because then -- then
24 we don't have a city. Then, we just have a
25 bedroom community.

1 So, we have two retail stores that are --
2 are facing the -- the front on -- on 35th Street.
3 And then, we have the entrance in and out of the
4 parking levels -- of the parking level, which is
5 right on the -- on the property line, or just a
6 few inches away, leading to parking in the back.

7 So, essentially, that is because the intent
8 is to provide as much parking as is possible
9 within the confines of the dimensions.

10 The lot coverage allowed is 75 percent or
11 95 percent when the parking is within the
12 building.

13 In that, we actually conform for the upper
14 floor, since we're only 86.9 percent, and we're
15 just slightly over, 99.6 percent, at the parking
16 level, which four percent, I believe, my opinion,
17 would be de minimis.

18 In terms of the parking, as I indicated, we
19 have 16 two bedroom apartments, which require me
20 to have 32 spaces. And the retail uses require
21 me to have five, for a total of 37. And I am
22 providing either 21 larger spaces, with no
23 tandem, or 24 including two tandems and the
24 spaces at eight feet three.

25 We do not need a density variance either.

1 Our two bedroom apartments, they're required by
2 Ordinance to be no less than 750 square feet.
3 And we have them at mainly 949, 875, 877, 928,
4 927, 879, 802, and 922.

5 The floor plan also of the apartments, we
6 have shown the dimensions of the bedrooms, and
7 it's quite ample, the two floors of residential
8 above, and we have a broken down table of the
9 sizes of the apartments on Sheet A-2 and on Sheet
10 A-3, we have the elevations.

11 Four revised drawings were submitted in
12 conjunction with this amendment, being the -- the
13 building -- use the first sheet -- no, sorry.

14 SP-1, A-1, A-2, and A-3.

15 I have nothing further.

16 MR. DIAZ: Mr. Izquierdo, just to go over.
17 I understand that you've been an architect and a
18 planner practicing in the area, Union City, West
19 New York, North Hudson, for a number of years.

20 MR. IZQUIERDO: Thirty-two.

21 MR. DIAZ: What would be your opinion with
22 regard to the need, or lack thereof, of state-of-
23 the-art residential units in Union City and in
24 North Hudson?

25 MR. IZQUIERDO: Actually, the Housing

1 Element of the Reexamination Report that was
2 prepared by Community Housing and Planning
3 Associates, back in July 11th of 2012, recognizes
4 that housing in Union City is in a deteriorated
5 condition, and is not adequate to meet all the
6 needs of the population.

7 So, the -- the Housing Element of the -- of
8 the Reexamination Report recognizes that a -- I'm
9 not going to say a lot, I'm going to say a number
10 of housing units in Union City, specifically
11 those that I'm dealing with here, those seven
12 units, are not up to standard. They're not up to
13 Code. They do not meet the Code requirements
14 presently for egress, for lighting, for all the
15 nice things, even the finishes, the mold. There
16 are very strict Code requirements now, and the
17 Building Department of Union City is quite
18 thorough in its review of things that building
19 the -- the new units, actually, having 16 new two
20 bedroom units, with 24 parking spaces and two
21 retail stores, is actually a great improvement
22 over the existing dilapidated shack that we have
23 here.

24 MR. DIAZ: And with regard to safety, would
25 they meet -- have to meet the new Code standards?

1 MR. IZQUIERDO: Oh, it's a brand new --

2 MR. DIAZ: And would they be safer than
3 otherwise, than what it is existing there now?

4 MR. IZQUIERDO: Oh, absolutely.

5 And actually, the -- the purposes of zoning
6 also constitute specific reasons and in -- and in
7 this particular case, we meet safety from fire,
8 flood, panic and other disasters, which the
9 existing development does not.

10 This is, I believe, an appropriate use.
11 Development of a land, in the Center City --
12 Center City Core District of Union City, we're
13 going to have adequate light, air, and open space
14 of all the units. They have egress windows, they
15 have large windows. It's going to be
16 sprinklered. The existing building has actually
17 interior courts, where people are looking at each
18 other.

19 It does not present any conflict with
20 developments of other -- of other municipalities,
21 and it actually presents an appropriate
22 population density.

23 Actually, in my opinion, the previous
24 scheme that we had submitted, which was 24
25 apartments, responded to the Center City Core

1 District's requirements of having higher density
2 housing.

3 But since parking became a problem, we have
4 decided to reduce that.

5 We -- we do not need to extend the sewer
6 system or anything like that. All these services
7 are available to the site. So, there -- there
8 doesn't have to be any -- any extraneous public
9 expenditure in order to make this property
10 developable.

11 And it preserves the character of the
12 neighborhood, because it's going to bring quality
13 units in the center of the city, with parking
14 space of -- this is actually on 35th Street, just
15 before the parking and school project that was
16 just presented here.

17 MR. DIAZ: And lastly, Mr. Izquierdo, you
18 alluded to the unity of title theory, which
19 applies to a number of lots that have been
20 created and are owned by the same entity, and
21 which are united side by side, which is the --
22 the situation here.

23 Is that correct?

24 MR. IZQUIERDO: Exactly. The doctrine of
25 merger requires that -- that the lots are all

1 purchased at the -- at the same time. So, there
2 is a unity of title, and there's a unity of -- of
3 ownership.

4 In these specific case, these three lots
5 and this sole lone ranger here became all one
6 lot, when Rare Enterprises purchased these lots.

7 MR. DIAZ: And you have then four lots.
8 Three of them comply with the CN (sic) section,
9 and one is an R -- in the R section.

10 MR. IZQUIERDO: And that's actually because
11 of that, we are before this Board. If we did not
12 have this situation, we would be before the
13 Planning Board.

14 MR. DIAZ: So, this application is
15 complying with 75 percent of the lot. And 25, it
16 is not, because it cannot.

17 Is that correct?

18 MR. IZQUIERDO: That is exactly correct.

19 MR. DIAZ: Now, complying with 75 percent,
20 it would be your -- would it be in your opinion
21 that it furthers the intent of the Zoning
22 Ordinance?

23 MR. IZQUIERDO: And as well as the Master
24 Plan, because granting this variance is not going
25 to frustrate what the -- what the town fathers

1 wanted when they created the Center City zone.

2 In the previous Ordinance, this zone was
3 called the C zone. It was a Commercial zone.
4 And the apartments up on top were only allowed by
5 special use exception -- with the new Ordinance
6 of March 2012, the apartments on top have become
7 an allowed use in the Center City zone, as long
8 as I have retail or some sort of commercial
9 development on the ground floor.

10 So, I -- I believe that this is exactly
11 what the -- what the town fathers was -- were
12 looking at when they enacted the -- the
13 delineation of this zone.

14 MR. DIAZ: I have no further questions at
15 this time, from this witness.

16 And it's our only witness.

17 VICE CHAIRMAN GRULLON: Your only witness?

18 Mr. Izquierdo, as an architect, could you
19 please review again -- again the side yard and
20 the rear yard of the building?

21 MR. IZQUIERDO: Sure.

22 Actually, putting on my architect hat, the
23 building has a flat roof and the building is
24 actually symmetrical when you look at it in the
25 front.

1 You have a center entrance that is
2 accessible to the handicapped, as well, which the
3 existing building is not, and that leads to an
4 elevator that goes only to the apartments on top.

5 That elevator is also accessible from the
6 parking level, through security measures and not.

7 The retail uses have -- have access to a
8 corridor that have one common bathroom for the
9 handicap. That common bathroom for the handicap
10 can also be used by the residents who are using
11 the parking lot, because sometimes people have
12 emergencies.

13 And we are going to have two retail stores
14 in the front.

15 On the ground level, we have zero feet in
16 the front, which is allowed, zero feet on the
17 sides, which is not allowed, unless you go within
18 the parking -- the lot coverage and everything.
19 And that was the -- the conversation that I was
20 having with Mr. Spatz last time. And the rear
21 yard is zero.

22 On the upper floors, the side yards to the
23 building are five feet one inch on all three
24 sides. Not the front. It's going to maintain
25 the front, because one of the -- one of the

1 requirements of the Center City Core District is
2 to have --

3 VICE CHAIRMAN GRULLON: What is it --

4 MR. IZQUIERDO: -- iconic -- iconic
5 architecture.

6 VICE CHAIRMAN GRULLON: What is required?
7 Is that conforming?

8 MR. IZQUIERDO: Yes. Actually, let me --
9 let me read what it says. I mean, I'll --
10 indulge me for a second.

11 The purpose of this zone is to realize the
12 Master Plan's vision for this area as the primary
13 gateway of Union City, with iconic architecture,
14 pedestrian friendly active streetscapes, public
15 parks and high density housing.

16 Design principles for this district include
17 having new buildings catch the scale of existing
18 historic buildings, encouraging rehabilitation of
19 residential buildings, and reservation of
20 historic buildings, employ a pedestrian first
21 approach, encouraging retail uses, and
22 prohibiting office and residential uses at street
23 level, and centering developments.

24 That's what it says.

25 VICE CHAIRMAN GRULLON: A question

1 regarding the parking.

2 You're going to have tandem parking.

3 You're going to have like --

4 MR. IZQUIERDO: Only two spaces.

5 VICE CHAIRMAN GRULLON: You're proposing
6 two?

7 MR. IZQUIERDO: Two spaces.

8 VICE CHAIRMAN GRULLON: The -- any curb cut
9 side parking is going to be lost on the street?

10 MR. IZQUIERDO: This 25 by a hundred lot
11 has the Laundromat. And it's a one story cinder
12 block building in the back, and the whole front
13 of that building is just macadam. So, it has, I
14 guess, a 20 foot curb cut.

15 We're proposing two 18 foot curb cuts. So,
16 we would be losing one parking space on the
17 street.

18 The Ordinance also allows me to count the
19 front of the retail uses, as parking for that --
20 that.

21 So, in essence, we can -- we -- our
22 application can be either 24 spaces, counting
23 three on the street, that by Ordinance are
24 allowed to be counted.

25 I can show you specifically where it is.

1 But there -- there would be a loss of one
2 parking space on the street. But you would be
3 gaining 24. There's no parking right now.

4 It says, on page 90, it's actually Section
5 -- it's Parking Schedule I, and it's actually the
6 footnote underneath.

7 It says, on-street parking located directly
8 in front of a nonresidential use shall count to
9 what required off-street parking. A length of 23
10 feet per on-street parking space shall be used in
11 calculating the number of available on-street
12 parking spaces.

13 So, since I have a hundred, minus 36, it's
14 64. I'm short of five, so I can have almost
15 three, at least two. Three at 21 feet four
16 inches, two at 23 plus 18.

17 VICE CHAIRMAN GRULLON: You know, on the
18 existing condition right now, of the building,
19 how many apartments do you have there?

20 MR. IZQUIERDO: Seven.

21 VICE CHAIRMAN GRULLON: Seven apartments.

22 MR. IZQUIERDO: No parking.

23 VICE CHAIRMAN GRULLON: No parking.

24 MR. IZQUIERDO: And then, we have a
25 Laundromat with 20 washers, 20 dryers and then,

1 we have a beauty parlor, a beauty supply store,
2 and a vacant building.

3 I don't know if any of these tenants are
4 going to come back. That's actually something
5 that Sophia and Joseph, who are the -- the --

6 VICE CHAIRMAN GRULLON: Yeah.

7 MR. IZQUIERDO: -- principals of Rare
8 Enterprise. They -- they have an excellent
9 relationship with the tenants, by the way.

10 VICE CHAIRMAN GRULLON: So practically they
11 will be going from seven to 16 apartment.

12 MR. IZQUIERDO: Seven to 16, and seven
13 having no parking, with 16 having 24 parking
14 spaces.

15 VICE CHAIRMAN GRULLON: Now question for --
16 for your other hat, for the planner.

17 MR. IZQUIERDO: Okay.

18 VICE CHAIRMAN GRULLON: Did you get an
19 opportunity to -- could you describe the
20 immediate neighborhood?

21 MR. IZQUIERDO: Sure.

22 VICE CHAIRMAN GRULLON: To tell me --

23 MR. IZQUIERDO: Actually, we have submitted
24 --

25 VICE CHAIRMAN GRULLON: Yeah. I know you

1 --

2 MR. IZQUIERDO: In any event --

3 VICE CHAIRMAN GRULLON: You had something
4 here, but --

5 MR. IZQUIERDO: Yes.

6 VICE CHAIRMAN GRULLON: Could you explain
7 that, please?

8 MR. IZQUIERDO: Exactly.

9 This site is located on the southern end of
10 35th Street, and actually between Bergenline
11 Avenue and New York Avenue.

12 Going from New York on -- onto Bergenline
13 Avenue, on the south side, we have a mixed use
14 building having five units being three floors on
15 the corner of New York and -- and 35th Street.
16 And then, we have three identical three stories,
17 three families, actually, which we were the
18 architects for. And then, we have a two story
19 building.

20 After that, we have the site, which is
21 going to be then three stories. And then, we go
22 -- we come to all of the properties facing
23 Bergenline Avenue.

24 You see our neighbors to the right all face
25 Bergenline Avenue.

1 So, in there, we have a three story, a two,
2 a one, a one, a four, and then a number of little
3 two stories, which are actually the little ones
4 on the corner on 34th Street.

5 On 34th Street, which is our rear yard
6 neighbor, we have a two story commercial, which
7 is Clothing Galaxy, actually behind us, then we
8 have a two -- two unit three stories. And that
9 house has actually a garage, with four spaces.
10 It's a beautiful house.

11 And then, we have a commercial being a one
12 unit with three stories, and the corner of New
13 York and 34th Street is a parking lot, which is
14 private.

15 Along New York Avenue, you have the multi-
16 families of four and a half stories south of 34th
17 Street. And then, you have Messivta-Sanz, you
18 have Verizon, and then you have a number of
19 little commercials along New York Avenue.

20 You have hair salon, the seamstress,
21 restaurants, you have the flowers, the parking
22 lot, you -- the vacant lot and a building under
23 construction, which are actually little
24 subdivided property.

25 And then, you have those little houses that

1 have a garage underneath, and they're all three
2 units, three stories. And there's eight of them,
3 which are -- you must be familiar with them,
4 because I mean, they're -- they're -- they have
5 like a -- like a little shed in the front with a
6 garage underneath.

7 You have, on the other side of 36th Street,
8 you have the three units, two and a half stories,
9 you have The Arc of New Jersey. It's a mixed
10 area. And that's why the -- why the Ordinance
11 calls for a mixed use building.

12 It shouldn't be all residential because the
13 -- the commercial fabric of the city needs to be
14 strengthened in order to have a stronger tax
15 base.

16 Union City is not like North Bergen that
17 has Tonnelle Avenue and has all that commercial
18 space.

19 The commercial space that we have is just
20 very limited, and it's very piecemeal in fashion.

21 MR. DIAZ: Now, Mr. Izquierdo, just to go
22 over the neighborhood.

23 On Bergenline Avenue, between 35th and 36th
24 Street, on the west side of Bergenline Avenue,
25 there's a structure there. It used to be a

1 Holthausen's Department Store. It has now been
2 subdivided and, obviously, Holthausen's not there
3 anymore.

4 Is that a multi-story -- what can you tell
5 us about the height of that structure as it
6 stands there now?

7 MR. IZQUIERDO: Let -- actually, that is
8 the only -- the only property that I didn't mark
9 down.

10 Hold on.

11 MR. DIAZ: Um hum.

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

14 MR. IZQUIERDO: No. I don't -- I don't
15 have that information. That -- that property
16 wholly lies within the CC zone, and is all
17 fronting on Bergenline Avenue.

18 I -- I don't -- I'm not able to answer your
19 question. I'm sorry.

20 MR. DIAZ: For those that know the
21 neighborhood, that used to be Holthausen's
22 Department Store back in the old days. Now, it's
23 been subdivided, is made into a number of stores
24 facing Bergenline Avenue. It's a number of
25 stories, I -- I do not -- obviously, I don't have

1 the -- the height but it's a number of stories
2 high.

3 MR. IZQUIERDO: Are you saying between --

4 MR. DIAZ: It's painted in yellow.

5 MR. IZQUIERDO: -- 34th and 35th?

6 MR. DIAZ: Thirty-fifth and 36th.

7 MR. IZQUIERDO: Oh, okay. No.

8 VICE CHAIRMAN GRULLON: Mr. Izquierdo, like
9 looking at the neighborhood, would you agree that
10 the -- if this is granted, this will be the
11 largest building?

12 MR. IZQUIERDO: No.

13 VICE CHAIRMAN GRULLON: In the area?

14 MR. IZQUIERDO: Oh, no, no.

15 VICE CHAIRMAN GRULLON: Because I don't see
16 anything --

17 MR. IZQUIERDO: No. Actually, behind us,
18 the two story commercial, Clothing Galaxy, that
19 wholly lies within the CC zone, is actually five
20 lots. So, it's 12,500 square feet, two stories.

21 And then, you have a four story facing on
22 Bergenline Avenue. You have a -- on that side
23 here, you have Rancho Colombiano, travel, you
24 have a restaurant, you have a number of three
25 stories. Across the street, you have two and a

1 half stories.

2 VICE CHAIRMAN GRULLON: Actually, my -- my
3 question, my concern is the residential.

4 MR. IZQUIERDO: The height? No.

5 VICE CHAIRMAN GRULLON: The --

6 MR. IZQUIERDO: A three --

7 VICE CHAIRMAN GRULLON: The residential
8 portion of the building.

9 MR. IZQUIERDO: Oh, the number of --

10 VICE CHAIRMAN GRULLON: Would that be --

11 MR. IZQUIERDO: -- units being 16?

12 VICE CHAIRMAN GRULLON: Yes. Um hum.

13 MR. DIAZ: No. The height. I think --

14 MR. IZQUIERDO: No, he says --

15 VICE CHAIRMAN GRULLON: The residential to
16 the -- to -- to New York Avenue, to the other
17 side.

18 MR. DIAZ: I think what the Chairman is
19 alluding to is the height of the --

20 MS. GUTIERREZ: The height.

21 MR. DIAZ: -- residential.

22 MS. GUTIERREZ: The height.

23 MR. IZQUIERDO: The height is three
24 stories. And across the street, we have three
25 stories, three stories, two and a half, two and a

1 half, two and a half, two and a half, and two and
2 a half.

3 And then, on the -- on New York Avenue, you
4 have all three stories, and then next to us, we
5 have three stories next to us.

6 So, no, we're not going to be the tallest
7 building. Actually, the ones behind us are three
8 stories as well.

9 MR. DIAZ: And Mr. Izquierdo --

10 MR. IZQUIERDO: At four stories, we were.

11 MR. DIAZ: On the west -- on the west side,
12 the same side of the street, going towards the
13 New York side, there's a number of three family
14 houses.

15 Could you describe them and the height and
16 number of stories and so forth?

17 MR. IZQUIERDO: The -- the three units, the
18 three stories, that Silver Star development?

19 MR. DIAZ: On the west -- on the west side.

20 MR. IZQUIERDO: On the west side of 34th
21 Street, there are three brand new -- well, brand
22 new, I -- I say, ten, 15 years.

23 VICE CHAIRMAN GRULLON: They're three
24 family houses.

25 MR. IZQUIERDO: They're three family

1 | houses. And they have --

2 | VICE CHAIRMAN GRULLON: What I'm talking
3 | about is the -- the bulk of the building.

4 | Are you going to have any buildings like
5 | that in the area?

6 | MR. IZQUIERDO: Only the -- only the --

7 | VICE CHAIRMAN GRULLON: That are 99.9
8 | percent coverage?

9 | MR. IZQUIERDO: No. Commercial Clothing
10 | Galaxy would be the -- the biggest one. Verizon
11 | is also a rather large one. Messivta-Sanz is
12 | also rather large.

13 | The multi-families on New York Avenue are
14 | four and a half stories.

15 | But no, I don't -- I don't think -- you're
16 | saying -- you're almost thinking that the
17 | building is going to be out of scale, out of
18 | proportion with the neighborhood?

19 | VICE CHAIRMAN GRULLON: I would say so,
20 | yes. Um hum.

21 | MR. IZQUIERDO: I -- I don't think so.
22 | Actually, the Center City requires me to have a
23 | hundred by a hundred.

24 | So, if I -- if I have any less than a
25 | hundred by a hundred, I don't meet with the zone.

1 The zone wants larger structures, wants higher
2 density housing. Doesn't want the piecemeal that
3 we have right now.

4 MR. DIAZ: And the project is 75 percent in
5 that zoning requirement.

6 MR. IZQUIERDO: Correct.

7 MR. DIAZ: Is that correct?

8 MR. IZQUIERDO: Correct.

9 I mean, the treatment of the exterior of
10 the building, we could -- we could break it up so
11 that we match the scale. That would not be a
12 problem. That could be a condition of any
13 decision that you would desire to entertain. But
14 -- in breaking down the scale.

15 But The Arc of New Jersey is also a very --

16 VICE CHAIRMAN GRULLON: What is the
17 requirement for parking, for the -- for that type
18 of building? The requirement for the park -- for
19 parking?

20 MR. IZQUIERDO: The same as a -- the same
21 as the Residential Site Improvement Standards,
22 which would be two -- two spaces for every two
23 bedroom. So, for the 16 parking spaces -- for
24 the 16 units, we would need 32 parking spaces.

25 And for the retail stores, we would need

1 five.

2 MR. DIAZ: Total of how many?

3 MR. IZQUIERDO: Thirty-seven.

4 VICE CHAIRMAN GRULLON: Thirty-seven. And

5 --

6 MR. IZQUIERDO: And we're providing 24.

7 Plus --

8 VICE CHAIRMAN GRULLON: You're proposing --

9 MR. IZQUIERDO: -- the two or the three in
10 the front.

11 VICE CHAIRMAN GRULLON: Less the off --
12 off-street parking that you --

13 MR. IZQUIERDO: I lose one. I lose one on
14 the street, but I gain three also, based on note
15 5 of the Parking Schedule number I.

16 MR. DIAZ: Mr. Izquierdo, the three on the
17 street side, that's not included in the 24.

18 Is that correct?

19 MR. IZQUIERDO: No. I haven't included
20 that in the calculation, but I'm just making a --
21 a comment that the -- that the zoning actually
22 allows the applicant to count that as part of the
23 spaces toward the -- it has to be non-residential
24 use --

25 VICE CHAIRMAN GRULLON: The curb cuts --

1 MR. IZQUIERDO: -- which we have.

2 VICE CHAIRMAN GRULLON: -- for the garage.

3 They're going to be on 35th?

4 MR. IZQUIERDO: Yes.

5 VICE CHAIRMAN GRULLON: On 35th.

6 MR. IZQUIERDO: Yes.

7 VICE CHAIRMAN GRULLON: Thirty-fifth is

8 west --

9 MR. IZQUIERDO: One way.

10 VICE CHAIRMAN GRULLON: One way west.

11 MR. IZQUIERDO: One way west.

12 VICE CHAIRMAN GRULLON: Going west, going

13 into Bergenline.

14 MR. IZQUIERDO: Going into Bergenline, and

15 continuing up onto Kennedy. Yeah.

16 VICE CHAIRMAN GRULLON: Yes. Is there a

17 traffic light there, at the corner?

18 MR. IZQUIERDO: On Bergenline? I don't

19 think so.

20 MS. GUTIERREZ: No. No traffic light.

21 VICE CHAIRMAN GRULLON: No traffic light.

22 MR. IZQUIERDO: No.

23 MS. GUTIERREZ: No traffic --

24 MR. IZQUIERDO: But you -- but you can only

25 make a -- you can only make a -- you can only

1 make a left --

2 MS. GUTIERREZ: Left.

3 MR. IZQUIERDO: -- onto Bergenline Avenue.

4 MS. GUTIERREZ: Left on Bergenline.

5 MR. IZQUIERDO: Yeah. But -- but 35th
6 Street goes straight through. It is 36th Street
7 that has that jog, that you have to go a little
8 bit here to go there; 35th Street goes straight
9 through, and so does 34th Street. And actually,
10 we're just off that angle with the supermarket
11 and everything that's the Fine-Fare. The Fine-
12 Fare is right there also. La Churreria. All of
13 that --

14 MS. GUTIERREZ: On 33rd Street.

15 MR. IZQUIERDO: -- is there.

16 VICE CHAIRMAN GRULLON: Since you're
17 familiar with the neighborhood, you know that
18 there is a school on Palisade Avenue.

19 MR. IZQUIERDO: Yeah. Yeah.

20 VICE CHAIRMAN GRULLON: Yeah.

21 MR. IZQUIERDO: Way -- yeah, way out.

22 VICE CHAIRMAN GRULLON: On Palisade and
23 there's a lot of traffic generated by that school
24 going on that same direction.

25 MR. IZQUIERDO: On 35th Street.

1 VICE CHAIRMAN GRULLON: On 35th.

2 MR. IZQUIERDO: Yeah. Well, we -- I -- I
3 mean, 16 units, and these people coming in the --
4 in the evening from work, if they ever use the --
5 the car or -- I mean, I don't have a car, so I
6 don't -- you know.

7 To me, it's -- it's perfectly acceptable to
8 conceive of a human being in this society that
9 does not own a car, does not want a car, and is
10 perfectly fine with that. You know?

11 So, I believe that more and more, these are
12 going to be the residents that we -- that we're
13 going to have.

14 MR. DIAZ: And alluding to that, Mr.
15 Izquierdo, would you just go over the
16 transportation that is available to the -- to the
17 site, public transportation?

18 MR. IZQUIERDO: Well, the -- the Board can
19 take judicial notice that Bergenline Avenue is
20 served by a multitude of jitney buses, and they
21 will take you all the way to -- to Newport. They
22 will take you to Newport Center, and they go all
23 the way to the George Washington Bridge. Of
24 course, they go on New York Avenue for that
25 section, up into 49th Street.

1 There's also plenty of -- of buses and
2 jitney buses, both on Kennedy Boulevard, as well
3 as -- um, Park Avenue less.

4 But the area is very well served by public
5 transportation. About ten blocks away, we have
6 the light rail that takes you straight into
7 Hoboken terminal, and there onto either 34th
8 Street, Penn Station, or World Trade.

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

11 Do you guys have any questions?

12 At this time, I want to open --

13 MR. PANEQUE: Make sure there's no other
14 witnesses.

15 VICE CHAIRMAN GRULLON: He -- he mentioned
16 that he's the only witness that he has.

17 MR. DIAZ: He's the only witness.

18 VICE CHAIRMAN GRULLON: Yeah. He's the --

19 MR. DIAZ: Correct.

20 VICE CHAIRMAN GRULLON: -- only witness.

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

22 VICE CHAIRMAN GRULLON: At this point, I
23 want to open it to the public.

24 Open to the public.

25 Any member of the public has any concern

1 about this application?

2 MR. IZQUIERDO: By the way, the height of
3 this building is, to the roof, 35 feet. Thirty-
4 five feet is the height of a -- of a three family
5 house.

6 VICE CHAIRMAN GRULLON: Yeah, but you're
7 not asking for a height variance.

8 MR. IZQUIERDO: No, no, no. I'm not asking
9 for a height variance, but in your concern, which
10 is I -- I actually take it very seriously,
11 actually, I think it's a good idea, of breaking
12 out the front of the building, in -- in terms of
13 -- you know, some back and forth and everything,
14 so that instead of having a 90 foot building,
15 next to a 20 and a 20, and a number of twenties,
16 and we can break it into -- into scale so that
17 the scale is broken.

18 Actually, I think that that's what the
19 Ordinance would require me to do as an architect.

20 VICE CHAIRMAN GRULLON: Yes. I -- I
21 understand what you're saying, but what I'm --
22 first, I want to close it to the public.

23 And actually, see, after reviewing this --
24 the plans and seeing the area, looking at the
25 characteristic of the neighborhood, and knowing

1 | that this is a strictly -- I know it's -- it's
2 | close to the commercial zone, but it's also in
3 | the residential zone, which we don't have any
4 | building of this -- this mass of building around
5 | the area.

6 | And knowing that it's going to -- it's not
7 | going to provide enough parking, even -- even if
8 | we -- if we think that one parking space would be
9 | enough per apartment, practically that's not --
10 | that's not -- that would not happen.

