

City Hall
3715 Palisade Avenue
Union City, New Jersey

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

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

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:

RUDY RIVERO, (Left at 6:14 p.m.)
YDALIA GENAO, (Left at 6:14 p.m.)
ALICIA MOREJON, (Left at 6:14 p.m.)
JEANNE KOEHLER, (Left at 6:14 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

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 4415-4421 NY Ave., LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant 207 39th Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, David (sic) T. Valdivia

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Isaac Rosenberg

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
The Cheskel Rosenberg Family Trust

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

3 Please take notice that on Thursday,
4 February 16, 2017, at six p.m., a Regular Meeting
5 is scheduled for the Union City Zoning Board of
6 Adjustment to be held in the Municipal Chamber,
7 located on the second floor, 3715 Palisade
8 Avenue, Union City, New Jersey.

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

11

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

14

15 THE SECRETARY: Thank you.

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

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

25

1 **ROLL CALL:**

2

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

5 Andres Garcia? Absent.

6 Victor Grullon?

7 VICE CHAIRMAN GRULLON: Here.

8 THE SECRETARY: Margarita Gutierrez?
9 Absent.

10 Miguel Ortiz? Is absent.

11 David Pressey?

12 MR. PRESSEY: Here.

13 THE SECRETARY: Harlenny Javier? Absent.

14 Khaled Dardir? Absent.

15 John Medina? Absent.

16 THE SECRETARY: Joseph Bonacci?

17 MR. BONACCI: Here.

18 THE SECRETARY: Liberio Marotta? Absent.

19 THE SECRETARY: Peter Doumas?

20 MR. DOUMAS: Here.

21 THE SECRETARY: Let the record indicate
22 there are four present, so we can start the
23 meeting.

24 * * *

25

1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

2

3 (1) Approval of previous meeting minutes from
4 January 12, 2017.

5

6 THE SECRETARY: We are going to the
7 Approval of Previous Meeting Minutes for January
8 12, 2017.

9 Can I have a motion to adopt?

10 VICE CHAIRMAN GRULLON: I motion it.

11 THE SECRETARY: Motion by Mr. Grullon.

12 MR. BONACCI: I'll second that.

13 THE SECRETARY: Second by Mr. Bonacci.

14 Roll call on the motion.

15 Mr. Grullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: Yes.

19 THE SECRETARY: Mr. Bonacci?

20 MR. BONACCI: Yes.

21 THE SECRETARY: Mr. Doumas?

22 MR. DOUMAS: Yes.

23 THE SECRETARY: Four in favor, motion
24 carries.

25

* * *

1 **RESOLUTIONS:**

2

3 (1) Union City Board of Education, 516-526 36th
4 Street and 517-527 36th Street, Block 213, Lot 28.
5 Multi-level parking garage.

6

7 THE SECRETARY: Now, we are going to go to
8 the first Resolution. That will be the Union
9 City Board of Education.

10 Can any Board member have a conflict, can
11 you stand off the -- can recuse themselves a few
12 minutes?

13 MR. DOUMAS: I guess that leaves me.

14

15 (Whereupon, Victor Grullon, David Pressey
16 and Joseph Bonacci were recused and stepped down
17 from the dais.)

18

19 THE SECRETARY: Can you just have a seat
20 over there?

21 A VOICE: Yes.

22 THE SECRETARY: Can anybody from the
23 Planning Board please have a seat?

24 The Board members from the Planning Board.

25 Thank you.

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

5
6 THE SECRETARY: Now we don't have anybody
7 from the Zoning Board to move it.

8 MR. SPATZ: You don't need a --

9 THE SECRETARY: You don't need --

10 MR. SPATZ: No. They're -- they're members
11 for this and you don't need a Chairman for it.
12 Just somebody make a motion, somebody second it,
13 and you vote.

14 THE SECRETARY: All right.

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

17 THE SECRETARY: Okay. May I have your
18 attention, please?

19 Union City Board of Education, 516-526 35th
20 Street and 517-527 36th Street.

21 This application was approved at the
22 previous meeting.

23 Members of -- of the Board can vote is Mr.
24 Ortiz is not here, Mr. Marotta's not here, Mr.
25 Rivero from the Planning Board can vote, Mrs.

1 Genao from the Planning Board, Mrs. Morejon from
2 the Planning Board and Mrs. Koehler from the
3 Planning Board.

4 Mr. Doumas, you can abstain. You wasn't
5 here.

6 MR. DOUMAS: Okay.

7 THE SECRETARY: Can I have a motion to
8 adopt the Resolution?

9 MS. MOREJON: Motion.

10 THE SECRETARY: Motion by Mrs. Morejon.
11 Second by?

12 MS. MOREJON: Second by? Second?

13 THE SECRETARY: Second by Mrs. Koehler.
14 Roll call on the motion.

15 Mr. Rivero?

16 Rudy?

17 MR. RIVERO: Yes.

18 Sorry.

19 THE SECRETARY: Ms. Genao?

20 MS. GENAO: Yes.

21 THE SECRETARY: Mrs. Morejon?

22 MS. MOREJON: Yes.

23 THE SECRETARY: Mrs. Koehler?

24 MS. KOEHLER: Yes.

25 THE SECRETARY: All in favor? Motion

1 carries.

2 Thank you. Thank you for the --

3 MS. KOEHLER: Thank you.

4 THE SECRETARY: -- Board members of the
5 Planning Board.

6 Have a good night.

7

8 (Whereupon, Planning Board Members Rudy
9 Rivero, Ydalia Genao, Alicia Morejon and Jeanne
10 Koehler left the meeting at 6:14 p.m.)

11

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

14 THE SECRETARY: The Zoning Board members,
15 can you please join the meeting?

16 Thank you.

17

18 (Whereupon, Victor Grullon, David Pressey
19 and Joseph Bonacci returned to the dais.)

20

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

23

* * *

24

25

1 **RESOLUTIONS:**

2

3 (3) Sip Inka, LLC, 717-719 Sip Street and 718-
4 720 31st Street, Block 171, Lots 13, 14, 33 and
5 34. Resolution was memorialized January 15,
6 2015. Applicants are seeking a one year
7 extension.

8 (4) 2505 Central, LLC, 2505 Central Avenue,
9 Block 144.01, Lot 12. Legalization of a basement
10 apartment, building has six units, it will become
11 seven.

12 (5) Oz Holdings, LLC, 4313-4315 Bergenline
13 Avenue, Block 254, Lots 45, 46. Applicants are
14 proposing to subdivision of Block 254, Lots 45
15 and 46, along existing lot line. *Subdivision.

16 (6) Oz Holdings, LLC, 4313-4315 Bergenline
17 Avenue. Construct a new three family residence.
18 *Site plans

19

20 THE SECRETARY: Now, we are -- we are going
21 to Resolutions.

22 We have a Resolution number -- next
23 Resolution.

24 Sip Inka, LLC, 717-719 Sip Street.

25 The applicant was seeking for one year

1 extension, was approved at the previous meeting.

2 Next Resolution, 2505 Central Avenue, LLC,
3 2505 Central Avenue. Approval at previous
4 meeting.

5 Next Resolution, Oz Holding, LLC, 4313-4315
6 Bergenline Avenue.

7 The application was approved at the
8 previous meeting for subdivision.

9 And the next one is Oz Holding, LLC, 4313-
10 4315 Bergenline Avenue, site plans. Approved at
11 the previous meeting.

12 Can I have a motion to adopt these four
13 Resolutions?

14 VICE CHAIRMAN GRULLON: Motion to adopt the
15 --

16 THE SECRETARY: Motion by Victor Grullon.

17 Second by?

18 Can I have a second?

19 Second by Mr. Pressey.

20 Roll call on the motion.

21 Mr. Grullon?

22 VICE CHAIRMAN GRULLON: Yes.

23 THE SECRETARY: Mr. Pressey?

24 MR. PRESSEY: Yes.

25 THE SECRETARY: Two in favor, motion

1 carries.

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

4

5 (Whereupon, Miguel Ortiz arrived at 6:17
6 p.m.)

7

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

10 Let the record indicate that Mr. Miguel
11 Ortiz joined the meeting. We have a full quorum
12 of five members, 6:40 (sic).

13 No. I'm sorry.

14 MR. SPATZ: Six twenty.

15 THE SECRETARY: Six twenty (sic).

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

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1 **RESOLUTIONS:**

2

3 (2) Rare Enterprises, LLC c/o Joseph Franco,
4 415-419 35th Street, Block 205, Lot 18-21.

5 Demolition of existing structure and construction
6 of new mix use building, three stories,
7 consisting of two commercial units and 16
8 residential units.

9

10 THE SECRETARY: We are going to a deny
11 Resolution.

12 Rare Enterprise, LLC, c/o Joseph Franco,
13 415-419 35th Street.

14 This application was denied at the previous
15 meeting.

16 The only Board members can vote on this
17 Resolution is Mr. Grullon; Mrs. Gutierrez, she's
18 absent; Mr. Ortiz is present; Mr. Medina is
19 absent.

20 Can I have a motion to adopt the deny
21 Resolution?

22 VICE CHAIRMAN GRULLON: Motion to adopt the
23 --

24 THE SECRETARY: Motion --

25 VICE CHAIRMAN GRULLON: -- denial.

1 THE SECRETARY: -- by Mr. Gullon.

2 Second by?

3 MR. ORTIZ: Aye.

4 THE SECRETARY: Mr. Ortiz.

5 Roll call on the motion.

6 Mr. Gullon?

7 VICE CHAIRMAN GRULLON: Yes, to deny.

8 THE SECRETARY: To approve the denial
9 Resolution.

10 Mr. Ortiz?

11 MR. ORTIZ: Yes, to deny.

12 THE SECRETARY: To approve the deny
13 Resolution, two in favor.

14 Motion carries.

15 Thank you.

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

18 * * *

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1 **Paula Escobar - 2404 Summit Avenue:**

2

3 THE SECRETARY: Okay.

4 We are going tonight's first application.

5 This is a continuation from the previous meeting.

6 Paula Escobar, 2404 Summit Avenue, new
7 daycare center.

8 Mrs. Pereiras, please.

9 MS. PEREIRAS: Thank you.

10 Good evening, Mr. Chairman, members of the
11 Board.

12 May it please the Board, Bianca Pereiras,
13 on behalf of Paula Escobar.

14 This is a continuation. We have previously
15 presented testimony from our expert architect, as
16 well as our planner, as far as operating a
17 daycare facility at 2404 Summit Avenue.

18 The Board wanted to ensure that we could
19 send vehicular traffic, or drop off and pickups
20 off of 24th Street, and not on Summit Avenue.

21 So, to that, we have prepared an easement
22 where the adjoining property owner has agreed to
23 grant my client this easement to allow the
24 children to come in and out from the 24th Street
25 entrance.

1 We have provided a copy of that easement to
2 counsel.

3 MR. PANEQUE: Yes.

4 For the record, I've been provided with a
5 copy of the ingress and egress easement
6 agreement.

7 And there's a couple of comments that I'd
8 like to bring to Ms. Pereiras' attention.

9 MS. PEREIRAS: Um hum.

10 MR. PANEQUE: The -- which I previously
11 discussed with her, that being that the agreement
12 does not have a metes and bounds description for
13 the actual easement slice that is coming out
14 through the -- from one property through the
15 other.

16 I've explained to Ms. Pereiras that in
17 order so that the easement is properly marked, we
18 must have a metes and bounds description from a
19 surveyor, so that there could be no doubt as to
20 where the easement is located, and there could be
21 no changing of the easement's position later on
22 in the future. It's recorded that way.

23 Now, there's something else that I note,
24 while reading the easement agreement, and I'm
25 going to ask Ms. Pereiras to please make this

1 accommodation.

2 MS. PEREIRAS: Um hum.

3 MR. PANEQUE: And we -- we would request
4 that it be also a condition, and that is that
5 there must be language in this easement agreement
6 that this easement agreement cannot be revoked or
7 any -- in any way cancelled, during the time that
8 the daycare is in existence.

9 So, we don't want a situation where five
10 years down the road, the gentleman who owns the
11 property where the easement is going through,
12 decides to build a building and says, I'm
13 revoking the easement.

14 We need language to that effect in the
15 easement.

16 Subject to those two conditions, that being
17 that we get a legal description for the actual
18 easement, and that there's language in there that
19 it cannot be revoked while the daycare is in
20 existence and operating, those would be the only
21 conditions that I would suggest to the Board as
22 having this matter being approved.

23 MS. PEREIRAS: And I'd be happy to provide
24 those to the Board.

25 MR. PANEQUE: Okay.

1 VICE CHAIRMAN GRULLON: You don't have any
2 -- any further question?

3 After hearing -- after attorney revising
4 the documentation that you provide, as -- as we
5 request, I -- we don't have any -- any other
6 question, I don't see any reason why we -- to
7 hold this application.

8 With the condition of providing the proper
9 documentation that he request, I will make a
10 motion to grant this application.

11 MR. PANEQUE: Before there's a vote on that
12 motion, I'd just like to make the following
13 comment to Ms. Pereiras.

14 We will have the Resolution prepared for
15 the next meeting.

16 MS. PEREIRAS: Okay.

17 MR. PANEQUE: However, that's conditioned
18 upon those two conditions having been met.

19 MS. PEREIRAS: I believe I can get that in
20 time for you.

21 MR. PANEQUE: Okay.

22 VICE CHAIRMAN GRULLON: Yes.

23 MR. PANEQUE: All right.

24 Thank you.

25 VICE CHAIRMAN GRULLON: And again, it's

1 with the condition, as he stated, that you have
2 to provide the proper documentation before we --
3 to grant the application.

4 But if you provide the documentation for
5 the next meeting, they would have the -- they
6 will have the Resolution ready.

7 And again, I make a motion to -- to grant
8 this application.

9 THE SECRETARY: Wait. Wait. Allow me one
10 have one second.

11 Mr. Paneque? May I speak to you for a
12 second?

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

15 MR. PANEQUE: Ms. Pereiras, the issue that
16 we have is that in order for this vote to take
17 place, since it is a request for a use variance,
18 you would need at least five members who were
19 here last time.

20 Mr. Vallejo just brought to my attention
21 that from the present five members that are here,
22 only three were here last time.

23 MS. PEREIRAS: Okay.

24 MR. PANEQUE: And two are not eligible to
25 vote.

1 So, my suggestion would be, then, to
2 postpone -- carry this to the next meeting.
3 Hopefully, all the members will be here at that
4 time.

5 MS. PEREIRAS: Um hum.

6 MR. PANEQUE: And then, if the conditions
7 are met, then we can have it approved and
8 everything's been satisfied at that point.

9 MS. PEREIRAS: Would it be possible to have
10 a Resolution, at that meeting, prepared, if the
11 Board --

12 MR. PANEQUE: I can work on a Resolution.
13 Yeah.

14 MS. PEREIRAS: Fantastic.

15 Thank you very much.

16 MR. PANEQUE: Okay?

17 So, at this time --

18 THE SECRETARY: March 28?

19 MR. PANEQUE: -- Mr. Vallejo, is there a
20 motion to adjourn this matter?

21 VICE CHAIRMAN GRULLON: And I make my
22 motion --

23 THE SECRETARY: Motion --

24 VICE CHAIRMAN GRULLON: -- to carry this
25 matter --

1 THE SECRETARY: Carry this matter by --

2 VICE CHAIRMAN GRULLON: -- to the next
3 meeting.

4 THE SECRETARY: Motion to -- by Mr.
5 Grullon.

6 One second --

7 MR. SPATZ: March.

8 THE SECRETARY: -- please.

9 MR. SPATZ: No.

10 March 9th?

11 THE SECRETARY: Next meeting will be March
12 9.

13 MR. PANEQUE: We need a second on the
14 motion.

15 THE SECRETARY: Can I have a -- can I have
16 a second?

17 Second by Mr. Pressey.

18 Roll call on the motion.

19 Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Mr. Pressey?

24 MR. PRESSEY: Yes.

25 THE SECRETARY: Mr. Bonacci?

1 MR. BONACCI: Yes.

2 THE SECRETARY: Mr. Doumas?

3 MR. DOUMAS: Yes.

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

6 MS. PEREIRAS: Thank you.

7 THE SECRETARY: March 9 -- 9 is the next
8 meeting.

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

11 * * *

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1 **4415-4421 NY Ave., LLC - 4415-4421 New York Ave.:**

2

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

5 MR. PANEQUE: Because we're going to lose
6 Mr. Bonacci --

7 MR. SPATZ: Right. And, you --

8 MR. PANEQUE: -- in 30 minutes.

9 MR. SPATZ: -- can still do the other
10 three, but then -- so you want to do --

11 THE SECRETARY: Now --

12 MR. SPATZ: -- item number 5.

13 THE SECRETARY: We are going to 4415-4421
14 NY Avenue, LLC, 4415-4421 New York Avenue.

15 Mrs. Pereiras, please.

16 MS. PEREIRAS: Thank you.

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

19 MR. PANEQUE: For the record, I've been
20 provided with the following documentation from
21 Ms. Pereiras.

22 I've been provided with a tax assessor's
23 list, dated January -- January 24, 2017 for
24 property located at 4415-4421 New York Avenue,
25 listing all property owners within the 200 foot

1 radius of the property in question.

2 I've also been provided with a
3 certification as to publication and service,
4 which is signed by Ms. Pereiras, indicating that
5 notice of tonight's hearing, with respect to the
6 property at 4415-4421 New York Avenue, was
7 published in the local newspaper.