11 | I will be voting -- you know, in conforming
12 | to see something that is more like a neighborhood
13 | type. Like probably a three family house.

14 | But I'm going to make a motion to deny this
15 | application.

16 | THE SECRETARY: Motion to deny the
17 | application by Mr. Grullon.

18 | Any second on the motion?

19 | MS. GUTIERREZ: I make a second.

20 | THE SECRETARY: Second by Mrs. Gutierrez.
21 | Roll call on the motion.

22 | Mr. Grullon?

23 | VICE CHAIRMAN GRULLON: Yes.

24 | THE SECRETARY: Mrs. Gutierrez?

25 | MS. GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Mr. Pressey?

4 MR. PRESSEY: No.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Four in favor, one against.

8 Motion carries.

9 MR. IZQUIERDO: Thank you very much.

10 MR. DIAZ: Thank you very much and have a
11 good night.

12 MR. IZQUIERDO: Good night.

13 MS. GUTIERREZ: Good night.

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

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

7 MR. PEREIRAS: One second. I'm sorry.

8 THE SECRETARY: Resolution was memorialized
9 January 15, 2015. Applicants are seeking one
10 year extension.

11 Mrs. Pereiras?

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

14 MR. PANEQUE: Okay. This is for me?

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

17 THE SECRETARY: Mrs. Pereiras, please?

18 MS. PEREIRAS: Thank you.

19 Good evening, Mr. Chairman, counsel,
20 members of the Board.

21 May it please the Board, Bianca Pereiras on
22 behalf of Sip Inka, LLC.

23 The Board may recall that we were before
24 you almost two years ago, when we presented this
25 application for the approval of a 120 unit hotel.

1 The Board approved the application at that time.

2 We are now before this Board requesting a
3 one year extension.

4 As you can imagine, we're dealing with
5 different franchises to get this hotel up and
6 running. And we've had a little bit of
7 difficulty. We had a contract that was cancelled
8 at the eleventh hour.

9 My client is going back to a different
10 franchise to get this off the ground, so we are
11 requesting, at this time, a one year extension.

12 VICE CHAIRMAN GRULLON: As I say, is your
13 client -- one year extension will be good for him
14 to proceed --

15 MS. PEREIRAS: We --

16 VICE CHAIRMAN GRULLON: -- with the
17 application?

18 MS. PEREIRAS: Yes. We believe that will
19 be sufficient time to be able to get all the
20 approval, and get the permits before the Building
21 Department and start construction.

22 VICE CHAIRMAN GRULLON: I make a motion to
23 grant this extension for one year.

24 THE SECRETARY: Motion to grant extension
25 by Mr. Grullon.

1 MS. GUTIERREZ: And I'm seconding.

2 THE SECRETARY: Second by Mrs. Gutierrez.

3 Roll call on the motion.

4 Mr. Grullon?

5 VICE CHAIRMAN GRULLON: Yes.

6 THE SECRETARY: Mrs. Gutierrez?

7 MS. GUTIERREZ: Yes.

8 THE SECRETARY: Mr. Ortiz?

9 MR. ORTIZ: Yes.

10 THE SECRETARY: Mr. Pressey?

11 MR. PRESSEY: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

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

16 MS. PEREIRAS: Thank you all very much.

17 MS. GUTIERREZ: You're welcome.

18 * * *

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1 **Paula Escobar - 2404 Summit Avenue:**

2

3 THE SECRETARY: Okay.

4 Next application on tonight's agenda, Paula
5 Escobar, 2404 Summit Avenue, Block 135, Lot 3,
6 new day -- daycare center.

7 Mrs. Pereiras, please?

8 MS. PEREIRAS: Thank you.

9 MR. PANEQUE: Thank you.

10 Let the record reflect that Ms. Pereiras
11 has provided me with the following documents:

12 I have a certification as to publication
13 and service, which indicates that on December 26,
14 notices were -- strike that -- December 29,
15 notices were mailed out to all property owners
16 within the 200 foot radius of the property in
17 question. Said property being 2404 Summit
18 Avenue, also known as Block 135, Lot 3 in the
19 City of Union City.

20 I've also been provided with a Affidavit of
21 Publication from The Jersey Journal, dated
22 January 2nd, 2017, in which said notice was
23 published -- just in time. Said notice indicates
24 that notice of tonight's hearing for Thursday,
25 January 12 was given and published in the

1 newspaper, giving the time and the location in
2 question.

3 I've also been provided with a list from
4 the Tax Assessor's Office, dated December 21st,
5 2016, listing all property owners within the 200
6 foot radius of Block 135, Lot 3, property known
7 as 2404 Summit Avenue.

8 Ms. Pereiras has also provided me with the
9 certified mail receipts, which are dated December
10 29th, 2016 from the United States Post Office, as
11 well as the return receipts, which have come back
12 to date.

13 Based on the documentation that's been
14 provided, this Board does have jurisdiction to
15 hear this matter and may proceed.

16 MS. PEREIRAS: Thank you.

17 Again, Bianca --

18 THE SECRETARY: Thank you, Mr. Paneque.

19 MS. PEREIRAS: -- Pereiras, on behalf of
20 the applicant, Paula Escobar for property located
21 at 2404 Summit Avenue, also known as Block 135,
22 Lot 3.

23 We're located on Summit Avenue between 24th
24 and 25th Street. What we have there existing is a
25 two story industrial building. I believe at one

1 time it was an embroidery factory, but it
2 remained vacant for quite some time.

3 The client, who is a lifelong resident of
4 Union City, and her dream was to open a daycare
5 center, found this location and is looking to get
6 that approved tonight by this Board for a new
7 daycare facility.

8 We have a few experts to testify before the
9 Board this evening, as well as our applicant is
10 here to give some testimony.

11 And I'd like to begin tonight's
12 presentation with our architect, Mr. Alan Feld.

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

15 MS. DILLON: Mr. Feld, please raise your
16 right hand.

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

19 MR. FELD: Yes.

20 MS. DILLON: If you could please state your
21 name and spell it for the record?

22 MR. FELD: Alan Feld, A-L-A-N, F-E-L-D.

23 MS. DILLON: Thank you.

24 MS. PEREIRAS: And Mr. Feld has testified
25 before this Board in the past, and I ask that he

1 | be accepted as an expert in the field of
2 | architecture.

3 | MR. PANEQUE: Mr. Grullon, any objection?

4 | VICE CHAIRMAN GRULLON: No, we accept your
5 | qualification. Mr. Feld appeared in front of
6 | this Board on many occasion.

7 | MR. FELD: Thank you.

8 | MS. PEREIRAS: Mr. Feld, are you familiar
9 | with 2404 Summit Avenue?

10 | MR. FELD: Yes, I am.

11 | MS. PEREIRAS: And did you prepare the
12 | drawings that are before the Board this evening?

13 | MR. FELD: Yes, I did.

14 | MS. PEREIRAS: And would you kindly walk us
15 | through the existing conditions, as well as the
16 | proposed application?

17 | MR. FELD: Yes.

18 | So, this is existing building that faces
19 | Summit Avenue. The lot size is 28 by a hundred.
20 | The building occupies a hundred percent of the --
21 | of the lot.

22 | And there's a two story section at the
23 | front of the building, which is about 28 feet by
24 | about 26 feet.

25 | These are all existing -- existing

1 structure.

2 The building has been improved with new
3 lighting already, and new finishes inside. The
4 building is sprinkled and the intention is to
5 convert this, basically, shell of a building into
6 a daycare center, by constructing new bathrooms,
7 children's, a new kitchen area, the children's
8 area, and an infant room towards the rear.

9 MS. PEREIRAS: Mr. Feld, at full capacity,
10 how many children could this facility hold?

11 MR. FELD: It's -- it would have 56
12 children on the ground floor and 19 children on
13 the second floor.

14 MS. PEREIRAS: And can you please discuss
15 means of egress for both the second floor and the
16 first floor?

17 MR. FELD: Yes.

18 So, there's the front entrance on Summit
19 Avenue. There's two -- there's an easement
20 towards the rear, with a second means of egress,
21 which has access to 24th Street.

22 And then, for the second floor, there's a
23 staircase that goes up to the second floor. And
24 then, there's a -- we're going to be installing a
25 -- a fire escape exit on the north side, where we

1 have an easement alongside that property, as
2 well.

3 MS. PEREIRAS: You mentioned --

4 MR. FELD: So, there's -- there's two means
5 of egress from both the first floor and the
6 second floor. And the building is sprinkled, as
7 well.

8 MS. PEREIRAS: Okay.

9 You mentioned before the dimensions of the
10 property. Can you -- and again, we'll have our
11 planner testify as to the variances, but if you
12 could just list them for us?

13 MR. FELD: So, a -- a daycare -- daycare
14 center -- this is in the R low density
15 residential district.

16 I also just make a comment. The -- on my
17 drawings, the site data was incorrectly -- and
18 this is the correct site data.

19 VICE CHAIRMAN GRULLON: Okay.

20 MR. FELD: What's on the drawing is
21 actually incorrect.

22 VICE CHAIRMAN GRULLON: It's not this data
23 here?

24 MR. FELD: That's correct. And this is the
25 corrected, which I'd like to put into evidence.

1 VICE CHAIRMAN GRULLON: Can I see that?

2 MS. PEREIRAS: Could I mark this as --

3 MS. DILLON: Sure.

4 MS. PEREIRAS: -- A-1?

5

6 (Whereupon, Site Data was received and
7 marked as Exhibit A-1.)

8

9 MR. PANEQUE: Ms. Pereiras, would you show
10 this to Mr. Feld, because the site plan that the
11 Board has before it has an attached --

12 MS. PEREIRAS: Is that your -- is that the
13 new one?

14 MR. PANEQUE: -- layover.

15 Is that the revised data?

16 MR. FELD: Yes, that's correct.

17 MR. PANEQUE: Okay.

18 MR. FELD: Oh, that has been corrected
19 already.

20 MR. PANEQUE: It has been corrected. Yes.

21 MR. FELD: I didn't realize that.

22 MR. PANEQUE: So, the Board can rely on the
23 site plan that it has before it at this time.

24 MR. FELD: I wasn't aware of that. Thank
25 you.

1 So, continuing.

2 This is in the R, low density, residential
3 district. A daycare center is not permitted, so
4 we are seeking a use variance for the daycare
5 center.

6 In the R district, 2500 square feet lot
7 area is required, provided is 2800 square feet.
8 So, we comply.

9 The lot width required is 25 feet. We have
10 28 feet, so we comply.

11 The lot depth required is a hundred. This
12 is a hundred feet, so we comply.

13 The front yard required is ten feet. The
14 existing nonconforming use is zero. So, that's a
15 precondi -- preexisting nonconforming use.

16 The side yard required in the R district is
17 two feet on one side, or combined for five feet.
18 We have zero side yards. Again, this is a
19 nonconforming preexisting condition.

20 The rear yard required is 25 feet. We have
21 zero feet. And again, this is an existing
22 nonconforming condition.

23 The maximum height allowed is 50 feet.
24 This building is 28 feet, so we comply.

25 Four stories is the maximum height, also.

1 We have two stories, so we comply.

2 The building coverage is -- maximum is 60
3 percent. The existing building covers a hundred
4 percent. So, again, it's a preexisting,
5 nonconforming condition.

6 The lot coverage, maximum is 75 feet -- 75
7 percent. This building covers a hundred percent.
8 So again, it's a nonconforming, preexisting
9 condition.

10 And lastly is the parking. The parking
11 required is one space for -- per employee. It's
12 anticipated there will be 12 employees, requiring
13 12 spaces.

14 There is no parking on the site, and it's
15 not possible to provide any parking. So, there's
16 a parking variance for 12 spaces.

17 MS. PEREIRAS: And again, we do have a
18 planner to testify as to those variances, as
19 well.

20 But I have no further questions of our
21 architect.

22 VICE CHAIRMAN GRULLON: Could you -- I have
23 a question.

24 Could you explain again the -- the mean of
25 egress?

1 MR. FELD: Yes.

2 So, again, for the first floor, there's the
3 front entrance. And then, towards the rear,
4 there's a side door. And if you look on the site
5 plan, it shows the egress path. Directly,
6 there's a parking area, with open space, which
7 leads to 24th Street.

8 And there's a photograph of that, as well,
9 which shows the marking of --

10 VICE CHAIRMAN GRULLON: Yes. I see.

11 MR. FELD: -- of that egress --

12 VICE CHAIRMAN GRULLON: The --

13 MR. FELD: -- path.

14 VICE CHAIRMAN GRULLON: The front egress is
15 -- it's on Summit Avenue?

16 MR. FELD: So, the --

17 VICE CHAIRMAN GRULLON: And the side --
18 side entrance is on 24th Street side?

19 MR. FELD: That's correct.

20 VICE CHAIRMAN GRULLON: What it shows on
21 the photograph, is that a -- is that a parking
22 space there?

23 MR. FELD: No, that's the egress path, so
24 that nothing can be in that marked painted
25 striped area. That has to remain open and clear

1 for egress, and that's why it's marked as such.

2 VICE CHAIRMAN GRULLON: And the existing
3 condition of the building, do you know what's
4 there now?

5 MS. PEREIRAS: It's an empty shell.
6 Correct?

7 MR. FELD: It's an empty shell.

8 VICE CHAIRMAN GRULLON: It's an empty.

9 MR. FELD: But has been improved already.
10 There's a new ceiling, new lighting, new air
11 conditioning.

12 VICE CHAIRMAN GRULLON: Yeah. But there's
13 no one living there now.

14 MS. PEREIRAS: No.

15 VICE CHAIRMAN GRULLON: I don't have any
16 more question for the architect.

17 Do you have question for the architect?

18 MR. MEDINA: Yes.

19 Your daycare is providing a playground?

20 MR. FELD: Well, maybe the owner will talk
21 about the playground.

22 MR. MEDINA: Yeah. All right.

23 VICE CHAIRMAN GRULLON: Thank you.

24 You want to bring your planner?

25 MR. PANEQUE: Mr. Feld, the easement that's

1 | noted here, is that easement on your client's
2 | property?

3 | MR. FELD: No. That's across this adjacent
4 | property.

5 | MR. PANEQUE: Okay. And has that easement
6 | been recorded?

7 | MS. PEREIRAS: It has.

8 | MR. PANEQUE: Okay. You have proof of
9 | that, Ms. Pereiras?

10 | MS. PEREIRAS: It's -- it's documented in
11 | the actual survey.

12 | MR. PANEQUE: Okay.

13 | MS. PEREIRAS: But yes, this is an old
14 | easement that was recorded. And it's -- I don't
15 | know if you can see these surveys, but it does
16 | document it.

17 | MR. PANEQUE: Okay.

18 | That's that -- I guess the deed book 3,001,
19 | page 640.

20 | MS. PEREIRAS: Correct.

21 | MR. PANEQUE: Okay.

22 | And that easement is still in existence.

23 | MS. PEREIRAS: That is correct.

24 | MR. PANEQUE: Okay.

25 | Thank you.

1 MS. PEREIRAS: No further questions of Mr.
2 Feld?

3 VICE CHAIRMAN GRULLON: No further
4 questions.

5 MS. PEREIRAS: Okay.

6 I'd like to proceed with our applicant,
7 Miss Paula Escobar.

8 MS. ESCOBAR: Hello. Good evening, Board
9 members.

10 My name --

11 MS. DILLON: Please raise your right hand.

12 MS. ESCOBAR: Oh.

13 MS. DILLON: Do you affirm the testimony
14 you're about to give this Board is the whole
15 truth?

16 MS. ESCOBAR: Yes.

17 MS. DILLON: I need you to state your name
18 and spell it for the record.

19 MS. ESCOBAR: Okay. My name is Paula
20 Escobar. And it's P-A-U-L-A, last name
21 E-S-C-O-B-A-R.

22 MS. DILLON: Thank you.

23 MS. ESCOBAR: Okay.

24 So, good evening, members of the Board.

25 My name is Paula Escobar and I'm currently

1 a permanent resident of Union City. We grew up
2 and went to school in Union City, and we also
3 have kids here.

4 And when I speak of we, I'm referring to my
5 sister, and our partner, Sandy Mendez (phonetic).

6 Basically, what we're looking to do here is
7 open up a daycare center, with accessible hours
8 for parents from seven to seven o'clock in the
9 evening. Hopefully, we can get permitted, a drop
10 off zone on the side on Summit, so that this way,
11 we can easily access the children from when they
12 arrive to the time -- you know, they leave and
13 help the parents, make it easier for them.

14 Well, I'm sorry. I'm a little bit nervous.
15 It's something not easy for me, but this has
16 always been a dream for us, to fulfill, and we're
17 really happy to be able to do that here in Union
18 City.

19 More so, we are happy to be able to give
20 back to the community -- to the community we know
21 and we love.

22 Given my background in business and
23 finance, my sister and Sandy's experience in
24 early childhood, I am confident that we will
25 build a team that will be successful, and a safe

1 | learning environment for the children and parents
2 | of Union City.

3 | And I don't know. That's all I have for
4 | tonight.

5 | MS. PEREIRAS: Ms. Escobar, --

6 | MS. ESCOBAR: Yes?

7 | MS. PEREIRAS: -- prior to entering into a
8 | lease for this space, did you have a courtesy
9 | inspection with the State?

10 | MS. ESCOBAR: Yes, we did. We had the
11 | courtesy inspection back in April.

12 | MS. PEREIRAS: And what were the results of
13 | that inspection?

14 | MS. ESCOBAR: They approved it for 82 kids.
15 | And then, they said that the property was perfect
16 | for a daycare center.

17 | MS. PEREIRAS: And maybe you heard the
18 | question that Mr. Medina posed earlier about a
19 | playground facility.

20 | Did you discuss with the State what would
21 | be your playground's options?

22 | MS. ESCOBAR: Actually, we already hired an
23 | environment company, who came to assess the
24 | playground area on 25th Street and Central, who
25 | also said that the loca -- that the -- I'm sorry

1 -- that the park was okay for what we were to
2 looking to use it and occupy it for.

3 MS. PEREIRAS: And the park is close enough
4 for you to walk to with the children?

5 MS. ESCOBAR: It's a walking distance. Um
6 hum.

7 MS. PEREIRAS: Now, Ms. Escobar, can you --
8 you mentioned the hours of seven to seven, and
9 you mentioned -- you know, the children, that you
10 could have at full capacity.

11 How many employees are you expecting?

12 MS. ESCOBAR: We are expecting 12, but they
13 will all begin different timing, staggered hours.
14 So, we're hoping to have, during a -- the eight
15 hours of the day, probably eight employees.

16 And they will also be within the -- they
17 will also live within the City of Union City, so
18 we're hoping to -- that that will diminish a
19 little bit of the traffic so they won't be
20 occupying any spots.

21 MS. PEREIRAS: You mentioned earlier that
22 you, your sister, your mother, your partner
23 Sandy, would all be working at the location.

24 Correct?

25 MS. ESCOBAR: Yes.

1 MS. PEREIRAS: And you all live in Union
2 City, and close to the property?

3 MS. ESCOBAR: Yes, we do. We live within
4 walking distance.

5 MS. PEREIRAS: Okay.

6 I have no further questions.

7 VICE CHAIRMAN GRULLON: Ms. Escobar, the
8 age of the children. Could you --

9 MS. ESCOBAR: That's important.

10 So, we're planning for infants to after
11 school care.

12 VICE CHAIRMAN GRULLON: After school care.

13 MS. ESCOBAR: Um hum. We're planning to
14 offer after school.

15 MS. GUTIERREZ: Ms. Escobar, how many kids
16 did you plan to have in there?

17 MS. ESCOBAR: So right now, it's approved
18 for 82. But once we build walls and -- you know,
19 there's different structure, it's going to take
20 away from that -- the square footage. So, we're
21 hoping to have 60 to 65 kids total.

22 MR. MEDINA: When you say it's going to be
23 82, how many, let's say, a classroom for --

24 MS. ESCOBAR: Okay.

25 MR. MEDINA: -- and each classroom?

1 MS. ESCOBAR: So, I'll break that down for
2 you a little bit.

3 We're planning to have ten infants. And
4 then, we're planning to have 15 in all the other
5 classrooms. So that means it will be preschool
6 -- it will be toddlers, preschool and pre-K.

7 MR. MEDINA: And this is a part of privacy,
8 or this is about the Abbott program?

9 MS. ESCOBAR: No. It's private. We have
10 not discussed Abbott at the moment.

11 MR. PRESSEY: I have a thing about traffic.
12 Like since it's so close to the high school, what
13 about --

14 MS. GUTIERREZ: Um hum.

15 MR. PRESSEY: -- traffic?

16 MS. ESCOBAR: So, we actually hired a
17 traffic planner.

18 MS. PEREIRAS: We have a -- we have a --

19 MS. ESCOBAR: Um hum.

20 MS. PEREIRAS: -- planner --

21 MR. PRESSEY: Oh, okay.

22 MS. PEREIRAS: -- that's going to testify.

23 MR. PRESSEY: Okay.

24 MS. ESCOBAR: Yes.

25 MS. PEREIRAS: And I think he'll speak a

1 little more broadly onto that issue.

2 MS. ESCOBAR: Right.

3 MS. GUTIERREZ: Um hum.

4 MS. ESCOBAR: So, I hope that he could
5 cover that for you.

6 VICE CHAIRMAN GRULLON: Okay.

7 Thank you, Ms. Escobar.

8 MS. ESCOBAR: Okay.

9 MS. GUTIERREZ: Thank you.

10 MS. ESCOBAR: Thank you.

11 MS. PEREIRAS: Let's proceed, then, with
12 our planner, Mr. Michael Kauker.

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

15 MS. DILLON: Mr. Kauker, please raise your
16 right hand.

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

19 MR. KAUKER: I do.

20 MS. DILLON: Please state your name and
21 spell it for the record.

22 MR. KAUKER: Michael F. Kauker. That's
23 spelled K-A-U-K-E-R.

24 MS. DILLON: Thank you.

25 MS. PEREIRAS: And Mr. Kauker also has

1 testified before this Board on --

2 VICE CHAIRMAN GRULLON: Yes.

3 MS. PEREIRAS: -- numerous occasions.

4 Thank you very much.

5 VICE CHAIRMAN GRULLON: We accept your
6 qualifications --

7 MR. KAUKER: Good evening.

8 VICE CHAIRMAN GRULLON: -- Mr. Kauker.
9 It's a pleasure.

10 MS. PEREIRAS: Mr. Kauker, --

11 MR. KAUKER: Happy New Year.

12 MS. PEREIRAS: -- are you familiar with --

13 MS. GUTIERREZ: Happy New Year.

14 MS. PEREIRAS: -- 2404 Summit Avenue?

15 MR. KAUKER: Yes, ma'am. I am.

16 MS. PEREIRAS: And can you please describe
17 the project, from a planning perspective?

18 MR. KAUKER: It's proposed to occupy this
19 fairly well built structure with approximately
20 one and a half stories, to transition it from the
21 prior industrial, which was an embroidery textile
22 factory operation at one point in time, and
23 replace it with a -- a daycare facility, which
24 essentially will be focused on serving
25 surrounding R-1 -- R residential neighborhood.

1 There is a -- a provision in the Municipal
2 Land Use Law. It's Section 40:55D-66.6. And
3 it's entitled Childcare Centers Located in
4 Nonresidential Municipal Districts.

5 It's the intent of the Municipal Land Use
6 Law to allow as a matter of right, in all
7 nonresidential districts, i.e., commercial,
8 industrial, so on and so forth, for the provision
9 of daycare facilities, essentially adjacent to or
10 within proximity of employment centers so that --
11 and with aid and the convenience of the
12 employees, to be able to have in close proximity
13 or within the structure itself that kind of a
14 facility.

15 This property happens to be five properties
16 removed from the I industrial district, which
17 extends to the south of the subject site, and
18 also to the west.

19 It is effectively at the edge of the R
20 district. We're proposing to essentially locate
21 this facility, obviously, not in the middle of a
22 residential district, but on its edge closest to
23 the kind of facilities that were -- and/or zones,
24 nonresidential zones that were contemplated by
25 this provision in the Municipal Land Use Law.

1 So, that in that frame, this property is,
2 in my view, particularly suitable to accommodate
3 the proposed use.

4 Conversely, it's not as appropriate to
5 contemplate the transition and a redesign of this
6 particular structure to accommodate a one family
7 residential use, as the building is aged and
8 certainly wasn't designed for that purpose.

9 The -- the actual impact of the application
10 is that it would essentially provide for an
11 adaptive reuse of the property, which is very
12 much consistent with the provisions of your most
13 recent 2009 Master Plan.

14 The land use element provides for three
15 particular objectives, which are listed in the
16 Union City Master Plan.

17 One is to preserve residential
18 neighborhoods. And that framing, I believe that
19 the general welfare will be subserved as a
20 product of having this facility immediately
21 proximate to and available to the residences in
22 the R district.

23 Secondly, to provide a balance of land uses
24 and balanced development patterns. Obviously,
25 this use was heretofore a I industrial use. We

1 -- one of the benefits of the application is we
2 would -- to the extent that that qualifies as a
3 prior nonconforming use category, we would be
4 taking that out of the R residential district,
5 which I think is a net benefit to the zoning
6 plan.

7 Preserve and build public spaces and
8 community facilities and recreational amenities
9 as unique assets of the city.

10 The community facility aspect, I think is
11 served by this application because it's an
12 educational, albeit private, not a public
13 community facility, but it establishes another
14 community facility amenity that I believe is much
15 needed in Union City to be able to be more
16 conveniently accessible to individuals who work
17 in Union City, and families who have that
18 particular need.

19 I believe that the application, in terms of
20 another additional special reason, meets several
21 of the requirements of the Municipal Land Use
22 Law, which is provided for in the Burbridge case.

23 I won't belabor each and every one of those
24 as it relates to this application, knowing you
25 have such a busy agenda.

1 I believe that this application, not
2 withstanding the parking issue involved,
3 recognizing that the individuals who worked in
4 the embroidery factory also, essentially, created
5 a demand for parking, which is obviously not able
6 to be provided on-site.

7 However, my client advises me that with
8 regard to the maximum of 12 employees that have
9 been put forth as a particular number, that the
10 maximum shift of employees would not,
11 essentially, exceed -- exceed eight.

12 Those individuals, many of them would be --
13 it's the intent of the applicant to employ as
14 many Union City individuals, including members of
15 her family, as she testified, in order to
16 minimize the need for parking, which indeed
17 cannot be provided on-site.

18 I believe this application would serve the
19 general interest, and not have any negative
20 impact on the intent and purpose of your Master
21 Plan.

22 And also, essentially, provide for general
23 welfare, which is certainly consistent with the
24 Master Plan objectives.

25 That concludes my opinion and observations.

1 Thank you for your time.

2 VICE CHAIRMAN GRULLON: He's -- he's going
3 to testify as a traffic expert also?

4 MS. PEREIRAS: We do not have a traffic
5 expert this evening.

6 VICE CHAIRMAN GRULLON: You do not have a
7 traffic expert.

8 But I have -- my -- my question is the
9 egress on the 24th Street side, I'm a little
10 concerned with a drop zone on Summit Avenue,
11 because of being in front of the high school and
12 all the traffic that is generated in the morning,
13 and all that.

14 You could get -- could you -- if we have a
15 drop zone in that area, it's going to -- it's
16 going to be a -- it's going to be a detriment for
17 the -- for traffic to that area.

18 But if you have a drop zone on the back of
19 the building, but as she asked you -- asked
20 before, is this part of the property?

21 MS. PEREIRAS: Again, the --

22 VICE CHAIRMAN GRULLON: Can that be down
23 there on that -- on 24th Street?

24 MS. PEREIRAS: We have an easement that
25 allows egress from our building out onto 24th

1 Street.

2 And I think we can accommodate drop off and
3 pickup to be on the 24th Street side.

4 Correct, Mr. Kauker?

5 MR. KAUKER: Yes, ma'am.

6 VICE CHAIRMAN GRULLON: By making that to
7 be the main entrance to --

8 MS. PEREIRAS: The main entrance?

9 VICE CHAIRMAN GRULLON: -- for the drop off
10 --

11 MR. KAUKER: Yes, it would.

12 VICE CHAIRMAN GRULLON: -- of the children.

13 MR. KAUKER: It strikes me, not
14 withstanding the presence of the school, that 24th
15 would be a slightly lower classification of a
16 street, as opposed to Summit which is --

17 VICE CHAIRMAN GRULLON: Summit Avenue.

18 MR. KAUKER: -- a main artery. That would
19 be, essentially, I think the most appropriate
20 location for the full -- to drop off and access
21 and egress.

22 And I also recall our -- my client
23 testified that the coming and going of students
24 and/or youngsters to the facility would be
25 staggered throughout the day. And certainly,

1 would minimize and mitigate any potential
2 conflicts or impacts on the street, as it relates
3 to drop off and pickup.

4 MR. PANEQUE: Ms. Pereiras, do you have
5 that easement with you today?

6 MS. PEREIRAS: I'll check if I do.

7 MR. PANEQUE: The reason I ask is because
8 many times easements are only reserved for
9 emergency exit ---

10 MS. GUTIERREZ: Um hum.

11 MR. PANEQUE: -- of premises. And what Mr.
12 Grullon, the Vice Chairman, is proposing is to
13 have that as the main entrance to the facility,
14 which the easement may or may not allow for such
15 an extended use.

16 It should be on page 640, if you have that
17 deed with you.

18 MS. PEREIRAS: I do have it.

19 I do have --

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

22 MS. PEREIRAS: I don't think it specifies
23 just for egress.

24 MR. PANEQUE: If I may take a look at it --

25 MS. PEREIRAS: Absolutely.

1 MR. PANEQUE: -- if you do not mind?

2 Thank you.

3 MS. PEREIRAS: You're welcome.

4 MR. PANEQUE: For the record, I've been
5 provided with a copy of a deed of transfer, dated
6 August 8th, 1966, recorded in deed book 3,001.
7 Starts at page 640.

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

10 MR. PANEQUE: Okay.

11 I'll read the easement on -- into the
12 record, because the way the easement reads, and
13 the relevant portion states, it appears that a
14 certain concrete stairway, extending downward
15 from the second floor of the factory building
16 located on premises 2404 Summit Avenue, which is
17 the premises in question, encroaches on the lands
18 and premises of the party of the first part, to
19 the extent of approximately 3.35 feet, more or
20 less, along the southerly line of the property of
21 the first part, all as more particularly appears
22 on said survey, a copy of which is annexed
23 hereto, and made a part hereof; and

24 Whereas, the party of the first part is
25 willing to permit and allow the encroachment of

1 said stairway on the lands and premises of the
2 party of the first part, as shown on the survey
3 and as above recited to remain as long as the
4 building of the parties of the second part remain
5 standing, subject to the rights reserved by the
6 party of the first part.

7 Who drew the yellow line that's shown in
8 the photograph? Because that yellow line has
9 nothing to do with this easement.

10 MS. PEREIRAS: I don't know who drew that.

11 MR. PANEQUE: No?

12 MS. PEREIRAS: It wasn't my client.

13 MR. PANEQUE: Okay.

14 Okay. Let me just read onto -- on the deed
15 because --

16 MS. PEREIRAS: Sure.

17 MR. PANEQUE: This easement is a specific
18 3.35 section for a stairway, nothing to do with a
19 nexus.

20 MS. PEREIRAS: I believe, counsel, that
21 might be the agreement that the parties have.
22 And if the Board would deem it requisite, then we
23 can try to make it a condition upon this
24 approval, that we can try to negotiate something
25 that's clearer or more favorable to the Board.

1 MR. PANEQUE: Okay.

2 For the Board's edification, the easement
3 that's talked about on -- on this deed, and
4 there's a survey attached to it, it's an easement
5 for a stairway, which is not in any way related
6 to the yellow markings that are shown on the
7 photograph at the bottom of the site plan.

8 So, if there's an agreement for that yellow
9 marking, number one, we would need to have that
10 agreement presented.

11 And number two, it would have to be in the
12 form of an easement, so that in the future, there
13 cannot be any building or any structure placed
14 there that would block the entrance and exit to
15 the daycare.

16 Specifically, since the Board is suggesting
17 that this be the --

18 MS. PEREIRAS: The main.

19 MR. PANEQUE: -- main entrance and exit for
20 the daycare because of the heavy traffic on
21 Summit Avenue.

22 VICE CHAIRMAN GRULLON: It's basically for
23 a --

24 MS. PEREIRAS: Understood.

25 VICE CHAIRMAN GRULLON: -- drop zone.

1 MS. PEREIRAS: Um hum.

2 VICE CHAIRMAN GRULLON: You know, you're
3 going to have a drop zone, dropping the student
4 in the morning.

5 MS. PEREIRAS: Understood.

6 VICE CHAIRMAN GRULLON: It would be better
7 to do it on 24, if you could get that agreement.

8 It's not that it has to be like the main
9 entrance. You could just use the entrance on
10 Summit Avenue, by coding it a loading zone or a
11 drop zone on Summit Avenue would be something
12 that would be a detriment to the traffic in that
13 area there.

14 MS. PEREIRAS: Understood.

15 MR. PANEQUE: Okay.

16 Ms. Pereira, I know that this is from your
17 file, but we would like to have this marked.

18 MS. PEREIRAS: That's fine.

19 MR. PANEQUE: If you can move to have this
20 marked. And then --

21 MS. PEREIRAS: So --

22 MR. PANEQUE: -- we'll make a copy and --
23 and then return to you the original.

24 MS. PEREIRAS: Sure.

25 MS. DILLON: This will be A-2.

1 MS. PEREIRAS: That's fine.

2

3 (Whereupon, Deed dated August 8, 1996, was
4 received and marked as Exhibit A-2.)

5

6 MR. PANEQUE: Just so that we're clear, and
7 the easement -- there's a map for the easement
8 attached to it.

9 I don't know if you want to take a few
10 minutes and just confirm with your architect,
11 that is probably more familiar with surveys than
12 I am, just that that has nothing to do with the
13 yellow markings that were testified to.

14 Or you have anybody who's more proficient?

15 Okay. Because the way I'm reading it, it's
16 just that staircase that's marked on the
17 easement.

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

20 MS. PEREIRAS: Unfortunately, I don't have
21 the owner here, and I believe the owner had --

22 MS. ESCOBAR: He was here, and then he
23 left.

24 MR. PANEQUE: Okay.

25 MS. PEREIRAS: But he always made it very

1 clear to my client that they had access to the
2 street from the building.

3 MR. PANEQUE: Yeah.

4 MS. PEREIRAS: So, again, if the Board
5 would deem this a favorable application, we'll be
6 happy to get something in writing and submit that
7 to the Board, as well.

8 MR. PANEQUE: Well, my suggestion to the
9 Board would be to carry this matter, because it's
10 a very important part of your application --

11 MS. PEREIRAS: Um hum.

12 MR. PANEQUE: -- that the rear exit and
13 entrance to this property, if the Board deems it
14 approved, that that be the main dropping and
15 picking up area.

16 And if you don't have that solidified in
17 the form of an easement agreement, it does hinder
18 your -- your application.

19 So, if you want to carry it to the next
20 meeting.

21 MS. PEREIRAS: Would --

22 MR. PANEQUE: I don't know if the Board
23 would want to make that suggestion?

24 VICE CHAIRMAN GRULLON: Yes. I would say
25 that if it's possible for you to get that --

1 MS. PEREIRAS: To get some form of
2 agreement --

3 VICE CHAIRMAN GRULLON: Yes.

4 MS. PEREIRAS: -- between the property
5 owners?

6 VICE CHAIRMAN GRULLON: -- and talk to the
7 owners and just to make sure that it's okay with
8 them, and come back with some certification.

9 You don't have to bring your architect back
10 or your planner.

11 MS. PEREIRAS: Just proof of the agreement.

12 VICE CHAIRMAN GRULLON: You can just to
13 prove that the drop zone will be operation on 24th
14 Street side, and you're going to have a normal
15 entrance to that building, not only an emergency
16 exit.

17 MS. PEREIRAS: Okay.

18 VICE CHAIRMAN GRULLON: There will be an
19 entrance for the -- for the drop zone. That
20 should be sufficient.

21 MS. PEREIRAS: Okay.

22 MR. PANEQUE: Okay.

23 Want to open it to the public?

24 VICE CHAIRMAN GRULLON: Since you have your
25 professionals here, I would like to open it to

1 the public --

2 MS. PEREIRAS: Please.

3 VICE CHAIRMAN GRULLON: -- now.

4 MS. PEREIRAS: Thank you.

5 VICE CHAIRMAN GRULLON: Do -- do you have
6 any other --

7 MS. PEREIRAS: We have no other --

8 VICE CHAIRMAN GRULLON: -- witness?

9 MS. PEREIRAS: -- experts.

10 VICE CHAIRMAN GRULLON: Yeah. At this --
11 at this point, I want to open to the public.

12 No one from the public.

13 Closed to the public.

14 And if it's okay with you, to carry it
15 over?

16 MS. PEREIRAS: Absolutely.

17 VICE CHAIRMAN GRULLON: I'm going to make a
18 motion to -- to carry this application over to
19 the next meeting.

20 Thank you, Ms. Pereiras.

21 MS. PEREIRAS: Thank you.

22 THE SECRETARY: Motion to carry over this
23 application for February 9, same time.

24 Any second the motion?

25 Motion by Mr. Ortiz.

1 Second. I'm sorry.

2 Roll call on the motion to carry over this
3 application for February 9, 2017, no new notice
4 required.

5 Mr. Grullon?

6 VICE CHAIRMAN GRULLON: Yes.

7 THE SECRETARY: Mrs. Gutierrez?

8 MS. GUTIERREZ: Yes.

9 THE SECRETARY: Mr. Ortiz?

10 MR. ORTIZ: Yes.

11 THE SECRETARY: Mr. Pressey?

12 MR. PRESSEY: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

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

17 MS. PEREIRAS: Thank you.

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

20 * * *

21

22

23

24

25

1 **2505 Central, LLC - 2505 Central Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 2505 Central Avenue, LLC, 2505
5 Central Avenue, Block 144.01, Lot 12.
6 Legalization of basement apartment, building has
7 six units, it will become seven.

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

10 THE SECRETARY: Mrs. Pereiras?

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

13 MS. PEREIRAS: Again, Bianca Pereiras on
14 behalf of the applicant, 2505 Central Avenue,
15 LLC.

16 MR. PANEQUE: For the record, I've been
17 provided by Ms. Pereiras with a -- the following
18 documents:

19 There's a certification as to publication
20 and service, signed by Ms. Pereiras, indicating
21 that notice of tonight's hearing was sent out to
22 all property owners within the 200 foot radius,
23 as well as published in the local newspaper.

24 I have an Affidavit of Publication that was
25 published in The Jersey Journal, on January 2nd,

1 2017, indicating notice for tonight's hearing,
2 for property in question, which is 2505 Central
3 Avenue, also known as Block 144.01, Lot 12.

4 I have been provided also with a certified
5 list from the Tax Assessor's Office, dated
6 12/21/16, indicating all property owners within
7 the 200 foot radius of 2505 Central Avenue.

8 I've also been provided with the certified
9 mail receipts, stamped by the U.S. Post Office,
10 on December 30th, 2016.

11 And I've been provided with the return
12 receipts that have come back to date, as well as
13 envelopes that came back unclaimed.

14 Based on the documentation that's been
15 provided, this Board has jurisdiction to proceed.

16 MS. PEREIRAS: Thank you very much.

17 Again, we're located at 2505 Central
18 Avenue, also known as Block 144, Lot 12.

19 My client recently purchased this property.
20 When he purchased the property, he discovered
21 that there were two illegal apartments.

22 What he's looking to do before the Board
23 this evening is to legalize one apartment.

24 So, according to the Building Department
25 records, there are six legal units. There were

1 | eight when he purchased. He's looking to
2 | legalize one for a total of seven units.

3 | Just briefly, there was a neighbor here
4 | earlier that spoke on the earlier Board of Ed
5 | application, who had come to look at the drawings
6 | for our application. And she had to leave, but
7 | she was in favor of the application. In fact,
8 | she was very happy to see a brand new owner who's
9 | actually going to cleanup the space.

10 | We have one expert to testify before the
11 | Board this evening. That is our architect, Mr.
12 | Manuel Pereiras.

13 | MR. PEREIRAS: Manny Pereiras,
14 | P-E-R-E-I-R-A-S.

15 | MS. DILLON: Do you affirm the testimony
16 | you're about to give this Board is the whole
17 | truth?

18 | MR. PEREIRAS: I do.

19 | MS. DILLON: You throw me off when you do
20 | that.

21 | MR. PEREIRAS: I know. I'm sorry.

22 | Manny Pereiras, P-E-R-E-I-R-A-S, with
23 | Pereiras Architects Ubiquitous, 1116 Summit
24 | Avenue, Union City.

25 | MS. PEREIRAS: I ask that Mr. Pereiras be

1 | accepted --

2 | VICE CHAIRMAN GRULLON: We accept --

3 | MS. PEREIRAS: -- as an expert.

4 | VICE CHAIRMAN GRULLON: -- your
5 | qualification.

6 | MS. PEREIRAS: Thank you.

7 | MR. PEREIRAS: Thank you so much.

8 | MS. PEREIRAS: Mr. Pereira, are you
9 | familiar with 2505 Central Avenue?

10 | MR. PEREIRAS: I am.

11 | MS. PEREIRAS: And did you prepare the
12 | drawings that are before the Board this evening?

13 | MR. PEREIRAS: I have.

14 | MS. PEREIRAS: And would you kindly
15 | describe the application?

16 | MR. PEREIRAS: I'll be happy to.

17 | For purposes of this presentation, I took
18 | the same drawings that were presented to the
19 | Board and put them on an easel, so that the
20 | public could see.

21 | If anyone from the public wants to see on
22 | that end, please step over on this side. I'll be
23 | using it to demonstrate the project.

24 | Let's talk a little bit about the site.

25 | We're on the west side of Central Avenue, between

1 25th and 26th.

2 The building is a typical 25 by a hundred
3 lot. Next to it is a three family. There's
4 another multi-family to the other side. Across
5 the street, there's a larger scale multi-family
6 building.

7 What we have there currently is a three
8 story masonry structure and the existing
9 conditions are horrendous. It's a horrible
10 building.

11 The neighbor that was here earlier was
12 telling us how they sell drugs out of the
13 building. I believe it completely because when I
14 walked the building, we found squatters there
15 with candles. We found -- I found -- I saw a
16 needle.

17 This is a horrible building, and the
18 interior of it -- also, the -- the physical
19 appearance of the building was in horrible shape
20 as well.

21 The roof had a big leak, so there was
22 significant water damage. The wood within it was
23 completely rotted out in many places.

24 This building need -- was in desperate need
25 of rehab.

1 We have my patron, who hired me to prepare
2 drawings for this building, has purchased this
3 building and he's looking to rehabilitate it and
4 make it into a good structure, which is
5 important, first and foremost, because the -- the
6 current conditions are a detriment to the
7 neighbors.

8 First, as far as safety, just their
9 welfare, and also from a construction standpoint,
10 some repairs really desperately have to be done.

11 What we inherited was an eight unit
12 building, but two of those units were located in
13 the basement, and were not recognized by the
14 Building Department.

15 So, the first thing that we did is -- and
16 when we're coming before this Board to legalize a
17 unit, that's an unfair characterization because
18 we're actually completely changing these units.
19 We're going to make them into great legal safe
20 units.

21 The -- one of them we're eliminating
22 completely and we're using that space to make
23 another unit in the building a little bit larger,
24 by duplexing it. And I'm going to walk you
25 through with the plans.

1 And then, the unit that was in the rear of
2 it was confined by huge masonry walls and it was
3 a tiny, cramped unit. We're demolishing those
4 walls, making it into a nice large unit that I'm
5 going to walk you through and give it access to
6 daylight, and make this building come up to Code
7 and legal -- and creating this unit.

8 So, we're going to go -- at the end of the
9 day, we're going to have seven units.

10 Let me walk you through it.

11 Here, on the left hand side, we have our
12 existing site plan. We're not proposing to
13 increase the size of this building in any way.
14 We're maintaining its footprint.

15 Currently, there's a zero yard front yard
16 setback. So, we have an existing nonconformance
17 for that front yard.

18 There is also a zero side yard setback, and
19 we have an existing nonconformance there, as
20 well.

21 Nicely, we have two window wells within our
22 building that allow to bring access to the center
23 core of it, which is very important considering
24 our layout that I'll -- I'll walk you through.

25 The depth of the building is 65 feet, which

1 gives us almost 35 feet of rear yard, which is
2 critical because we're going to use that rear
3 yard as an area of refuge. If ever there's a
4 disaster in this building, we have a fire escape
5 along the rear of it that people could escape and
6 -- and go to the rear yard and -- and wait for
7 the fire trucks to come in, which is very
8 important when we're talking about existing
9 buildings, with zero -- you know, zero side yard
10 setbacks.

11 So, that's a condition that actually
12 improves this building, and we wanted to make
13 sure not to change that and -- and give that
14 large rear yard setback.

15 We are slightly shy of our -- of our
16 building coverage. Sixty is permitted in the
17 district. We're actually at 61 percent. So,
18 it's a de minimis difference, in my opinion, and
19 -- but that's an existing nonconformance that
20 we're dealing with.

21 And we're in conformance with -- with
22 impervious area.

23 So, and the -- and the site of the -- and
24 the site itself is in conformance. It's a 25 by
25 100 lot.

1 So, turning now to page Z02. We could see
2 the floor plans.

3 It's easiest to talk about the upper
4 floors. The two upper floors are very simple in
5 design.

6 When you come out of the stairs, you have
7 an apartment to your left and an apartment to the
8 right. They're mirror images of each other.
9 We're cleaning up the layout very well, making it
10 structurally sound. We're keeping the two
11 bedrooms that exist in each of the units and
12 creating an open area for the living -- a new
13 open area floor plan that lends itself well when
14 we have smaller apartments.

15 So, this is a 609 square foot existing
16 apartment, and this is a 605 square foot existing
17 apartment. And one of the key design components
18 that we're doing to make those better is simply
19 removing the walls for the kitchen, the dining
20 room and living room, so that it's nice and open
21 and makes the apartment feel a lot bigger, and
22 makes it a lot more welcoming.

23 So, those are existing conditions, except
24 for the demolition that we're doing onto those
25 walls.

1 Same on the lower floor. Completely
2 rehabilitated to bring this building up to Code
3 and standards.

4 Now, what changes is the ground floor,
5 which is not really the ground floor, it's a few
6 steps up from the ground floor, which to our
7 benefit, creates a little bit higher ceiling
8 height in the basement, so that the basement
9 isn't fully immersed in the ground. It actually
10 has two feet of height to the exterior.

11 So, what we're doing with this first unit,
12 as you walk in and come into the apartment, we
13 have the living space on that upper level of it,
14 and we created a duplex, creating a new stairs
15 that takes you downstairs, within the unit
16 itself, so there's no exterior access. It's just
17 from within the unit itself, and you have the
18 bedrooms located below.

19 Really nice layout. We're increasing the
20 size from -- we're basically adding 496 square
21 feet to the same two bedroom apartment. So,
22 we're -- it's still a two bedroom apartment, but
23 now it's 496 square feet larger, which I think
24 brings it up to a higher standard, and makes it a
25 lot safer and a lot better.

1 The rear portion of it, we're demolishing
2 all the masonry walls that confined it, and we're
3 creating the same layout that we have upstairs.

4 Very important that we're not doing a sub-
5 par unit. It's not a little studio, hidden in
6 the basement. No. These have very tall
7 ceilings. They're actually -- they're eight and
8 a half foot ceilings, I believe. I might be off
9 by an inch.

10 The -- they're open, and it's the same
11 floor plan, the same layout as the units
12 upstairs.

13 So, we're not coming before this Board for
14 a sub-par unit that we're adding or squeezing in,
15 this is a unit that's equal to the rest of the
16 building. It's going to fit into the structure
17 itself, and it's definitely going to be an
18 improvement to the overall neighborhood, just
19 simply for the fact that we're bringing this
20 building up to Code. We're removing the -- the
21 bad environment from it, and it's going to be
22 fully compliant.

23 The exterior façade. It's -- the façade
24 itself is a brick façade.

25 I'm turning now to -- I think I have a

1 | photograph of it on the cover sheet.

2 | So, this is the building here. There's
3 | another view head on of the façade there.

4 | It's actually a nice brick façade, but the
5 | brick is in desperate need of a cleaning. So,
6 | it's going to be power washed. And then, it will
7 | be brick -- brick pointed in order to make it
8 | okay.

9 | The side of the building has tremendous
10 | problems. Structurally, there has been,
11 | basically, the canal and the -- and the gutter
12 | was broken. So, a lot of water had created some
13 | saline (phonetic) that is infringing upon the --
14 | the neighbor's side.

15 | We're looking to repair that. There's
16 | going to be some structural repairs there of that
17 | masonry. And that's going to be refinished with
18 | the stucco, a Roman stucco finish. So, not the
19 | synthetic stuff that's not allowed in Union City.
20 | This is the real hard Roman stucco that's
21 | permitted, and -- and requested upon in Union
22 | City.

23 | So, we're going to finish the building and
24 | make it nice and look much more appealing for the
25 | neighbors to the north and the neighbors to the

1 south of it.

2 So, it's going to be a significant
3 improvement, not only to this building, but the
4 adjacent properties, as well.

5 That concludes my testimony. I'm open for
6 questions.

7 VICE CHAIRMAN GRULLON: Mr. Pereiras, the
8 duplex apartment, is the ground floor and the
9 basement?

10 MR. PEREIRAS: Correct.

11 VICE CHAIRMAN GRULLON: So you have -- I
12 think had the sheets here -- I'm getting a little
13 bit confused here.

14 MR. PEREIRAS: So there's a --

15 VICE CHAIRMAN GRULLON: What -- what's the
16 square footage of the -- of the apartment 1A? Is
17 it --

18 MR. PEREIRAS: That's the correct sheet
19 that you have in your hand right now.

20 VICE CHAIRMAN GRULLON: This here?

21 MR. PEREIRAS: I'm not sure what else you
22 have.

23 THE SECRETARY: Yeah. That -- those was --

24 VICE CHAIRMAN GRULLON: See like that has

25 --

1 THE SECRETARY: -- delivered today, Mr.
2 Pereiras.

3 VICE CHAIRMAN GRULLON: Like --

4 MR. PEREIRAS: Yes.

5 VICE CHAIRMAN GRULLON: Like separate
6 apartment -- this here.

7 MR. PEREIRAS: Okay.

8 VICE CHAIRMAN GRULLON: I have this --

9 MR. PEREIRAS: Right.

10 VICE CHAIRMAN GRULLON: -- this over here.

11 MR. PEREIRAS: Let me clarify, and I'm
12 going to -- I'm going to use your drawing to
13 explain the difference to the Board.

14 So, and I -- and I hope to clarify this.

15 Our initial submission to the Board showed
16 the apartment here. It was, in my opinion, a
17 sub-par apartment. Okay? It was smaller. It
18 was the existing conditions. It had these two
19 big masonry walls.

20 VICE CHAIRMAN GRULLON: Those walls. Okay.

21 MR. PEREIRAS: After talking to the owner,
22 he agreed with me, and he said, what could we do
23 about it?

24 I said, well, for one thing, we could
25 demolish those walls. It was going to be an

1 expensive change. It was going to add a lot of
2 cost to the construction budget, but luckily, I
3 convinced him and -- and what -- didn't take a
4 lot to convince him, but he was willing to do it.

5 So, we are demolishing those masonry walls,
6 in order to create the same apartment, the same
7 style as we have upstairs, and make it adequate
8 and safe and -- and everything that's good.

9 So, in so doing, we did a revision drawing,
10 and that revision drawing is marked with the
11 date. It's actually marked today -- January 11th,
12 2017, revisions as per owner. And it's the
13 drawing that I have on my easel, and it's a
14 drawing that was submitted to the Board for their
15 review prior to this meeting.

16 THE SECRETARY: That page?

17 MR. PEREIRAS: That page.

18 THE SECRETARY: That was delivered today.

19 MR. PEREIRAS: Right. Prior to this
20 meeting.

21 VICE CHAIRMAN GRULLON: And apartment 1A is
22 -- are those two -- those two floors. No?

23 MR. PEREIRAS: Yes. That doesn't change at
24 all. That first apartment --

25 VICE CHAIRMAN GRULLON: Is 476 --

1 MR. PEREIRAS: -- is still a duplex.

2 VICE CHAIRMAN GRULLON: The square footage
3 is 476 plus this 496.

4 MR. PEREIRAS: Correct. And the only
5 change that we did, and yes, it was a little bit
6 of a last minute change, was simply demolishing
7 those masonry walls so that it's a good adequate
8 apartment.

9 VICE CHAIRMAN GRULLON: Okay.

10 And you mentioned that you're going to be
11 working on the façade of the building?

12 MR. PEREIRAS: Right. As far as cleaning,
13 brick pointing, and we're adding a light to the
14 front entry door, in order to make it look nice.

15 VICE CHAIRMAN GRULLON: What about windows?
16 Are they --

17 MR. PEREIRAS: Oh, yeah. We're completely
18 replacing all the windows. They're -- yeah.
19 They're in -- they're in bad shape.

20 VICE CHAIRMAN GRULLON: Yeah. I mean, see
21 all the -- all size of the units, they're
22 conforming with Codes, and you're going to be
23 cleaning the façade, and the size of the
24 apartments are good enough. The footprint of the
25 building, it's not changing at all?

1 MR. PEREIRAS: It's not changing at all.

2 VICE CHAIRMAN GRULLON: I don't have any
3 more questions.

4 Do you have any questions, guys?

5 MR. ORTIZ: No.

6 VICE CHAIRMAN GRULLON: Have any other
7 witness?

8 MS. PEREIRAS: No.

9 VICE CHAIRMAN GRULLON: At this time, I
10 want to open it to the public.

11 Any member of the public?

12 Closed to the public.

13 Taking in consideration that you're
14 improving the quality of living of -- of the
15 resident of this building, making this -- this
16 building better for the -- for the neighborhood,
17 and as you -- as you mentioned, you already spoke
18 to one of the neighbor that was here in the
19 meeting, and -- and she's satisfied with -- with
20 the outcome of what you're going to have there.

21 One of -- another concern that she had was
22 during construction, during all -- all that, I'm
23 pretty sure she's going to reach out to you to
24 make sure that -- she's right next to the
25 property and she doesn't want to be affected by

1 the construction.

2 She mentioned that. She mentioned it to me
3 before leaving.

4 I mean, with that, I make a motion to grant
5 this application.

6 THE SECRETARY: Motion to grant the
7 application by Mr. Grullon.

8 MS. GUTIERREZ: And I'm seconding.

9 THE SECRETARY: Second by Mrs. Gutierrez.

10 Roll call on the motion.

11 Mr. Grullon?

12 VICE CHAIRMAN GRULLON: Yes.

13 THE SECRETARY: Mrs. Gutierrez?

14 MS. GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Five in favor, motion
22 carries.

23 MS. PEREIRAS: Thank you all very much.

24 VICE CHAIRMAN GRULLON: Thank you.

25 MR. PEREIRAS: Thank you everyone.

1 Good to see you.

2 MS. GUTIERREZ: You're welcome.

3 MS. PEREIRAS: Good night.

4 MS. GUTIERREZ: Good night.

5 MS. PEREIRAS: See you next month.

6 MS. GUTIERREZ: Good-bye.

7 MR. PEREIRAS: And I would like to thank
8 the Board Secretary for accommodating us today.
9 That was very nice of him.

10 THE SECRETARY: You're welcome, Mr.
11 Pereiras.

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

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1 **Oz Holdings, LLC - 4313-4315 Bergenline Avenue,**
2 **Subdivision:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, 4313-4315 Bergenline Avenue,
6 A/K/A 506 Lincoln Street, Oz Holdings, LLC.