8 I have also been provided with the
9 Affidavit of Publication, indicating that notice
10 of tonight's hearing was published on January
11 30th, 2017, giving notice of the meeting for
12 Thursday, the 9th of February, 2017, with respect
13 to 4415-4421.

14 It's noted, for the record, that all
15 notices are for February 9th. If the Board
16 recalls, that was the snow day that we had to
17 cancel the meeting. There were notices placed
18 outside in the door. And therefore, those
19 notices were carried to tonight and are valid.

20 I've also been provided with certified mail
21 receipts, dated January 27, sending certified
22 mail notices to all property owners within the
23 200 foot radius, as well as the green cards that
24 have come back.

25 Based on the documentation that Ms.

1 | Pereiras has provided to me, I find that this
2 | Board has the jurisdiction to proceed and hear
3 | this matter.

4 | MS. PEREIRAS: Thank you.

5 | VICE CHAIRMAN GRULLON: You may proceed,
6 | Ms. Pereiras.

7 | MS. PEREIRAS: Again, Bianca Pereiras, on
8 | behalf of the applicants, 4415-4421 New York
9 | Avenue, LLC, in regards to their property at
10 | 4415-4421 New York Avenue, also known as Block 25
11 | -- 256, Lot 29.

12 | The property is located in the R low
13 | density, residential district. We have an
14 | existing multi-family of seven units.

15 | Our applicant is looking to create an
16 | addition to this property to create an eighth
17 | apartment, unit.

18 | We have two experts to testify before the
19 | Board this evening.

20 | I'd like to begin the presentation with our
21 | architect, Mr. Manuel Pereiras.

22 | MR. DILLON: Please raise your right hand.

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

25 | MR. PEREIRAS: I do.

1 MR. DILLON: State your name and spell it
2 for the record.

3 MR. PEREIRAS: Manny Pereira,
4 P-E-R-E-I-R-A-S, with Pereira Architects
5 Ubiquitous, 1116 Summit Avenue, Union City.

6 MR. DILLON: Thank you.

7 VICE CHAIRMAN GRULLON: It's our pleasure,
8 Mr. Pereira.

9 MR. PEREIRAS: It's my pleasure. Thank you
10 very much.

11 MS. PEREIRAS: For purposes of the record,
12 I just want to confirm that Mr. Pereira is
13 accepted as an expert in the field of
14 architecture.

15 Thank you.

16 Mr. Pereira, are you familiar with the
17 property located at 4415-4421 New York Avenue?

18 MR. PEREIRAS: Very familiar with it.

19 MS. PEREIRAS: And did you prepare the
20 drawings that are before the Board this evening?

21 MR. PEREIRAS: They were prepared under my
22 direct supervision.

23 MS. PEREIRAS: And would you kindly walk us
24 through the application?

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

1 We're right on the corner of 45th and New
2 York Avenue. It's an existing masonry building.
3 It actually has a lot of very beautiful
4 architectural detail along the cornice.

5 The problem, however, is that the rest of
6 the building is in horrible disrepair. The brick
7 work on the front façade, and you can see from
8 the photograph here, has been redone over the
9 years. It's a disaster. It looks horrible.
10 It's a blight.

11 And then, if you get inside the building,
12 when you walk the front door, the first three
13 steps are missing. So, if you're not paying
14 attention, you'll drop to the floor below you.

15 As you walk through the building, this
16 whole portion here, by the bathrooms, has
17 completely rotted away.

18 It's in horrible disrepair.

19 The rear portion of the property, along
20 here, is falling apart, as well, all the -- all
21 the wood.

22 How it was used until today. As you walk
23 through this building, this back portion of it,
24 was used as an office for many years, not legally
25 done. It was incorrect in the Building

1 Department.

2 And then, there were apartments. There was
3 an apartment in the basement. There were
4 apartments that were split up.

5 So, there were a lot of apartments in this
6 building. What was legal was seven residential
7 units.

8 So, we're taking this oppor -- this is a
9 new person who has purchased the building and
10 wants to repair it and make it into something
11 very beautiful.

12 And we're taking this shell and we're going
13 to repair it in a way that's going to make it
14 beautiful, and utilize the existing space.

15 And what we're proposing to do is we're
16 going from the seven legal units, to eight
17 beautiful units, and we'll correct -- we'll fix
18 and correct.

19 And on top of that, we're also adding three
20 parking spaces to this.

21 And actually, that brings me to a point
22 where, in the application that we submitted to
23 you, they're actually showing two parking spaces.
24 And I'd like to make a small modification. I'd
25 like to submit a package with the -- which the

1 drawings that I have here have an additional
2 parking space.

3 So, I'd like to think that we made the
4 application significantly better by adding the
5 parking space.

6 The Board Planner has had a chance to
7 review these, and they've been marked in. And I
8 ask that if that could be accepted into -- into
9 the Board?

10 MR. PANEQUE: Okay --

11 MR. PEREIRAS: The drawings have a --

12 MR. PANEQUE: We'll have -- Mr. --

13 MR. PEREIRAS: For the purposes of the
14 record --

15 MR. PANEQUE: -- Pereiras, just one second,
16 please.

17 MR. PEREIRAS: Yes.

18 MR. PANEQUE: We'll have one marked as an
19 exhibit.

20 All right?

21 MR. PEREIRAS: Thank you.

22 MR. PANEQUE: You're introducing that.

23 And then, we'll circulate the rest to the
24 Board members.

25 MR. PEREIRAS: Appreciate it.

1 And that same drawing is up here on the
2 easel. And just for purposes of the record, this
3 is drawing -- revision number 2, and it's dated
4 February 7th, 2017.

5 Okay?

6

7 (Whereupon, Site Plan, Revision 2, dated
8 February 7, 2017, was received and marked as
9 Exhibit A-1.)

10

11 MR. PEREIRAS: So, one of the things that
12 we're proposing to do, and the building that had
13 all residential, had commercial in it, illegal
14 commercial, we're proposing a new curb cut to
15 introduce three parking spaces.

16 And I'll show you right now, using this as
17 a tool, the site plan.

18 As you could see here, the rear portion,
19 this is where we propose a curb cut. It will be
20 a 30 foot curb cut, to introduce three parking
21 spaces within the building.

22 And I'll show you on the next sheet.

23 In order to really understand how we're
24 making and carving out this building, we drew a
25 diagram of the building as if there was a section

1 | that we're cutting it vertically, and we can look
2 | at it like this.

3 | Making this the ground floor level, you
4 | could see each of these squares represents an
5 | apartment. And what we're doing is a very clever
6 | way of making a small building into large
7 | apartments, comfortable apartments.

8 | We are duplexing two of the apartments, and
9 | utilizing the space along here for what used to
10 | be a very tiny studio, now became a good sized
11 | apartment by duplexing it with the lower level,
12 | and creating that space here.

13 | And now, I'll -- I'll count them out. We
14 | have one, two, three, four, five, six, seven,
15 | eight apartments in total.

16 | So, in section, we can see how that works
17 | out. Each building -- in the front building, in
18 | the front portion of the building, the apartments
19 | are laid out front and back. And then, the front
20 | one, which was very tiny, we're utilizing the
21 | basement area to duplex it. The same as the rear
22 | unit. Parking along here on the bottom level,
23 | and then an apartment above.

24 | It's a little bit tricky because the
25 | apartments overlap each other. That's why we

1 created the diagram.

2 And I'll explain it a little bit further in
3 plan.

4 This is the ground level here, and starting
5 off with the parking area. The rear portion,
6 which was that commercial unit that was being
7 used, we're opening up three driveway entrances
8 so that there are individual garages -- garage
9 doors, but one large parking area, where we have
10 parking spaces that are nine foot wide, as per
11 our Ordinance, and 23 feet deep, 19 feet deep and
12 15 feet for one compact car. Each of these being
13 nine foot wide.

14 We created an independent entrance to the
15 two apartments along the rear portion of the
16 building. So now, we have three residential
17 entrances to this building, making it a little
18 bit more attractive, and a little bit -- and
19 bringing the scale down a little bit.

20 So, through here, you enter one unit and
21 walk down to the kitchen, living room and dining
22 room portion of the unit.

23 From that same unit, you go walk up the
24 stairs to get to the bedrooms on the second
25 floor, on the -- on the second floor.

1 So, you have the -- the three bedrooms
2 along the top floor, and a nice big living room,
3 dining room, kitchen area on the ground level.

4 Along the front of the building, you enter
5 in this portion, walk into the apartment, and
6 you're duplexed -- you have your living room,
7 dining room, kitchen area on that level, with the
8 bedrooms down below, a two bedroom apartment
9 below.

10 As you walk through the building, the rest
11 of the building is laid out very simply and very
12 traditionally.

13 You have an apartment along the back. It's
14 a two bedroom apartment, with living room, dining
15 room area. And then, the same thing stacked
16 above on both front and back.

17 The most impressive aspect of this, or the
18 -- the reason I like this project so much is the
19 -- the aesthetic component; that we're taking a
20 building that looks really ugly, and I'd like to
21 introduce something else into evidence.

22 This is a rendering.

23 Let me keep one.

24

25 (Whereupon, Rendering was received and

1 marked as Exhibit A-2.)

2

3 MR. PEREIRAS: Marked A-2.

4 This is a rendering of the building.

5 So, what you see in ghost white is the
6 existing shell. It's actually more of a
7 yellowish brick.

8 So, we're keeping all the portions of that
9 brick that are really attractive. All that
10 architectural detail.

11 But what we're doing is we're completely
12 gutting the bottom portion of the building and
13 the rear portion that was in really horrible
14 disrepair, we're creating a stone lentil across
15 the whole thing, and replacing all that brick
16 with nice new architectural detail.

17 So, we're going to have a stone header and
18 sill, and brick work along the front. And then,
19 a stone base to really accentuate the building
20 and make it into something more -- something very
21 beautiful.

22 And then, the rear portion, the addition
23 that we're proposing, is on top of the footprint
24 of the existing building.

25 So that rear addition just squares off the

1 building. We're not adding anything to the area,
2 as far as rear yard, or side yard. We're
3 basically adding on top of the building.

4 The other amazing good aspect of this
5 project is that we're taking a building that was
6 built a long time ago, and we're completely
7 renovating it. So, it has to meet not only the
8 provisions of the rehab sub-code, but it meets
9 the requirements, since we're adding a unit, of
10 all current codes up-to-date.

11 So, all fire safety aspects of this are
12 going to met. It's going to be a fully
13 suppressed building, as far as sprinklers. So,
14 you're going to have a sprinklered building.
15 There's going to be fire ratings between floors,
16 between apartments.

17 It's going to have a low voltage alarm
18 system in all the common areas. A hard wired
19 alarm system in each of the apartments.

20 So, it's going to meet all the requirements
21 and the safety standards of today's building,
22 significantly safer and better, not only for the
23 building itself, but also the surrounding
24 buildings are going to be significantly improved
25 because of this proposal that we have here.

1 And so, we're adding one apartment and
2 we're adding three parking spaces.

3 So, we're meeting the criteria of that one
4 apartment, as far as parking, as well.

5 And our planner is going to talk in detail
6 about all our variances, what we're expanding and
7 -- and present the positive and negative criteria
8 on that.

9 I'm open for your questions.

10 VICE CHAIRMAN GRULLON: Mr. Pereiras, do
11 you -- you're adding the apartments in the rear
12 portion of the building, no?

13 MR. PEREIRAS: Correct. So --

14 VICE CHAIRMAN GRULLON: So one apartment --
15 and one apartment is going to be extended to the
16 rear.

17 MR. PEREIRAS: So, the easiest way of
18 looking at it is that this portion that I have
19 blocked out --

20 VICE CHAIRMAN GRULLON: Yes.

21 MR. PEREIRAS: -- that's the new portion of
22 the building.

23 So, this is a three story portion, and this
24 was a two story portion. Now, we're making that
25 portion a three story, so that it matches.

1 So, architecturally, you have one line
2 going across. So, this -- and -- and it shows in
3 the rendering the portion that is the same color
4 brick --

5 VICE CHAIRMAN GRULLON: Yes.

6 MR. PEREIRAS: -- that's all new. So, the
7 building comes across. And we're just stepping
8 down in height, because we don't need the same
9 height.

10 VICE CHAIRMAN GRULLON: On that portion, do
11 -- do you have one or two apartments?

12 MR. PEREIRAS: So, the top portion is one
13 apartment. Just this floor.

14 VICE CHAIRMAN GRULLON: Yes.

15 MR. PEREIRAS: And this is another
16 apartment that's existing. It's actually a legal
17 existing apartment.

18 VICE CHAIRMAN GRULLON: Is existing
19 apartment.

20 What is there now? Because I -- I see on
21 the -- on the rendering here, that -- that looks
22 like a house that is there now.

23 MR. PEREIRAS: What is there now is a
24 building that's about to fall apart.

25 VICE CHAIRMAN GRULLON: Okay.

1 MR. PEREIRAS: There's actually no wooden
2 floors on that level. There's a shell and it was
3 a commercial space. If -- when you look at the
4 space, they had -- it was some type of insurance
5 office because they had a board with signs up on
6 there, but I don't know -- legally, it wasn't
7 anything. It must have been a legal unit at one
8 point.

9 VICE CHAIRMAN GRULLON: Is that a --

10 MR. PEREIRAS: A legal residential unit.

11 VICE CHAIRMAN GRULLON: Is that a -- the
12 existing condition, do they have a curb cut? Do
13 they have a parking area?

14 MR. PEREIRAS: They do not have a curb cut.
15 We're presenting a curb cut here. This is a new
16 curb cut.

17 We're presenting a new 30 foot curb cut, in
18 order to provide parking for three cars within
19 the building.

20 VICE CHAIRMAN GRULLON: And -- and as you
21 know, that -- that street was just renovated by
22 the city, and it probably has trees there now.

23 Did you look at the condition of this -- of
24 the sidewalk there now?

25 MR. PEREIRAS: We --

1 VICE CHAIRMAN GRULLON: Do you have any
2 trees that you had to remove?

3 MR. PEREIRAS: We're actually proposing --

4 VICE CHAIRMAN GRULLON: In order to --

5 MR. PEREIRAS: We're proposing trees. So,
6 if you look at our site plan, we're -- as you
7 know, we're very familiar with working in Union
8 City, and we know the requirements for sidewalks
9 and -- and streets.

10 We have very intense sidewalk requirements,
11 and we intend to comply with it fully. During
12 construction, we will replace whatever needs to
13 be replaced, and redo as necessary.

14 The trees, we have them proposed right now
15 on the site plan, at the same locations that they
16 are right now.

17 And we have three trees along New York
18 Avenue, and one tree along 45th Street on the
19 site, and it's indicated in our site plan.

20 VICE CHAIRMAN GRULLON: And the height --
21 the height of the building is going to remain the
22 same.

23 MR. PEREIRAS: The height of the building
24 actually remains the same. The portion that
25 we're doing the addition to is actually lower

1 | than the existing building.

2 | VICE CHAIRMAN GRULLON: And -- and that
3 | railing on top, is that anything up there?

4 | MR. PEREIRAS: No. There's nothing up
5 | there. It's just a parapet. We don't propose a
6 | roof deck of any sort.

7 | And also, to clarify your questions also,
8 | we -- we plan to take water for the fire
9 | suppression system off of 45th Street, which
10 | hasn't been paved.

11 | So, we're not going to cut New York Avenue
12 | at all, and we're going to -- we're going to
13 | leave that street as is. And the -- and the curb
14 | cut is going to be on -- on 45th Street.

15 | VICE CHAIRMAN GRULLON: Okay.

16 | MR. PEREIRAS: For -- for water.

17 | Yes?

18 | MR. BONACCI: I'm sure it's here somewhere,
19 | but maybe you can help me out.

20 | The floor area for the studio apartment.

21 | MR. PEREIRAS: Okay. We -- there was an
22 | existing studio apartment.

23 | MR. BONACCI: Okay.

24 | MR. PEREIRAS: We are proposing to remove
25 | that studio apartment and make it into a duplex

1 apartment. So, that's why -- turning to sheet
2 Z02, if you look at this area right here, that
3 used to be the studio apartment, and it was only
4 314 square feet. But I don't want to come before
5 this Board and present a 314 square foot studio
6 apartment. That's goes -- you know, that's
7 beyond reason.

8 So what we're doing, in order to make that
9 into a real legitimate apartment, even though it
10 was existing, is we're duplexing it with the
11 lower level, creating the two bedrooms. Creating
12 two window wells and now, it becomes the 314
13 square feet on that level, plus 500 square feet
14 on the lower level, for a total of 812 square
15 feet.

16 So, we have an 812 square foot two bedroom
17 apartment.

18 MR. BONACCI: Okay.

19 And the floor area of the two bedroom
20 apartments.

21 MR. PEREIRAS: Okay. So, they vary and
22 they're existing conditions.

23 So, the front apartments are about 612
24 square feet, and I say about because they vary by
25 one foot in -- per floor.

1 And then, the rear apartment is 568 square
2 feet. And that varies slightly, too. One is 568
3 -- yeah, they're both at 568, 563.

4 MR. BONACCI: Okay.

5 Just one more question.

6 Are you guys seeking a density variance for
7 the two bedroom units?

8 MR. PEREIRAS: We aren't because those are
9 preexisting, nonconforming units.

10 MR. BONACCI: Okay.

11 MR. PEREIRAS: So, we're not requesting a
12 density variance.

13 MR. BONACCI: Okay.

14 MR. PEREIRAS: The units that we're
15 proposing are in compliance fully with the -- the
16 Ordinance.

17 And I ask Mr. Spatz to just confirm that.

18 MR. SPATZ: If -- if the existing units
19 have not been modified, outside of just being --
20 having some interior improvements, then they
21 would sort of be grandfathered in. They wouldn't
22 have to meet the standard.