7 MR. PANEQUE: Okay.

8 Mr. Vallejo?

9 VICE CHAIRMAN GRULLON: Mr. Vallejo?

10 THE SECRETARY: Mr. Goodman?

11 MR. PANEQUE: Mr. Vallejo, before we
12 proceed, we're asking for --

13 MS. GUTIERREZ: Two minute break.

14 MR. PANEQUE: -- a five minute recess from
15 one of the Board members.

16 THE SECRETARY: I'm sorry. I apologize for
17 that.

18 Five minute recess, Mr. Goodman, please.

19 MR. PANEQUE: We need a recess for Board
20 members --

21 MR. GOODMAN: Sure.

22 MR. PANEQUE: -- Mr. Goodman.

23 Thank you.

24

25 (Whereupon, the Board recessed from 9:28

1 p.m. to 9:37 p.m.)

2

3 MR. PANEQUE: Yes --

4 MS. DILLON: Okay.

5 MR. PANEQUE: -- Mr. Goodman.

6 MS. DILLON: On the record.

7 MR. PANEQUE: Thank you, sir.

8 MR. GOODMAN: Thank you.

9 THE SECRETARY: Oz Holdings, LLC, 4313-4315
10 Bergenline Avenue.

11 Mr. Goodman, please?

12 MR. GOODMAN: Good evening.

13 My name is Michael Goodman, M. Goodman and
14 Associates PC, Hackensack, New Jersey.

15 I represent the applicant, Oz Holdings, and
16 this is for two things. It's for subdivision and
17 site plan approval, and it is for required
18 variances because this is a D-1 variance -- this
19 is D-1 variance.

20 I'm going to have two witnesses.

21 MR. PANEQUE: If I may, Mr. Goodman?

22 MR. GOODMAN: I'm sorry.

23 Yes?

24 MR. PANEQUE: I have to interrupt you a
25 minute, because we do have to establish

1 jurisdiction of the Board, based on notices and
2 publication.

3 MR. GOODMAN: Absolutely.

4 MR. PANEQUE: Okay. I have a question for
5 you.

6 Do you have your Affidavit of Publication
7 from the newspaper, as well as your certification
8 of mailing?

9 MR. GOODMAN: Yes. Here's the Affidavit of
10 Service of Notice. And I believe we submitted
11 before to the Board, the Affidavit of
12 Publication.

13 MR. PANEQUE: Okay. Let me just confirm
14 that with Mr. Vallejo?

15 THE SECRETARY: I'm going to check in the
16 folder.

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

19 MR. PANEQUE: Okay.

20 Thank you, sir.

21 THE SECRETARY: You're welcome.

22 MR. PANEQUE: Let the record reflect that I
23 have been provided by Mr. Goodman with an
24 Affidavit of Service of Notice to proximity
25 owners. Attached to that Affidavit is a official

1 tax list from the Tax Assessor's Office in Union
2 City, dated December 23rd, 2016, showing all
3 property owners within the 200 foot radius of the
4 property known as 4313-15 Bergenline Avenue.

5 The Affidavit of Service, which is
6 attached, is signed by Laura Bush (phonetic), and
7 it indicates that notices went out to all
8 property owners on -- that were noted on the tax
9 list from the Assessor.

10 I've also been provided with an Affidavit
11 of Publication from The Jersey Journal,
12 indicating that on December 22nd, 2016, notice of
13 tonight's hearing for January 12, with respect to
14 the property, for a minor subdivision and site
15 plan approval was given and published in the
16 newspaper.

17 Mr. Goodman has also provided me with the
18 return receipts that have come back, as well as a
19 letter that came back unable to forward, and
20 additional certified mail receipts indicating
21 that notices went out on December 27th, 2016.

22 Based on the documentation that has been
23 provided, this Board has jurisdiction to proceed
24 and hear this matter.

25 Thank you, Mr. Goodman.

1 MR. GOODMAN: Thank you, counsel.

2 Again, my name is Michael Goodman, M.
3 Goodman and Associates PC, and I represent the
4 applicant in connection with this application.

5 I'm going to have two witnesses; Orestes
6 Valella and Rusty Schommer, who is the
7 professional planner, as a planning study has
8 been done and testimony will be given.

9 We are asking this Board for approval of
10 subdivision and site plan approval, in accordance
11 with the plans prepared by Mr. Valella.

12 And I would like to, I think, commence with
13 Mr. Valella explaining the proposed plan,
14 explaining the subdivision that is required.

15 But there is one comment that I should make
16 in the beginning.

17 This subdiv -- this -- this variance for
18 the construction of a three family dwelling was
19 permitted by the Planning Board, not the Zoning
20 Board, in 2007. And that's also in your
21 packages, in 2007.

22 To a large extent, the plan and -- and
23 actually, it was done through Mr. Valella, who
24 goes back. He doesn't look like he's that old,
25 but he goes back to 2007, where he presented the

1 plan.

2 And the reason we're back before you is, A,
3 the Permit Extension Act expired, number one.
4 And number two, there was no application made, at
5 that time, for subdivision approval.

6 Okay. This Board has jurisdiction to hear
7 that subdivision approval, and that's why we're
8 before you.

9 The subdivision, interestingly enough, and
10 -- and you will note, there are two lots that are
11 involved here; 4313. There's 4315, and that's
12 Lots 45 and 46.

13 And there's a natural break in those lots.
14 As you can see by looking at the survey of
15 All-County Surveying, that's the -- that property
16 should have been subdivided years and years ago.
17 Okay? So that the -- the parcel of property that
18 fronts on Lincoln Street -- okay -- should have
19 been separate and apart from the one on
20 Bergenline Avenue.

21 We're seeking to remedy that error that was
22 made many years ago, and to ask this Board to
23 grant subdivision approval and site plan
24 approval.

25 Mr. Valella --

1 Does the Board wish me to have his
2 credentials approved? I understand he's
3 testified many times before this Board, but --

4 MS. DILLON: Let me -- let me swear him in
5 --

6 MR. GOODMAN: -- should I qualify him?

7 MS. DILLON: -- first.

8 VICE CHAIRMAN GRULLON: You have to swear
9 him in.

10 MR. GOODMAN: Pardon me?

11 MS. DILLON: Do you affirm the testimony
12 you're about to give this Board is the whole
13 truth?

14 MR. VALELLA: I do.

15 MS. DILLON: Name for the record, please.

16 MR. VALELLA: Yes, of course.

17 Good evening.

18 My name is Orestes Valella, V-A-L-E-L-L-A.

19 I'm a professional architect, licensed in
20 the states of New Jersey and New York. And my
21 professional offices are at 5809 Madison-street
22 in West New York, New Jersey.

23 VICE CHAIRMAN GRULLON: We --

24 MS. DILLON: Thank you.

25 VICE CHAIRMAN GRULLON: We accept his

1 qualifications. He's been numerous times in
2 front of this Board.

3 MR. VALELLA: Thank you.

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

6 MR. GOODMAN: Thank you.

7 All right. Mr. Valella, could you explain
8 to the Board exactly what the proposal is that's
9 before this Board for approval?

10 MR. VALELLA: Sure. Sure. I'd be happy
11 to.

12 As counsel mentioned, I mean he did a very
13 thorough job, I was before this Board, and the
14 Resolution is dated September 25th of the year
15 2007, and we presented this project to construct
16 a new three family on Lot 45.

17 Lot -- this is Bergenline Avenue, as you
18 know, and this is Lincoln here. This would be 44
19 and 43rd. This is the property in question. It's
20 an L shaped property.

21 There is an existing building here. This
22 would be Lot 46, which is to the corner of
23 Bergenline. And this empty parcel here, which is
24 25 by 75, fronting on Lincoln Avenue, is the
25 location where the three family was presented and

1 approved, at that time, back in 2007.

2 MR. GOODMAN: And the parcel, Mr. Valella,
3 that is on Bergenline Avenue, that is a
4 commercial parcel.

5 MR. VALELLA: Yes. This is an existing and
6 it was existing back then, an existing commercial
7 structure, two stories, and it abuts the -- this
8 boundary line here, which is, as counsel
9 mentioned, the natural breaking point of Lot 46.

10 So, the conditions that are before you
11 today are identical to the conditions that were
12 before you in 2007.

13 We have prepared new documents, but in
14 effect, all the design -- the design of the new
15 three family, and the existing condition
16 remaining on Lot 46, are identical. We have not
17 changed anything.

18 Your approval at that time -- and I have a
19 copy of the Resolution -- we kept all your
20 conditions, as -- intact of that approval.

21 So, we're not presenting a new design, or a
22 new proposal. We, as counsel mentioned, are
23 presenting the identical structure and the
24 identical existing surrounding fabric.

25 So, to get into a little more detail, the

1 property where the new three family would be
2 located is Lot 45. It's 25 feet wide by 75 feet
3 deep. And we have a three family proposed for
4 that location.

5 The drawings, you can see here, the site
6 plan -- the building fronts on the property line
7 on Lincoln, and there's a seven foot rear yard in
8 the back. There is a three foot eight and a
9 three foot oh setbacks on the side.

10 Now, I said to you that all the conditions
11 were identical. They are not.

12 The original proposal was for a three foot
13 one, and a two oh side yard. The Building Codes
14 have changed since then. Now, we require a wider
15 side yard for egress.

16 So, the -- one of the side yards would be
17 wider, would be three foot eight in order to
18 accommodate egress.

19 But that is the -- the one yard revision to
20 the original proposal.

21 The --

22 MR. PANEQUE: Mr. Valella?

23 Excuse me for interrupting.

24 MR. VALELLA: Sure.

25 MR. PANEQUE: But before we proceed with

1 the application for the three family home, which
2 is being proposed, we have to address the issue
3 of the subdivision.

4 MR. VALELLA: Okay.

5 MR. PANEQUE: Okay?

6 Now, with respect to the subdivision, are
7 you going to testify as to that, or -- or is
8 there anybody --

9 MR. GOODMAN: No, we'll have --

10 MR. PANEQUE: -- else who's going to test
11 --

12 MR. VALELLA: No. The planner.

13 MR. PANEQUE: The planner is?

14 MR. VALELLA: The planner is --

15 MR. GOODMAN: I will have Mr. Schommer,
16 plan --

17 MR. PANEQUE: Okay.

18 MR. GOODMAN: You know --

19 MR. PANEQUE: So I -- I know that they
20 brought you in, but I see that you're limiting
21 your testimony to the actual home --

22 MR. VALELLA: Physical.

23 MR. PANEQUE: -- that's going to be built.
24 The physical home.

25 So, we need to address -- take the first

1 step, which is the subdivision because there's
2 questions --

3 MR. VALELLA: Counsel?

4 MR. PANEQUE: -- that are going to be
5 raised as to the remaining building, if the
6 property is subdivided by this Board.

7 MR. VALELLA: Counsel, I concur.

8 MR. PANEQUE: Thank you, sir.

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

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

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

15 MR. SCHOMMER: I do.

16 MS. DILLON: If you'd please state your
17 name and spell it for the record?

18 MR. SCHOMMER: Sure.

19 Richard B. Schommer, Jr. Last name,
20 S-C-H-O-M-M-E-R.

21 MS. DILLON: Thank you.

22 MR. GOODMAN: Okay. Mr. Schommer, could
23 you state your qualifications before this Board,
24 as a professional planner?

25 MR. SCHOMMER: Sure.

1 I'm licensed as a professional planner and
2 a professional engineer in the state of New
3 Jersey. I've been so licensed since 1987 in both
4 capacities.

5 I have not appeared before this Board in
6 the past, but I have testified before dozens of
7 municipal planning boards and zoning boards on
8 probably hundreds of occasions, throughout
9 northern and central New Jersey, on site plan and
10 subdivision applications.

11 I've prepared plans for those types of
12 applications on numerous occasions and been
13 accepted as an expert before those boards, as
14 well as in Superior Court and at DOT Commission
15 hearings, where I occasionally testify.

16 VICE CHAIRMAN GRULLON: Thank you.

17 We accept your qualifications.

18 MR. SCHOMMER: Thank you.

19 MR. GOODMAN: Okay.

20 The counsel for the Board has asked that we
21 present some testimony regarding the applicable
22 statutory criteria, as it applies to the subject
23 application.

24 MR. SCHOMMER: Sure.

25 MR. GOODMAN: And I do note to the Board

1 | that there was a professional planner's report
2 | that was submitted to the Board -- to the Board,
3 | a copy of which was given to me by Mr. Valella.
4 | And -- and we will be addressing those comments
5 | that are in -- in the report that was submitted.

6 | Okay.

7 | Mr. Schommer?

8 | MR. SCHOMMER: Okay. What -- what's on the
9 | easel is an aerial photograph, kind of a bird's
10 | eye view with the property identified.

11 | Do we need to mark this at all or --

12 | MR. GOODMAN: Yeah. We'll mark it as A-1.

13 | MR. PANEQUE: That's not part of the site
14 | plan --

15 | MR. SCHOMMER: That's not part of what was
16 | submitted.

17 | MR. PANEQUE: Okay.

18 | MR. SCHOMMER: Correct.

19 | MR. PANEQUE: If it's not, then we need to
20 | mark it, and then have it marked for
21 | identification.

22 |

23 | (Whereupon, Aerial Map Exhibit, dated
24 | January 12, 2017, was received and marked as
25 | Exhibit A-1.)

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MR. SCHOMMER: So, what I just marked as Exhibit A-1 is entitled Aerial Map Exhibit, with today's date.

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And it shows you the -- the neighborhood, aerial view of the neighborhood. Bergen -- if this will work -- Bergenline Avenue is -- runs sort of diagonally on the page here.

9

10

11

The property is at the corner of Bergenline and Lincoln Streets, which runs back to the left here.

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So, the property is an L shaped piece of property. It has frontage on Bergenline Avenue and frontage on -- on Lincoln Street.

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The -- right now, it's one property. It was -- if you look at the survey that was submitted on the plans that you have, you see it's actually identified as two separate tracts, because at one point, it was two separate lots. But they were merged and we're really here to kind of go back to what we think is the proper and appropriate division of this property into -- into two separate parcels.

24

25

The property at the corner, right at the corner of Bergenline and Lincoln, that's Lot 40

1 -- what we call Lot 46. And, in fact, if you
2 look at the survey, it's identified as Lot 46.

3 And Lot 45 is the other lot, which has
4 frontage solely on -- on Lincoln Street. It has
5 38 feet of frontage on Bergenline Avenue.

6 The total land area is 4,648 square feet.
7 Again, as one lot, as one L shaped property.

8 But if you look at this property, as a
9 casual observer, you go to this property, it
10 really looks like two separate parcels, because
11 the property at the corner, Lot -- again, what we
12 call Lot 46, that's developed. It has a
13 commercial use, which faces Bergenline Avenue.
14 The access into that is primarily off of
15 Bergenline Avenue, so it has a commercial
16 frontage. It's a two story building. It
17 occupies the entire parcel, so there's no
18 setbacks. It runs right up to the front of the
19 lot on Bergenline, as well as on Lincoln, and it
20 occupies, basically, the entirety of that
21 property.

22 The other property, Lot 45, is a -- is a
23 narrow piece of property, fronting on Lincoln.
24 It is vacant. And so, when you go there, it
25 looks like a separate piece of property. It's --

1 | it's unused. There is parking that takes place
2 | there occasionally, but it's really, essentially,
3 | a vacant piece of property.

4 | Bergenline Avenue, I'm sure you're all
5 | familiar with it, is a one way street, from north
6 | to south. There's parking on both sides of
7 | Bergenline.

8 | Lincoln Street is a one way street, heading
9 | in an easterly direction, with parking on -- on
10 | one side there.

11 | The vacant parcel -- this vacant parcel, I
12 | would say, is really the only unused, undeveloped
13 | property along this entire block from -- of
14 | Lincoln Street, from Bergenline all the way --
15 | all the way back to JFK.

16 | All of the other properties along
17 | Bergenline, or along Lincoln, excuse me, are
18 | developed. That area is really a residential
19 | neighborhood.

20 | The property is -- today, is in the CN
21 | zone, Neighborhood Commercial zone. That zone
22 | runs central along Bergenline Avenue. The zone
23 | really runs right along, and is kind of
24 | equidistant on either side of Bergenline.

25 | And that really is for the commercial uses

1 along Bergenline, on -- on both sides. In fact,
2 the -- the purpose of that zone is for commercial
3 uses. Although interestingly, that zone does
4 permit residential uses.

5 So, we have one zone which runs along
6 Bergenline. And this property is entirely in
7 that CN zone, including this vacant parcel in the
8 back. In fact, the zone line runs along that
9 property, and would run parallel with Bergenline,
10 at the side of Lot 45, and then would have run up
11 and down, as I'm pointing to here, along this
12 side of -- of Bergenline.

13 So that would be the limit, basically, of
14 the CN zone to the west. And the properties on
15 Lincoln Street, are in a R zone, a Residential
16 zone.

17 So, we really think that this property,
18 this Lot 45, really is more appropriately facing
19 the Lincoln Street frontage, the Lincoln --
20 Lincoln Street neighborhood.

21 The use of this property, Lot 45, for
22 commercial use is really not entirely consistent
23 with the intent of the CN zone. And, in fact, if
24 we look at the purpose of the CN zone, base --
25 and I'm reading from the Ordinance, this zone is

1 intended to provide commercial sales and service
2 uses for the adjoining neighborhoods.

3 And really, what you see is that zone and
4 those properties in that zone are all facing on
5 Bergenline. To have a commercial use on this
6 side street wouldn't really be appropriate for a
7 couple of reasons.

8 One, for a business operator, being on the
9 side street doesn't give you visibility, it
10 doesn't give you accessibility that you certainly
11 have along Bergenline. That's one reason.

12 The other reason is all along Lincoln
13 Street, we see residential uses. I think from my
14 review of what's happening on Lincoln Street, I
15 think I found only one property that really is --
16 really is used commercially, and that's over at
17 near the end, closer to JFK Boulevard.

18 So, this property really is part of the
19 Lincoln Street neighborhood, in my opinion, and
20 more appropriately should be used in a manner
21 consistent with that, which is -- which is
22 residential. And that's part of our application.

23 I'm trying to -- I know we wanted to talk
24 about the subdivision kind of more, I think, a
25 little bit at this time, so I'm trying to focus a

1 little more on that.

2 By subdividing this property, we, again,
3 create two lots. Lot 45, which we're proposing
4 would have a three family unit on it. I would
5 have an area of 1,875 square feet. Again, we're
6 in the CN zone, where 2500 square feet is
7 required.

8 The width is compliant at 25 feet. The
9 depth would be nonstandard in that it's 75 feet
10 and the zoning requires a hundred feet.

11 But again, I think, really, the CN zone
12 contemplates looking at the properties fronting
13 on Bergenline, and looking at depth there.

14 In fact, if you look at the context plan,
15 which is part of the plans that were submitted,
16 what you see are the properties fronting on
17 Bergenline have their frontage here, and their
18 depth really would be measured back from
19 Bergenline.

20 For the CN zone, there's no front yard
21 requirement.

22 The side yard as proposed, as Orestes was
23 starting to talk about on Lot 45, we would have
24 -- we would have side yards on both of those,
25 which actually would conform with the R zone.

1 So, again, we're more compliant with the R zone,
2 which is the zone to the west of us, along
3 Lincoln Street.

4 Building coverage would conform. Lot
5 coverage would conform. Height would conform.
6 So, all of those are conforming conditions for
7 proposed Lot, Lot 45.

8 Lot 46, what I'll call the remainder
9 parcel, really isn't going to change. It's going
10 to continue to have this commercial building on
11 it. It's a two story commercial building.
12 Again, in the CN zone. We could have, actually,
13 up to four stories. But it's a two story
14 building.

15 The area of that lot would conform, at
16 2,773 square feet. So, it's more than what's
17 required by the zone.

18 The width is conforming at 38.3 feet.

19 The depth, again, would be slightly
20 nonconforming, at 72 feet, where a hundred feet
21 is required.

22 The depth for both of these, really, is an
23 existing condition that we can't fix. We can't
24 acquire property from adjacent properties.
25 They're developed on either side, so we really

1 | can't acquire property to increase our depth.

2 | And we're only slightly substandard there
3 | at -- I'm sorry -- well, there, we're at 72
4 | versus the hundred.

5 | Front yard doesn't apply. Side yard, none
6 | is required. Rear yard, there's no rear yard
7 | today. This building occupies the entirety of
8 | that -- of that property, as it has for a number
9 | of years.

10 | Building coverage would be over because
11 | building coverage is limited to 80 percent, and
12 | this coverage, a hundred percent.

13 | But lot coverage permitted is a hundred
14 | percent, and so we're conforming in that sense.

15 | And again, the height is conforming.

16 | What you're going to see is no change
17 | really to this corner. You're going to see no
18 | change to that building. The development
19 | activity we're talking about is on the new Lot
20 | 45.

21 | And -- and I could go into more of it.
22 | Maybe we want to save a little bit for when we
23 | get into the second part of the application.

24 | But in my opinion, Lot 45, the Lincoln
25 | Street property, really more appropriately

1 belongs, or to be considered as part of the
2 Lincoln Street neighborhood, which is a
3 residential neighborhood.

4 I'll stop there for the moment.

5 MR. GOODMAN: Okay.

6 MR. SCHOMMER: And then, maybe when we get
7 to the --

8 MR. GOODMAN: So -- so you --

9 MR. SCHOMMER: -- to the other part of it.

10 MR. GOODMAN: You're aware that under --
11 under the law, we're required to have commercial
12 on the first floor, as opposed to a three family
13 house, which is the variance that we're looking
14 for. It's a D-1 variance. Okay.

15 So, there are certain criteria that need to
16 be satisfied with respect to that. The positive
17 criteria is automatically satisfied.

18 And the question I have for you is to
19 discuss the negative criteria, as to whether this
20 will effect, and in any way impair the zone plan,
21 and -- and in the Coventry Square case, the
22 negative -- which is mentioned, incidentally, in
23 the planner's report that was submitted by -- by
24 the Zoning Board's Planner, the Coventry Square
25 case actually covers this, with respect to

1 proving the negative criteria.

2 And, accordingly, testimony is required
3 from the planner as to whether there's any impact
4 on the public good by a deviation from the zoning
5 standards.

6 MR. SCHOMMER: Sure. And well, looking
7 again, kind of focusing on the subdivision, I --
8 I've talked about the dimensions of -- of each of
9 the lots.

10 I think that developing this property for
11 residential use as proposed is actually more
12 consistent with the neighborhood, as I've
13 mentioned. I think that promotes certain
14 purposes of zoning.

15 Your Master Plan, in fact, talks about
16 preserving current or existing residential
17 neighborhoods. And I think that does this.

18 I think to have a commercial use on this
19 property really isn't in keeping with that
20 neighborhood. So, I think the more appropriate
21 use here would be residential.

22 The -- the use here is -- if you look at
23 the R zone, if you look at the requirements of
24 the R zone, three families are permitted in the R
25 zone. They're not permitted in the CN zone. But

1 | this property was placed entirely in the CN zone,
2 | and maybe, perhaps, if we look back, we'd say,
3 | well, this more appropriately should have been
4 | carved out, but it was one property, sold an
5 | entire property, certainly makes sense not to
6 | split the property with the zone line, so the
7 | zone line was run along the back of this.

8 | In terms of negative impacts, I don't
9 | really see any. In fact, when the -- when the
10 | 2007 Resolution was adopted, there was a finding
11 | by that Board that there were no negative impacts
12 | by developing this for a three family.

13 | I concur with that.

14 | What we see, in terms of development along
15 | Lincoln Street, again, is residential. We see a
16 | mix of one, two, three and four family, and --
17 | and more, in terms of the number of units.
18 | Multi-family units and buildings. We see a
19 | variety of building heights; two, three, four
20 | stories.

21 | The proposal is -- is four stories, which
22 | is permitted in the CN zone.

23 | So, I think that, again, it's appropriate
24 | to place it more in the context of Lincoln
25 | Street. I don't see any adverse impacts by

1 developing it for the -- for the residential use.

2 I don't see any detriment to -- to the
3 public good, which typically deals with how it --
4 what are the impacts to neighboring properties.
5 I don't see any detriment to the zone plan and
6 Zoning Ordinance, for the reasons that I've
7 mentioned.

8 MR. GOODMAN: And with respect to some of
9 the variances that are being asked for in
10 connection with the proposals, which the
11 architect will testify to, is it, in fact, true
12 that because this -- this lot is a substandard
13 lot, that -- that some of those variances are
14 almost required by reason of the exceptional --
15 exceptional narrowness and shallowness and shape
16 of the lot.

17 So, it's almost dictated by the lot, by the
18 size of the lot, which cannot be expanded.

19 And is that correct, in terms of -- of the
20 way this plan was developed?

21 MR. SCHOMMER: I think if we look at the
22 bulk standards, the setbacks or the dimensions of
23 the lots that I've talked about, we're dealing
24 with existing conditions.

25 If you look again at the -- at the context

1 plan that was submitted, with the architect's
2 plan, you see a uniformity of lot sizes along
3 Lincoln Street. And this property is consistent
4 with the lot sizes along there.

5 MR. GOODMAN: Okay.

6 MR. SCHOMMER: We can't acquire additional
7 property. The existing dimensions and the shape
8 of the property represent hardships.

9 So, the bulk criteria are satisfied under
10 the C-1 hardship criteria, and I think the
11 development, as proposed, some of those -- some
12 of the relief requested there, I think also falls
13 under C-2, where the benefits outweigh the
14 detriments, side yard setbacks as an example.

15 But with respect to the lot configurations,
16 we're dealing with certain limitations and
17 hardships with respect to the dimensions of the
18 property, that we can't overcome, are not created
19 by the applicant.

20 MR. GOODMAN: I have no further questions.

21 VICE CHAIRMAN GRULLON: I have a question.

22 MR. SCHOMMER: Yes, sir.

23 VICE CHAIRMAN GRULLON: Are you familiar
24 with the structure on Lot 46, the -- the store
25 that is there now?

1 MR. SCHOMMER: Yes.

2 VICE CHAIRMAN GRULLON: Because according
3 to the picture, what I see here, they have like
4 some type of emergency exit or loading -- loading
5 zone that they use from that lot.

6 MR. SCHOMMER: Yes.

7 VICE CHAIRMAN GRULLON: From the -- on the
8 rear yard.

9 Could you explain that? How will they --
10 you know, build a three family house there? Are
11 they going to be blocking the emergency exit on
12 the loading -- probably the loading dock, because
13 I see on the pictures here, that you have van --
14 a van parked on the rear yard. It looks like
15 he's making a delivery there, as you can see
16 here.

17 MR. SCHOMMER: Um hum. Um hum.

18 VICE CHAIRMAN GRULLON: This, and --

19 MR. SCHOMMER: There are --

20 VICE CHAIRMAN GRULLON: And I can see two
21 doors on the back.

22 MR. SCHOMMER: Yes. Yes.

23 VICE CHAIRMAN GRULLON: Are they emergency
24 exits for the building?

25 MR. SCHOMMER: There -- there are other

1 means of egress for the building. Those will
2 remain and there will be a side yard setback
3 along that easterly side to allow those -- that
4 egress to continue.

5 So, the plan is to -- is to keep those
6 doors to allow them to continue to be serviceable
7 as egress doors for the -- for that --

8 VICE CHAIRMAN GRULLON: Do you --

9 MR. SCHOMMER: -- structure which faces
10 Bergenline.

11 VICE CHAIRMAN GRULLON: Do you know the
12 dimension of the egress?

13 MR. GOODMAN: Yes. It's -- I believe it
14 was 3.8 feet and --

15 VICE CHAIRMAN GRULLON: Okay.

16 MR. GOODMAN: Orestes had begun to testify
17 with regard to that.

18 Under the new requirements of the law, that
19 -- that 3.8 feet, so that it is intended to
20 create a 3.8 foot --

21 MR. SCHOMMER: Space.

22 MR. GOODMAN: -- space.

23 MR. SCHOMMER: Yeah, right.

24 MR. GOODMAN: Okay. So, it was to permit
25 exit as an emergency exit. Plus, there's an

1 additional exit on the Lincoln Street side.

2 MR. SCHOMMER: Right here.

3 MR. GOODMAN: But -- but with the
4 Bergenfield (sic) building.

5 VICE CHAIRMAN GRULLON: Okay. I see.

6 MR. SCHOMMER: Right. Yes.

7 MR. GOODMAN: Yup.

8 VICE CHAIRMAN GRULLON: All right.

9 MR. GOODMAN: And -- and Orestes is
10 prepared to testify with regard to that.

11 VICE CHAIRMAN GRULLON: Yeah. Okay. I
12 just wanted to make sure before we go --

13 MR. SCHOMMER: Sure.

14 MR. GOODMAN: Yeah. No, no, no.

15 VICE CHAIRMAN GRULLON: -- we vote on this
16 --

17 MR. SCHOMMER: Yeah. Good question. Yes.

18 VICE CHAIRMAN GRULLON: -- of the condition
19 of the -- of the site.

20 MR. SCHOMMER: Correct.

21 MR. GOODMAN: Yes.

22 MR. SCHOMMER: Yes.

23 VICE CHAIRMAN GRULLON: I don't have any
24 more question.

25 Do you have any questions?

1 MR. PRESSEY: No.

2 MR. PANEQUE: Before we vote on the
3 subdivision --

4 VICE CHAIRMAN GRULLON: Open up to the
5 public?

6 MR. PANEQUE: Yeah. We'll open it to the
7 public, but Mr. Goodman, you've indicated that
8 the side yard is going to be 3.8. Unless I'm
9 reviewing this site plan correctly --

10 MR. SCHOMMER: We have a comment on that.

11 MR. GOODMAN: Yeah.

12 MR. PANEQUE: Okay.

13 MR. GOODMAN: We have a comment on that.

14 MR. SCHOMMER: Right.

15 MR. GOODMAN: Which is more focused on
16 Orestes.

17 MR. PANEQUE: Okay.

18 Mr. Valella?

19 MR. VALELLA: Yes. I'd be happy to explain
20 that.

21 The original design -- you know, from 2007,
22 had the wider side yard on the left. In order to
23 accommodate these doors from the existing
24 building, part of my proposal will be that the
25 building would be flipped, so that the three foot

1 | eight, which is the required egress, would be on
2 | the easterly side of the property, thereby giving
3 | that access.

4 | MR. PANEQUE: But if you have the two foot
5 | --

6 | MR. VALELLA: The two foot would be on the
7 | westerly side.

8 | MR. PANEQUE: Which will be, then, adjacent
9 | to those three family homes --

10 | MR. VALELLA: Right.

11 | MR. PANEQUE: -- that are next door.

12 | MR. VALELLA: Right.

13 | MR. SCHOMMER: Right.

14 | MR. PANEQUE: Does the Fire Code allow
15 | that?

16 | MR. VALELLA: Yes. We -- within our
17 | property, we can be two feet there. We're --
18 | we're doing the three foot eight to allow for the
19 | existing building to egress. It is -- it would
20 | be permissible, yes.

21 | MR. PANEQUE: Well, if I may just defer to
22 | our planner.

23 | Mr. Spatz, I see that the building next
24 | door, or the house next door is -- looks like
25 | it's on the property line.

1 MR. SPATZ: Okay.

2 MR. PANEQUE: And there's windows and air
3 conditioners. Would they be allowed to have a
4 two foot --

5 MR. SPATZ: I --

6 MR. PANEQUE: -- side yard there?

7 MR. SPATZ: I believe the Building
8 Department -- I mean, the -- the Ordinance
9 requires five yard -- five foot side yards,
10 because it's a commercial zone.

11 My understanding is that the required side
12 yard, if there are windows, are three foot one.
13 But that would be something that the Building
14 Department would need to deal with there.

15 But there's --

16 MR. VALELLA: I can confidently state that
17 within our property, if you granted two foot, we
18 can legally build it because we are not having
19 any windows on our -- on our two foot side.

20 MR. PANEQUE: Okay.

21 But my question, Mr. Valella, is how does
22 that impact the already existing structure that's
23 there?

24 I refer you to the photograph --

25 MR. VALELLA: Yes. I --

1 MR. PANEQUE: -- that's there, showing that
2 the neighbor next door is already -- looks like
3 he's on -- he may not be on the property line. I
4 can't tell from the photograph.

5 MR. VALELLA: He's close.

6 MR. PANEQUE: He's close. Right?

7 MR. VALELLA: Yeah. He's within a foot.

8 MR. PANEQUE: Yeah. So --

9 MR. VALELLA: Well, I mean, if we want to
10 be good neighbors, we can always provide three
11 feet on one, which would make the house a foot
12 narrower. And then, three foot eight on the
13 other, to provide for the egress.

14 MR. PANEQUE: Okay.

15 MR. SCHOMMER: It's really a code issue,
16 isn't it? More of a Code issue.

17 MR. VALELLA: Yeah. It's actually good
18 neighbor policy, because we -- theoretically, we
19 could build it to our property line. The
20 neighbor's problem -- they're really not supposed
21 to have windows on a property line, to begin
22 with.

23 MR. PANEQUE: Yeah.

24 MR. VALELLA: But if we want to be good
25 neighbors, and it's prudent, and I agree. If we,

1 | instead of having two, go to three, then we would
2 | be providing light and air to the neighbor.

3 | So, our -- in effect, our new proposed side
4 | yards would be three foot oh on the westerly
5 | side, and three foot eight on the easterly side.

6 | MR. PANEQUE: And the three foot eight
7 | would be to accommodate the --

8 | MR. VALELLA: Egress.

9 | MR. PANEQUE: -- egresses from the two
10 | stores that are there now.

11 | MR. SCHOMMER: Um hum. Right.

12 | MR. PANEQUE: Okay.

13 | MR. VALELLA: Right.

14 | MR. GOODMAN: That is correct.

15 | MR. VALELLA: Right.

16 | MR. PANEQUE: All right.

17 | MR. GOODMAN: Okay.

18 | VICE CHAIRMAN GRULLON: Going to open to
19 | the public now.

20 | MR. PANEQUE: Yes.

21 | MR. GOODMAN: If there are no further
22 | questions for --

23 | VICE CHAIRMAN GRULLON: At this point, I
24 | want -- I want to open to the public.

25 | Any member of the public want to step

1 forward?

2 MR. PRICE: Yeah.

3 VICE CHAIRMAN GRULLON: Mr. Price?

4 MR. PRICE: Larry Price, 1006 Palisade.

5 By the way, first, just to confirm some
6 numbers.

7 The existing --

8 By the way, is this also for planning
9 questions or -- are you going to return for
10 planning questions?

11 MR. SCHOMMER: I think we're going to talk
12 about the --

13 VICE CHAIRMAN GRULLON: He's going to
14 return.

15 MR. SCHOMMER: -- the second part --

16 MR. PANEQUE: Yeah. We'll return --

17 MR. SCHOMMER: -- after we get through the
18 subdivision.

19 MR. PANEQUE: For --

20 MR. SCHOMMER: We're focusing on the
21 subdivision.

22 MR. PANEQUE: This is -- we're trying to
23 limit the first --

24 MR. PRICE: To subdivision.

25 MR. PANEQUE: -- to the subdivision

1 approval.

2 MR. PRICE: Okay. So we'll just -- okay.

3 MR. PANEQUE: Right?

4 MR. PRICE: The current --

5 MR. PANEQUE: Subdivision.

6 MR. SPATZ: Yes.

7 MR. PRICE: -- is site, the whole thing,
8 before it's subdivided is 4648 square feet?

9 MR. SCHOMMER: Yes.

10 MR. PRICE: Okay.

11 And it goes back -- it's 38 on Bergenline.
12 It's 38 feet wide.

13 MR. SCHOMMER: Yes.

14 MR. PRICE: It goes back 72 feet. And
15 then, you have a strip that is 25 feet by 75.

16 MR. SCHOMMER: Correct.

17 MR. PRICE: Okay. So, the lot that you're
18 -- okay.

19 The lot that you're creating is 1875 square
20 feet.

21 MR. SCHOMMER: Eighteen --

22 Correct. Yup.

23 MR. PRICE: Okay.

24 A required lot, a residential lot at least,
25 required to be 2500 square feet.

1 MR. SCHOMMER: Correct. That's what I --

2 MR. PRICE: So -- so the --

3 MR. SCHOMMER: That's what I mentioned.

4 MR. PRICE: -- subdivision results in the
5 creation of an undersized lot.

6 MR. SCHOMMER: Correct.

7 MR. PRICE: Okay.

8 And you justify that, as I remember in your
9 testimony, by saying even so, the lot belongs
10 more to Lincoln Street.

11 Correct?

12 Am I --

13 MR. SCHOMMER: Part -- part of the
14 reasoning, the undersize -- undersized nature has
15 to do with the existing dimensions of the
16 property. So, we --

17 MR. PRICE: That's only --

18 MR. SCHOMMER: -- we have a limited --

19 MR. PRICE: -- 75 feet deep.

20 MR. SCHOMMER: We have limited dimensions.
21 We can't gain any additional land. We can't make
22 it bigger, so those -- those dimensions create a
23 hardship with respect to this property. The
24 shape and dimensions of the property create a
25 hardship. Subdividing it is --

1 MR. PRICE: Okay. Stop for a moment.

2 Okay. That will save me from having to get
3 my notes. Okay.

4 Isn't this a self-created hardship?

5 MR. SCHOMMER: No. I think because if you
6 look at the dimensions of the total property, in
7 fact, it did exist as two lots previously. They
8 -- they were merged. If you look at the survey,
9 it's actually identified as two separate tracts,
10 with two separate lot numbers, and two different
11 -- two different tracts.

12 That's how it -- that's how it did exist at
13 one point in time.

14 I think that's the appropriate
15 configuration for this property. Being L shaped
16 is unusual. You don't see that in the
17 neighborhood. If you look at other properties,
18 they're all rectangular.

19 Subdividing it in the manner proposed is
20 consistent with the other lots along Lincoln
21 Street. It's consistent with other properties
22 along -- along Bergenline.

23 So, I think it actually makes the
24 properties more consistent with the neighborhood,
25 albeit we do need relief because the dimensions

1 of the property don't allow us to have a fully
2 conforming --

3 MR. PRICE: It's an undersized --

4 MR. SCHOMMER: -- lot.

5 MR. PRICE: -- property.

6 MR. SCHOMMER: Right.

7 MR. PRICE: Okay.

8 In which case, I would ask you to -- I
9 invite you to -- your attention to the --

10 MR. SCHOMMER: Um hum.

11 MR. PRICE: Whatever.

12 The subject property is outlined in yellow.
13 On Bergenline Avenue, there's a property to the
14 south of it. And also to the north of it. Okay.

15 Don't those properties extend to the rear
16 property line?

17 MR. SCHOMMER: Extend to the rear? I'm not
18 sure I follow you.

19 MR. PRICE: Can I talk -- talk to you about
20 this property and this property?

21 MR. SCHOMMER: Okay.

22 MR. PRICE: Okay. They extend back to the
23 edge of the CN district.

24 Correct?

25 MR. SCHOMMER: Yes.

1 MR. PRICE: And this property extends back
2 to the end of the CN district.

3 Correct?

4 MR. SCHOMMER: Yes.

5 MR. PRICE: Okay. So, this property also
6 -- the proposed site also extends back to the
7 edge of the CN district.

8 MR. SCHOMMER: The current property is
9 entirely in the CN zone. Yes, that's what I
10 said.

11 MR. PRICE: And it extend -- okay.

12 MR. SCHOMMER: Yes.

13 MR. PRICE: And it extends back to the edge
14 of the CN district.

15 MR. SCHOMMER: Right. I think I indicated
16 where that line was in my testimony. Right.

17 MR. PRICE: Okay.

18 But you're saying, if I -- I -- did you
19 not, in your testimony, say that we want to have
20 the proposed smaller lot be, if you will, conform
21 to the adjacent lots?

22 MR. SCHOMMER: I think that it -- I think
23 that it more appropriately should be considered
24 as part of the Lincoln Street neighborhood.

25 MR. PRICE: I think you used the

1 terminology -- should -- it should conform to its
2 neighbors, which are on Lincoln Street.

3 Isn't it equally as good to say it should
4 conform to its neighbors on Bergenline Avenue,
5 particularly since it is part of the CN district?

6 MR. SCHOMMER: Well, conforming to the --
7 I'm trying to -- not sure I follow you.
8 Conforming to the neighbors on Bergenline.

9 The -- the property to the south here, of
10 course, it's separated by Lincoln Street, so it's
11 not an abutting property. The properties to the
12 north abut this property.

13 MR. PRICE: Here.

14 MR. SCHOMMER: And that -- and that
15 property --

16 Right.

17 But you have to look at the pattern of
18 development, and the existing conditions on the
19 property.

20 So, this -- this L shaped piece of property
21 has this piece that goes around the back of this
22 other lot. And if you really look at this, and
23 you look at how this would be developed, and if
24 you develop it in accordance with the CN zone,
25 you'd have commercial use here.

1 Okay. This property -- this property along
2 Lincoln Street, I don't believe is commercially
3 used. All of these properties along Lincoln
4 Street are not commercially used.

5 I think that the -- the new lot --

6 MR. PRICE: You're saying this property is
7 not commercially used? What is this property?

8 MR. SCHOMMER: On -- on the side, on
9 Lincoln Street, I'm not -- I'm not sure. But my
10 point is that this -- this property, I think
11 really belongs more to be part of the Lincoln
12 Street neighborhood. That's -- that's what I've
13 said.

14 MR. PRICE: Okay. Then, again, I'll come
15 back to my question.

16 MS. DILLON: Just come forward, Mr. Price
17 --

18 MR. PRICE: I'm sorry.

19 MS. DILLON: -- now, okay?

20 Thank you.

21 MR. PRICE: Okay. You are creating --
22 okay. Well, I'll -- I'll skip.

23 VICE CHAIRMAN GRULLON: Mr. Price, does he
24 need to see all this?

25 MR. PRICE: I do have planning questions.

1 I'll -- I'll -- you're going to testify --

2 MR. SCHOMMER: I think so. Yeah. I think
3 I'll --

4 MR. PRICE: Okay.

5 MR. SCHOMMER: There'll be -- there'll be
6 more. Yeah.

7 MR. PRICE: Your fee goes that far.

8 MR. SCHOMMER: I think there'll be more.
9 Right.

10 MR. GOODMAN: Thank you.

11 If the Board has no further questions, I'd
12 like to call the architect.

13 MS. GUTIERREZ: Hold on a minute.

14 Mr. Grullon? Further questions?

15 VICE CHAIRMAN GRULLON: Any other member of
16 the public?

17 MS. GUTIERREZ: Open to the public.

18 VICE CHAIRMAN GRULLON: Closed to the
19 public.

20 Mr. Goodman, the first thing that we need
21 to consider here is the subdivision of the -- of
22 the land.

23 MR. GOODMAN: That is correct.

24 VICE CHAIRMAN GRULLON: And now, after
25 hearing the testimony of the planner, and also

1 | looking at the -- the survey that it shows all
2 | the size on Lincoln Street are equal the size of
3 | the -- your proposed division. All -- they're
4 | all the same size, 1835 square feet.

5 | That's -- I'm referring to Lot 44, 43, 42,
6 | -- through 37. All those lots, they are the same
7 | size and they have residential use. And make my
8 | motion to grant the subdivision of the --the lot.

9 | MR. GOODMAN: Thank you.

10 | THE SECRETARY: Motion to grant the
11 | subdivision by Mr. Gullon.

12 | MS. GUTIERREZ: I'm second.

13 | THE SECRETARY: Second by Mrs. Gutierrez.
14 | Roll call on the motion.

15 | Mr. Gullon?

16 | VICE CHAIRMAN GRULLON: Yes.

17 | THE SECRETARY: Mrs. Gutierrez?

18 | MS. GUTIERREZ: Yes.

19 | THE SECRETARY: Mr. Ortiz?

20 | MR. ORTIZ: Yes.

21 | THE SECRETARY: Mr. Pressey?

22 | MR. PRESSEY: Yes.

23 | THE SECRETARY: Mr. Medina?

24 | MR. MEDINA: Yes.

25 | THE SECRETARY: Five in favor. Motion

1 carries.

2 MR. GOODMAN: Thank you.

3 MR. SCHOMMER: Thank you.

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1 **Oz Holdings, LLC - 4313-4315 Bergenline Avenue,**

2 **Site Plan:**

3

4 THE SECRETARY: Next hearing is site plans
5 for Oz Holdings, LLC, 4313-4315 Bergenline
6 Avenue. Construct a new three family residence.

7 MS. DILLON: Mr. Schommer, oh, no. That's
8 okay. I was going to say just keep it on and
9 Orestes --

10 MR. SCHOMMER: Oh, okay.

11 MS. DILLON: That's fine. I'll do it.

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

14 MR. GOODMAN: Okay. I'd like to recall Mr.
15 Valella.

16 He's already been sworn by the --

17 MR. PANEQUE: Mr. Goodman, just as a matter
18 of -- for purposes of jurisdiction, you're
19 relying on the same notices that were provided.

20 MR. GOODMAN: Yes.

21 MR. PANEQUE: Those notices did include
22 notice to the public that you were requesting a
23 subdivision, as well as site plan.

24 MR. GOODMAN: Yes.

25 MR. PANEQUE: Okay. So, this Board retains

1 jurisdiction, based on the same notices and the
2 same Affidavit of Publication.

3 MR. GOODMAN: Yes.

4 Thank you.

5 MR. PANEQUE: Now, just as a matter of
6 housekeeping, Mr. Goodman, in your previous
7 opening remarks to the Board, you indicated that
8 in 2007, there was an application that was
9 approved by the Planning Board for the
10 construction of a three family home. And a much
11 younger Mr. Valella was the gentleman who
12 presented that application.

13 Correct?

14 MR. GOODMAN: That is correct.

15 MR. PANEQUE: All right.

16 Now, this is just as a general statement,
17 but the Permit Extension Act, for -- with respect
18 to Hudson County, has been extended for an
19 additional year, which is still in effect for
20 Hudson County.

21 So, I just want to have that out there,
22 that if that application was approved and it was
23 carried forward through the Permit Extension Act,
24 it would still be a valid permit.

25 Okay?

1 MR. GOODMAN: Yeah.

2 MR. PANEQUE: Now, I understand that
3 there's been modifications that are being
4 presented because the way it was approved, and
5 the Zoning Ordinance having changed, the side
6 yards and so forth are going to be changing.

7 Is that correct?

8 MR. GOODMAN: That -- that is correct.

9 MR. PANEQUE: Okay.

10 MR. GOODMAN: And I think for that reason
11 alone, this is a proper presentation before the
12 Zoning Board.

13 Although I do appreciate that comment with
14 regard to the extension in Hudson County. I was
15 unaware of that. That's what happens when you
16 get a Bergen County boy.

17 Anyway, you are correct, though, with
18 respect to the lot widths and the -- and that,
19 and the flipping that we just discussed, and the
20 fact that we are asking this Board to accept an
21 amendment, so as to create at least -- and that
22 is three feet on the westerly --

23 MR. VALELLA: Yes. Western.

24 MR. GOODMAN: -- side of Lincoln Street.

25 MR. PANEQUE: Okay.

1 MR. GOODMAN: Okay. Really for the purpose
2 of granting some easement for light and air
3 because there are windows on the line, or near
4 the line, from the next door neighbor's house.

5 So, I think -- I think I agree with the
6 architect that, as a matter of good
7 neighborliness, it should be done.

8 MR. PANEQUE: Thank you.

9 MR. GOODMAN: Okay?

10 And we would ask that the Board consider
11 that as an amendment to this plan.

12 MR. VALELLA: Okay.

13 MR. GOODMAN: Okay.

14 MR. VALELLA: May I --

15 I'm sorry.

16 MR. PANEQUE: Yes, Mr. Valella?

17 MR. VALELLA: I -- I know the time is late
18 and we thank you, wholeheartedly, for your civic
19 duty and being here and working these long hours.

20 I'm going to try to make it as brief as
21 possible.

22 One thing is I'm just going to read the
23 findings of the Board, and it's very brief, on
24 the Resolution of approval.

25 The construction --

1 One. The construction of a three family
2 home would be in the public interest without any
3 detrimental effects to the community.

4 There were no negative criteria associated
5 with the project.

6 The project would not be in conflict with
7 the character of the neighborhood, or with the
8 Master Plan of the City, and there was no
9 credible opposition to the project.

10 Those things remain.

11 The only thing that I am changing, or that
12 we are changing is the side yard dimensions. On
13 the westerly side of the property, instead of
14 being three foot eight, I would like to make that
15 three foot oh. And instead of the two foot oh on
16 the easterly side, I would like to make it three
17 foot eight.

18 So, in effect, we're narrowing the
19 building, the -- the previously approved building
20 by one foot and seven inches to accommodate the
21 new egress codes and to accommodate the interest
22 of the property next door.

23 Everything else -- it's a three family,
24 three stories. It's about 1200 square feet in
25 area, where a 900 square foot minimum lot --

1 apartment size would be required in -- for a
2 three bedroom apartment are intact.

3 The ground floor is a parking garage, as is
4 traditionally done.

5 The rear yard remains the same rear yard
6 that was approved.

7 The front yard remains the same.

8 The height remains the same.

9 What we have done is we have narrowed the
10 building one foot seven from its original
11 appearance before you in 2007.

12 There were some conditions imposed on the
13 approval.

14 Applicant is to install a sprinkler system
15 in the entire building, which we are more than
16 happy to -- to do.

17 Applicant is to plant a tree in the front
18 yard -- in the front of the building, which we
19 would be happy to do.

20 Building is to have a brick face, which we
21 are having.

22 Lighting is to be installed on all sides,
23 which we have.

24 Applicant is to plant grass and plantings
25 in the rear, which we're more than happy to do.

1 Rear setback is to be seven feet, which
2 you've heard before is what we have.

3 There is to be a three foot side yard on
4 the east and a two foot side on the west. That
5 was the condition. We would like you to consider
6 three foot eight and three foot oh.

7 So, and applicant is to install a flashing
8 light, signaling garage door is opening.

9 So, that's it. I can go into further
10 detail and cause more pain, but --

11 VICE CHAIRMAN GRULLON: Mr. Valella, the
12 height of the building is going to remain the
13 same as the previous --

14 MR. VALELLA: The same.

15 VICE CHAIRMAN GRULLON: -- application?

16 MR. VALELLA: Forty-one feet. Yes, sir.

17 VICE CHAIRMAN GRULLON: The only changes
18 will be the side yard.

19 MR. VALELLA: I'm narrowing the building to
20 accommodate egressing of the new Lot 46, and
21 narrowing it on the west to accommodate the
22 neighbor's quality of life.

23 MR. GOODMAN: That is correct. That is
24 correct.

25 VICE CHAIRMAN GRULLON: I don't have any

1 further questions.

2 You guys, any question?

3 MR. MEDINA: I just -- I'm tired.

4 MR. VALELLA: Thank you. I -- I appreciate
5 what you guys are doing.

6 MR. PANEQUE: Mr. Valella, we're just going
7 to need the revised plans to be submitted before
8 the Resolution is actually --

9 MR. VALELLA: Absolutely.

10 MR. PANEQUE: -- adopted. If --

11 MR. GOODMAN: Yes.

12 MR. VALELLA: Absolutely.

13 MR. PANEQUE: If that could be done, I'd
14 appreciate it.

15 VICE CHAIRMAN GRULLON: Do you have any
16 other witness?

17 MR. GOODMAN: I do not.

18 MR. PANEQUE: Open to the public.

19 VICE CHAIRMAN GRULLON: At this point, I
20 want to open it to the public.

21 Any member of the public want to step
22 forward?

23 Mr. Price?

24 MR. PRICE: I think this is my planning
25 question, which is really Mr. Paneque's question,

1 | which is, is this a new application, or are you
2 | relying on the approvals from September of 2007?

3 | MR. GOODMAN: This is a new application.

4 | On the other hand -- on the other hand,
5 | I've been advised that the Permit Extension Act
6 | may well apply to this application.

7 | MR. PRICE: Well, that's why --

8 | MR. GOODMAN: Well, no.

9 | MR. PRICE: Okay.

10 | MR. GOODMAN: Excuse me.

11 | MR. PRICE: Yes. Okay.

12 | MR. GOODMAN: Excuse me.

13 | MR. PRICE: Sorry.

14 | MR. GOODMAN: You asked a question, I want
15 | to respond.

16 | Okay. So, I'm not waiving my client's
17 | rights with respect to the Permit Extension Act.

18 | I am saying that given that we are making
19 | some modifications here, which I believe would be
20 | permitted under the Permit Extension Act to meet
21 | current requirements, okay, I am asking this
22 | Board to re-approve this.

23 | I'm here. I'm here. It's been submitted.
24 | Publication has been given. This Board has
25 | jurisdiction.

1 That doesn't mean that I'm waiving my
2 client's rights with regard to the Permit
3 Extension Act.

4 MR. PRICE: But you are. That's the thing.
5 Let me -- let me read, for the record, part of
6 the Land Development Ordinance. Okay? Section
7 55.

8 If there's a prior approval existing on any
9 property that has been granted by the Planning
10 Board or Zoning Board of Adjustment --

11 MR. GOODMAN: Um hum.

12 MR. PRICE: -- that is still in existence
13 at the time another approval is obtained from
14 either of these Boards, then the prior approval
15 shall be automatically vacated upon the
16 subsequent approval.

17 Okay. So, what I'm saying to you is that
18 you can rely on the two thousand --

19 MR. PANEQUE: Seven.

20 MR. PRICE: -- 2007 approval, or you can --
21 you can rely on --

22 MR. GOODMAN: Right.

23 MR. PRICE: -- a new application in 2007
24 (sic), but you can't rely on both.

25 MR. GOODMAN: I accept your comment. I

1 appreciate your reading the statute to me.

2 I will need to review the Permit Extension
3 Act.

4 For the moment, I am asking this Board to
5 approve the application as submitted.

6 MR. PRICE: As a new application.

7 MR. GOODMAN: Yes.

8 MR. PRICE: So, you're abandoning the 2007.

9 MR. GOODMAN: I did not say that. Please
10 don't put words into my mouth, sir.

11 I respect --

12 MR. PANEQUE: Mr. Price, --

13 MR. GOODMAN: -- you.

14 MR. PANEQUE: -- if I may, just as a point
15 of clarification?

16 If this Board was to deny the application,
17 then his approval will still be valid.

18 MR. PRICE: Then, the 2007 --

19 MR. PANEQUE: Correct.

20 MR. PRICE: -- would bounce back here.

21 MR. PANEQUE: So there's no need for Mr.
22 Goodman and his client, at this point, to abandon
23 their prior approvals, because it would only be
24 abandoned or it would only be if this Board
25 approves the present application, that it would

1 invalidate the prior one.

2 MR. PRICE: That's right. It's the
3 subsequent approval that invalidates --

4 MR. GOODMAN: Um hum.

5 MR. PRICE: -- the prior approval.

6 MR. PANEQUE: Correct. So --

7 MR. PRICE: So --

8 MR. PANEQUE: There's -- there's no need --

9 MR. PRICE: It's only when you get an
10 approval.

11 MR. PANEQUE: There's no --

12 MR. GOODMAN: Thank you.

13 MR. PANEQUE: -- need for him to abandon,
14 or say that they're retracting their prior
15 approval. It's going in as a new application.

16 This Board will make its motion, whichever
17 way it deems fit. And based on that, then Mr.
18 Goodman can proceed one way or the other.

19 MR. PRICE: Correct.

20 MR. GOODMAN: Thank you.

21 MR. PRICE: Okay.

22 VICE CHAIRMAN GRULLON: Thank you.

23 MR. GOODMAN: I have no further --

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

1 MR. GOODMAN: -- witnesses.

2 VICE CHAIRMAN GRULLON: Any -- any other
3 member --

4 MR. PANEQUE: Any --

5 VICE CHAIRMAN GRULLON: Any other member of
6 the public?

7 Okay.

8 Taking in consideration the -- the uses --
9 the use of the lot is going to be more conforming
10 with the neighborhood, and the applicant is also
11 willing to -- to accommodate the side yards to
12 have a little space for -- for both sides, for
13 the neighbor and the store, I make a motion to
14 grant this application.