23 But any of the new units would need to meet
24 the zoning standards.

25 MR. BONACCI: Okay.

1 Thank you, guys.

2 VICE CHAIRMAN GRULLON: Another question,
3 Mr. Pereiras.

4 I see that the address here is New York --
5 New York Avenue.

6 MR. PEREIRAS: Yes.

7 VICE CHAIRMAN GRULLON: The main entrance
8 to the building is on 45th?

9 MR. PEREIRAS: So, we had primarily one
10 entrance before. Now, we're propose -- and the
11 rear apartment had a separate entrance. Now, we
12 have two entrances along New York Avenue, and one
13 along New York Avenue.

14 So, the two apartments in the rear have
15 their own private entrances, and the rest of the
16 apartments, the other six, have the entrance off
17 New York Avenue.

18 VICE CHAIRMAN GRULLON: I don't have any
19 more question.

20 Do you have?

21 You're going to bring the -- your -- your
22 next witness, and then we open it to the public.

23 MS. PEREIRAS: Sure.

24 Thank you.

25 Mr. Kauker?

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

3 MR. DILLON: Please raise your right hand.
4 State your name and spell it for the
5 record.

6 MR. KAUKER: Michael D. Kauker. Last
7 name's spelled K-A-U-K-E-R.

8 MR. DILLON: Thank you.

9 MS. PEREIRAS: And Mr. Kauker has testified
10 before --

11 VICE CHAIRMAN GRULLON: Yes. Yes.

12 MS. PEREIRAS: -- this Board.

13 Thank you very much.

14 Mr. Kauker, are you familiar with the
15 property at 4415-4421 New York Avenue?

16 MR. KAUKER: I am. Yes.

17 MS. PEREIRAS: And did you have a chance to
18 review the drawings prepared by Pereiras
19 Architects?

20 MR. KAUKER: I did. In preparation for my
21 testimony this evening, I had an opportunity to
22 review the plans that were prepared by Mr.
23 Pereiras, an opportunity to also review the
24 Zoning Ordinance and Master Plan, and other land
25 development regulations of Union City. And then,

1 | also look at the subject property, as well.

2 | MS. PEREIRAS: Thank you.

3 | And would you kindly describe this project
4 | from a planning perspective?

5 | MR. KAUKER: Certainly.

6 | As Mr. Pereiras said, we're here because
7 | we're expanding a preexisting, nonconforming use.
8 | We're increasing the number of units in -- in the
9 | building from seven, as they exist currently, to
10 | eight units. And there are also additions being
11 | added to the building to accommodate that, and
12 | also to accommodate an increase in the size of
13 | some of the existing units, as described by Mr.
14 | Pereiras.

15 | With respect to the property itself, it's
16 | located on the southwest corner of New York
17 | Avenue and 45th Street.

18 | It's identified as Block 256, Lot 29 in the
19 | City's tax records. And the lot has a lot area
20 | of 2500 square feet in area.

21 | It's located in the R district, which is
22 | the low density residential zone. And the lot
23 | itself is currently occupied by one -- basically,
24 | the building currently as it exists is three
25 | stories, in part of it, one story and two

1 stories.

2 And the additions are being added to the
3 one and two story portions to make the building
4 equal, in terms of its building height.

5 With respect to the surrounding conditions,
6 the surrounding conditions in the area are
7 comprised of a mix of different types of uses.
8 It includes one family, two family, three family
9 dwellings, in addition to other multiple family
10 dwellings on 45th Street, as well.

11 With respect to the proposed development,
12 as I mentioned before, the applicant proposes to
13 increase the number of units from seven to eight
14 units, and also proposes the additions as
15 mentioned.

16 With respect to the Master Plan and Zoning
17 Ordinance, as I mentioned before, I had an
18 opportunity to review both of the documents.

19 Union City last revised its Master Plan in
20 2009. It was prepared by Heyer, Gruel and
21 Associates.

22 My review of that document and this plan
23 indicates that there is no conflict -- this
24 particular plan doesn't conflict with any of the
25 goals and objectives of that plan.

1 And in addition to that, it -- it promotes
2 a number of goals, including to provide a
3 balance, mix of land uses, to protect and
4 preserve the established residential character,
5 to provide a broad range of housing choices, to
6 promote and -- excuse me -- to promote and
7 reinforce the city as a desirable residential
8 location, and also to improve the quality of life
9 of the residents of Union City, as well.

10 As I mentioned, this property is located in
11 the R residential zone, which permits primarily,
12 as principal uses, one family dwellings, two
13 family dwellings, three family -- three family
14 dwellings. Also, municipal uses, public parks
15 and playgrounds.

16 This site is, as I mentioned before,
17 developed and occupied with a preexisting
18 residential use that contains seven units.

19 One of the structures, also, as Mr.
20 Pereiras testified to, had also a nonconforming
21 office use, or nonresidential use will be --
22 which will be eliminated as a result of the
23 application, as well.

24 We're proposing to expand the preexisting
25 nonconforming use, so we require what's known as

1 a D-2 variance for the expansion of a prior
2 nonconforming use on the property.

3 I'm sure you've heard testimony with
4 respect to D variances a lot, especially the D-1
5 use variance.

6 The criteria for the D-2 variance is
7 somewhat slightly different. With respect to the
8 D-2 variance, special reasons can be found in
9 instances, for example, where there is an
10 improvement to the property, or an aesthetic
11 beautification of the property. In addition,
12 when it's made more acceptable to its
13 surroundings.

14 Essentially, when you have a nonconforming
15 use, one of the things that we typically like to
16 do, from a planning point of view, is to make it
17 fit in better with the existing environment, or
18 the existing neighborhood.

19 I would say that looking at the exhibits
20 that Mr. Pereiras prepared, what currently exists
21 today and what's proposed, in terms of the
22 aesthetic improvements to the proposed -- or to
23 -- to the existing building meet that criteria,
24 in terms of making it fit in better with the
25 neighborhood.

1 Obviously, from an aesthetic standpoint,
2 and when you view it from the street, it's going
3 to appear a lot nicer than it does today.

4 Also, with respect to this property, it has
5 a longstanding history of the proposed use, as
6 the building has been there for quite a long
7 time.

8 And as I mentioned before, we're also
9 eliminating that prior nonconforming, non-
10 residential use as well.

11 The proposal, in my opinion, also promotes
12 purposes of zoning, as contained in the Municipal
13 Land Use Law; specifically the following:

14 Purpose A, which deals with the promotion
15 of the public health, safety, morals and general
16 welfare.

17 As I had mentioned before, the building
18 will be upgraded, both aesthetically, and the --
19 and the exterior of the building, and also
20 internally. And it's going to also be brought
21 into conformance with modern day building
22 standards. So, it's going to be a lot safer, as
23 well as opposed to the current building that
24 exists on the property.

25 In addition to that, with respect to

1 housing stock, in Union City, what's quite
2 interesting is I've looked at the census data,
3 which measure -- or not measures, but -- but
4 looks at the housing stock over the years, and in
5 terms of the age of the housing stock,
6 approximately 83.4 percent of the housing stock
7 was constructed prior to 1989.

8 In addition to that, 32.5 percent was
9 constructed prior to 1939, which means most of
10 the housing stock in -- in the city is quite old.

11 So, you do have an aged housing stock.
12 Only 16.6 percent of the housing units in Union
13 City have been constructed since 1990. And
14 that's according to the most recent 2010 census
15 data.

16 MR. BONACCI: Can you run that one again?
17 That last stat?

18 MR. KAUKER: Sure.

19 MR. BONACCI: The 16 percent one.

20 MR. KAUKER: Sixteen percent -- 16.6
21 percent since 1990.

22 MR. BONACCI: Okay.

23 MR. KAUKER: And majority of that actually,
24 I think, was between 2000 and 2010, if I remember
25 correctly.

1 MR. BONACCI: Does it say, like what part
2 of town, or that's just --

3 MR. KAUKER: No, it doesn't, but I mean if
4 you're familiar with the development pattern in
5 Union City, that kind of makes sense. There was
6 a lot of -- there were a lot of applications back
7 -- you know, between 2000 and 2010 that -- that
8 -- you know, occurred.

9 So, it kind of makes sense with respect to
10 that development. And obviously, it's slowed
11 down somewhat since then.

12 But in any event, what that -- what that
13 says is obviously what we're doing here is it
14 meets that -- you know, that need of providing
15 new housing in -- in the city.

16 Also, to promote a desirable visual
17 environment. That's another purpose of zoning
18 and the Municipal Land Use Law. Obviously, the
19 architecture speaks for itself with respect to
20 improving the aesthetic appearance of -- of the
21 building.

22 With respect to the negative criteria, as
23 related to the D-2 use variance, that's also
24 looked at somewhat differently with respect to a
25 D-2 variance.

1 The Kingwood vs Board of Adjustment case
2 indicated that these types of applications, with
3 respect to the negative criteria, should be
4 viewed with greater liberality than other types
5 of applications.

6 Essentially, that's because we're not
7 dealing with a wholly brand new use in the zone.
8 The use has existed here for many years.
9 Therefore, it's -- you know, the impacts
10 associated with it typically wouldn't be as great
11 as a new -- a new use that's wholly newly
12 introduced to the area.

13 So, for example, with respect to the
14 negative criteria, for the reasons that I
15 mentioned before, the approved aesthetic
16 appearance, the improved safety factors, bringing
17 it into conformance with modern day building
18 standards, it's my opinion that there would not
19 be a detriment to the surrounding area.

20 With respect to any detriment to the Master
21 Plan or Zone Plan, I previously went over goals
22 and objectives of the Master Plan, which, in my
23 opinion, this application furthers.

24 Now, I did also have an opportunity to
25 review -- to review your planner's report, as

1 well.

2 And in it, he talked about the bulk
3 variances, and talked about the Puleio case, with
4 respect to bulk variances being subsumed in the
5 request for the use variance.

6 But even still, I just wanted to go over.
7 There are a couple variances that we're slightly
8 increasing with respect to the coverage.

9 So, there's a small addition on the rear of
10 the building. That's going to increase the --
11 both the building coverage and the lot coverage
12 very -- very slightly.

13 And essentially, the area where that's
14 located, there's a proposed stairwell. So,
15 that's going to accommodate that stairwell -- you
16 know, which provides additional access and means
17 of -- you know, circulation in the building.

18 Finally, with respect to the parking, as it
19 exists currently, there is no parking on-site.
20 The applicant is proposing to add one more unit,
21 but to add three parking spaces. So, the
22 additional unit that will be created, obviously,
23 there's significant -- or there's -- not
24 significant, but there's adequate parking for
25 that unit. And then, obviously, an additional

1 parking space or two.

2 Typically, I know in most urban areas, most
3 -- you know, units only require about one parking
4 space, especially when you're dealing with two
5 bedrooms and studio apartments.

6 Furthermore, I just did want to point out
7 that with respect to the parking, Union City is
8 an urban location. And I know I spoke about this
9 before, when you look at the RSIS, the RSIS
10 basically governs parking and -- among other
11 things, in the state as a whole.

12 Except for a couple exceptions, the parking
13 requirements are the same. There are a couple of
14 places that have special standards with respect
15 to parking, which they have a reduced parking
16 requirement. But Union City is not one of those.

17 But, essentially, it deals with areas in
18 New Jersey which are suburban areas, very rural
19 areas and urban area is the same.

20 Obviously, the circumstances in those two
21 different types of area are different. In -- in
22 a city type or urban environment, you have access
23 to mass transit, which you don't really have that
24 in a rural environment.

25 So, that's really another mitigating factor

1 with respect to the parking. The fact that there
2 is mass transit that's available that individuals
3 who reside there can -- can take.

4 Finally, with respect to the use variance,
5 the applicant's required to make an enhanced
6 quality of proof showing. That's from the Medici
7 case.

8 Essentially, reconciling the omission of
9 the proposed use from the Zoning Ordinance and
10 the Master Plan.

11 Changed conditions typically are an example
12 of where the Medici enhanced quality of proof can
13 be met.

14 Obviously, in Union City, there's been a
15 change with respect to these older types of
16 residential structures being demolished, and
17 newer residential structures being constructed in
18 its place.

19 So, for that reason, I think that we meet
20 the enhanced quality of proof.

21 In addition, as I had mentioned before,
22 this is an existing or preexisting nonconforming
23 use on the site, as well. So, obviously, it's
24 something, as I mentioned, that we're improving
25 upon.

1 In closing, it's my opinion that with
2 respect to the D-2 use variance, the bulk
3 variances that are being requested, the applicant
4 meets the burden of proof, and that the positive
5 criteria would outweigh the negative criteria.

6 Thank you.

7 VICE CHAIRMAN GRULLON: I don't have any
8 question.

9 You guys do?

10 MR. BONACCI: I just have one more
11 question.

12 All right. So, all the -- the relief that
13 you guys are seeking --

14 MR. KAUKER: Um hum.

15 MR. BONACCI: -- is basically, they're all
16 preexisting nonconforming things.

17 MR. KAUKER: With the exception of the --

18 MR. BONACCI: The D-2.

19 MR. KAUKER: -- D-2 use, and also --

20 MR. BONACCI: That's for parking.

21 MR. KAUKER: -- the coverage.

22 Right.

23 MR. BONACCI: Okay. Now, is it two spots
24 or four?

25 MR. KAUKER: I believe we're proposing

1 three.

2 MR. BONACCI: Three. Okay. Because at one
3 point here, it says two, and then in another
4 paper, it says four.

5 So, it's three?

6 MR. KAUKER: Okay. I can check with Mr.
7 Pereiras to make sure, but the plan that I
8 reviewed, it indicated there were three parking
9 spaces.

10 MS. PEREIRAS: Three spots. That's what --

11 MR. BONACCI: Okay.

12 MS. PEREIRAS: -- we're providing.

13 MR. KAUKER: Yup.

14 MR. BONACCI: No problem. Just wanted to
15 make sure --

16 MR. KAUKER: Yup.

17 MR. BONACCI: -- that I got it all right.
18 That's it for me.

19 MR. KAUKER: Okay.

20 MR. PRESSEY: Have you visited the site?

21 MR. KAUKER: Yes.

22 MR. PRESSEY: When was the last time you
23 were there?

24 MR. KAUKER: Tonight, in the dark.

25 MR. PRESSEY: Okay. Okay. Good. I like

1 that. Okay.

2 MR. KAUKER: You get a different
3 perspective.

4 MR. PRESSEY: Oh, I know that. Yeah.
5 Okay.

6 VICE CHAIRMAN GRULLON: Yeah. Since you
7 went there to -- what's there now on the rear
8 portion of the building?

9 MR. KAUKER: The rear portion? I don't
10 know what's in the rear portion of the building.
11 I don't.

12 VICE CHAIRMAN GRULLON: Oh, actually, no, I
13 mean, the -- the new construction, where you're
14 going to build the two apartments.

15 But maybe Mr. Pereiras will answer that
16 better.

17 MR. KAUKER: Sure.

18 VICE CHAIRMAN GRULLON: Could you please
19 step forward?

20 MR. PEREIRAS: Right now, it's void. It's
21 the --

22 VICE CHAIRMAN GRULLON: Are they occupied
23 units or --

24 MR. PEREIRAS: No.

25 VICE CHAIRMAN GRULLON: -- they --

1 MR. PEREIRAS: It's -- it's -- the ground
2 floor level has collapsed. The second floor
3 level has collapsed. All that remains is the
4 shell of the building --

5 VICE CHAIRMAN GRULLON: Just the shell.

6 MR. PEREIRAS: -- in that portion.

7 VICE CHAIRMAN GRULLON: And you're going to
8 demolish that.

9 MR. PEREIRAS: Well, we're keeping portions
10 of the shell and we're reframing within it, and
11 rebuilding the front walls, so that we have a
12 nice beautiful brick.

13 VICE CHAIRMAN GRULLON: I don't have any
14 more question.

15 MR. ORTIZ: The size of the parking? You
16 mentioned before, I didn't hear. What's the
17 size?

18 MR. PEREIRAS: So, we have three spaces.
19 All of them are nine foot wide in accordance with
20 the Ordinance.

21 The first one, all the way to the south, is
22 23 feet deep. The second one is 19 feet deep.
23 Both of them are in compliance with our
24 Ordinance. The third one is actually a compact
25 car. It's only 15 feet deep, but a car could fit

1 | very comfortably in a 15 by nine.

2 | VICE CHAIRMAN GRULLON: Thank you, Mr.
3 | Kauker.

4 | MR. KAUKER: Thank you.

5 | MR. PEREIRAS: Thanks.

6 | VICE CHAIRMAN GRULLON: Mr. Pereira,
7 | before I open it to the public, I want to bring
8 | you back.

9 | I'm a little confused with the -- with the
10 | curb cut. You say that it's on 45th Street?

11 | MR. PEREIRAS: No. The curb -- I'm sorry.
12 | And I know why -- yeah, I -- I -- let me clarify
13 | what I said.

14 | VICE CHAIRMAN GRULLON: Yes, please.

15 | MR. PEREIRAS: So, the curb cut for the
16 | vehicular access, the new curb cut, so that cars
17 | could get into the building, is on New York
18 | Avenue. It's 30 feet long, and it's along the
19 | rear of the property.

20 | Just to be clear, I'm going to call to the
21 | site plan.

22 | VICE CHAIRMAN GRULLON: Yes. Okay.

23 | MR. PEREIRAS: The rear of the property, 30
24 | feet off the rear of the property.

25 | What I meant to say before, when we were

1 | talking about the -- the cut, it's the street
2 | cut, which means the -- the fire suppression line
3 | that we're going to take in from the -- the
4 | existing water main --

5 | VICE CHAIRMAN GRULLON: Okay.

6 | MR. PEREIRAS: -- is not going to happen on
7 | New York Avenue, which is a nice beautiful new
8 | street. We're going to do that on 45th Street, so
9 | that we're not messing up the beautiful streets.

10 | VICE CHAIRMAN GRULLON: Yeah, okay. All
11 | right. I see.

12 | But the -- the actual curb cut is on -- on
13 | New York Avenue.

14 | MR. PEREIRAS: Correct.

15 | VICE CHAIRMAN GRULLON: And any -- any
16 | trees planted there right now?

17 | MR. PEREIRAS: No. I don't believe there's
18 | one in front of the curb cut. But just for
19 | purposes of the record, if there is one there,
20 | we'll replant it in another spot in front of the
21 | -- the façade of the building.

22 | But I don't believe there's one in front of
23 | that -- that curb cut.

24 | VICE CHAIRMAN GRULLON: Let me ask you. Is
25 | it possible to reduce the 30 feet curb cut to --

1 to make it -- say, for example, 20?

2 MR. PEREIRAS: Well, we have three parking
3 spaces. Each of those parking spaces are nine
4 feet wide, and they have 12 inches between them
5 in order to provide for the structure.

6 So, 20 would not be adequate. You wouldn't
7 get the three cars in. We would -- if you wanted
8 to reduce a curb cut, we would be reducing the
9 number of parking spaces in our building.

10 Our applicant has no opposition to that,
11 although I think it's better to have more parking
12 spaces.

13 VICE CHAIRMAN GRULLON: Yeah, but you know
14 the situation with parking in the area. I know
15 providing three parking spaces is good, but it's
16 also removing two spaces from the -- from the
17 neighborhood.

18 It would be better, if it's possible, just
19 to remove one, even if -- if the building would
20 only provide two. Anyway, you're still looking
21 for a parking variance.

22 MR. PEREIRAS: I totally understand that,
23 and it's a balance. And if the Board feels that
24 that's important, we'll remove one of our parking
25 spaces, make it two, and reduce our curb cut to

1 21 feet.

2 VICE CHAIRMAN GRULLON: Okay, let's see.

3 I'm going to think about it.

4 At this time, I just want to open this to
5 the public.

6 Open to the public.

7 A VOICE: Go ahead. Go ahead first if you
8 would like to.

9 VICE CHAIRMAN GRULLON: Mr. Price?

10 MR. PRICE: Larry Price, 1006 Palisade
11 Avenue.

12 MR. DILLON: Please raise your right hand.

13 Do you swear the testimony you're about --
14 about to give this Board is the whole truth?

15 MR. PRICE: I do.

16 MR. DILLON: You already stated your name,
17 so --

18 MR. PRICE: Okay.

19 Just a couple --

20 When I saw the address of this originally,
21 I thought we had a 10,000 square foot lot. I was
22 little surprised to find we have 2500 square
23 feet.

24 On the rendering, it's New York -- the New
25 York --

1 MR. PEREIRAS: This is --

2 MR. PRICE: -- Avenue --

3 MR. PEREIRAS: This is New York Avenue.

4 MR. PRICE: -- is this way.

5 MR. PEREIRAS: And then, this is 45th
6 Street. Yeah.

7 That car is facing the wrong direction.

8 MR. PRICE: Okay. Okay.

9 By the way -- oh, just a comment about
10 parking, whatever.

11 The RSIS, as well as the Zoning Ordinance,
12 says that for curb -- whatever, it's 23 feet per
13 parking spot. So, if you reduce it to 20, you're
14 really creating a very, very tight parking spot.
15 You -- you know, only a small car can get into
16 that.

17 You know, if it were my decision, I'd stick
18 with the three garages.

19 And they can -- then could shorten 30 feet
20 a little bit. You know, because the garage is --
21 nine feet for each garage, two feet, but you're
22 talking 29 feet. But the fact is, --

23 MR. PEREIRAS: Um hum.

24 MR. PRICE: -- you can go in a little bit
25 of an angle.

1 They could reduce 30 feet to 27 feet.

2 MR. PEREIRAS: I agree with that.

3 MR. PRICE: And then, you could have the
4 three garages, and your -- then you have an
5 overly generous curb spot, but you don't -- you
6 don't lose two --

7 VICE CHAIRMAN GRULLON: Off-street spot.

8 MR. PRICE: -- at -- at the curb, you lose
9 one. It will be 27 feet wide instead of 23. So,
10 there's an extra four feet. But that doesn't --
11 that doesn't destroy a second parking spot. But
12 the -- the parking garage, that -- that's a real
13 space, so you might want to weigh that.

14 And the other thing is, and if you reduce
15 it to 20, then that's -- that's an undersized lot
16 at the -- when the so --

17 Okay.

18 MR. ORTIZ: Thank you.

19 MR. PANEQUE: Well, I just have a comment
20 to follow up on that.

21 I note in the photograph that you're
22 depicting on the plans that there's a fire
23 hydrant on New York Avenue.

24 MR. PEREIRAS: There is.

25 MR. PANEQUE: So, of the 100 feet that run

1 along New York Avenue for your property, you're
2 already losing a portion there with that fire
3 hydrant.

4 MR. PEREIRAS: That is true.

5 MR. PANEQUE: Then there's spaces that
6 follow that. I don't know if Mr. Price picked up
7 on that.

8 So, by removing the 30 feet from the rear,
9 going forward, how many spaces are you leaving on
10 the street? Have you calculated that?

11 MR. PEREIRAS: We haven't calculated it,
12 but we could calculate it now roughly.

13 We're leaving two parking spaces on the
14 street between our curb cut and the -- and the
15 hydrant.

16 MR. PANEQUE: So, whether we go with 27
17 feet, as suggested by Mr. Price --

18 MR. PEREIRAS: It doesn't --

19 MR. PANEQUE: -- or 30, it's not going to
20 make a difference, because we're not going to
21 create any more spaces on that, because of that
22 fire hydrant.

23 MR. PEREIRAS: Um hum.

24 MR. PANEQUE: You see the fire hydrant
25 here?

1 VICE CHAIRMAN GRULLON: Yes.

2 MR. PEREIRAS: Yup. And it's located on
3 our site plan, as well.

4 MR. PANEQUE: Yeah.

5 MR. BONACCI: It's three garage doors?

6 MR. PEREIRAS: Three garage doors.

7 VICE CHAIRMAN GRULLON: Mr. Spatz, could
8 you tell me what's the size for a curb cut?

9 MR. SPATZ: It -- it varies, depending on
10 -- going into a parking lot would be 20 feet.
11 But I think that in this case, as was brought up,
12 eliminating or reducing the size of the curb cut
13 isn't going to gain you another curb side space.
14 So, you might as well go with the garage and
15 you'll have the same amount of street spaces as
16 you did before. And you'll at least pick one up
17 within the building.

18 VICE CHAIRMAN GRULLON: What do you think?

19 MR. BONACCI: There's always going to be
20 somebody that parks in front of the garage
21 anyway. You know that.

22 VICE CHAIRMAN GRULLON: Yes.

23 Thank you, Mr. Spatz.

24 Any other member of the public?

25 MR. CUETO: My wife and I want to testify

1 --

2 MS. CUETO: Hi.

3 MR. CUETO: -- as well.

4 MR. DILLON: Please raise your right hand.

5 Do you swear the testimony you're about to
6 give this Board is the whole truth?

7 MR. CUETO: Yes, I do.

8 MR. DILLON: Can you state your name and
9 spell it for the record?

10 MR. CUETO: Miguel, M-I-G-U-E-L, Cueto,
11 C-U-E-T-O.

12 All right. So, I'm the owner of 403 45th
13 Street, as well as my wife and my father-in-law;
14 403 45th Street is this --

15 MR. DILLON: I'm sorry. Can you -- can you
16 stay --

17 VICE CHAIRMAN GRULLON: You have to stay --

18 MR. BONACCI: The microphone.

19 MR. CUETO: Oh, okay.

20 VICE CHAIRPERSON GRULLON: Yes.

21 MR. DILLON: -- close to the microphone for
22 the --

23 MR. CUETO: So --

24 MS. PEREIRAS: The microphone.

25 MR. CUETO: -- 403 45th Street, if I could

1 utilize the drawing here, it's the gray area
2 that's here. That's an actual two family home
3 that's really a one family home at this point,
4 the way the living situation is, because it's me,
5 my wife, my mother-in-law, and my kids that live
6 there.

7 Now, I just had another quick question
8 before I proceed.

9 Has construction started at this building?

10 MR. PEREIRAS: Yes.

11 MR. CUETO: Okay. What --

12 MR. PEREIRAS: The --

13 MR. CUETO: -- has --

14 MR. PEREIRAS: The --

15 MR. CUETO: -- been started already?

16 MR. PEREIRAS: So, there are conditions
17 that were dangerous in that building. So, the --
18 we submitted for, first and foremost, clearing
19 and demolition permits, as far as temporary
20 shoring of the existing structure.

21 So, we submitted for those permits. Those
22 permits were granted by Union City. And we --
23 and we went in there and we did a demolition.

24 In addition to that, we submitted permits
25 for the existing seven units to start rehabbing,

1 | because it was in dangerous conditions.

2 | We did a site visit with the building
3 | inspector of Union City. The building sub-code
4 | inspector, which is Sal Ferlise. We walked the
5 | building and we came up with a strategy in order
6 | to salvage and make sure that it's structurally
7 | sound.

8 | We submitted drawings and such, and a
9 | permit was granted as such. And so, right now,
10 | the applicant is doing his due diligence. He's
11 | making sure that it's a safe structure, not only
12 | for the building itself, for the adjacent
13 | neighbors as yourself, and work has begun on
14 | that.

15 | MR. CUETO: And have you done any
16 | construction on the exterior part of this
17 | building yet?

18 | MR. PEREIRAS: I believe nothing other than
19 | removing the windows, and I believe there was a
20 | portion along the rear that was falling over.
21 | So, the -- the rear -- actually, I'll just point
22 | to it in this diagram.

23 | What was over here, that wall basically
24 | fell apart. A portion that was facing north. So
25 | that was cleaned up, as well.

1 And there -- it was temporarily shored with
2 some -- some bracing.

3 MR. CUETO: And what cautions has been
4 taken to make sure the safety of people passing
5 by here is good? And also, as well as the safety
6 of my structure --

7 MR. PEREIRAS: Well --

8 MR. CUETO: -- in that back end?

9 MR. PEREIRAS: I -- I hope you know and
10 have noted it, and I -- and I -- I'm worried that
11 you have some concern, because I'm -- I'm worried
12 that there's an issue that you're going to raise,
13 but every precaution that's required within the
14 law.

15 I've visited the site several times. Every
16 time, it's been blocked off with caution tape
17 when there's been construction being taken place.

18 That is limited usually to this area right
19 here, where they have the dump truck and the
20 caution tape was placed.

21 In addition to that, the windows that are
22 existing towards your property and the -- and the
23 rear portion have been covered with plastic, so
24 that no debris and no -- and no -- so no dust has
25 gone towards your property.

1 And I know that a lot of the demolition has
2 been taken place in -- and put into bags and
3 removed, as required.

4 So, I believe every caution has been taken
5 place.

6 MR. CUETO: Now, can I present pictures as
7 evidence of what I'm talking about? The point
8 I'm going to bring up at this point?

9 MR. PANEQUE: Well, if you have pictures
10 and you can tell us who took them, where they
11 were taken, and all that?

12 MR. CUETO: All right.

13 So, these --

14 MR. PANEQUE: You'd have to --

15 MR. CUETO: -- pictures were taken by me --

16 MR. PANEQUE: Okay.

17 MR. CUETO: -- personally. And this
18 presents the --

19 MR. PANEQUE: Mr. Cueto, --

20 MR. CUETO: -- side of the building.

21 MR. PANEQUE: -- just state when you took
22 them, how long ago, time period.

23 MR. CUETO: Yeah. These pictures were
24 taken -- I actually marked them down here on the
25 date, is February 6, 2017. It's marked in red.

1 And it's several pictures.

2 And this picture presents the side again,
3 403 45th Street, we share something common in the
4 back over here. And that's -- that was another
5 question I wanted to ask.

6 MR. PEREIRAS: Use this. This is an easier
7 way of looking at it.

8 So, this is your house right here.

9 MR. CUETO: Yeah. So, it's this portion
10 over here.

11 MR. PEREIRAS: Um hum.

12 MR. CUETO: And it's just -- I -- I'm
13 worried about the safety and the way this is
14 being construction -- constructing so far,
15 because as he mentioned, there was demolition,
16 and there were some windows removed.

17 In the process of this being removed, there
18 was rubbish that fell from their property into
19 our property, which caused a little bit of a
20 headache for me, because my dog ended up getting
21 injured. Foot cut. I have small kids, and it's
22 becoming an issue there.

23 So, would I be able to present this, then?

24 MR. PANEQUE: Yes. You can have them --
25 we'll mark them as your exhibits.

1 MR. CUETO: Yeah.

2 MR. PANEQUE: And then, you -- we'll have
3 the Board look at them.

4 MR. CUETO: Okay.

5 MR. DILLON: How do you want to mark these?

6 MR. CUETO: And it's one, two --

7 MR. PANEQUE: What do we mark the other
8 ones, A?

9 MR. DILLON: We did A-1, A-2. You have --

10 MR. PANEQUE: We're going to do B.

11 MR. DILLON: B.

12 MR. CUETO: Three, four, five.

13 MR. DILLON: So, each picture will be --

14 MR. CUETO: Six.

15 MR. PANEQUE: No. One package.

16 MR. CUETO: Seven.

17 MR. DILLON: One packet. Okay.

18 MR. CUETO: Eight, nine, 10, 11, 12
19 pictures.

20 MR. PANEQUE: That's fine.

21 MR. CUETO: And it's all representations of
22 that common area.

23 MR. PANEQUE: All right.

24 MR. CUETO: And some of the --

25 MR. PANEQUE: So, we'll have that --

1 MR. CUETO: -- rubbish that --

2 MR. PANEQUE: -- marked as 12 pictures as
3 one packet, B-1.

4 MR. CUETO: And can I explain some of the
5 pictures?

6 MR. PANEQUE: Sure.

7 MR. CUETO: This will --

8 MR. PANEQUE: First let's mark them, and
9 then you can --

10 MR. CUETO: Yeah.

11 MR. PANEQUE: -- explain them as you
12 testify about them.

13 B-1, one of 12.

14 MR. DILLON: Okay.

15 MR. PANEQUE: B-1, 12 pictures.

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

18 MR. DILLON: Sorry. This is going to take
19 a second.

20 You're waiting on these?

21 MR. CUETO: Yeah. But I --

22 MR. DILLON: It's going to take -- it's
23 going to take --

24 MR. CUETO: Yeah. I could --

25 MR. DILLON: -- a minute to mark.

1 MR. PANEQUE: If you have anything else,
2 you could --

3

4 (Whereupon, Packet of (12) Photographs,
5 dated 2/6/17, were received and marked as Exhibit
6 B-1.)

7

8 MR. CUETO: Yeah. I could proceed. No
9 problem.

10 And then, the other question I had was
11 exactly what's going to be done on this side of
12 the building? If that can be reviewed, over
13 here.

14 MR. PEREIRAS: Okay.

15 MR. CUETO: Exits, entrances.

16 MR. PEREIRAS: Okay. So, first and
17 foremost, I want to apologize on behalf of the
18 owner, on behalf of the construction, that any
19 damage has happened to your property or anybody
20 was hurt.

21 I'd like you to know that the owner and the
22 construction is fully insured. And if there's
23 any problem, you should notify them. I'll
24 introduce you to the construction manager. He's
25 present in this room right now. I can have him

1 | come up here. I -- I'll give you his phone
2 | number. You could contact him at any time, and
3 | he'll address any issues that you have
4 | immediately.

5 | They're very good construction managers. I
6 | deal with them on lots of projects, and they'll
7 | address any issues and any concerns that you may
8 | have.

9 | And I'm glad you brought it up now. I wish
10 | you would have brought it up sooner, but we'll
11 | address any concerns you have.

12 | That said, as far as construction on that
13 | wall, it's an existing masonry wall. What we're
14 | looking to do there, we're not adding any new
15 | entrances, not adding any new openings.

16 | We are going to, however, correct and fix
17 | any openings that are existing, such as windows.
18 | There are several windows along that portion. We
19 | are replacing those windows.

20 | The wall itself. There's one portion of
21 | the wall that has a significant structural crack.
22 | That's going to actually get rebuilt and
23 | reconstructed.

24 | And actually, for that portion, they're
25 | going to need access to your site, and we need

1 your cooperation for that, and we ask for your
2 cooperation on that.

3 And it will be to your benefit, as well,
4 because you want it to be fixed. You don't want
5 a disaster to happen. You don't want a piece of
6 that wall to fall on your property.