15 THE SECRETARY: Motion to grant the
16 application by Mr. Grullon.

17 Any second?

18 MS. GUTIERREZ: Second.

19 THE SECRETARY: Second by Mr. Ortiz.

20 MR. PANEQUE: Just so that the record is
21 clear, Mr. Grullon, your motion to approve this
22 application is with all the conditions that were
23 set forth on the record by Mr. Valella.

24 Correct?

25 VICE CHAIRMAN GRULLON: That's correct.

1 MR. PANEQUE: Thank you.

2 VICE CHAIRMAN GRULLON: For the three --

3 MR. GOODMAN: Modified -- modified as
4 agreed to before this Board.

5 MR. PANEQUE: Correct. And everything
6 related to lighting and --

7 MR. VALELLA: Yes. If I may just be
8 bluntly clear.

9 Those conditions that I read, I have -- I
10 am proposing as part of the new application.

11 MR. PANEQUE: Thank you, sir.

12 THE SECRETARY: Motion was done by Mr.
13 Grullon.

14 Second by Mr. Ortiz.

15 Roll call on the motion to grant this
16 application.

17 VICE CHAIRMAN GRULLON: Yes, with the --

18 THE SECRETARY: Victor Grullon?

19 VICE CHAIRMAN GRULLON: Yes, with the
20 condition, Mr. -- Mr. Vallejo.

21 THE SECRETARY: Mr. (sic) Gutierrez?

22 MS. GUTIERREZ: Yes, all the condition.

23 THE SECRETARY: Mrs. Gutierrez. I'm sorry.
24 Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Mr. Pressey?

2 MR. PRESSEY: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

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

7 MR. GOODMAN: Thank you very much.

8 MR. VALELLA: Thank you --

9 MS. GUTIERREZ: You're welcome.

10 MR. VALELLA: -- for your service.

11 I know I said it before.

12 MR. GOODMAN: I want to --

13 MR. VALELLA: But I appreciate it.

14 MR. GOODMAN: -- thank this Board, as well.

15 MS. GUTIERREZ: Good night.

16 MR. GOODMAN: I've been before many Boards.
17 It's 10:30 at night.

18 Thank you for staying. Thank you for
19 hearing the application.

20 VICE CHAIRMAN GRULLON: Thank you.

21 MR. GOODMAN: Thank you, sir.

22 MR. SCHOMMER: You wanted to keep the
23 exhibit?

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

1 **310 4th Street, LLC - 308-310 4th Street:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 310 4th Street, LLC, 308-310 4th
5 Street.

6 Mr. Mulkay, please?

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

9 MR. PANEQUE: Thank you, sir.

10 Let the record reflect that I've been
11 provided by Mr. Mulkay with an Affidavit of
12 Service, indicating that notices of tonight's
13 hearing was published in The Jersey Journal, on
14 December 30th, as well as notices went out to all
15 neighbors within the 200 foot radius.

16 I have also been provided with an Affidavit
17 of Publication from The Jersey Journal,
18 indicating that notice was published on December
19 30th, 2016, giving notice of hearing for tonight,
20 January 12, with respect to the property located
21 at 308-310 4th Street, Union City, New Jersey.

22 I have also been provided with an official
23 tax list from the Union City Tax Assessor's
24 Office, dated December 21st, 2016, showing all
25 property owners within the 200 foot radius of

1 308-10 4th Street, Union City, New Jersey.

2 And I've been provided with the certified
3 mail receipts, which are stamped by the post
4 office December 27th, 2016, as well as the return
5 receipts and envelopes that have been returned to
6 Mr. Mulkey as unclaimed.

7 Based on the documents that have been
8 provided, this Board has the jurisdiction to
9 proceed and hear this matter.

10 Mr. Mulkey?

11 MR. MULKAY: Mr. Chairman, members of the
12 Board, Alain Mulkey from the firm of Mulkey and
13 Rendo, on behalf of the applicant.

14 We have two witnesses tonight. I know it's
15 late. I will try to move it along quickly.

16 My client is proposing to renovate an
17 existing building and do an addition to construct
18 a six unit -- six residential units on an
19 existing property.

20 Our first expert is Adrian Melia from the
21 firm of Minervini Architect, who I believe has
22 been recognized as an expert before this Board
23 many times before, and I would ask that the Board
24 recognize him as such.

25 MR. PANEQUE: Mr. Grullon?

1 VICE CHAIRMAN GRULLON: You -- you may
2 proceed.

3 MR. PANEQUE: He's recognized.

4 MR. MULKAY: He's recognized.

5 MS. DILLON: Please raise your right hand.

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

8 MR. MELIA: I do.

9 MS. DILLON: Please state your name and
10 spell it for the record.

11 MR. MELIA: Adrian Melia, last name is
12 M-E-L-I-A.

13 MS. DILLON: Thank you.

14 MR. MULKAY: Mr. Melia, did your office
15 prepare the plans that were submitted to the
16 Board?

17 MR. MELIA: Yes, we did.

18 MR. MULKAY: Could you go -- for the
19 purposes of the Board, could you go through the
20 plans and explain to the Board what the project
21 entails, and what currently exists there?

22 MR. MELIA: Certainly.

23 I have some exhibits that are additional to
24 the plans in front of you, to help orient you to
25 what we're proposing here.

1 MR. PANEQUE: May we have those marked,
2 please --

3 MR. MELIA: Yeah, sure.

4 MR. PANEQUE: -- if you're going to use
5 them, in evidence?

6 Just describe what you're marking.

7 MR. MELIA: Yeah. I'm going to mark this
8 exhibit A-1.

9 It is a bird's eye view of the site.

10

11 (Whereupon, Aerial Image was received and
12 marked as Exhibit A-1.)

13

14 MR. MELIA: We are proposing additions and
15 alterations to an existing three story, three
16 unit structure, to become a six unit, three story
17 structure at 308-310 4th Street.

18 It's on the north side of 4th Street,
19 between Palisade Avenue and New York Avenue.

20 Immediately around our site, we have a
21 daycare to the east; we have a tow truck company
22 that backs directly onto our site, along with the
23 rear yard for some residential structures.

24 Immediately to the west, we have one, two,
25 and three family structures. Also on the south,

1 the same thing.

2 And directly in front of our site, we have
3 a 50 foot tall multi-family structure.

4 On our site itself, we have, as per the tax
5 records, over 80 year old masonry structure which
6 is very unique in its design. It's got a lot of
7 very interesting intricate brick details.

8 And our main goal with this application is
9 to preserve and incorporate as much of this
10 structure into the proposed project as we can,
11 while doing -- in doing so, we're trying to
12 comply with as much of the Ordinance as possible.
13 So, if we were to just construct what is
14 permitted, as per the Ordinance, we could build
15 two three families here, or six units total. And
16 that's what we're proposing. We're proposing six
17 units.

18 We could build 60 percent lot coverage.
19 That's what we're proposing, 60 percent lot
20 coverage.

21 And we could construct three stories and 40
22 feet, and what we're proposing is three stories
23 and 35 feet.

24 We can't just construct a three family
25 adjacent to this property, and leave this

1 property as is, because the existing structure
2 straddles both lots, and there's only not even 20
3 feet left to the side. So, there's not enough
4 room to just leave this as is, leave it as a
5 three unit structure, and build a new three unit
6 structure.

7 As I mentioned, it's got a lot of historic
8 value to it. It's been around for over 80 years.
9 I think it's very aesthetically pleasing and it
10 would be a tragedy to demolish it just to
11 construct what is permitted.

12 So, what we've tried to do --

13 MR. MULKAY: Mr. Melia, could you --

14 MR. MELIA: I'll just mark this --

15 MR. MULKAY: -- mark this as A-2.

16 MR. MELIA: -- A-2.

17 MR. MULKAY: Thank you.

18 MR. MELIA: Photo board.

19

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

22

23 MR. MULKAY: And just for the record, that
24 -- the other pictures in that board are pictures
25 of properties --

1 MR. MELIA: Correct.

2 MR. MULKAY: -- adjacent to --

3 MR. MELIA: Yes.

4 MR. MULKAY: -- 308.

5 Correct?

6 MR. MELIA: This is the adjoining structure
7 at 314. And then, there's a look further west on
8 the north side of 4th Street.

9 And then, this is the side -- existing side
10 elevation looking east of our building, which
11 we're going to preserve as many of these openings
12 as possible. We're going to reuse them. We're
13 going to reuse the floors.

14 So, the only thing that we're going to
15 remove is the roof so that we can construct a
16 third story.

17 You can see the -- the driveway's in
18 disrepair, that extends back to the existing one
19 story garage structure, which we're also going to
20 salvage.

21 And then, the other photos reflect the
22 setback to the adjoining daycare. And also,
23 there's a street view of what's existing.
24 There's quite a tall fence that we would be
25 proposing to remove, and there's an existing

1 handicap space, which I believe is used by
2 neighbor across the street that we're looking to
3 keep as is.

4 If we did have to construct two three
5 families on this property, it's likely that that
6 space would be lost. So, it's just one other
7 benefit of keeping the original structure is that
8 you're going to maintain that existing handicap
9 space out -- out in the street.

10 I'll mark this Exhibit A-3. It's a
11 computer rendering of what we're proposing.

12

13 (Whereupon, Computer Rendering was received
14 and marked as Exhibit A-3.)

15

16 MR. MELIA: Again, all of the brick that
17 you can see in this rendering is visible from the
18 street right now, and that was our goal is to
19 continue to see as much of the existing structure
20 as possible.

21 If we constructed our addition, immediately
22 on top of this, you would lose that view of all
23 of the nice brick details around the windows and
24 everything.

25 So, our goal was not just to expose as much

1 of the original structure as possible, but also
2 there were practical applications of allowing
3 additional parking spaces to be put in around the
4 back by having the bulk of our additions in the
5 rear, as opposed to on the side where you would
6 typically propose them.

7 And I don't think there's any real negative
8 impact here, because we're proposing --

9
10 (Whereupon, Computer Rendering (3D) was
11 received and marked as Exhibit A-4.)

12
13 MR. MELIA: This is Exhibit A-4, which are
14 also computer renderings, with 3Ds of the
15 building.

16 This is looking from the street level, and
17 you could see that this is from the opposite
18 direction that there's a courtyard at the back of
19 the building, where cars can park.

20 And this is probably more clearly shown on
21 Z-2 of your drawing sets, where you can see
22 there's three cars parked in this rear area here.
23 But it also allows light and air to get through
24 for the neighbor, and there's also setbacks on
25 all of the additions that we're proposing. That

1 | would conform with the side setbacks set out in
2 | the Ordinance.

3 | With regard to the design of the additions
4 | themselves, typically, when you have a building
5 | that has historic merit, you don't necessarily
6 | want to make the addition look like it's an
7 | extension of that. You want to distinguish what
8 | you're adding to it, to highlight it.

9 | So, we've proposed a combination of glass
10 | and aluminum panels to clad all of the additions
11 | that are going to be constructed around this
12 | structure.

13 | As far as the streetscape goes, we are
14 | removing the tall fence that's there to kind of
15 | open up the project to the sidewalk.

16 | We're proposing a large planter bed. We
17 | are proposing three new street trees, and all the
18 | sidewalks will be new and they'll extend into the
19 | -- the back.

20 | So, we're adding a level of beautification
21 | to the -- the streetscape.

22 | With regard to the parking, we have six
23 | units proposed, and eight parking spaces, where
24 | 12.3 are required.

25 | The Ordinance does allow you to count the

1 -- the on -- on-street frontage toward your
2 parking requirement. We're not proposing to
3 touch the existing handicap space, but that would
4 be a ninth space that would typically be
5 considered as part of what we're proposing for
6 this development.

7 But with eight -- with six units and eight
8 spaces, each unit has at least one parking space,
9 two of them will have two parking spaces.

10 Just to go through the -- the size of the
11 units.

12 They're all very generously sized. There's
13 one one bedroom, which is 830 square feet, and
14 then we have five three bedrooms. They're all
15 family sized units, four of which have roof decks
16 for outdoor space, which we think is extremely
17 important if you want a family and a good quality
18 of life.

19 Those three bedroom units range from 1464
20 square feet to 1881 square feet. So, they're all
21 very large family sized units.

22 Again, just to recap. We could demolish
23 this building, construct two three families. I
24 think that that would be a tragedy. I think we
25 got very creative in how to preserve the existing

1 structure. It's unique to Union City, as far as
2 I know. I don't -- haven't seen anything
3 mimicked to -- you know, it's not a cookie cutter
4 style. You won't see this anywhere else. If
5 it's demolished, it's lost forever.

6 So, I think that -- you know, the use
7 variance that we triggered by having the six units
8 together in one building, as opposed to two
9 buildings with three units each, is absolutely
10 justified.

11 And that concludes my testimony.

12 MR. MULKAY: Can you -- can you just go
13 through the number of bedroom counts?

14 I don't know if you did. I apologize.

15 MR. MELIA: Yeah.

16 MR. MULKAY: The number of units and the
17 bedroom counts --

18 MR. MELIA: Six units --

19 MR. MULKAY: -- of each.

20 MR. MELIA: -- total. One, one bedroom
21 unit, 830 square feet; and five three bedroom
22 units that are 1464 square feet to 1881 square
23 feet.

24 MR. MULKAY: So, all the two bedrooms, and
25 the one bedroom, obviously, comply with the

1 zoning requirements regarding the size of the
2 bedrooms and the units.

3 MR. MELIA: Yes.

4 MR. MULKAY: Correct?

5 MR. MELIA: It's -- it's one one bedroom,
6 five three bedrooms.

7 MR. MULKAY: Right. Okay. All right.

8 I don't have anything else from this
9 witness.

10 VICE CHAIRMAN GRULLON: Question.

11 Are they duplex units?

12 MR. MELIA: Yes. Some of them are actually
13 triplex units. They're on three levels. But
14 every single unit will have access to grade.

15 So, there's no concerns with egress stairs
16 or anything of that nature. Everybody will have
17 direct access to grade.

18 VICE CHAIRMAN GRULLON: Okay. You have any
19 other witness?

20 MR. MULKAY: We do. We have a planner.

21 VICE CHAIRMAN GRULLON: Can you bring your
22 next witness?

23 MS. DILLON: You know what? You can keep it
24 on. Just, it's recording so don't talk.

25 You can stand right there, Mr. Kolling.

1 MR. KOLLING: Thank you.

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. KOLLING: Yes, I do.

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

8 MR. KOLLING: My name is Edward Kolling.
9 Last name is K-O-L-L-I-N-G.

10 MS. DILLON: Thank you.

11 MR. MULKAY: Mr. Kolling's been recognized
12 as an expert before this Board, and testified
13 many times. I would ask that the Board recognize
14 him as an expert.

15 VICE CHAIRMAN GRULLON: We accept his
16 qualification.

17 MR. KOLLING: Thank you.

18 MR. MULKAY: Mr. Kolling, did you have an
19 opportunity to visit the property, and visit the
20 neighborhood?

21 MR. KOLLING: Yes, I have.

22 MR. MULKAY: And did you develop an
23 opinion, from a planning perspective, as to the
24 project, and how it complies with the variances?

25 MR. KOLLING: Yes. Yes, I have.

1 MR. MULKAY: Could you explain your
2 opinions to the Board?

3 MR. KOLLING: Okay.

4 Well, as the architect was describing, this
5 property is -- is a bit larger. It's 50 -- 50 by
6 a hundred. So, it's double -- double sized.

7 Although it's listed as two tax lots on the
8 -- on the tax records, as -- as was described,
9 both buildings that are on this lot straddle the
10 property line. So, there's no way it could be
11 developed with two buildings, even though it's
12 two lots, without demolishing the structure.

13 According to the tax records, this
14 structure was built in 1933, and it's been a part
15 of this community for a long time.

16 I think the architect made -- made a very
17 good effort and carried out well the idea of
18 preserving the essence of this building, while at
19 the same time, putting a contemporary addition on
20 it.

21 So, it's really a very unusual, if not
22 unique condition here that we've been able to
23 address.

24 One of the benefits of maintaining this
25 structure, and having the six units in one

1 structure, rather than having the two, beyond the
2 idea that we're salvaging the building, is that
3 there's only one curb cut.

4 Now, if there were two buildings, there
5 would be two curb cuts, and that parking space
6 that's on the street today, which is a
7 handicapped parking space, would be lost.

8 So, I think it's more beneficial to the
9 community and to the character of the area to
10 maintain the building and to expand it.

11 I don't see any substantial detriment from
12 doing that, even though it's really a
13 nonconforming or a non-permitted type of
14 structure. It's a multi-family, so we're here
15 for the use variance. Even though it -- we're
16 asking for the use variance, the use variance
17 result is that there's a greater benefit to the
18 community, there's no substantial detriment
19 because the number of dwelling units is the same.
20 So, it's an appropriate density, and you'd have
21 those same number of units, anyway.

22 So, and I also, I think in terms of the
23 types of units that are being proposed.

24 Smaller units would tend to turn over more,
25 whether they be rentalship -- rented or own --

1 owner, because people would tend to move more
2 quickly.

3 These units are well sized. They're
4 designed in a way that, as -- as the architect
5 described, they are duplex and triplex, for the
6 most part, except for the one bedroom.

7 And I think what you end up with then is a
8 -- a type of building where you'll have longer
9 term tenancies. People will tend to live there
10 longer, they become part of the community, is
11 more stable.

12 So, I think that that's very good in terms
13 of preserving the character of the area, and
14 enhancing the character of the area.

15 The other thing is, if you're demolishing a
16 structure, it's really contrary to what the
17 Municipal Land Use Law talks about.

18 There's a -- subparagraph 2M talks about
19 encouraging the coordination of public and
20 private procedures, with a view of lessening the
21 cost of development and a more efficient use of
22 the land.

23 Maintaining this building, really, is a
24 more efficient approach to doing that.

25 There's also subparagraph O, which talks

1 about maximizing the practical recovery of
2 recyclable materials.

3 There's no better way to use or recycle
4 materials than to use them right in place, which
5 is what we're doing.

6 The developer, who's -- who's doing this
7 building, is someone who specializes in green
8 development, and doing things that -- that are
9 done in more environmentally sensitive ways.

10 And that's part of his approach, was -- was
11 to maintain these buildings, as they are.

12 So, I think we do also promote certain of
13 the goals of the Master Plan. The Master Plan
14 talks about preserving the character of the
15 community. And as I discussed, that -- that's
16 what this type of project will do, because it
17 preserves the essence of the building that's
18 there today.

19 To protect and preserve the established
20 residential character, and we are preserving this
21 as a solely residential property.

22 And it does provide for a range of housing
23 choices, in terms of the different sizes of the
24 three bedroom units, as well as the -- the one
25 bedroom unit.

1 So, I think we promote those purposes, or
2 recommendations of the Master Plan.

3 I think the granting of the variance will
4 guide the appropriate use and development of this
5 property. And I think it will do so in a matter
6 that promotes the general welfare.

7 As I was saying, I think this type of use,
8 I think is a greater benefit to the community
9 than if we demolished it and put up two
10 conforming buildings.

11 And because of that, and because it
12 protects the integrity and character of the
13 neighborhood, I think we promote the general
14 welfare, consistent with subparagraph 2A.

15 As I said, the number of units that are
16 being proposed are the exact same as would be
17 permitted. So, we are establishing a -- and
18 promoting an appropriate population density,
19 which is subparagraph 2E.

20 The property, because of its size, is -- I
21 think has sufficient space, and in an appropriate
22 location for this -- for this type -- this type
23 of use.

24 And as I said, it also promotes 2M and 2O
25 that deals with the efficient use of the land,

1 and reducing waste.

2 So, I think that we can -- we've met the
3 positive criteria, because of the particular
4 suitability of this property for this -- this
5 type of -- of development.

6 The fact that the building straddles the
7 parking lot and the -- not the parking lot,
8 straddles the lot lines, and therefore, could not
9 be redeveloped in a way that conforms, unless
10 this structure was -- was demolished.

11 I think all that goes to the particular
12 suitability.

13 I don't see any substantial detriment.
14 There are other multi-families on the block.
15 Matter of fact, directly across the street, just
16 diagonally, is a 40 unit apartment building. So,
17 multi-family would not be out of character.

18 It's of a similar height to other buildings
19 in the -- on the block. It's a conforming
20 height, in terms of number of stories and
21 everything else.

22 So, I don't see any -- any detriment in
23 that regard.

24 I'd also point out that for the most part,
25 where the addition occurs, for instance, the --

1 | this is a -- a three story building, partially.
2 | That third third story is being taken off and a
3 | full third story is being put on. But you can
4 | see where it's being put on, the third floor is
5 | being pushed back from the front, so it conforms
6 | to the front setback.

7 | Where the third floor is being expanded,
8 | it's also being pulled in, so it conforms to the
9 | side setbacks.

10 | The only place where it doesn't is in -- is
11 | in the rear yard. So, I think that this addition
12 | is consistent with the -- with the purposes of
13 | the zone and conforms to those bulk standards.

14 | The parking is -- and I think, when you
15 | look at that, that really takes you to where
16 | you're looking at a C-2 variance, where the
17 | benefits substantially outweigh any detriments.
18 | We've gone over all the substantial benefits from
19 | maintaining this building like -- as it is, and
20 | with the minimal types of detriments, I think
21 | that you can see that the -- the benefits would
22 | substantially outweigh any detriment.

23 | And then, in terms of the parking, we are
24 | look -- seeking a parking variance, but we are at
25 | a ratio of -- of one and a third parking spaces

1 per unit.

2 I did some calculations, looking at the
3 census data and automobile ownership, and of even
4 homeownership, which has a greater amount of
5 automobiles per unit.

6 Even if you look at those, and I took a
7 weighted average, there are 17 percent of the
8 units with no cars. There's 48 percent with only
9 one car. There are 27 percent with two cars.

10 And when you look -- try to do a weighted
11 average, it really comes out that, according to
12 the census data, even today, you'd find about 1.3
13 cars per -- per unit.

14 So, we're in keeping with that. And then,
15 I think you have to look at this particular area
16 where we -- where we are.

17 There -- as you know, Union City has good
18 bus service on all the north/south streets. And
19 this particular property, I -- I measured it off
20 using Google Earth and this -- this property is
21 four tenths of a mile from the light rail station
22 that's on the Jersey City/Hoboken border, walking
23 down Palisade Avenue and then, going down
24 Paterson-Plank. It's really not that long a
25 walk.

1 So, I think when you look at those things,
2 a parking deviation, or variance, would be --
3 could be substantiated because of the fact that
4 this is a walkable community, there is access to
5 -- to mass transit, and the characteristics of
6 the households in this area indicate a lesser
7 reliance on automobiles and -- and automobile
8 ownership.

9 So, I think that that -- the parking
10 variance can also be granted.

11 So, I think we've proven the case for -- in
12 terms of the use variance, the particular
13 suitability, the lack of -- of substantial
14 detriment, the benefits that would -- would
15 accrue by granting this variance. And I think
16 both -- for those reasons, you can grant the D
17 variance, and the benefits outweighing the
18 detriments, in terms of the C-2 for the -- any of
19 the bulk deviations or variances, and as well as
20 the parking.

21 MR. MULKAY: A similar project like this
22 cannot be built anywhere in Union City.

23 Correct?

24 MR. KOLLING: You don't -- you don't
25 usually find where -- where you have the two tax

1 | lots, and then the buildings straddling it.

2 | I mean, it may occur in other locations, as
3 | well. But in this particular case, where it's
4 | situated, there would be no other way of
5 | developing it for two conform -- in a conforming
6 | way on two lots, without removing this building.

7 | So, yes, that's pretty unique.

8 | MR. MULKAY: Okay.

9 | Nothing further for this witness.

10 | VICE CHAIRMAN GRULLON: Mr. Kauker (sic),
11 | could you again describe the neighborhood?

12 | You mentioned before that there was --
13 | there is a 40 apartment building --

14 | MR. KOLLING: Right.

15 | VICE CHAIRMAN GRULLON: -- that is right in
16 | that area.

17 | Could you describe the entire neighborhood?

18 | MR. KOLLING: Well, the neighborhood, for
19 | the most part, is -- well, it's residential.
20 | This block is very -- is very residential, and
21 | you will find, as you go up the street, there's
22 | not a lot of multi-families, but you'll find
23 | other three families on 25 by a hundred lots,
24 | some three families on some larger lots, two
25 | family buildings, as well.

1 And for the most part, the buildings are
2 three stories. They're in that conforming height
3 range.

4 So, I think it was important, when the
5 architect did this design, that he didn't take
6 the building and -- and try to -- you know, just
7 push everything up and make it into a -- a large
8 apartment building.

9 Although the building is multi-family, when
10 you're at the street, it has the same kind of
11 character that it would have -- that it has
12 today. The -- and you can see it in the
13 photograph on his photo board that he gave, the
14 -- the yellow brick portion of the building is
15 going to remain as it is, and come up to the
16 street in that way.

17 Even the width of the building on the
18 street will -- will be the same. It doesn't
19 widen until you get to the back.

20 So, I think it maintains the character of
21 -- of the street. And as you move up, you can
22 see the building next door is like a three story
23 building, it's brick.

24 And then you continue up the street, and
25 they're all that same character and size.

1 So, I think that he's managed to maintain
2 the character of the structure, and its presence
3 on the street, even though it's now increased --

4 VICE CHAIRMAN GRULLON: What about the
5 height of --

6 MR. KOLLING: -- in terms of --

7 VICE CHAIRMAN GRULLON: -- the height of
8 the building?

9 MR. KOLLING: I think --

10 VICE CHAIRMAN GRULLON: Compared to
11 existing? It's going to remain?

12 MR. KOLLING: I think that it's still --
13 yeah. I think it's in character, because it is
14 only three stories, it's 35 feet. It has -- he
15 has not -- it's within what's -- what's
16 permitted.

17 And I think you can -- if you look at the
18 character, especially the building immediately
19 next door to the left, that has a more
20 contemporary look, but I think that it has a
21 similar kind of feel to the street.

22 VICE CHAIRMAN GRULLON: Your proposed
23 construction, you're going to be removing the
24 roof and adding a floor?

25 MR. KOLLING: Well, the -- yes. Under the

1 -- under the roof today, in the front, is a -- is
2 a third floor.

3 So, we'll take that -- we'll take that roof
4 off, and add a more -- a full third floor going
5 all the way back.

6 The third floor that's being added, though,
7 is going to be set back another five feet or so,
8 so that where the build -- and maybe I can take a
9 look at the --

10 Here it is.

11 So, where the building -- where the
12 building is in --

13 MR. MULKAY: You're referring to A-3, now.

14 MR. KOLLING: A-3.

15 MR. MULKAY: Correct?

16 MR. KOLLING: A-3.

17 MR. MULKAY: All right.

18 MR. KOLLING: You can see from this
19 particular rendering, the building in the front,
20 will maintain that -- that two story character,
21 and where the third floor came up at a slope,
22 they've taken -- the architect has taken it off
23 and continued with the -- with the full third
24 floor, but he's pushed it back a little bit
25 further, and made it a darker material, so that

1 from the street, I don't think it -- it doesn't
2 read like it's overwhelming onto the street. It
3 still reads like that two, two and a half story
4 building in the front.

5 MR. MULKAY: Adrian, can you come up for a
6 second?

7 If you could just explain to the Board --

8 VICE CHAIRMAN GRULLON: Yeah.

9 MR. MULKAY: -- on -- on A-3, there's --
10 there's a box to the left.

11 What is that box, and what does that
12 represent?

13 MR. MELIA: This is the approximate height
14 of the adjoining neighbor.

15 So, it's going to be no higher -- well, it
16 may be slightly higher, but certainly no higher
17 than the average buildings in the area.

18 It's -- 40 feet is permitted. We're only
19 doing 35 here.

20 VICE CHAIRMAN GRULLON: And the -- the
21 footprint of the -- your new construction is
22 going to go on top of the footprint of the
23 building, of the existing building, or just
24 spanning the -- the coverage?

25 MR. MELIA: It's -- it's set back in the

1 front and on the sides to conform to the setbacks
2 of the Ordinance.

3 So, the existing structure comes all the
4 way to the property line.

5 VICE CHAIRMAN GRULLON: Yes.

6 MR. MELIA: But when we get to the upper
7 floors, we're pulling it in.

8 MR. MULKAY: So the -- the addition that
9 we're -- that you're proposing is going to be
10 actually smaller in footprint than the actual
11 building that's currently there.

12 Correct?

13 MR. MELIA: Correct.

14 MR. MULKAY: All right.

15 And the entire construction is going to be
16 over the existing building. There's not going to
17 be any addition that's not over the building,
18 other than, obviously, the support --

19 MR. MELIA: Except for in the rear.

20 MR. MULKAY: Except for the rear. Okay.

21 VICE CHAIRMAN GRULLON: And in the existing
22 condition, there is a garage in the back of the
23 building.

24 A VOICE: Yes.

25 VICE CHAIRMAN GRULLON: That -- are you

1 keeping that garage, or you going --

2 MR. MELIA: Yes. Yup.

3 VICE CHAIRMAN GRULLON: Keeping that garage
4 and -- and that will remain as a garage, or --

5 MR. MELIA: Yes. If you look at Sheet Z-2,
6 two cars will be parked in it as a garage. And
7 the -- the other side of the garage will be used
8 as the first floor on one of the units, so you
9 can walk in from the street.

10 It extends beyond the property line, by a
11 few inches in the rear, and it extends to the
12 property lines on the sides.

13 The addition will conform. It will be
14 stepped in to conform. We have five feet one
15 inches of setback on the upper two floors, and
16 three feet one on this side.

17 So, five foot one on the east side and
18 three foot one on the west side that we're
19 stepping in with the addition.

20 VICE CHAIRMAN GRULLON: Yeah, but my
21 question is, because I'm looking at the parking
22 situation, and I'm trying to see if there's any
23 way for you to accommodate more cars there, to
24 accommodate more -- to say that at least they
25 have one and a half parking spaces per apart --

1 per unit.

2 MR. MELIA: As I -- I mentioned about the
3 space in the front, I understand you want
4 possibly a ninth space on the site.

5 VICE CHAIRMAN GRULLON: Yes.

6 MR. MELIA: We could potentially
7 accommodate it by making this the ADA compliant
8 space in the front, and having an additional
9 tandem space in the back.

10 Then -- so, if you can see on Sheet Z-2,
11 space number six is the ADA compliant space.

12 VICE CHAIRMAN GRULLON: Yes. I see.

13 MR. MELIA: It needs a clear space adjacent
14 to it.

15 That could be space number one, with the
16 clear space overlapping in the drive aisle. And
17 we could have an additional tandem space there.

18 So you know, those two units, in tandem,
19 would be deeded to one of the -- the same unit,
20 so that you're not swapping keys with somebody.

21 VICE CHAIRMAN GRULLON: Yes.

22 Another question is, I know you went over
23 the material of the proposed addition.

24 Could you explain it again --

25 MR. MELIA: Sure.

1 VICE CHAIRMAN GRULLON: -- a little bit,
2 please?

3 MR. MELIA: When we did the rendering, we
4 were proposing cement boards, which was this
5 different color material here.

6 The Building Department don't want cement
7 board used anymore, because in their experience,
8 it's been installed incorrectly and it's had some
9 water issues. There shouldn't be if it's
10 installed properly.

11 Nonetheless, they don't want it proposed,
12 so we would just do a different color metal in
13 place of the cement board that's indicated on the
14 drawings, and that I had mentioned before.

15 So, it's going to be all metal cladding,
16 just in different colors.

17 VICE CHAIRMAN GRULLON: And the -- the gray
18 -- the gray portion, what is that?

19 MR. MELIA: This is all -- it's aluminum
20 composite material. Metal panels.

21 So, there's no water issues.

22 VICE CHAIRMAN GRULLON: Would that have any
23 reflection or something?

24 MR. MELIA: No. They'll be dull.

25 VICE CHAIRMAN GRULLON: Okay.

1 MR. MELIA: You -- you won't -- there won't
2 be -- you know, a glare from the sun.

3 VICE CHAIRMAN GRULLON: And on the existing
4 building, do you know the -- the material that is
5 there now? Is that concrete or --

6 MR. MELIA: The existing --

7 VICE CHAIRMAN GRULLON: Yes.

8 MR. MELIA: -- structure is brick.

9 VICE CHAIRMAN GRULLON: Brick.

10 MR. MELIA: We're going to preserve that.
11 Power wash it, re-point it, whatever we have to
12 do to make sure that it's water tight.

13 VICE CHAIRMAN GRULLON: And you're
14 proposing lighting and trees and --

15 MR. MELIA: Yeah. These are new street
16 trees that we're proposing. Three of them.

17 And the planter -- there's a small planter
18 in the front, but it's mainly concrete. So,
19 we're going to remove that. There's a
20 approximately five foot high fence that's kind of
21 like -- it's removing the building from the
22 streetscape.

23 We're going to eliminate that and have a
24 more open feel so that -- you know, you're going
25 to walk past a nice planter as opposed to a

1 series of --

2 VICE CHAIRMAN GRULLON: Are you --

3 MR. MELIA: -- large fences.

4 VICE CHAIRMAN GRULLON: Are you going to
5 add any type of lighting to the building?

6 MR. MELIA: There's, of course, street
7 lighting. There's -- on the floor plans, we have
8 one proposed at the entry, and that will be
9 proposed at the entry on the side, also, and in
10 the rear, at all the entry access points. It
11 will be required to have adequate lighting so
12 people can find their way into the building.

13 VICE CHAIRMAN GRULLON: Thank you.

14 Have any question, guys?

15 MR. MEDINA: Yeah.

16 MR. PRESSEY: Outside camera?

17 MR. MELIA: Cameras? That's up to the
18 owner, if he feels that security is necessary. I
19 don't think it's an issue that we provide one.

20 MR. MEDINA: I have a question.

21 How deep is the construction that you're
22 going through? How deep?

23 MR. MELIA: Well, the existing garage is
24 all the way on the -- on the back property line.
25 And the addition -- it's probably clearer from

1 | this 3D image that it -- this is the addition on
2 | top of the existing structure. There is a
3 | section here that connects this to the addition
4 | on top of the garage.

5 | And this is only a second and third floor.
6 | You can drive under it to get to the parking
7 | spaces at the back.

8 | So, it's all open here, so that there is
9 | adequate light and air for the neighbors.

10 | This was just a more interesting way of
11 | adding onto the building, without losing the look
12 | you get from the street right now, because this
13 | is all open.

14 | So, you're not going to -- we're not going
15 | to cover all of these intricate brick details
16 | with --

17 | MR. MEDINA: And how many deck do you have?
18 | I see that you have a deck, right?

19 | MR. MELIA: The roof deck. There are four.

20 | MR. MEDINA: Four. Okay.

21 | MR. MELIA: One for four of the units.

22 | MR. MEDINA: The --

23 | MR. MELIA: One each.

24 | MR. MEDINA: -- good things what I see this
25 | is very -- you conserve the original building to

1 the two story, two floor, you conserve.

2 MR. MELIA: Yes.

3 MR. MEDINA: Right?

4 MR. MELIA: Yup.

5 The -- there is an existing third floor on
6 here. It's got pitched roofs. We will be
7 removing that and pushing the addition back.

8 So, the impact from the street, if you're
9 on -- on the north side of 4th Street, you may not
10 even see the third story. You'll certainly see
11 it from across the street, but it's exactly the
12 same scale as all the surrounding structures.

13 MR. MEDINA: And -- and this building right
14 now is empty? Is anyone is in there or it's just
15 -- is someone living there?

16 MR. MELIA: Is it vacant?

17 MR. CHARTIER: We have three tenants.

18 MR. MEDINA: You have tenants?

19 MR. MULKAY: There are currently three
20 tenants there, yes.

21 VICE CHAIRMAN GRULLON: Do you have any
22 other witness?

23 MR. MULKAY: We do not.

24 VICE CHAIRMAN GRULLON: At this point, I
25 want to open it to the public.

1 Any member of the public want to step
2 forward?

3 MR. MOYA: That's why we came. Everybody
4 here. All the people. All of us.

5 VICE CHAIRMAN GRULLON: Oh, you are? You
6 are here for that?

7 MR. PANEQUE: One at a time.

8 VICE CHAIRMAN GRULLON: One at a time.
9 You want to come forward, please?

10 MS. DILLON: Ma'am, please raise your right
11 hand.

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

14 MS. DePAUL: The whole true.

15 MS. DILLON: Okay. I need you to state
16 your name, spell it for me, slowly, and give your
17 address.

18 MS. DePAUL: Isabel DePaul.

19 MS. DILLON: I-S --

20 MS. DePAUL: I-S-A-B-E-L. Last name is
21 D-E-P-A-U-L.

22 MS. DILLON: Capital P?

23 MS. DePAUL: That doesn't matter.

24 MS. DILLON: And your address?

25 MS. DePAUL: 315 4th Street.

1 MS. DILLON: I'm sorry?

2 MS. DePAUL: 315 4th Street.

3 MS. DILLON: Thank you.

4 Okay. Just stand in front of that black
5 box, and keep your voice up.

6 MS. DePAUL: Yeah. The problem we're
7 having with this construction, I live there for
8 almost 30 years, in the same house. All my
9 neighbors do, too. And we all like the way we've
10 been living, but we're having some issue with the
11 parking.

12 The parking is a nightmare. Like having
13 this building, more people, he's talking about
14 five units are going to be three bedrooms
15 apartment, you have to count that how many people
16 are going to move in to three bedroom apartment?
17 How many cars are they going to own? They're
18 going to need parking on the street.

19 And they also going to be moving -- you
20 have to see that -- that street on 4th of July.
21 It's like unbearable. The police have to come
22 and move the people, because we can see the whole
23 City of New York from there, and everybody comes
24 to see the fireworks.

25 It is a nightmare.

1 You know, it used to be nice before, years
2 ago, because there wasn't that many people in
3 Union City. But as we all know, Union City is
4 full of people, full of cars, and in one house,
5 there's four cars, per se.

6 So, once all these people move in, and all
7 these car has to go into that garage, it's going
8 to be problem. We're going to have issues.

9 And they said that we have three story
10 building, we're mostly two story building. Like
11 her house, my house, his house is two story
12 building. We don't have -- and -- and the unit,
13 the 40 unit that he mentioned is 40 rooms, in the
14 corner of Palisade and 4th Street. It's not 40
15 apartments, it's only 40 rooms.

16 So, that's what I have to say.

17 Anybody have to say anything?

18 A VOICE: I do.

19 VICE CHAIRMAN GRULLON: Yes. Next person.

20 MS. GUTIERREZ: Thank you.

21 VICE CHAIRMAN GRULLON: Thank you.

22 MS. DILLON: Same thing.

23 Sir, please raise your right hand.

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

1 MR. DELEON: Yes, ma'am.

2 MS. DILLON: And please state your name.

3 MR. DELEON: Nestor Deleon.

4 MS. DILLON: Spell.

5 MR. DELEON: N-E-S-T-O-R, D-E-L-E-O-N.

6 MS. DILLON: D-E-L --

7 MR. DELEON: E-O-N.

8 MS. DILLON: And your address.

9 MR. DELEON: Is 313 4th Street.

10 MS. DILLON: Thank you, sir.

11 MR. DELEON: Yes.

12 I've been a resident of Union City for 25

13 years. And I see how it being growed (sic).

14 Meanwhile, I've been sitting here since

15 seven. I hear the issue about parking.

16 This is my first time coming to some of

17 this, so parking is the main concern.

18 Beautiness. It's -- it's nice. But if you

19 don't have where put cars. Like let's say, he's

20 going to put how many? Six cars there. How you

21 going to get them out?

22 MR. MULKAY: Nine cars.

23 MR. DELEON: Nine --

24 MR. MULKAY: Nine cars.

25 MR. DELEON: Okay, nine cars. How you

1 going to get them out? What be the egress of it?

2 Everybody has to move one car at a time to
3 get the one that's all the way at the end?

4 That's one -- that's one question I have.

5 MR. MELIA: Can I answer that?

6 MR. MULKAY: We can have the architect
7 address that.

8 MR. DELEON: No. I'm just -- then you can
9 answer that.

10 The other thing is, is on 4th Street, it's
11 just one way to Palisade. We got the buses that
12 -- that go and -- and stops at that daycare on
13 the corner. Right? We got the church on the
14 other corner, and we got that building that is 40
15 units, not apartments, that if you look at the
16 record, police are there almost every other day.

17 So, it's not -- we don't have control of
18 that.

19 So, the quality of -- of living of
20 neighborhood, it's -- it's going out the window.

21 And a snow day -- forget about the snow
22 day. We have to bury one of our neighbor's car,
23 just to pack the snow.

24 So, it's -- it's all those things. You
25 know, so that's my concern.

1 VICE CHAIRMAN GRULLON: Concern is parking.

2 MR. MULKAY: You realize that he could
3 knock this down and build two three families, and
4 provide less parking. So, you'll end up actually
5 in a worse situation. You'll lose the parking
6 for the handicap and you'll end up -- he doesn't
7 -- just hear me out for a second.

8 MR. DELEON: Okay. Okay. Okay.

9 MR. MULKAY: He could build six units,
10 you'll end up with the same exact six units, but
11 you'll end up with less parking and a worse
12 situation than he's proposing.

13 He's proposing to preserve the community,
14 the neighborhood that you currently have, and
15 he's proposing to provide nine parking spaces,
16 whereas in a three family, he would propose less
17 parking spaces.

18 MR. DELEON: All right.

19 MR. MULKAY: So, you'd end up in a worse
20 situation and he's --

21 MR. DELEON: Okay. I got it.

22 MR. MULKAY: -- got to do something with
23 the property. And I think --

24 MR. DELEON: I understand.

25 MR. MULKAY: Right.

1 MR. DELEON: But most of the people that
2 he's going to rent the parking, are going to be
3 in there. Or everybody has to pay individually.

4 MR. MULKAY: No, no, no, no --

5 MR. DELEON: Because you can --

6 MR. MULKAY: No, no.

7 MR. DELEON: You can -- you --

8 MR. MULKAY: This Board -- this Board could
9 order that the parking be deeded to the units,
10 and he won't be able to rent them separately, as
11 you're suggesting.

12 MR. DELEON: No, no, no. But I'm saying,
13 but I can live there and I -- I'm not going to
14 pay a hundred and -- \$125.00 to park here.

15 MR. MULKAY: No, no. He can --

16 MR. DELEON: Or park in the street.

17 MR. MULKAY: No, no.

18 MR. DELEON: I don't really know.

19 MR. MULKAY: The Board -- the Board could
20 require that the --

21 MR. DELEON: Okay.

22 MR. MULKAY: -- parking go with the unit,
23 and it can't be separate.

24 MR. DELEON: Well, my --

25 MR. MULKAY: It has to be --

1 MR. DELEON: My concern --

2 MR. MULKAY: So that -- that issue is
3 addressed, but --

4 MR. DELEON: Okay.

5 MR. MULKAY: -- what he's proposing here
6 currently, what's before the Board today, is a
7 much better proposal than a six family, two three
8 families that he could build and we wouldn't be
9 before this Board.

10 And then -- and then you'd end up with less
11 parking and you still have your six units.

12 MR. DELEON: Well, the --

13 MR. MULKAY: He's proposing -- he's
14 proposing to preserve the building that goes with
15 the character of the community.

16 You guys have lived there for 30 years.
17 He's proposing to provide nine parking spaces
18 that he otherwise wouldn't, and he would cut --
19 the way he's doing it here, he's preserving the
20 curb cut, with the -- with the two six units, he
21 would cut the curb cut, and you'd lose two more
22 parking spaces on this street.

23 So, you'd actually have less parking
24 spaces. We'll be back here in a month or two
25 months with a proposed two units. He'd get it,

1 | because he'd be entitled to it. He doesn't need
2 | a use variance.

3 | And then, you'd end with less parking.
4 | Here, he's giving you nine parking spaces. And
5 | he's preserving the building. What you guys are
6 | complaining about, it would be worse if he didn't
7 | go for this -- for this proposal.

8 | He -- he spent an incredible amount of time
9 | and money in architect -- to do the design.

10 | You could tell this isn't a cookie cutter
11 | three family that goes up and down Union City.

12 | I grew up on Union City. I see all the
13 | streets. They're all three families. They're
14 | all cookie cutter square boxes.

15 | He has spent a lot of time and professional
16 | fees to come up with a design that addresses --
17 | maximizes parking and addresses that even -- and
18 | preserves the character of the neighborhood.

19 | He's somebody who's built in the area and
20 | who's -- who's goal is to build a great and
21 | energy efficient, green building, and to preserve
22 | the neighborhood.

23 | This isn't a developer who's coming in and
24 | knocking this down and building up five stories.

25 | He -- he's not even going 40 feet. He

1 | could go 40 feet and make the apartments taller
2 | and higher ceilings and make -- he's not doing
3 | that because he wants to preserve the height with
4 | the neighborhood.

5 | He's taken all that into account. All I'm
6 | asking, and all I'm suggesting to you is that
7 | what you're complaining about parking -- I grew
8 | up here. I know parking is a problem. But
9 | that's just a fact of life.

10 | He's preserving more parking spaces than is
11 | currently even there now.

12 | MR. DELEON: And adding three more
13 | families.

14 | MR. MULKAY: But -- but I get it. But he
15 | could do the six family -- he could knock this
16 | building down and build two three families and --
17 | and then, where are you? And he doesn't have to
18 | come before this Board. And then, where are you?

19 | He still gets the six families. But now,
20 | he provides less parking and you lose off-street
21 | parking.

22 | You will lose -- the handicap spot would
23 | disappear, and you will lose off-street parking,
24 | because he'd be entitled to do a curb cut in
25 | front of each of the three families.

1 You understand?

2 So -- so I'm just -- I get the parking, but
3 he -- but he's taken that into account.

4 MR. DELEON: All right. Let's see who
5 else. Okay.

6 VICE CHAIRMAN GRULLON: Thank you, Mr. --

7 MS. GUTIERREZ: Thank you.

8 MR. DELEON: All right.

9 MS. GUTIERREZ: Thank you.

10 VICE CHAIRMAN GRULLON: Next person?

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

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

15 MR. DePAUL: Yes, I do.

16 MS. DILLON: Your name, please.

17 MR. DePAUL: Robert DePaul, R-O-B-E-R-T,
18 D-E-P-A-U-L.

19 MS. DILLON: And your address.

20 MR. DePAUL: 315 4th Street --

21 MS. DILLON: Thank you.

22 MR. DePAUL: -- Union City.

23 Good evening.

24 VICE CHAIRMAN GRULLON: Good evening.

25 MR. DEPAUL: I've been living --

1 VICE CHAIRMAN GRULLON: Tired. Tired.

2 MR. DePAUL: Yes, I know. Been up since
3 three in the morning.

4 MS. GUTIERREZ: Wow.

5 MR. DePAUL: Yeah. Long day.

6 I've been living in Union City at the same
7 address for almost 29 years.

8 I mean, I'd like to commend the architect.
9 He did a wonder -- it's a nice design. It's very
10 -- now you --

11 MS. DILLON: Just keep --

12 MR. DePAUL: -- preserved the building.

13 MS. DILLON: -- your voice up, sir.

14 MR. DePAUL: He preserved the building very
15 nicely. I mean, it's not what you see.

16 But again, parking's a problem. In our
17 neighborhood, it's nose to tail all the way down
18 the street. And with the handicap spots, and
19 then you have the trucking company next to it,
20 they have trucks, they got vans.

21 Down at the corner, there's the daycare.
22 Up at the other corner, there's church vans. And
23 then, there's a 40 unit apartment building, and
24 they all have cars.

25 So, I know. You're trying to do -- to fit

1 | what you can in, but it's a difficulty. It's a
2 | difficulty and I've got a right to say it's a
3 | difficulty. It's going to be a difficulty by me.

4 | MR. MULKAY: Right. I agree.

5 | MR. DePAUL: And that's all I can do. I
6 | can present how I live there and just, snow
7 | removal. There's no place to put the snow. You
8 | get a foot of snow -- I got to bury my car just
9 | so I get the driveway clear.

10 | Now, it's tough. And this is going to make
11 | it a little tougher.

12 | What the Board decides, the Board decides,
13 | but I live there, I pay taxes, I speak my peace
14 | and I sit down.

15 | VICE CHAIRMAN GRULLON: Thank you, Mr. --

16 | MS. GUTIERREZ: Thank you, sir.

17 | MR. MELIA: Can I answer one of the
18 | questions that was asked, and just make a
19 | comment?

20 | It was asked how are all these cars going
21 | to get out? There is a drive aisle, and as I
22 | mentioned, the tandem spaces, even when we add
23 | the extra one, those two spaces would be deeded
24 | to one unit.

25 | So, the only time that a car has to move

1 for another car to get out is for the same owner
2 of the unit.

3 Secondly, I understand all your concerns
4 about the additional units and the additional
5 cars that are going to be on the street.

6 To summarize what Mr. Mulkey is saying, is
7 that if this project is not approved, the
8 developer will come along and build what he's
9 entitled to build anyway, which is the same
10 number units, with the same number of people, and
11 the same number of cars, if not less on-street
12 spaces.

13 You're going to lose the handicap space out
14 in front when we create the curb cuts for two
15 separate three families.

16 So, if this project is denied, the
17 developer will construct what he's permitted to,
18 which is going to be the same amount of cars,
19 more people -- I'm sorry -- less parking spaces
20 for these units, because the fact that we've
21 managed to incorporate more spaces in the back of
22 the structure.

23 So, I understand that, from your
24 perspective, this is more parking, more units.
25 What the reality is, if it's not this, it's

1 something worse.

2 VICE CHAIRMAN GRULLON: Anybody else? Any

3 --

4 MS. GUTIERREZ: Anybody else?

5 A VOICE: Before I go over there, can I

6 just talk to them because we came as a group.

7 So, I want to just ask them what they wanted

8 before --

9 VICE CHAIRMAN GRULLON: Yes. Just take --

10 okay. Take one minute and please --

11 Mr. -- Mr. Mulkay?

12 MS. DILLON: Do you want to go off the

13 record?

14 VICE CHAIRMAN GRULLON: Off the record.

15 MS. DILLON: Hold on. Hold on.

16

17 (Whereupon, the Board recessed from 11:23

18 p.m. to 11:32 p.m.)

19

20 MS. DILLON: On the record.

21 THE SECRETARY: May I have your attention,

22 please?

23 Let's go back in record.

24 Mr. Mulkay, please?

25 MS. GUTIERREZ: Okay.

1 MR. PANEQUE: The floor is still open to
2 the members of the public, if anybody else wants
3 to stand up and say something.

4 MR. GOMEZ: I would like to say something.

5 MS. DILLON: Sir, please raise your right
6 hand.

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

9 MR. GOMEZ: Yes, ma'am.

10 MS. DILLON: Your name.

11 MR. GOMEZ: Mike Gomez.

12 MS. DILLON: I'm sorry?

13 MR. GOMEZ: Mike Gomez.

14 MS. DILLON: G-O-M-E-Z?

15 MR. GOMEZ: Yes, ma'am.

16 MS. DILLON: And your address.

17 MR. GOMEZ: 322 4th Street.

18 MS. DILLON: Thank you.

19 MR. GOMEZ: I just quickly wanted to say --
20 first of all, good evening.

21 I'm not an activist and usually I'm not
22 involved with these kinds of things. But my --
23 my neighbor, Dr. Dorothy Sippo, who unfortunately
24 couldn't be here, because her daughter's got real
25 sick with pneumonia, and she had to go up to

1 Boston.

2 The thing is that when she presented this,
3 I'd like to read this, if I can?

4 It says that on Thursday, January 12, at
5 six p.m., the following details will be presented
6 at a Zoning Board.

7 The plans that we have indicate that
8 variances will be requested.

9 MR. MULKAY: Okay. I'm -- I'm going to
10 object for a second.

11 If he's reading what doctor -- what the
12 doctor would have read into the record, I think
13 that's inappropriate.

14 If the witness is not here, I don't think
15 he could read a letter into the record.

16 He can testify as to conversations if -- if
17 he wants to. I know the rules of evidence are
18 relaxed, but they're not that relaxed.

19 MR. PANEQUE: Mr. Gomez, I --

20 MR. GOMEZ: So, what you're saying is, I'm
21 not allowed to say this?

22 MR. PANEQUE: No, Mr. Gomez, if I may?

23 MR. GOMEZ: Yes, sir.

24 MR. PANEQUE: What Mr. Mulkey is objecting
25 to is that you can't say Dr. Sippo asked me to

1 read this into the record.

2 If you want to set it aside and I'm sure
3 you've read it already, and in your --

4 MR. GOMEZ: I can --

5 MR. PANEQUE: -- own words --

6 MR. GOMEZ: -- paraphrase it then.

7 MR. PANEQUE: In your own --

8 MR. GOMEZ: May I?

9 MR. PANEQUE: -- words, paraphrase and --

10 MR. GOMEZ: Okay.

11 MR. PANEQUE: -- basically state, this is
12 my position, and I also know this to be the
13 position of Dr. Sippo and other -- other members,
14 then you're allowed to do that.

15 But you can't put something on the record
16 on behalf of somebody else that's not here.

17 MR. GOMEZ: Okay.

18 Thank you, counselor.

19 MR. PANEQUE: Okay.

20 MR. GOMEZ: The essence is that, for
21 example, when I was approached by one of my
22 neighbors, it seems that their issue is primarily
23 parking.

24 And the way these gents have presented this
25 is that what's going to happen is they'll just

1 | knock down the -- if they're not happy, if they
2 | get denied by you gents and this lady, they'll
3 | just knock down the property and build two
4 | houses, and we're out of luck. That's it.

5 | You know, it's -- and that's not
6 | neighborly, that's not friendly, that's not even
7 | gracest (sic), but that said, everybody's
8 | entitled to do with the property that they have
9 | and they bought.

10 | When one of the gents said something about
11 | there's only like one point something cars in the
12 | neighborhood, that's not true. You know, they're
13 | not counting a church that goes there.

14 | And when I was a child, I was brought up to
15 | be a Catholic, and usually you -- we went to mass
16 | on -- on Sunday. That was it.

17 | This church is open seven days a week.
18 | Myriad of people walking, and they're the rudest
19 | people. The church is loud. They park
20 | everywhere.

21 | I'm not digressing, I'm trying to make a
22 | point. Parking is an issue.

23 | And yes, sir, if you say that you have the
24 | right to knock this property down, and you can,
25 | and build two and we'll be beat out of how many

1 parking space did you say?

2 MR. MULKAY: Well, you have nine here.
3 You're going to lose more -- you're going to lose
4 off-street parking. (Indiscernible).

5 MR. GOMEZ: Okay. So, we're going to lose
6 some parking.

7 MR. MULKAY: You're going to lose parking.
8 It's going to provide less --

9 MR. GOMEZ: I heard you.

10 MR. MULKAY: -- parking -- (indiscernible).

11 MR. GOMEZ: My point is another, sir. My
12 point is that, one of the reasons I'm here is,
13 because like I said, I'm a neighbor, and this is
14 my community.

15 You said you lived here, I live here for --
16 for now, over 30 years. I live on this block for
17 almost 30 years. And there's a wonderful sense
18 of community.

19 I don't believe this group has that sense
20 of community. I believe that they're purely
21 investors. It's okay. It's a capitalist
22 society. I got it.

23 But this is a residence, and we'd like to
24 keep a certain amount of characteristic.

25 Furthermore, that house that they're

1 talking about, that house in question, was a
2 property of a good friend of mine, his name's Jim
3 Smaten -- Smatz (phonetic). He died. Shortly
4 after, his wife, Catherine (phonetic), sold the
5 property because her daughter died, and she had
6 to go to Florida. It was just a horrible
7 situation.

8 Fact is, Jim was so proud of that house,
9 that building -- you have to see that building.
10 It's a beautiful building. It's been neglected
11 for several years. The façade is falling apart.
12 I pass by and I says, oh, my gosh.

13 And now, suddenly it's going to be
14 exploited financially.

15 Okay. I get -- let -- hold on, Mr. --
16 please.

17 Finally, what I want to say is, had Jim
18 been alive, he'd be turning in his grave -- you
19 know, to see that building turn into what it's
20 going to be turned into.