7 You want to be looking at an attractive
8 wall, and not one that's in decay.

9 So, this construction should be a benefit
10 to you, and should give you a wall that's safe, a
11 wall that's much more beautiful to look at than
12 what you're looking at now, which is a blight.
13 It's a -- it's an empty building, a dangerous
14 building.

15 So, we hope that by the end of this
16 construction, your building is going to be
17 significantly safer, and your family should be
18 significantly safer than what they are now.

19 MR. CUETO: All right.

20 So, I'll -- I'll touch base with the -- the
21 interaction and the communication situation
22 there.

23 But, again, you mention exits and entrances
24 that currently exist that you're going to be
25 addressing now with the rebuilding.

1 So, what I know -- and just one second.
2 I'm sorry. I didn't want to interrupt you, but
3 what I know is that probably somewhere around
4 here, there's a -- an entrance that goes to the
5 basement, or the lower level that is -- you know,
6 facing toward my property on this side.

7 MR. PEREIRAS: That's eliminated.

8 MR. CUETO: Okay.

9 And then, back here, there was a small,
10 like door.

11 MR. PEREIRAS: There was a door there.
12 That's also eliminated.

13 We can't have doors leading onto to your
14 property. That would be illegal. So, all of
15 those closed.

16 MR. CUETO: And then, there's -- there was
17 like a cemented window over here. Nothing.

18 MR. PEREIRAS: Um hum. That's just --

19 MR. CUETO: Okay.

20 MR. PEREIRAS: There's nothing over here.

21 MR. CUETO: Yeah, I mean, I -- I received
22 this letter about the court date probably a few
23 days before the pictures were taken -- were
24 taken. And I would assume that -- you know,
25 especially around the area, is very family, that

1 -- you know, I would have gotten a door knock,
2 and we would have communicated about what's going
3 on. So like that, we would have all been aware.

4 So, based on that, and also based on the
5 photos, again, it's -- the photos, what they
6 present is the rubbish that has fallen from that
7 location into our property.

8 And a lot of it had to do with removing of
9 the windows on the exterior part sharing us.

10 MR. PEREIRAS: I'm sure. Yeah.

11 MR. CUETO: You know?

12 So, then, at that point, obviously, we
13 didn't know the owners. We tried to -- my
14 mother-in-law tried to speak to some of the
15 construction people aside, on the side there that
16 were doing some of the demolition and so forth,
17 but they weren't much help.

18 And the situation is that I'm all for --
19 you know, the -- the beautification of the
20 neighborhood. I'm all for it.

21 But the other thing to take into concern is
22 that that building, even though it was a seven
23 unit building for a long time, seven people were
24 -- seven families were not living there because,
25 as you stated in your testimony as that building,

1 | for the most part, especially that back part, it
2 | was unlivable.

3 | So now, you are, in fact, adding an extra
4 | unit. But, in fact, you're adding an extra unit
5 | and adding a lot more families and people in that
6 | area, and you're building a parking space on New
7 | York Avenue, which is -- as we know, is a main
8 | busy street with buses coming down.

9 | And I don't see how you're going to be able
10 | to manage parking spaces with vehicles coming in
11 | and out of three parking space, with a small
12 | entrance coming in and out of New York Avenue,
13 | where you're going to probably have to maybe back
14 | cars in and -- and pull cars forward, and put
15 | them on -- as you stated, on an angle to go in.

16 | So, I -- I just want to make sure traffic
17 | issues is going to -- not going to be an issue.

18 | But the main thing is really that part
19 | there and just open communication when it comes
20 | to building this, because so far, the honest
21 | truth is that there has been no communication
22 | until now.

23 | This is the first time I'm meeting
24 | everybody involved in this project.

25 | And number two, so far, it has been sloppy,

1 | because there's no reason that there should have
2 | been no overhead protection on that area, and
3 | rubbish is coming down in to my property. And I
4 | have kids.

5 | MR. PEREIRAS: Um hum.

6 | MR. CUETO: So, if my kids were walking on
7 | the side of that, they -- they could have been
8 | hurt pretty badly.

9 | And that was my -- I don't -- I'm not sure
10 | if my wife wanted to add anything.

11 | And if she does, you'd have to come up and
12 | say your name and stuff.

13 | MS. CUETO: Oh, sorry.

14 | MR. PANEQUE: Mr. Cueto, --

15 | MR. CUETO: And that -- that was my --

16 | MR. PANEQUE: -- we need to keep the
17 | photographs.

18 | VICE CHAIRMAN GRULLON: Do you want to keep
19 | the photographs?

20 | MR. CUETO: Thank you very much. Yeah.

21 | MR. PANEQUE: Because they've been marked.

22 | Thank you, sir.

23 | MR. PRESSEY: Thank you.

24 | VICE CHAIRMAN GRULLON: Thank you.

25 | MR. DILLON: Please raise your right hand.

1 MS. CUETO: Good evening.

2 I'm Jasmin Cueto, his wife. The owner 403
3 45th --

4 MR. DILLON: Do you swear --

5 MS. CUETO: -- Street.

6 MR. DILLON: You have to raise --

7 MS. CUETO: Oh, I'm sorry.

8 MR. DILLON: -- your --

9 MS. CUETO: Sorry.

10 I'm Jasmin Cueto.

11 MR. DILLON: You're jumping ahead.

12 MS. CUETO: Okay.

13 Sorry ahead.

14 MR. DILLON: Raise your right hand.

15 MS. CUETO: I thought that was his swearing
16 was my part also.

17 MR. DILLON: Do you --

18 MS. CUETO: I'm his wife.

19 MR. DILLON: Do you swear the testimony
20 you're about to give this Board is the whole
21 truth?

22 MS. CUETO: I do.

23 MR. DILLON: All right. Now --

24 MS. CUETO: I keep jumping ahead. There I
25 go.

1 MR. DILLON: Yeah, you do.

2 Now -- now you can state your name for the
3 record.

4 MS. CUETO: Jasmin Cueto, his wife, co-
5 owner also, 403 45th Street.

6 MR. DILLON: Can you spell Jasmin for me?
7 How do you spell it?

8 MS. CUETO: J-A-S-M-I-N.

9 MR. DILLON: Got you.

10 Thanks.

11 MS. CUETO: Same last name, C-U-E-T-O.

12 MR. DILLON: You're good.

13 MS. CUETO: My concern, I'm assuming most
14 of you here are parents, as well, is that our two
15 family home is being used as a one family home.
16 We have two dogs.

17 And my biggest concern is that my backyard
18 is not being touched.

19 You all know Union City is not going to
20 have a humongous gorgeous backyard, but my kids
21 use it. They use it over the summer. We have
22 friends over for them.

23 And when you were talking about the side
24 entrances and the back entrances, that's where I
25 was little bit kind of like whoa -- you know --

1 MR. PEREIRAS: Um hum.

2 MS. CUETO: -- I can't use -- I agree that
3 you're not going to change the law -- you know,
4 for me to lose any property, so I see that.

5 But that was my biggest concern.

6 Moving forward, also, with you completely
7 demolishing where you have the three car garage,
8 like what's going to happen to my property when
9 you guys totally demolish that, all the debris
10 comes into my side?

11 Like am I going to be responsible to
12 continue paying -- paying and cleaning up my
13 backyard?

14 MR. PEREIRAS: Actually, we -- you should
15 never have to clean the backyard --

16 MS. CUETO: Okay.

17 MR. PEREIRAS: -- in that sense. And our
18 -- our crew will take care of that completely.

19 Before you leave today, I'm going to
20 introduce you to the project manager.

21 MS. CUETO: Okay.

22 MR. PEREIRAS: And I will see to it myself
23 that that takes place.

24 Okay?

25 MS. CUETO: Okay.

1 MR. PEREIRAS: There -- you shouldn't have
2 to worry about that at all.

3 Now, there may be debris falling down, but
4 we'll take care of that, we'll clean it, and
5 we'll tape it off as necessary.

6 Demolition's not a beautiful clean thing.
7 It really isn't. There's going to be pieces that
8 are going to fall over. That will be taped off,
9 and it will be done and coordinated with you.

10 MS. CUETO: Okay.

11 MR. PEREIRAS: Okay?

12 MS. CUETO: And --

13 MR. PEREIRAS: And my apologies --

14 MS. CUETO: -- my backyard is not being
15 touched.

16 MR. PEREIRAS: And my apologies for
17 anything that you've gone through so far.

18 MS. CUETO: Okay.

19 My concern was --

20 MR. PEREIRAS: No.

21 MS. CUETO: -- my backyard.

22 MR. PEREIRAS: We're not changing --

23 MS. CUETO: Being totally honest --

24 MR. PEREIRAS: We're not taking any --

25 MS. CUETO: -- with you.

1 MR. PEREIRAS: -- space from you. There
2 are not going to be any openings into your space
3 doorways, nothing new is being proposed there.

4 MS. CUETO: Okay.

5 Then, that was my biggest concern, to be
6 honest with you. So, I think I'm done.

7 MR. PANEQUE: Thank you.

8 MR. PEREIRAS: Thank you.

9 MS. CUETO: Thank you.

10 MR. PRESSEY: Thank you.

11 MS. CUETO: Thank you very much.

12 VICE CHAIRMAN GRULLON: Any other member of
13 the public?

14 No others from the public.

15 Closed to the public.

16 Mr. Pereiras, I know you use this as a
17 practice when you're doing construction, that you
18 always reach out to the neighborhood and make
19 sure --

20 MR. PEREIRAS: Um hum.

21 VICE CHAIRMAN GRULLON: -- that you address
22 any concern they have, even before starting with
23 demolition of anything.

24 MR. PEREIRAS: Um hum.

25 VICE CHAIRMAN GRULLON: Just, please make

1 | sure that they address any situation with the --
2 | any of the concern that they have, that they
3 | presented tonight here.

4 | Again, with the -- with the curb cut on --
5 | on New York Avenue, I'm a little concerned with
6 | that, because it's a main avenue. It's a lot of
7 | traffic on that -- on that avenue. And it's also
8 | all the public transportation avenue.

9 | Cars backing in and out of that -- of that
10 | area there, on New York Avenue, will be a -- a
11 | real -- it would really impact the traffic on New
12 | York Avenue.

13 | I don't know if you guys agree with that,
14 | but I would prefer not to see those garages
15 | there.

16 | And you -- you already had seven apartments
17 | there, they were existing apartment. You're only
18 | adding one apartment. You're increasing the --
19 | worsening the parking situation, but in order to
20 | -- to reduce the parking situation for your
21 | building, you're going to create a worse
22 | situation in traffic.

23 | I'd rather to see this building without
24 | those parking garages there.

25 | MR. PEREIRAS: Okay.

1 VICE CHAIRMAN GRULLON: And you address
2 also the concern of the neighborhood.

3 MR. PEREIRAS: I --

4 VICE CHAIRMAN GRULLON: Do you have --

5 MR. PEREIRAS: Are we still in open
6 session?

7 VICE CHAIRMAN GRULLON: -- any question?

8 MR. PEREIRAS: Can I speak?

9 MR. PANEQUE: You can speak. Yeah.

10 MR. PEREIRAS: We'll be happy to address
11 those concerns.

12 If you want those parking spaces
13 eliminated, as part of this application --

14 VICE CHAIRMAN GRULLON: Excuse me to
15 interrupt, but I would like to hear the opinion
16 from the other Board members before we proceed.

17 MR. PANEQUE: Can I just make an
18 observation, please --

19 VICE CHAIRMAN GRULLON: Sure.

20 MR. PANEQUE: -- Mr. Grullon and the Board?

21 And this is something that Mr. Price
22 actually mentioned, and that is that in the --
23 under the standard, a legal street parking, and
24 Mr. Price correct me if I'm wrong, has to be 23
25 feet in length.

1 MR. PRICE: Right. Curb.

2 MR. PANEQUE: The curb -- a curb --

3 MR. PEREIRAS: Yeah. Curb cut.

4 MR. PANEQUE: -- has to be 23 feet.

5 What we are sacrificing under the proposed
6 plan is a 30 foot space. So, we -- we are giving
7 up maybe one and a half spaces.

8 VICE CHAIRMAN GRULLON: Actually, what I'm
9 saying now is to have this portion without any
10 parking spaces there.

11 MR. PANEQUE: No, I understand.

12 VICE CHAIRMAN GRULLON: That way, we avoid
13 --

14 MR. PANEQUE: But the -- the tradeoff is,
15 if we keep the on -- the street parking, we're
16 only gaining one and a half spaces as opposed to
17 having three spaces --

18 VICE CHAIRMAN GRULLON: Yes.

19 MR. PANEQUE: -- the street.

20 VICE CHAIRMAN GRULLON: But my -- my
21 concern is not only because of the spaces, is the
22 traffic on New York Avenue.

23 MR. PANEQUE: Okay.

24 VICE CHAIRMAN GRULLON: And being the --
25 the main avenue for public transportation,

1 | because Bergenline is only one way going -- going
2 | south, and that's the one way going north.
3 | Traffic gets really tense in that area.

4 | I -- I know the area and I think that --
5 | that's my concern, but I would like to hear what
6 | the --

7 | MR. DOUMAS: Yeah. I don't -- I don't
8 | really see any concern.

9 | I mean, I can't -- there must be many other
10 | driveways on New York Avenue that come in --

11 | MR. PEREIRAS: There are.

12 | MR. DOUMAS: -- and out.

13 | Right?

14 | MR. PEREIRAS: There are.

15 | MR. DOUMAS: How many times -- if we're
16 | talking about a situation where three cars wanted
17 | to back out all at once, there'd be probably a
18 | traffic problem.

19 | Right?

20 | But when -- if one car is coming in and out
21 | at a time, you have 30 feet to swing in and out,
22 | I just don't see how it would be any impact on
23 | traffic. Personally.

24 | VICE CHAIRMAN GRULLON: Yeah. Thank you,
25 | Peter, for -- for your comment.

1 Any other -- any other?

2 MR. BONACCI: What about your first
3 suggestion of cutting it down to -- remember at
4 first, you said instead of three, you would cut
5 it down to one or two or something like that?

6 VICE CHAIRMAN GRULLON: To two parking?

7 MR. BONACCI: To two instead --

8 VICE CHAIRMAN GRULLON: To two?

9 MR. BONACCI: -- of the three?

10 VICE CHAIRMAN GRULLON: And -- and bring
11 down the curb cut to whatever the RSIS standard
12 provide.

13 We're just trying to minimize the -- the
14 amount of trips backing up on New York Avenue.
15 Instead of two trips -- three trips, it would be
16 two trips. Just make it to be two -- two parking
17 garage.

18 MR. BONACCI: Instead of three.

19 VICE CHAIRMAN GRULLON: Reduce the -- the
20 size of the curb cut.

21 Is that okay with you? You want to take a
22 moment and discuss it with your client?

23 MR. PEREIRAS: Yeah. Give us one minute.
24 We appreciate it.

25 MR. DOUMAS: And then there's some -- we

1 have to consider what they do with that space.
2 Right? Because there's a space now in the
3 building that's opened up.

4 VICE CHAIRMAN GRULLON: Actually, I would
5 --

6 MR. DOUMAS: What's the usage of that?

7 MR. SPATZ: Increase the size of the
8 apartment --

9 MR. BONACCI: Did you get that far yet?
10 Did you --

11 MR. SPATZ: -- that's closest to it.

12 MR. PANEQUE: Actually, it's a stairwell.

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

15 MR. PRICE: Could I ask a question of --

16 MR. DILLON: Hold on. There's way too much
17 going on.

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

20 MR. DOUMAS: Just thought we close it.

21 MR. DILLON: Wait. Yeah.

22 MR. BONACCI: We're taking a break. We're
23 taking a break.

24 MR. ORTIZ: Taking a break.

25 MR. PRICE: This -- this building, is it 40

1 --

2 THE SECRETARY: Five minute break, please.

3 MR. PANEQUE: Five minute break.

4 THE SECRETARY: Thank you.

5

6 (Whereupon, the Board recessed from 7:28
7 p.m. to 7:33 p.m.)

8

9 THE SECRETARY: Please, let's go back in
10 business.

11 Thank you.

12 MR. PEREIRAS: We had the opportunity to
13 talk to our client, and first and foremost, he'd
14 like to express that he'd like to work with the
15 Board and whatever the Board feels is necessary,
16 he's willing to comply.

17 However, it is his strong belief that the
18 three parking spaces is actually a better
19 condition than having two, for various reasons.

20 First and foremost, we'd like to talk about
21 the trip count. More than likely, the three
22 parking spaces are going to generate just six
23 trips. One leaving, one coming in at the end of
24 the day.

25 Those are six trips that when you have a 30

1 feet -- 30 foot curb cut, to maneuver those cars
2 in and out, it's a lot better for traffic, it's a
3 lot quicker, it's a lot easier, maneuverability,
4 in and out.

5 Whereas, making that more narrow, with two
6 parking spaces is going to reduce that
7 maneuverability.

8 In addition to that, if we reduce the curb
9 cut, we're not really adding any more street
10 parking spaces.

11 There's a metered space in front of the --
12 the -- where we have the curb cut now. We're not
13 adding a full -- we can't add a full space by
14 reducing that -- you know, seven feet.

15 So, there's no gain for the public if we
16 reduce that one spot.

17 However, there is a significant gain for
18 the public if we do have the third garage,
19 because we're removing one car off the street.

20 So, whereas a car would fit in 23 feet in
21 one direction, perpendicular, we're just taking
22 another seven feet away from the city, and you're
23 saving a spot for the city.

24 So, it is in our strong opinion that having
25 the three parking spaces is a benefit to the

1 public, rather than a detriment, and it is a
2 better situation than having two.

3 However, that said, we're willing to listen
4 to the Board, and we're willing to comply with
5 whatever your wishes are.

6 VICE CHAIRMAN GRULLON: Thank you, Mr.
7 Pereiras.

8 We also had the opportunity to -- you know,
9 to discuss on the side, and we came to the
10 conclusion that it's not only the parking
11 situation, by cutting into -- from three to two,
12 or to one, and the curb cut, and the off-street
13 parking, it's also -- there is also traffic and
14 -- and also, security concern for the pedestrian
15 walking by. And a lot of childrens (sic) there.
16 That section has a traffic light there that is
17 always backed up all the way to the end.

18 And what we were discussing that we all
19 agree that this -- this project will be better
20 off -- on New York Avenue without any parking,
21 like no curb cuts, no parking and you can -- I
22 mean, like you -- if you want to like ask them
23 again one more time, take a moment.

24 But we will be more inclined to -- to look
25 -- to see this -- this built -- it's a beautiful

1 building. It's a great renovation that you're
2 making this, and this --

3 MR. PEREIRAS: Um hum.

4 VICE CHAIRMAN GRULLON: -- is something
5 that we would like to see, like on the
6 neighborhood, instead of what's there now.

7 But we're just concerned for the -- for the
8 security of the pedestrian, the childrens (sic)
9 going to Washington School, going to also the
10 other school.

11 Lot of traffic in the morning, probably
12 people trying to rush, getting out of the
13 apartments in the morning.

14 That could be a -- something that may be
15 dangerous for the -- for the --

16 MR. PEREIRAS: Um hum.

17 VICE CHAIRMAN GRULLON: -- kids -- for the
18 students.

19 MR. PEREIRAS: And -- and how does the
20 Board feel of instead of having parking spaces
21 there, to -- in lieu of the three parking spaces,
22 create a studio apartment? We have the square
23 footage that meets the density requirement of the
24 neighborhood, we have this shell, this empty
25 shell.

1 If we add a studio apartment in there,
2 instead of parking, if the -- if the Board feels
3 that that's appropriate, we'd be very willing to
4 do that.

5 VICE CHAIRMAN GRULLON: In my opinion, yes.
6 If you come up with revised plans, and -- and
7 show the studio apartment and no parking -- no
8 parking spaces there, and also, address any
9 concern that the neighborhood has.

10 MR. PEREIRAS: Sure.

11 VICE CHAIRMAN GRULLON: Yes, please. We'll
12 be more inclined to -- to work with the
13 application without any curb cuts on New York
14 Avenue.

15 MR. PANEQUE: That would be a new
16 application, though.

17 VICE CHAIRMAN GRULLON: Would be a new
18 application?

19 MR. PANEQUE: Yes, because we're not
20 reducing the size, we're increasing. So, they'd
21 have to have notices and all that.

22 MR. PEREIRAS: Oh, we would have to notice.
23 Okay.

24 MR. BONACCI: Would be a new application.

25 Right?

1 MR. PANEQUE: Yeah.

2 I mean, it's a whole new apartment being
3 added now.

4 MR. SPATZ: Yeah. Well, I mean, the
5 modification is based on the Board's request.

6 MS. PEREIRAS: Right.

7 MR. SPATZ: And the public is already here.

8 You know, I mean, that's -- obviously,
9 that's to the Board's pleasure, but -- you know,
10 perhaps if you indicated what was -- what change
11 was taking place -- you know, and just extend --
12 you know, have a continuation of it --

13 MR. PEREIRAS: And may I be so bold to
14 suggest that it's not going to change anything,
15 as far as the footprint of the building.

16 What I propose would be a studio apartment,
17 which would be over 600 square feet, which is in
18 compliance.

19 And as far as actual drawings, I -- I think
20 that the Board may -- may have sufficient
21 criteria, right now, as presented. You have the
22 footprint of it.

23 Whether I put the sink here or here, or the
24 bathroom here or there, it doesn't really make a
25 difference. We have a 600 square foot studio

1 | apartment, and I'd like the Board to consider
2 | that as part of the application, potentially,
3 | tonight.

4 | And -- and I -- I refer to counsel. I
5 | don't -- I don't see -- the reconfiguration, and
6 | actually, even if I went before the Board, I
7 | could reconfigure that studio apartment another
8 | way, as long as I meet the criteria of 600 square
9 | feet, the location, the shell, it really doesn't
10 | matter how I change it inside.

11 | VICE CHAIRMAN GRULLON: The type of
12 | variance is not changing in this -- in this case.

13 | MR. PEREIRAS: No.

14 | VICE CHAIRMAN GRULLON: No?

15 | MR. PANEQUE: The type of variance doesn't
16 | change.

17 | My only concern here, as the attorney for
18 | the Board, is the notice that was given to the
19 | public.

20 | The notice that was given to the public was
21 | a notice which called for seven units with three
22 | or two off-street parking.

23 | So, in theory, there might have been some
24 | public members out there who said, okay, I have
25 | -- you know, they're providing parking, and we're

1 not going to go object.

2 Now, we're taking --

3 THE SECRETARY: Changing.

4 MR. PANEQUE: -- an application and
5 changing it to eight (sic) units, no parking.

6 And that might set somebody to say, hey, I want
7 to be heard as to that.

8 That's my only concern on a challenge --

9 MS. PEREIRAS: The issue that I have with
10 that, as far as re-noticing, it's a new
11 application, we're presenting planning testimony
12 and architecture testimony all over again from
13 the beginning.

14 MR. PANEQUE: Yeah.

15 MS. PEREIRAS: I don't -- I don't see why
16 it's necessary.

17 We have a multi-family that was
18 nonconforming to begin with. And the addition of
19 one studio, I don't think the impact is so
20 significant that it would require new notice.

21 MR. PRICE: Could I ask a --

22 MR. PANEQUE: Mr. Price? Yes.

23 MR. PRICE: Yeah. Could I ask a question
24 here?

25 MR. PANEQUE: Yes.

1 MR. PRICE: The -- the propose -- the
2 application was to take an existing seven unit
3 building, and we're going to add one unit, making
4 it an eight unit building, with three garages.

5 MS. PEREIRAS: Um hum.

6 MR. PRICE: The garages are now being
7 eliminated, leaving an empty space of 600 square
8 feet.

9 Aren't we talking now about a nine unit
10 building?

11 MR. SPATZ: Right.

12 MR. PANEQUE: Yes.

13 MR. PEREIRAS: Yes.

14 MR. PRICE: So, we're going --

15 MR. PEREIRAS: Yes.

16 MR. PRICE: -- from -- I think that's a
17 pretty --

18 Eliminating parking and adding an
19 apartment -- you know, going from seven to nine
20 is -- that's a pretty significant change, I
21 think.

22 In fact, I kind of think it's -- to add
23 that apartment, to go from seven to nine, you're
24 only talking about a 2500 square foot lot here.
25 That's -- for the people in the neighborhood,

1 | that's a pretty significant change. They
2 | probably -- they should probably have notice of
3 | that.

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

6 | VICE CHAIRMAN GRULLON: Can they re-notice
7 | or a continuation?

8 | MR. PANEQUE: It'd be a new application.

9 | VICE CHAIRMAN GRULLON: It would be a new
10 | -- the re-notice is --

11 | MR. PANEQUE: Well, once they re-notice,
12 | it's a new application.

13 | MS. PEREIRAS: The Board would consider
14 | this a brand new application?

15 | VICE CHAIRMAN GRULLON: Yes.

16 | MR. PANEQUE: You could -- I mean, at this
17 | point, you kind of have a feel for where this
18 | Board is going.

19 | MS. PEREIRAS: Right.

20 | MR. PANEQUE: So, you can either request a
21 | vote or you can retract your application, and
22 | then submit a new application with the proposed
23 | nine units.

24 | My concern here is notice.

25 | MS. PEREIRAS: I understand.

1 MR. PANEQUE: Notice to -- you know, we had
2 one family show up out of a number of notices --

3 MS. PEREIRAS: Um hum.

4 MR. PANEQUE: -- that went out. But it's
5 not the same thing to say I'm selling apples, and
6 then coming up and saying I'm giving oranges.

7 And we -- we've traded apples for oranges
8 here.

9 MS. PEREIRAS: Right.

10 MR. CUETO: The notices should be expanded.
11 Expanded.

12 MR. PANEQUE: Well, Mr. Cueto, that's not a
13 legal obligation.

14 Yeah.

15 MR. CUETO: Okay. No problem.

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

18 MR. PANEQUE: Getting rid of one parking is
19 a little change. Adding a whole apartment is a
20 big.

21 (Whereupon, there was a pause in the
22 proceedings; 7:43:40 p.m. to 7:43:56 p.m.)

23 MR. SPATZ: And that's versus -- you know
24 --

25 MR. PANEQUE: But wouldn't these -- they

1 only said seven units. They didn't say anything
2 commercial.

3 MR. PEREIRAS: So, time is money --

4 MR. SPATZ: No, I know that.

5 MR. PEREIRAS: -- and -- and --

6 MR. SPATZ: I'm just saying, it doesn't
7 change your issue.

8 MR. PEREIRAS: And our time constraints are
9 more important. And we want to hear the Board's
10 opinion, and we want to comply with it.

11 So, what we're asking is, for a decision to
12 be granted tonight -- today. We propose in
13 favor.

14 And what we're doing is not an additional
15 unit. So, we're going from a seven to eight, and
16 we're simply expanding the size of our existing
17 units into that space as -- as we deem fit, not
18 expanding more units, not making that application
19 any larger, any changes. It's just as is.

20 VICE CHAIRMAN GRULLON: Not making -- not
21 -- not building the studio apartment underneath.

22 MR. PEREIRAS: Correct.

23 VICE CHAIRMAN GRULLON: Okay.

24 MR. BONACCI: Let me just make sure that
25 we're clear.

1 You guys came in, wanted to renovate the
2 seven units, add the one new apartment.

3 MR. PEREIRAS: Correct.

4 MR. BONACCI: And you wanted the two new
5 parking spaces.

6 MR. PEREIRAS: Three.

7 MR. BONACCI: The new park -- right.

8 We're not doing any parking spaces.

9 MR. PEREIRAS: Correct.

10 MR. BONACCI: But you're willing to still
11 add the one new apartment, renovate the seven
12 units.

13 MR. PEREIRAS: Yes.

14 MR. BONACCI: Everything as is --

15 MR. PEREIRAS: Yeah.

16 MR. BONACCI: -- minus the parking.

17 MR. PEREIRAS: Correct.

18 And -- and we reserve the right, if needed
19 in the future, we might come for another unit for
20 that area. But right now, I would like the Board
21 just to consider just the eight units that the
22 original application, less the parking, so that
23 we could get moving. This could get built. This
24 could -- it could get the city going, and -- and
25 we'll have a safe building.

1 VICE CHAIRMAN GRULLON: Sure.

2 MR. PANEQUE: What would be the space that
3 is now being shown as the three parking spaces?

4 MR. PEREIRAS: Whether we reconfigure -- we
5 have approvals for eight units. Those eight
6 units could get reconfigured into being a little
7 bit larger. There's going to be no objection
8 from the Building Department that instead of
9 having an 800 square foot unit, now we have a 900
10 or a 1200 square foot unit.

11 So, we're just adding space to the existing
12 units, and I'd like to reserve the right to be
13 able to potentially come before this Board to add
14 a studio apartment in the future, if the client
15 so sees fit, as a separate application.

16 VICE CHAIRMAN GRULLON: Or you could even
17 create a storage space for each of the units.

18 MR. PEREIRAS: It could potentially be
19 storage space, too.

20 VICE CHAIRMAN GRULLON: Yes.

21 MR. PEREIRAS: And the Building Department
22 will have no objection to that, as it doesn't
23 change anything use-wise --

24 VICE CHAIRMAN GRULLON: Yes.

25 MR. PEREIRAS: -- as far as zoning

1 approval.

2 VICE CHAIRMAN GRULLON: Yeah, I thank you
3 for taking the time, revising and coming up to
4 that decision, because I think that's something
5 that we all agree and it will be easy for us to
6 vote tonight, if you okay with that.

7 Okay?

8 Any other questions, guys?

9 I mean, with that said, I will make a
10 motion to grant this application with the
11 condition to remove the parking garage.

12 THE SECRETARY: Motion to approve the
13 application by Mr. Grullon.

14 MR. PANEQUE: If I may, from a legal
15 perspective, with respect to the motion made by
16 Mr. Grullon, before the Resolution is passed, we
17 would like -- we would need to have the revised
18 plans submitted to this Board, so -- because they
19 need to be signed off.

20 MR. PEREIRAS: Yes.

21 MR. PANEQUE: So, whatever's going to be
22 done with that space, other than an extra unit,
23 we need to see whether it's storage, or just
24 leaving it as a -- as a blank canvas, for a
25 future presentation.

1 MR. PEREIRAS: We'll submit it to Mr. Spatz
2 for his review, and following Mr. Spatz's okay,
3 we'll submit it to the Board Secretary, as well,
4 simultaneously.

5 THE SECRETARY: At least ten days before
6 the next hearing.

7 VICE CHAIRMAN GRULLON: Yeah. And please,
8 also, try to address any concern Mr. Cueto or his
9 family has.

10 MR. PEREIRAS: Absolutely. Before he
11 leaves the courtroom, I'll --

12 VICE CHAIRMAN GRULLON: Yeah.

13 MR. PEREIRAS: -- introduce him to the
14 construction manager, and we'll be sure to
15 address any of his concerns.

16 MR. PANEQUE: All right.

17 VICE CHAIRMAN GRULLON: Thank you, Mr.
18 Pereiras.

19 MR. PEREIRAS: Thank you.

20 THE SECRETARY: Mr. Grullon -- Mr. Grullon
21 has made the motion to approve this application
22 with the conditions.

23 Can I have a motion?

24 Second on the motion?

25 Second by Mr. Bonacci.

1 Roll call on the motion.

2 Mr. Grullon?

3 VICE CHAIRMAN GRULLON: Yes, with the
4 condition.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes, with all the condition
7 stated.

8 THE SECRETARY: Mr. Pressey?

9 MR. PRESSEY: Yes.

10 THE SECRETARY: Mr. Bonacci?

11 MR. BONACCI: Yes.

12 THE SECRETARY: Mr. Doumas?

13 MR. DOUMAS: Yes.

14 THE SECRETARY: Five in favor. Motion
15 carries with the conditions. New revised plans
16 required.

17 MS. PEREIRAS: Thank you all very much.

18 MR. PEREIRAS: Thank you, everyone.

19 VICE CHAIRMAN GRULLON: You're welcome.

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

22 THE SECRETARY: Let the record reflect that
23 Mr. Bonacci is excusing himself for the rest of
24 the meeting.

25 Now, we have four members only.

1 Thank you, Mr. Bonacci --

2 MR. BONACCI: No problem.

3 THE SECRETARY: -- you give an extra hour
4 -- extra hour.

5 Thank you, sir.

6 MR. BONACCI: Thanks guys. Thank you guys.

7

8 (Whereupon, Joseph Bonacci left the meeting
9 at 7:48 p.m.)

10

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

13 MR. PANEQUE: For the record, we now have a
14 Board composed of four members. One of our
15 members, Mr. Bonacci, has to excuse himself.

16 If any applicants have an application which
17 requires a super-majority vote, please step
18 forward and we will consider your request to have
19 that application carried to the next meeting.

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1 **207 39th Street, LLC - 207 39th Street:**

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3 MS. PEREIRAS: 207 39th Street.

4 MR. PANEQUE: Mr. Vallejo?

5 THE SECRETARY: Let me have it for the
6 records, next application on tonight's agenda,
7 207 39th Street, LLC, 207 39th Street.

8 And Mrs. Pereiras, please?

9 MS. PEREIRAS: Thank you, Mr. Vallejo.

10 MR. PANEQUE: Let the record reflect that
11 I've been provided by Ms. Pereiras with the
12 following documents:

13 I've been provided with a tax list from the
14 Union City Tax Assessor's Office, dated January
15 24th, listing all property owners within the 200
16 foot radius of 207 39th Street.

17 I've also been provided with a
18 Certification as to publication and service, for
19 the property in question, 207 39th Street,
20 indicating that notices were sent out via
21 certified mail on January 27, 2017, giving notice
22 of the hearing for the case for February 9th.

23 As previously indicated, February 9th was
24 the snow day, and therefore, those hearings were
25 carried, by notice, to today.

1 Also, I've been provided with a notice of
2 the publication that was published in the local
3 Jersey Journal on January 28, 2017, as well as an
4 Affidavit of Publication from the newspaper.

5 I've also been provided with copies of the
6 certified mail receipts, indicating notices were
7 sent out on January 27, as well as the green
8 cards that have come back.

9 Based on the documents that have been
10 submitted, this Board does have the jurisdiction
11 to proceed and hear this matter.

12 Now, as I stated, Ms. Pereiras, we've lost
13 a super-majority on the Board by having Mr.
14 Bonacci have to excuse himself.

15 Do you have an application to the Board at
16 this point?

17 MS. PEREIRAS: I ask that the matter be
18 carried until your next meeting so that there are
19 enough members to vote on this application.

20 VICE CHAIRMAN GRULLON: Yes.

21 MR. PANEQUE: Is there a motion?

22 VICE CHAIRMAN GRULLON: Yes. Mr. Vallejo

23 --

24 THE SECRETARY: Have a motion to --

25 VICE CHAIRMAN GRULLON: I make a motion to

1 carry this application to the next meeting.

2 THE SECRETARY: That will be March 9.

3 VICE CHAIRMAN GRULLON: Yes.

4 MR. PANEQUE: These are the exhibits from
5 the prior case.

6 THE SECRETARY: Motion to -- to adjourn
7 this application by Mr. Grullon.

8 Any second on the motion?

9 Second by Mr. Ortiz.

10 Roll call on the motion.

11 Mr. Grullon?

12 VICE CHAIRMAN GRULLON: Yes.

13 THE SECRETARY: Mr. Ortiz?

14 MR. ORTIZ: Yes.

15 THE SECRETARY: Mr. Pressey?

16 MR. PRESSEY: Yes.

17 THE SECRETARY: Mr. Doumas?

18 MR. DOUMAS: Yup. Yes.

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

21 No new notice required. Next meeting March
22 9, 2017.

23 MS. PEREIRAS: Thank you.

24 THE SECRETARY: Thank you, Mrs. Pereiras.

25

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

3 * * *

1 **David (sic) T. Valdivia - 513 15th Street:**

2

3 THE SECRETARY: All right. Let me go back.

4 Next application on tonight's agenda is

5 David (sic) T. Valdivia, 513 15th Street.

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

8 MR. PANEQUE: Let the record reflect that
9 I've been provided with the following documents:

10 I have a list from the Tax Assessor's
11 Office dated January 24, 2017, with all property
12 owners within the 200 foot radius of 513 15th
13 Street, Union City, New Jersey.

14 I've also been provided with a
15 certification of -- as to publication and
16 service, indicating that notices went out for
17 tonight's hearing, with respect to the property
18 at 513 15th Street, on January 27, 2017.

19 Said notice was also published in The
20 Jersey Journal, and I've also been provided with
21 an Affidavit of Publication, dated January 28,
22 2017, indicating that notice for this application
23 was noted to be for the hearing on Thursday the
24 9th of February, which was the snow day that was
25 carried over to tonight, February 16.

1 I've also been provided with the certified
2 mail receipts dated January 27, 2017, which gave
3 notice of the January -- February 9th hearing, as
4 well as the green cards that have come back.

5 Based on the documentation that's been
6 provided, this Board has the jurisdiction to
7 proceed and hear this matter.

8 MS. PEREIRAS: Thank you.

9 Bianca Pereiras, on behalf of Davis
10 Valdivia, for his property located at 513 15th
11 Street, Lot 7 in Block 72.

12 We have an existing two family home, and we
13 are located in the R low density residential zone
14 on 15th, between Bergenline and West Street.

15 What we are proposing is a rear addition to
16 add units to each of the existing units that we
17 have on-site right now.

18 We have one expert to testify before the
19 Board this evening, and that is our architect,
20 Mr. Manuel Pereiras.

21 MR. DILLON: You're still sworn in.

22 MR. PEREIRAS: I recognize I am still under
23 oath.

24 MS. PEREIRAS: Mr. Pereiras, are you
25 familiar with the site, 513 15th Street?

1 MR. PEREIRAS: I am.

2 MS. PEREIRAS: And did you prepare the
3 drawings that are before the Board this evening?

4 MR. PEREIRAS: I have.

5 MS. PEREIRAS: And would you kindly walk us
6 through the rear addition?

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

8 We have an existing two family house, on a
9 typical 25 by 100 lot. The owner, Mr. Valdivia,
10 has live in the city forever. He doesn't -- he
11 would rather not move out of the town. He simply
12 outgrew his house. He has children, and they
13 need their own room.

14 So, what we're proposing to do is simply do
15 a rear addition to the house.

16 We're keeping the same side yard setbacks
17 that are existing. Along the east side, it's a
18 zero side yard setback. We propose to continue
19 that further back. And the existing three foot
20 setback on the west side will be maintained.

21 And we're proposing a rear addition of 20
22 -- 27 feet ten inches, leaving a rear yard of 14
23 feet ten inches.

24 We have a few -- we have an existing
25 nonconformity for front yard. There's an

1 existing front yard porch there and that's
2 typical along -- along 15th Street. A lot of the
3 houses are meeting the front yard property line.
4 So, that's in conformance with the neighborhood,
5 as well as it being an existing condition.

6 The rear yard, we're creating that new
7 variance and we are asking for relief of that C
8 variance.

9 There is an existing side yard variance,
10 because we are on the zero foot lot line along
11 that west side.

12 And then, there's maximum lot coverage.
13 Those are existing nonconformities, as well,
14 because the rear yard was always paved in
15 concrete, so the portion that we're creating our
16 addition isn't taking off -- away impervious
17 area. We're actually just covering the existing
18 concrete area.

19 I'm going to turn now to page -- page Z02
20 of the documents, and it shows what the additions
21 are.

22 The existing condition is here. As you
23 could see, the bedrooms are very small.
24 Basically, the living room becomes a bedroom.

25 What we're proposing to do is have a rear

1 addition that houses two small bedrooms and a
2 bathroom, so that every member of the family
3 could have their own bedroom.

4 The same thing is copied on the second
5 floor, with no real changes to that. The windows
6 are looking along the rear of the property,
7 towards the -- towards the rear yard.

8 The house itself doesn't change much.
9 There's minor cosmetic changes that will take
10 place, but the majority of the work -- the scope
11 of the work is in that rear yard, proposed in
12 this rear addition.

13 I'm open for your questions.

14 VICE CHAIRMAN GRULLON: Mr. Pereiras, the
15 -- the extension in the rear of the property, how
16 big is the extension? Twenty-seven feet?

17 MR. PEREIRAS: It is 27 feet. That's an
18 adequate size so that we could create two
19 bedrooms and the one bathroom.

20 VICE CHAIRMAN GRULLON: Okay.

21 Because here on this here, it shows 18 feet
22 on the proposed addition.

23 Could you explain that, please?

24 MR. PEREIRAS: I'm sorry. Where are you
25 seeing that?

1 VICE CHAIRMAN GRULLON: The proposed -- on
2 the proposed frame --

3 MR. PEREIRAS: Um hum.

4 VICE CHAIRMAN GRULLON: -- just for the
5 addition, it shows --

6 MR. PEREIRAS: That is actually -- that 18
7 refers to south 18 degrees --

8 VICE CHAIRMAN GRULLON: Okay.

9 MR. PEREIRAS: -- five minutes west.

10 VICE CHAIRMAN GRULLON: Okay.

11 MR. PEREIRAS: So, it's the -- the metes
12 and bounds.

13 VICE CHAIRMAN GRULLON: Okay.

14 MR. PEREIRAS: Yeah.

15 VICE CHAIRMAN GRULLON: Are you going to
16 have any open area for backyard?

17 MR. PEREIRAS: Yes. We're going to have 14
18 feet left over for backyard. Fourteen feet ten
19 inches, actually.

20 VICE CHAIRMAN GRULLON: And the reason for
21 the extension is just to increase the living
22 space and -- and have --

23 MR. PEREIRAS: It's only for him to
24 maintain his family in an adequate household.
25 The variance that we're seeking, I don't believe

1 are significant in any way to any of the
2 neighbors.

3 The neighbor to the east is the school,
4 which has a blind side there. So, it doesn't
5 affect them in any way.

6 The backyard of the school, the backyard,
7 kind of parking area of -- I'm not sure the name
8 of -- what used to be Holy Rosary. Miftaahul --

9 VICE CHAIRMAN GRULLON: Miftaahul. Yes.

10 MR. PEREIRAS: Yeah. Yeah.

11 That school is -- is there, so it doesn't
12 really affect them much.

13 And then, the other side, we have a three
14 foot setback there. So, it has no real negative
15 impact to the neighbors there.

16 VICE CHAIRMAN GRULLON: It's not going to
17 the -- to the property line on the --

18 MR. PEREIRAS: Correct.

19 We're leaving 14 foot ten inches from the
20 rear yard. And it's -- and it's just simply
21 providing adequate space for him to have his
22 family operate within that -- that structure.

23 VICE CHAIRMAN GRULLON: I don't have any
24 more questions.

25 Do you guys?

1 No question.

2 Open to the public.

3 I'm sorry, I forgot to ask.

4 You don't have any other witness?

5 MS. PEREIRAS: No. We don't have any other
6 witnesses.

7 VICE CHAIRMAN GRULLON: Okay. Closed to
8 the public.

9 Taking in consideration that this is a
10 request just to improve the quality of life for
11 this family, I make a motion to grant this
12 application.

13 THE SECRETARY: Motion to grant the
14 application by Mr. Grullon.

15 Any second?

16 Second by Mr. Pressey.

17 Roll call on the motion.

18 Victor Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Mr. -- Mr. Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Mr. Pressey?

23 MR. PRESSEY: Yes.

24 THE SECRETARY: Mr. Doumas?

25 MR. DOUMAS: Yes.

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

3 MS. PEREIRAS: Thank you all very much.

4 MR. PRESSEY: Thank you.

5 Good night.

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

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1 **Isaac Rosenberg - 403 34th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Isaac Rosenberg, 403 34th
5 Street.

6 Mrs. Pereiras, please?

7 MR. PEREIRAS: Which address?

8 MS. PEREIRAS: Four-oh-three.

9 MR. PEREIRAS: Four-oh-three?

10 MR. PANEQUE: Let the record reflect that
11 I've been provided with the following documents:

12 I have a letter from the Tax Assessor's
13 Office, dated January 24, 2017, showing all
14 property owners within the 200 foot radius of 403
15 34th Street, the subject site of tonight's
16 application.

17 I've also been provided with a Certificate
18 of Publication and Service, from Ms. Pereiras,
19 indicating that notice of tonight's hearing was
20 sent out on January 28, 2017, giving notice of
21 the hearing for the February 9th meeting, which
22 was carried until tonight because of the snow
23 day.

24 I also have a Affidavit of Publication from
25 The Jersey Journal, indicating that notice of the

1 meeting for the 9th on the subject site, 403 34th
2 Street, was published on January 28, 2017.

3 I also have certified mail receipts dated
4 January 28, 2017 for the notices that went out by
5 certified mail, as well as the green cards that
6 have come back.

7 Based on the documentation that's been
8 provided, this Board does have jurisdiction to
9 proceed and listen to this application.

10 MS. PEREIRAS: Thank you.

11 MR. PANEQUE: Thank you.

12 MS. PEREIRAS: Again --

13 VICE CHAIRMAN GRULLON: You may proceed,
14 Ms. Pereiras.

15 MS. PEREIRAS: Thank you.

16 Bianca Pereiras, on behalf of Isaac
17 Rosenberg, for his property located at 403 34th
18 Street, also known as Block 198, Lot 12.

19 This is a similar application to the one
20 you just heard. We have an existing two family
21 home, in the R low density residential zone. And
22 our client is looking to expand the living space.

23 We are maintaining it as a two family,
24 however, we are proposing an addition that will
25 provide additional bedrooms to each unit.

1 We have one expert to testify before the
2 Board, Mr. Manuel Pereiras.

3 MR. DILLON: All good.

4 MS. PEREIRAS: Mr. Pereiras, you're
5 familiar with 403 34th Street?

6 MR. PEREIRAS: I am.

7 MS. PEREIRAS: And would you kindly walk us
8 through the application?

9 MR. PEREIRAS: As it was stated before,
10 it's a very similar application, for very similar
11 needs.

12 It's a growing family. It's a Jewish
13 family that needs more bedrooms.

14 What we're proposing here is a rear
15 addition to that. The rear addition that we're
16 proposing, this is a -- we're starting off with a
17 smaller initial house, so our addition is
18 actually a little bit bigger. It's going to be
19 32 feet two inches, but our rear yard is actually
20 more than what we provided in the previous
21 application. We're at 23 feet.

22 Changing now to the floor plan. We are
23 adding more bedrooms. We're adding three
24 additional bedrooms per floor, so that we're
25 raising the bedroom count on each apartment by

1 three bedrooms.

2 They're small bedrooms. The proportions of
3 them are ten by 13, ten by 19, and ten by 16.
4 And one bathroom for each -- each of the three
5 bedrooms.

6 It's the same thing mimicked on both
7 floors.

8 We have a few existing nonconforming
9 variances, as well as one new variance for rear
10 yard.

11 So, the rear yard variance, new 22.7 feet,
12 as well as existing nonconformity for front yard,
13 which is typical of that street, and maximum lot
14 coverage. We're at -- we're actually low.
15 That's -- we're -- we're permitted -- we're in
16 compliance with maximum lot coverage.

17 We have an -- off-street parking, existing
18 nonconformity there, as well. And we're
19 expanding on the side yard, because one of the
20 sides is zero foot setback. The other side we
21 have three feet. So, that's an expansion on
22 that.

23 But beyond that, it's a very simple
24 application. Rear addition. We're maintaining
25 -- it's a two family, we're maintaining it as a

1 two family. We're simply making it livable
2 condition so that they can continue living there,
3 and improve the quality of life for this family.

4 VICE CHAIRMAN GRULLON: Mr. Pereiras, for
5 how long did they own the property?

6 MR. PEREIRAS: I believe for over 30 years
7 or something like that.

8 A VOICE: Not this property.

9 MR. PEREIRAS: Oh, no. Not this one?

10 Allow me a minute to confer with the -- the
11 client.

12 VICE CHAIRMAN GRULLON: And also, do they
13 live in this unit? They occupy this unit?

14 MR. PEREIRAS: Yes, the family does.

15 VICE CHAIRMAN GRULLON: Yeah. Okay.

16 Could you find out how long --

17 MR. PEREIRAS: I -- I will.

18 MS. PEREIRAS: I have a copy of the deed.

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

21 MS. PEREIRAS: Since 2004.

22 Correct?

23 MR. PEREIRAS: The applicant knows --
24 confirms at least ten years. So, yeah, it's
25 about '04.

1 And the applicant has been in the
2 neighborhood for many, many years.

3 VICE CHAIRMAN GRULLON: Yeah, but they
4 occupy the units.

5 MR. PEREIRAS: Yes.

6 VICE CHAIRMAN GRULLON: The reason why they
7 expanding is because they need more bedrooms.

8 MR. PEREIRAS: The family does.

9 MS. PEREIRAS: His own personal use.

10 MR. PEREIRAS: His -- his children. Yes.

11 VICE CHAIRMAN GRULLON: I don't have any
12 more questions.

13 MR. PRESSEY: No.

14 VICE CHAIRMAN GRULLON: Do you?

15 MR. PRESSEY: No.

16 VICE CHAIRMAN GRULLON: Any member of the
17 public?

18 Mr. Price?

19 Taking in consideration that this is --
20 they looking to expand these units, just because
21 they need more bedrooms for -- for new children,
22 I make a motion to grant this application.

23 THE SECRETARY: Motion to grant the
24 application made by Mr. Grullon.

25 Any second on the motion?

1 Second by Mr. Ortiz.

2 Roll call on the motion.

3 Mr. Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: Mr. Pressey?

8 MR. PRESSEY: Yes.

9 THE SECRETARY: Mr. Doumas?

10 MR. DOUMAS: Yes.

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

13 MS. PEREIRAS: Thank you all very much.

14 MR. PRESSEY: Thank you.

15 Good night.

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

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1 **The Cheskel Rosenberg Family Trust -**
2 **3508 New York Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, The Cheskel Rosenberg Family
6 Trust, 3508 New York Avenue.

7 Mrs. Pereiras, please?

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

10 MR. PANEQUE: For the record, I've been
11 provided with a tax list from the Tax Assessor,
12 by Ms. Pereiras, dated January 23rd, 2017, with
13 respect to property located at Block 210, Lot 30.
14 Said property known as 3508 New York Avenue.

15 I've also been provided with a certificate
16 of -- as to publication and service, indicating
17 that notice for the meeting, which was scheduled
18 for February 9th and carried to tonight because of
19 the snow date, for the property at 3508 New York
20 Avenue, was published in The Jersey Journal on
21 January 28th, and notices went out on said date
22 also by certified mail.

23 I also have an Affidavit of Publication
24 from The Jersey Journal, dated January 28, 2017,
25 giving notice of the application for the February

1 9th meeting.

2 Also, I've been provided by Ms. Pereiras,
3 the certified mail receipts, indicating that said
4 receipts were stamped by the post office on
5 January 28th, 2017, as well as the green cards and
6 the envelopes that have come back to date.

7 Based on the documentation that has been
8 provided, this Board does have the jurisdiction
9 to proceed and hear this matter.

10 VICE CHAIRMAN GRULLON: Please proceed, Ms.
11 Pereiras.

12 MS. PEREIRAS: Bianca Pereiras, on behalf
13 of The Cheskel Rosenberg Family Trust, in regards
14 to their property at 3508 New York Avenue, also
15 known as Block 210, Lot 30.

16 We are proposing two family home on an
17 existing vacant lot. We are located in the R low
18 density residential zone, and we have one expert
19 to testify before the Board this evening, Mr.
20 Manuel Pereiras.

21 MR. PEREIRAS: I recognize I am still under
22 oath.

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with 3508 New York Avenue?

25 MR. PEREIRAS: I am.

1 MS. PEREIRAS: And can you please describe
2 the plans for the Board?

3 MR. PEREIRAS: It was a pleasure to design
4 this building, because it was a little bit
5 different than what we normally see. We normally
6 see 25 by a hundred, flat lots.

7 This is actually a 35 by 50 -- by 50 feet
8 actual lot, which is at 1900 square feet. So,
9 proportionally, instead of doing a three family
10 that we're allowed on 25 by a hundred,
11 proportionally, we're at two family and that's
12 why we're presenting a two family house.

13 But because of the configuration, since we
14 have a 35 foot frontage, it actually makes it a
15 much better, nicer proportion, to have a great
16 space.

17 And what we're proposing here is basically
18 instead of having traditional stack, we're
19 proposing, basically, two townhouses side by side
20 that works really beautifully well.

21 Each of the townhouses has a parking -- a
22 garage, and then their own private entrance to
23 lead you upstairs to four units.

24 So, culturally, they need a lot of bedrooms
25 and that's why we're proposing four stories.

1 It's -- it's their families. Again, it's the
2 same applicant from the previous application.
3 This is for two of his children that want to live
4 here. So, it's owner occupied, part of the same
5 family. And they're creating this building,
6 really catered to them and their family.

7 So, what we're proposing to do is along New
8 York Avenue, we have a zero foot setback on both
9 the north and the south. That's typical along
10 the block.

11 We are currently constructing this property
12 specifically to the north of it. It's another
13 two family house, very beautiful.

14 And now, we're proposing this one, right up
15 against it, so that all the windows are along the
16 east and the west sides, towards the backyard and
17 the front yard.

18 There is a zero foot setback along the
19 front. However, we're squaring off the building
20 so there's eight inches along the other corner of
21 the property.

22 And then, the rear yard, we have a seven
23 foot nine inch rear yard, at the minimum, and
24 eight foot nine at the other end.

25 However, since it's a four story structure,

1 we're required to provide a second means of
2 egress for that top floor, as well as,
3 culturally, they need an outdoor space from the
4 apartment so that -- for -- for special religious
5 reasons.

6 So, that staircase both serves as a balcony
7 for that -- those cultural reasons, and as an
8 emergency escape from that fourth floor.

9 And I'm going to go into that in detail in
10 the -- in the floor plan.

11 Let's talk a little bit about the
12 variances.

13 We have a lot area, existing nonconformity
14 of the lot size. We're at 1900 square feet, when
15 2500 is permitted. And that's why we're going
16 for a two family and not a three family.

17 We have a minimum lot width that we comply
18 with. The depth of the lot -- of course, we're
19 at half. We're at 50 foot depth, when a hundred
20 foot is required, which is typical.

21 Our front yard setback is, preexisting --
22 it's not preexisting, I'm sorry -- it's a
23 prevailing setback. It's -- both the structures
24 immediately to the north and the south are on the
25 property line, and we're continuing that. It's a

1 prevailing setback.

2 Our rear yard.

3 It would be required to be 25 percent of
4 the lot depth, which would be -- we do not comply
5 with it. We're at 12 inches to the stair, and
6 7.75 to the building.

7 So, that's an -- a variance that we're
8 creating.

9 And side yards, of course, even though it's
10 on New York Avenue, and it's typical along this
11 block, we are required to have side yards, which
12 we're not complying it. We're at zero foot lot
13 line.

14 Maximum coverage.

15 Because we're dealing with such a small
16 lot, 1900 square feet, we're at 81 percent lot
17 coverage. That doesn't comply.

18 And then, maximum building coverage --
19 maximum impervious coverage, we're at 85 percent.
20 We made sure that we didn't hit -- trigger that
21 variance, so we're in compliance there.

22 And then, off-street parking. Four parking
23 spaces are required and we were able to
24 accomplish that. So, we have no parking
25 variance.

1 How many applications do we have for no
2 parking variance? But that's because we have
3 that front yard of -- that -- that width of 35
4 feet.

5 So, to go over the -- the plan, on the
6 ground level, we created two parking spaces for
7 each of the units. They share a common entrance,
8 vestibule, and stairs that lead up.

9 When we get to the first living floor,
10 which is the second floor, you walk out and you
11 have a large living room, dining room, kitchen,
12 open floor plan for the most part, and a large
13 kitchen, to meet their cultural needs, and a half
14 bath on each of the floors.

15 As you go upstairs to the next level, You
16 are -- you're given two -- two bedrooms. One
17 being a bedroom suite, where you have a bathroom
18 within the bedroom, and the other bedroom having
19 a bathroom outside of the bedroom.

20 And then, going up another floor, we have
21 three additional bedrooms and one study, with two
22 bathrooms on that floor, as well, making it the
23 last and fourth floor.

24 What we propose to do for the façade is
25 keep it very traditional, and Union City style,

1 and recreate some of these beautiful cornices
2 that we have and a brick façade.

3 Very simple, very -- very clean and very
4 keeping with the tradition that we have in Union
5 City.

6 So, it's a nice beautiful clean brick
7 building.

8 As you can see here, the two garage doors,
9 the main entrance to the building, the nice open
10 large windows, with headers and sills. And then,
11 the small cornice on the top, and we split it up
12 so you can -- it reads as two volumes, two
13 independent townhouses, by splitting that cornice
14 in the top into the two.

15 That concludes my testimony.

16 VICE CHAIRMAN GRULLON: Mr. Pereiras, you
17 -- right now, this is an empty lot.

18 MR. PEREIRAS: Correct.

19 It's an empty lot. It's been empty for
20 awhile. Well, it's been -- being used for
21 parking.

22 VICE CHAIRMAN GRULLON: And are there only
23 two units proposed here?

24 MR. PEREIRAS: Correct.

25 VICE CHAIRMAN GRULLON: With four parking

1 spaces.

2 MR. PEREIRAS: Correct.

3 VICE CHAIRMAN GRULLON: And all brick.

4 MR. PEREIRAS: Yeah. It -- it doesn't get

5 --

6 VICE CHAIRMAN GRULLON: Nothing --

7 MR. PEREIRAS: -- any better. It's

8 beautiful.

9 VICE CHAIRMAN GRULLON: Nothing else that
10 we can ask.

11 MR. PEREIRAS: Yeah. It doesn't get any
12 better.

13 VICE CHAIRMAN GRULLON: Sure. I mean, I
14 see the -- the size, everything is in compliance.
15 And I know the -- this -- the location for this
16 building is on New York Avenue. But to -- to
17 that -- to that side of the -- of the city, is a
18 lot of other street that could go north on -- on
19 Kennedy Boulevard, that have --

20 MR. PEREIRAS: Um hum.

21 VICE CHAIRMAN GRULLON: -- this -- they
22 have portion of Central Avenue there, and the --
23 the condition for the -- for the -- the driving
24 condition are not as bad as uptown.

25 MR. PEREIRAS: Um hum.

1 VICE CHAIRMAN GRULLON: I just want to say
2 that for the record.

3 MR. PEREIRAS: Yes. And -- and there's
4 driveways --

5 VICE CHAIRMAN GRULLON: And --

6 MR. PEREIRAS: -- across that entire
7 street.

8 VICE CHAIRMAN GRULLON: -- also --

9 MR. PEREIRAS: Both sides.

10 VICE CHAIRMAN GRULLON: -- by providing
11 parking, you're not creating -- requesting for a
12 variance for parking.

13 MR. PEREIRAS: Yes.

14 VICE CHAIRMAN GRULLON: You're providing
15 on-site parking here, which is good, too.

16 I don't have any more question. I don't
17 have any.

18 MR. PRESSEY: So, the garage door is one's
19 for entrance, one's for exit?

20 MR. PEREIRAS: No. Each of them are
21 entrance and exit, and they're private.

22 One for one townhouse, and one for the
23 other townhouse. So, two cars in each and that's
24 it.

25 VICE CHAIRMAN GRULLON: And you say that --

1 MR. PRESSEY: And what type of alarm or
2 anything, so pedestrians passing by?

3 MR. PEREIRAS: We normally do that when
4 it's a garage building that you have two way
5 traffic.

6 This is a two family house. It's basically
7 a single garage. We don't have types of -- those
8 alarms across the street.

9 I wouldn't want to impose that. It's not
10 like you're having cars driving in and out. It's
11 a -- it's a -- they're backing -- they're driving
12 in and backing out. It's not multiple cars.

13 I don't think it's necessary, but if you
14 feel it is, we'll be happy to -- to put a light
15 or anything.

16 VICE CHAIRMAN GRULLON: Is going to be
17 occupied by the owner, no?

18 MR. PEREIRAS: Yes. His children.

19 MR. PRESSEY: I would like to see a light
20 or something there.

21 MR. PEREIRAS: We can put a light so that
22 --

23 MR. PRESSEY: Right.

24 MR. PEREIRAS: A red light that turns on
25 when --

1 MR. PRESSEY: Something, yes.

2 MR. PEREIRAS: -- there's a car backing up.
3 I think that makes sense.

4 VICE CHAIRMAN GRULLON: I don't have any
5 more question.

6 Do you have -- you have question?

7 Open to the public.

8 Mr. Price?

9 MR. PRICE: Yeah. I'll address my comment
10 really to the Board.

11 I mean, we had two applications here. We
12 had -- which are on the same street, New York
13 Avenue. And one is you know, a block away. And
14 the other is nine blocks up the street.

15 And you -- you, basically, had them
16 eliminate the parking from the 4415 -- whatever
17 -- because of a concern about traffic.

18 Let me tell you, the traffic at 35th and
19 New York is worse than the traffic at 45th and New
20 York.

21 And we're talking -- those parking spots --
22 parking spaces were one car. So, you back --

23 Here, you're going to have tandem parking.
24 Boy, if they want to get the --

25 MR. PEREIRAS: No. It's not tandem.

1 MR. PRICE: Huh?

2 MR. PEREIRAS: It's not tandem.

3 VICE CHAIRMAN GRULLON: No. They're not
4 tandem parking.

5 MR. PRICE: You said two.

6 VICE CHAIRMAN GRULLON: And --

7 MR. PEREIRAS: Two. Side by side.

8 VICE CHAIRMAN GRULLON: And also --

9 MR. PRICE: Oh, they're side --

10 VICE CHAIRMAN GRULLON: -- Mr. Price, I
11 don't agree with your comment that there is --
12 the traffic is worse on 35th Street than it --
13 than what it is uptown, because the end -- the
14 end of New York Avenue is on 48th Street.

15 MR. PRICE: Correct.

16 VICE CHAIRMAN GRULLON: And you should see
17 in the morning how those three block gets -- gets
18 backed up. That doesn't happen on --

19 MR. PRICE: Okay. I avoid --

20 VICE CHAIRMAN GRULLON: -- 35th.

21 MR. PRICE: I avoid the rush hour, so --

22 VICE CHAIRMAN GRULLON: Yeah.

23 MR. PRICE: Yeah. I can't speak to that.

24 VICE CHAIRMAN GRULLON: You probably
25 weren't there.

1 MR. PRICE: I know during the day --

2 VICE CHAIRMAN GRULLON: Around this time --

3 MR. PRICE: -- it's worse here than --

4 VICE CHAIRMAN GRULLON: Around this time,
5 will be beautiful to be around there, but not at
6 eight o'clock or four o'clock in the afternoon,
7 at dismissal time of the schools.

8 MR. PRICE: Okay. But you -- you see my
9 comment, which is --

10 VICE CHAIRMAN GRULLON: I do. I do.
11 That's why I -- I mentioned for the record that
12 even though it is a similar application, this
13 here, by providing parking, you're not triggering
14 a variance for parking. It's eliminating that
15 variance for parking.

16 With that other application, you still have
17 that variance, no matter what. And --

18 MR. PRICE: A parking variance?

19 VICE CHAIRMAN GRULLON: Yes. With the
20 other application.

21 You have a eight unit building -- actually,
22 we -- we don't want to bring the other
23 application into this application, but that other
24 already had a parking situation.

25 MR. PRICE: It had a -- but it had an

1 existing deficit.

2 VICE CHAIRMAN GRULLON: Existing. Yes.

3 MR. PRICE: You had one new apartment that
4 -- that triggered two parking spots, and three
5 were being provided.

6 VICE CHAIRMAN GRULLON: Yes.

7 MR. PRICE: So, it's questionable whether a
8 parking variance was required.

9 MR. PANEQUE: The one thing I should note,
10 Mr. Price, on that previous application, even
11 though three were provided, we were probably
12 losing two from the street.

13 So, the net gain might have been only one.

14 MR. PRICE: One.

15 MR. PANEQUE: So, it's -- you know, when
16 you start weighing benefits and detriments, I --
17 I think the Board's concern in that was the
18 traffic for the pedestrians, and the children in
19 the area, with their personal knowledge of the
20 situation on that street, cars backing in and out
21 of that proposed parking area may have been a
22 real dangerous situation for the pedestrians.

23 MR. PRICE: Okay. Okay.

24 Let me just ask one question. This is a
25 four story building.

1 MR. PEREIRAS: Yes, it is.

2 MR. PRICE: So you need a C variance for --

3 MR. PEREIRAS: For --

4 MR. PRICE: -- the extra story.

5 MR. PEREIRAS: Yes. I didn't mention that.

6 Thank you, Mr. Price.

7 We are, in fact, in need of a C variance
8 for stories. Not in height, we're in compliance
9 with the overall height that's allowed in the
10 district. But the district clearly says that
11 three stories are permitted, and we're providing
12 a four story building. So, that's an additional
13 C variance.

14 MR. PRICE: Could -- back to the garage for
15 a second.

16 MR. PEREIRAS: Yes.

17 MR. PRICE: The lot is 35 feet wide.

18 MR. PEREIRAS: Right.

19 MR. PRICE: There's an entrance in between,
20 and of course, walls --

21 MR. PEREIRAS: Um hum.

22 MR. PRICE: -- on the outside.

23 How wide is the garage space on each side?

24 MR. PEREIRAS: I'll give you precise
25 dimensions.

1 It is 15 foot six inches wide.

2 MR. PRICE: Fifteen feet --

3 MR. PEREIRAS: Six inches. So, it's tight
4 for two cars.

5 MR. PRICE: Better leave the Rolls at home.

6 MR. PEREIRAS: Yeah.

7 MR. PRICE: You know?

8 Okay. Fifteen feet. Okay.

9 MR. PEREIRAS: Fifteen-six.

10 MR. PRICE: And that's true of both side.
11 They're --

12 MR. PEREIRAS: Equal.

13 MR. PRICE: -- symmetrical.

14 MR. PEREIRAS: They're symmetrical.

15 MR. PRICE: Okay.

16 Thank you.

17 VICE CHAIRMAN GRULLON: Earlier -- again,
18 on the parking on the -- because I saw that it
19 was 15.6 --

20 MR. PEREIRAS: It's tight.

21 VICE CHAIRMAN GRULLON: -- by 23. I know
22 it's tight, but is that measured from the
23 vestibule?

24 MR. PEREIRAS: From the smallest dimension.

25 VICE CHAIRMAN GRULLON: Okay.

1 MR. PEREIRAS: I always measure it to the
2 smallest dimension.

3 VICE CHAIRMAN GRULLON: Then, this portion
4 here is a little bigger.

5 MR. PEREIRAS: It's a little bit wider.
6 Correct.

7 VICE CHAIRMAN GRULLON: Little bit wider.

8 MR. PEREIRAS: So that --

9 VICE CHAIRMAN GRULLON: Probably --

10 MR. PEREIRAS: For the doors.

11 VICE CHAIRMAN GRULLON: -- by another one
12 and a half.

13 MR. PEREIRAS: By 11 or 12 inches.

14 VICE CHAIRMAN GRULLON: Yes.

15 Any other member of the public?

16 Closed to the public.

17 Okay. Taking in consideration that this is
18 -- even though it is a four family structure, and
19 you're only doing a two family -- you're only
20 proposing a two family house, make a motion to
21 grant this application.

22 THE SECRETARY: Motion to grant the
23 application by Mr. Grullon.

24 Any second the motion?

25 Second by Mr. Ortiz.

1 MR. PANEQUE: Just so that the record is
2 clear, Mr. Vallejo.

3 Mr. Gullon, are you making the application
4 to approve with the condition stated by Mr.
5 Pressey, a light for the garage?

6 VICE CHAIRMAN GRULLON: Yes. Sorry. I
7 forgot about that.

8 With the condition for the strobe light
9 that you're proposing on the middle.

10 THE SECRETARY: Okay.

11 Motion by Mr. Gullon.

12 Second -- second by Mr. Ortiz.

13 Roll call on the motion.

14 Mr. Gullon?

15 VICE CHAIRMAN GRULLON: Yes, with the
16 condition.

17 THE SECRETARY: Mr. Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: Mr. Pressey?

20 MR. PRESSEY: Yes, with the condition.

21 THE SECRETARY: Mr. Doumas?

22 MR. DOUMAS: Yes.

23 THE SECRETARY: Four in favor. Motion
24 carries.

25 MS. PEREIRAS: Thank you all very much.

1 THE SECRETARY: Thank you, Mrs. Pereiras.

2 MR. PEREIRAS: Thank you, everyone.

3 MS. PEREIRAS: Thank you.

4 See you next month.

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1 **ADJOURNMENT :**

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3 THE SECRETARY: There being no other --

4 MS. PEREIRAS: Long night.

5 THE SECRETARY: -- application on tonight's
6 agenda, can I have a motion to end tonight's
7 meeting?

8 Motion by Mr. Doumas.

9 MR. DOUMAS: Yes.

10 THE SECRETARY: Second by Mr. Ortiz.
11 Mr. Grullon?

12 VICE CHAIRMAN GRULLON: Yes.

13 THE SECRETARY: Mr. Ortiz?

14 MR. ORTIZ: Yes.