21 No, I got it. We're up against the wall.
22 I wasn't privy to -- let me finish, sir, please.

23 I wasn't privy. Counselor came and made us
24 aware that this property sits on two properties.
25 I wasn't aware of that.

1 As I said, my neighbors all collected us
2 and told us this was a different story. And if
3 they have the law on their side, and they can
4 actually knock these two buildings out -- knock
5 this building and build two buildings, again, I
6 tell everybody, I remember the song by Joni
7 Mitchell, they paved paradise, and they put up a
8 parking lot.

9 That's all I got to say because I am not --
10 I'm not -- I'm not a lawyer.

11 I heard what you said, sir. Thank you for
12 enlightening us. We're pretty much up against
13 the wall, but as one gent said, we're going to
14 preserve the character of the community. No it's
15 not going to happen.

16 And I wrote this. Can I read this?

17 MR. PANEQUE: If it's your statement --

18 VICE CHAIRMAN GRULLON: Yes.

19 MR. PANEQUE: -- yes, you can, sir.

20 MR. GOMEZ: Well, I collaborated with
21 somebody.

22 MR. PANEQUE: That's fine.

23 MR. GOMEZ: Okay.

24 On a conciliatory note, why not let the
25 better angels prevail, and improve and

1 | rehabilitate the property? Does not appear that
2 | much has been done there since the purchase was
3 | made.

4 | As property owners, you have the right to
5 | be respected, as we all do. We live on this
6 | block. Some of us for 40 years and more. We
7 | have maintained our properties and help one
8 | another.

9 | Your proposal will not improve this.
10 | Instead of trying to squeeze every last penny
11 | from every square inch of this property, why not
12 | -- why not make three really superb apartments?
13 | Why not fix the garages, cover all the parkings
14 | that will be needed, why not restore the original
15 | rose garden next to the Head Start, instead of
16 | covering a hundred percent of the property with
17 | buildings and concrete.

18 | It goes on and on but we're not Hoboken.
19 | We're not Brooklyn. And this constant
20 | gentrification does not help working class and
21 | middle class people.

22 | I -- I thank you for listening to me.
23 | That's my take.

24 | VICE CHAIRMAN GRULLON: Thank you, Mr. --

25 | MS. GUTIERREZ: Thank you, sir.

1 VICE CHAIRMAN GRULLON: -- Gomez.

2 MS. GUTIERREZ: Thank you.

3 (Applause.)

4 VICE CHAIRMAN GRULLON: Any other member of
5 the public?

6 MS. KAPP: I just want to say that it's not
7 only the --

8 MS. DILLON: Wait. Wait.

9 Ma'am, just come up here first. We have to
10 do it the right way.

11 MS. KAPP: Yes. Sorry. Yes.

12 MS. DILLON: Please raise your right hand.

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

15 MS. KAPP: Yes. Yes.

16 MS. DILLON: What is your name?

17 MS. KAPP: My name is Edna Kapp, K-A-P-P.

18 MS. DILLON: And your address.

19 MS. KAPP: 318 4th Street.

20 MS. DILLON: Thank you.

21 MS. KAPP: Okay. I understand that we're
22 kind of screwed. There's not much we can do.

23 But I do not own a car. I have a problem
24 not only with the parking, but as everyone said,
25 that this is going to severely change the

1 character of the neighborhood in every way.

2 I mean, you look at this building, with
3 this modern thing on the top, this is not in
4 fitting with the neighborhood physically.

5 Even though there are garages and even
6 though there's the driveway next to it, these
7 cars are all going to have to back out into the
8 street when they want to get out. And we're
9 talking about eight or nine cars in the spaces
10 there.

11 So, they're all going to have to back out
12 into the street, as everybody has said already.
13 It's a very narrow street. There's a church.
14 There's a lot of traffic.

15 In addition, all of these people are going
16 to have people visiting either with more cars or
17 on foot.

18 I mean, this is drastically going to change
19 the neighborhood. It's going to be more car
20 traffic, more pedestrian traffic, more noise,
21 more garbage, more pollution, more exhaust fumes.

22 There's a Head Start Daycare Center
23 directly next door.

24 This is not helping the neighborhood. It's
25 not in character with the neighborhood. It's not

1 preserving it. It's not doing anything to help
2 Union City.

3 VICE CHAIRMAN GRULLON: Thank you.

4 MS. GUTIERREZ: Thank you.

5 MR. MULKAY: I'd like to have my client
6 come up and testify.

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

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

11 MR. CHARTIER: I do.

12 MS. DILLON: Please state your name and
13 spell it for me.

14 MR. CHARTIER: Thomas Chartier, T-H-O-M-A-S,
15 C-H-A-R-T-I-E-R.

16 MS. DILLON: Thank you.

17 MR. MULKAY: Mr. Chartier, could you tell
18 the members of the Board a little bit about your
19 background and why -- why it is that you're
20 proposing the project that you're proposing?

21 MR. CHARTIER: My company is about 12 years
22 old, and we -- we tend to take pride in rehabbing
23 existing structures.

24 We like incorporating the history of the
25 building. When the history's been lost, we tend

1 to try to bring it back, whether it's through a
2 sculpture, some sort of identity on the building.

3 Everything we do is to the highest levels
4 of green building, LEED platinum. We're building
5 net zero energy buildings, net zero energy homes.

6 MR. MULKAY: Could you explain what that
7 means, LEED platinum, and -- and zero energy
8 homes?

9 MR. CHARTIER: Typically, our homes use
10 anywhere from 50 to a hundred percent less energy
11 than Code requires, which means more
12 affordability for the people living there, but
13 less pollution, less -- less emissions.

14 We typically use -- reduce water
15 consumption by at least 40 to 50 percent. We put
16 in storm water detention. This property is not
17 going to be covered in con -- in sort of a
18 parking lot, it's going to be covered impervious
19 pavement that lets the storm water actually
20 percolate down into the ground.

21 You know, we typically try to plant at
22 least ten trees in the neighborhood every time we
23 build, wherever we build.

24 MR. MULKAY: And that is at a greater
25 expense than if you just, for example, on this

1 property, if you just blacktop the driveway.

2 That would be significantly cheaper than doing
3 pervious lot pavers.

4 Correct?

5 MR. CHARTIER: Yes. Absolutely.

6 MR. MULKAY: And the design here, this is a
7 much more expensive project than it would be, if
8 you knocked this down and build two three family
9 homes.

10 Correct?

11 MR. CHARTIER: Absolutely.

12 I mean, one of our company's goals is
13 trying to get to zero waste. Any time we ever do
14 have to do any type of demolition, we come
15 through beforehand. We salvage materials. We
16 take out the doors. We take out the windows. We
17 take out any type of moldings.

18 We bring in local vendors that are
19 craftsmen and -- and restore the stairs, and --
20 and any type of millwork and we -- you know, we
21 find it new homes. We've re-purposed the
22 material, and we try to salvage buildings
23 whenever we can, and that's really what we kind
24 of loved about this.

25 You know, we've gone to great lengths to

1 try to preserve this building, which is probably
2 upwards of a hundred years old, preserve the
3 history that -- that's there.

4 I knew Catherine. I didn't know the
5 previous owner, who we bought it from. I didn't
6 meet her husband, but we had a lot of
7 conversations with her before we bought it.

8 You know, she wanted to sell it to someone
9 else originally. We were not -- you know, we
10 were sort of the -- the lower bidder there. And
11 after having conversations with me and my
12 brother, she ended up selling it to us.

13 MR. MULKAY: Is that because you committed
14 to trying to preserve the building and doing the
15 addition, you tried to preserve the building?

16 MR. CHARTIER: Yes.

17 MR. MULKAY: Isn't that correct?

18 MR. CHARTIER: Yes.

19 MR. MULKAY: Okay. All right.

20 MR. CHARTIER: You know, we're -- we're
21 building -- we tend to build larger apartments
22 than most builders do, because we know we're
23 building for families.

24 I mean, we have a list of -- of people who
25 contact us, essentially, seeing what we've built

1 | in the past, and asking us if we'll build them
2 | something similar.

3 | So, we -- these are going to be families.
4 | I mean, the -- we've built seven condos two
5 | blocks away from here. They came from inside
6 | Union City, Weehawken, Jersey City, some from
7 | Hoboken. And these are families moving into
8 | larger space.

9 | We're currently building five other condos.
10 | Same situation. They're families. They're
11 | coming there with kids. So, a three bedroom is
12 | going to have parents, and then children.

13 | And our experience has been that everyone
14 | that we've sold to so far has one car. That's
15 | it.

16 | I -- I totally understand the parking
17 | situation. I -- I deal with it myself. I live
18 | about six blocks away.

19 | And we -- we're doing what we can to try to
20 | -- you know, to -- to mitigate it, kind of one --
21 | one building at a time.

22 | I mean, I -- I hear their concerns, and we
23 | -- we've spent upwards of two years on this
24 | design, really thinking about it, trying to make
25 | it what we think is the best for this property,

1 best for the neighborhood.

2 And you know, this is what we've come up
3 with.

4 MR. MULKAY: Are you aware the neighbor to
5 your left, the daycare, have you had
6 conversations --

7 MR. CHARTIER: We've -- I've met with the
8 head of maintenance, and several other members
9 from the daycare facility. And we've agreed to
10 address some of their concerns.

11 Some of their concerns have to do with
12 construction. The children take -- have a
13 naptime. So, we've agreed to refrain from any
14 type of noisy outside construction during that
15 naptime. We've agreed to put up silt fencing to
16 protect any of their equipment from any
17 construction dust.

18 And they essentially have no objections to
19 it.

20 MR. MULKAY: To the project. Yes.

21 MR. CHARTIER: The other -- I'm sorry. The
22 other -- the other issue they had was making sure
23 that there's a barrier between our property. And
24 we're building a concrete fence.

25 MR. MULKAY: Nothing further.

1 VICE CHAIRMAN GRULLON: Okay. Mr. Mulkey,

2 --

3 MS. GUTIERREZ: Thank you, sir.

4 VICE CHAIRMAN GRULLON: -- considering that
5 one of the -- one of the thing that concern the
6 most to us is parking, I see that -- on -- on
7 your ground floor, on unit number 4, for example,
8 unit number 4, could you convert -- could you
9 provide more parking in that -- in that space?
10 You go up to unit number 4.

11 I believe that -- that's the existing
12 garage that is going to be part of unit number 4.

13 Is any way to accommodate additional cars
14 in there?

15 MS. DILLON: Wait a minute, Mr. Melia.

16 You're too far away. Sorry.

17 MR. MELIA: I'll stand here and talk about
18 it.

19 MS. DILLON: Okay.

20 MR. MELIA: Looking at the floor plan, the
21 two cars that are proposed in the existing
22 garage, there is room for a third car, if we
23 relocate the HVAC units that are in front of the
24 -- the three spaces, space 4, 5, and 6. There's
25 some HVAC units in front of those.

1 If we relocate them, pull those three
2 spaces forward, we can fit a car to the left of
3 space number 7.

4 So, that would effectively add two cars to
5 what we're proposing.

6 MS. GUTIERREZ: And then would be 11 cars?

7 MR. MELIA: It would be -- there is eight
8 currently on the plan. That's adding two.

9 MS. GUTIERREZ: It's going to be ten.

10 MR. MELIA: The one in the street is going
11 to remain the ADA space for the neighbor. So,
12 ten spaces for six units.

13 VICE CHAIRMAN GRULLON: On the existing
14 garage right now, how many cars in the -- is that
15 garage space?

16 The existing garage as -- as the way it is
17 now.

18 MR. MELIA: It's -- it's a -- there's more
19 than one door there. You could probably park
20 four cars in it.

21 But if we add more cars there, you won't be
22 able to get the car in there. There'll be too
23 many cars in the way.

24 So, I don't know if that's where you're
25 going, but if you add --

1 VICE CHAIRMAN GRULLON: Yeah. That's --

2 MR. MELIA: -- cars --

3 VICE CHAIRMAN GRULLON: That's where I --

4 MR. MELIA: -- here --

5 VICE CHAIRMAN GRULLON: -- was going, to
6 add cars there.

7 MR. MELIA: In order to navigate in,
8 there'd be too much moving around.

9 And just to address -- I did say it, but it
10 was brought up again --

11 MS. DILLON: Come back.

12 MR. MELIA: I did say it, but it was
13 brought up again about the cars reversing into
14 the street.

15 That's not the case. There is a square in
16 front of the two cars that are in the garage
17 that's over 20 feet in both directions. You
18 would effectively turn around in that space and
19 drive straight out of the site.

20 And that's the case for all of the spaces.
21 Nobody would reverse into the street.

22 VICE CHAIRMAN GRULLON: And the exist --
23 existing is only one curb cut on the -- on the
24 property?

25 MR. MELIA: Correct.

1 VICE CHAIRMAN GRULLON: And your proposed
2 is only one curb cut.

3 MR. MELIA: Correct. Yes.

4 VICE CHAIRMAN GRULLON: Like, if this
5 application is denied, and you will go with the
6 two three family, you will -- you will have two
7 curb cuts.

8 MR. MELIA: Correct.

9 VICE CHAIRMAN GRULLON: And how many -- how
10 many cars --

11 MR. MELIA: I can't --

12 VICE CHAIRMAN GRULLON: Could you go over
13 --

14 MR. MELIA: I can't speak to what -- if the
15 developer would keep the site or not, but if
16 we're talking about what is permitted, as of
17 right, you're looking at some developer coming
18 along and building two three families, with --
19 each with their own curb cut, where there's two
20 cars on each side, and they're parked in tandem,
21 so they have to reverse out onto the street. And
22 you lose the handicap space that is present. You
23 would lose any parking out on the street
24 frontage.

25 MR. MULKAY: So, you would end up with

1 | eight parking spots rather than nine, but you'd
2 | lose one curb cut on the street, so you'd lose a
3 | parking spot on the street. At least one,
4 | possibly two parking spots on the street.

5 | Correct?

6 | MR. MELIA: Yes.

7 | MR. MULKAY: So, as it currently stands,
8 | there's nine parking spaces with -- swap --
9 | swapping the handicap, which I think the Board
10 | would require the handicap spot, you'd have now
11 | nine parking spaces, plus you'd have,
12 | essentially, two off on the street.

13 | Correct?

14 | MR. MELIA: Well, we're not going to count
15 | the two on the street, because we're keeping the
16 | --

17 | MR. MULKAY: Right.

18 | MR. MELIA: -- handicap --

19 | MR. MULKAY: We won't keep it, but I'm
20 | suggesting that --

21 | MR. MELIA: Yes.

22 | MR. MULKAY: -- we're keeping it there.
23 | So, essentially, there's 11 parking spaces, if
24 | this project is approved.

25 | If this project is denied, and the two

1 three families are built, you'd end up with eight
2 parking spot instead of 11.

3 Correct?

4 MR. MELIA: Yes.

5 MR. MULKAY: And the same number of
6 families.

7 MR. MELIA: Correct. Same number of units.
8 Same --

9 MR. MULKAY: Same number --

10 MR. MELIA: -- number of bedrooms.

11 MR. PANEQUE: The eight parking spaces that
12 you would end up in the two three families
13 actually would be tandem parking spots.

14 Correct?

15 MR. MELIA: Correct. And, actually,
16 there's no reason why they couldn't do them three
17 deep. You would have a driveway, where you would
18 park two cars.

19 MR. PANEQUE: Um hum.

20 MR. MELIA: And then, you would have a
21 parking garage with four cars in it. So, the
22 cars would be three deep.

23 MR. PANEQUE: Yeah.

24 MR. MELIA: With this configuration, you
25 get more parking into it because the cars can go

1 around the building.

2 MR. MULKAY: You wouldn't be able to get
3 parking in the back --

4 MR. MELIA: Yeah.

5 MR. MULKAY: -- with the three families.
6 With this, you could.

7 MR. MELIA: Just to -- to mention it, to
8 the testimony that one of the neighbors gave,
9 we're not trying to be greedy. Like this is
10 conforming with the -- the number of units, the
11 lot coverage.

12 We're not trying to squeeze every penny out
13 of this. A lot of money is going into the
14 project.

15 You know, it's not --

16 MR. MULKAY: In fact --

17 MR. MELIA: -- two cookie cutters that --
18 you know, the sole goal is for the bottom line.

19 MR. MULKAY: In fact, it would be cheaper
20 to knock this down and build two three families.

21 MR. MELIA: Correct. So --

22 MR. MULKAY: Significantly cheaper.

23 MR. MELIA: Needs to be noted that the goal
24 is not to maximize what we can get from this
25 property.

1 VICE CHAIRMAN GRULLON: I mean, what --
2 what I -- what I'm trying to go is to see if you
3 can knock down that unit number 4 and provide
4 more parking, and see if you can get close to 12
5 parking spaces.

6 Could you -- is there any possible way to
7 do that? Like knock down this and try to convert
8 all these area into parking?

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

11 MR. MULKAY: What my client --

12 MS. DILLON: Just to the microphone, Mr.
13 Mulkay, please.

14 MR. MULKAY: What my client -- what my
15 client just suggested was, he says that they've
16 been looking at this for about a year and a half,
17 and they've been looking at it.

18 There's no way he thinks that they could do
19 the -- add more parking space. And I think the
20 -- the architect would agree here.

21 But he would be willing to eliminate the
22 one bedroom and reduce it to a five unit
23 building.

24 VICE CHAIRMAN GRULLON: Five unit.

25 MR. MULKAY: So, get rid of one -- one

1 apartment and end up with five units.

2 VICE CHAIRMAN GRULLON: And nine -- and
3 nine parking spaces.

4 MR. MULKAY: And the same nine parking
5 spaces. Right. So that accommodates a little
6 bit, takes all your issues into account and --

7 MS. GUTIERREZ: Yeah. It's better.

8 MR. MULKAY: -- reduces the impact from six
9 to five, but it's still much better off now with
10 that proposal.

11 Is that -- (indiscernible)?

12 VICE CHAIRMAN GRULLON: Yes.

13 MR. PANEQUE: Which is the unit that would
14 be eliminated?

15 MR. MULKAY: The one bedroom.

16 VICE CHAIRMAN GRULLON: The one bedroom.

17 MR. PANEQUE: The one bedroom?

18 VICE CHAIRMAN GRULLON: Go from six unit --

19 MR. MELIA: It's unit number 1, it's --

20 MR. PANEQUE: One?

21 MR. MELIA: -- presently in the basement.

22 MS. GUTIERREZ: Okay.

23 MR. PANEQUE: Okay.

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

1 VICE CHAIRMAN GRULLON: First, I --

2 MR. PANEQUE: Well, before that, since we
3 -- we just had testimony, I think you have to
4 open it to the public, because there was
5 testimony after that.

6 VICE CHAIRMAN GRULLON: Okay. At this
7 point, we're just going to open it to the public
8 one more time.

9 If anyone has any comments, want to step
10 forward?

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

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

15 MR. MOYA: Yes.

16 MS. DILLON: Your name?

17 MR. MOYA: Cesar, C-E-S-A-R, last name
18 Moya, M-O-Y-A.

19 MS. DILLON: I'm sorry. Spell it again.

20 MR. MOYA: M-O-Y-A.

21 MS. DILLON: M-O-Y --

22 MR. MOYA: Yes. Y.

23 MS. DILLON: -- A?

24 MR. MOYA: Yes.

25 MS. DILLON: And your address.

1 MR. MOYA: 314 4th Street.

2 MS. DILLON: Thank you, sir.

3 MR. MOYA: My question is, is I just wanted
4 -- like if he's only like put those parking,
5 nine, instead of eight like you told him.

6 VICE CHAIRMAN GRULLON: Yes.

7 MR. MOYA: That be a bad idea. All those
8 that have the letter, just --

9 VICE CHAIRMAN GRULLON: No. Actually, they
10 going to -- if it's granted, they're going to
11 have to provide revised plans.

12 MR. MOYA: Okay.

13 VICE CHAIRMAN GRULLON: And to be able to
14 come to the Building Department and see it for
15 yourself before they start construction.

16 MR. MOYA: That's my question.

17 VICE CHAIRMAN GRULLON: Thank you.

18 MR. MOYA: That's it.

19 MS. GUTIERREZ: Thank you, sir.

20 All right.

21 MR. PANEQUE: Anybody else?

22 VICE CHAIRMAN GRULLON: Any other member of
23 the public?

24 MR. GOMEZ: Can I add something?

25 VICE CHAIRMAN GRULLON: Yes. You want to

1 step forward? Yes. Come.

2 MS. DILLON: You have to come to the
3 microphone.

4 Just state your name again.

5 MR. GOMEZ: Yes.

6 Mike Gomez, 322 4th Street.

7 It's rare that you would see a developer
8 make a concession. And that's impressive.

9 So, I don't know about you guys, but thank
10 you, sir.

11 That's a first step in being a good
12 neighbor, if you heard what we said.

13 Did you -- did -- you bought it from
14 Catherine, right?

15 MR. CHARTIER: Yes.

16 MR. GOMEZ: You know anything about Jim?

17 MR. CHARTIER: She told me about him.

18 MR. GOMEZ: Okay. Good.

19 That was what I wanted to say.

20 VICE CHAIRMAN GRULLON: Thank you, Mr.
21 Gomez.

22 MR. GOMEZ: Compromise was made.

23 MS. GUTIERREZ: Thank you, sir.

24 MR. GOMEZ: And counsel explained to us
25 that he does have the option of just knocking,

1 and we'd still be complaining. We're stuck out
2 of luck.

3 But I thank you all. It's been a long
4 night. Thank you.

5 And -- and also, we're very proud of Union
6 City. He talked about how proud -- proud he is
7 of being a Union City long term resident.
8 Counsel has said the same thing.

9 VICE CHAIRMAN GRULLON: We all are.

10 MR. GOMEZ: Yeah.

11 MS. GUTIERREZ: We all are.

12 MR. GOMEZ: And -- and not to patronize you
13 guys but --

14 MS. GUTIERREZ: That's why we're here.

15 MR. GOMEZ: When I came to Union City,
16 people still come and visit me, and they says,
17 I'm so surprised. I said, this ain't Jersey
18 City.

19 MS. GUTIERREZ: Thank you.

20 VICE CHAIRMAN GRULLON: Thank you.

21 MS. GUTIERREZ: Thank you.

22 (Applause.)

23 MS. GUTIERREZ: All right.

24 VICE CHAIRMAN GRULLON: Taking in
25 consideration that if -- if this is not granted,

1 | what could be allowed in that -- in that lot to
2 | be -- would make the situation worse for the
3 | neighborhood.

4 | And first, I want to thank -- also, thank
5 | the develop -- the owner of the property, Mr.
6 | Chartier, for reducing the amount of apartments.

7 | And I'm going to make a motion to grant the
8 | application with the condition of nine parking
9 | spaces and five -- and five apartments.

10 | MS. GUTIERREZ: I'm seconding.

11 | THE SECRETARY: Motion to grant the
12 | application with the conditions by Mr. Grullon.

13 | Second by Mrs. Gutierrez.

14 | Roll call on the motion.

15 | Mr. Grullon?

16 | VICE CHAIRMAN GRULLON: You provide revised
17 | plans?

18 | Yes.

19 | THE SECRETARY: Mrs. Gutierrez?

20 | MS. GUTIERREZ: Yes.

21 | THE SECRETARY: Mr. Ortiz?

22 | MR. ORTIZ: Yes.

23 | THE SECRETARY: Mr. Pressey?

24 | MR. PRESSEY: Yes.

25 | THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

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

4 VICE CHAIRMAN GRULLON: And thank you to
5 all the neighbors.

6 MS. GUTIERREZ: Thank you.

7 VICE CHAIRMAN GRULLON: For coming. Thank
8 you.

9 MS. GUTIERREZ: Thank you.

10 VICE CHAIRMAN GRULLON: Have a good night.

11 MS. GUTIERREZ: Have a great night.

12 A VOICE: Thank you.

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1 **OTHER BUSINESS:**

2 **4005 PALISADE AVENUE:**

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4 VICE CHAIRMAN GRULLON: You have one more?

5 MR. SPATZ: Back to me for two minutes.

6 VICE CHAIRMAN GRULLON: He has to be --

7 Now we're going to have --

8 MR. SPATZ: I can -- I'll definitely do
9 that.

10 MR. MEDINA: It's going to be quick.
11 Right?

12 MR. SPATZ: I can absolutely do it.

13 Okay. So, 4005, they can't put the two
14 trees to the front. They want to --

15 MS. DILLON: Wait, wait, wait, wait, wait.
16 Wait. David?

17 MR. SPATZ: Okay.

18 MS. DILLON: Just hold that in -- no, no.

19 MR. SPATZ: You want me to go to that?

20 MS. DILLON: No. Hold that in your hand.

21 MR. SPATZ: Okay. All right.

22 4005 Palisade Avenue. They got approval
23 from this Board. They had two trees in the front
24 yard in the street. They can't plant them there
25 because there's a gas line and a light pole.

1 They want to move the two trees to the backyard.

2 So, the Building Department won't do it
3 without this Board's authorization.

4 If you want, I will write a letter to the
5 Building Department and tell -- and tell them
6 that that's okay.

7 VICE CHAIRMAN GRULLON: Yes.

8 MS. GUTIERREZ: Yes.

9 MR. SPATZ: Okay.

10 The other thing they wanted to do was
11 instead of grass in the backyard, they wanted to
12 have it be gravel.

13 If that's okay with you, if you would
14 prefer grass --

15 VICE CHAIRMAN GRULLON: Are they --

16 MR. SPATZ: -- I'll tell them that.

17 VICE CHAIRMAN GRULLON: They're going to be
18 planting the trees in the backyard?

19 MR. SPATZ: Right.

20 VICE CHAIRMAN GRULLON: Yes.

21 MR. SPATZ: So you want --

22 VICE CHAIRMAN GRULLON: That's okay with
23 us.

24 MR. SPATZ: So gravel is okay?

25 VICE CHAIRMAN GRULLON: Gravel is okay.

1 MR. SPATZ: Okay. Fine.

2 VICE CHAIRMAN GRULLON: Planting the tree
3 in the backyard is --

4 MR. SPATZ: Perfect.

5 VICE CHAIRMAN GRULLON: -- okay --

6 MR. SPATZ: Okay.

7 VICE CHAIRMAN GRULLON: -- with this Board.

8 MR. SPATZ: Very good. I will send --

9 MS. GUTIERREZ: We have -- we have to vote,
10 or no?

11 MR. SPATZ: I don't think so. If you --
12 you want to just put on the record just that they
13 authorize me to do it.

14 MR. PANEQUE: Yes.

15 Mr. Spatz has -- has made a request --
16 let's just take a quick --

17 VICE CHAIRMAN GRULLON: Vote.

18 MS. GUTIERREZ: Vote.

19 MR. PANEQUE: Vote. All right?

20 VICE CHAIRMAN GRULLON: Yes to allow.

21 MS. GUTIERREZ: Yes to allow.

22 MR. PRESSEY: Yes.

23 MR. MEDINA: Yes.

24 MR. ORTIZ: Yes to allow.

25 MR. PANEQUE: All right.

1 Let it -- let the record show that there
2 are five affirmative yes on Mr. Spatz's request
3 to make the changes.

4 MR. SPATZ: Okay. I will send them the
5 letter and I'll send a copy to Carlos so he has
6 it in the file.

7 Thanks a lot.

8 MS. GUTIERREZ: That's perfect.

9 Good night.

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

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1 **ADJOURNMENT :**

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

6 Motion made by Mr. Ortiz.

7 MS. GUTIERREZ: Second.

8 THE SECRETARY: Second by Mr. Pressey.
9 Roll call on the motion to --

10 MS. DILLON: All in favor.

11 THE SECRETARY: -- to end the meeting.

12 VICE CHAIRMAN GRULLON: All in favor.

13 THE SECRETARY: All in favor?

14

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

16

17 THE SECRETARY: The ayes have it.

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

20 Thank you have a good night.

21 MS. GUTIERREZ: Twelve o'clock. Twelve
22 o'clock already.

23 VICE CHAIRMAN GRULLON: Show the time.

24 (Whereupon, the proceedings were concluded
25 at 11:59 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

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, January 12, 2017,
11 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon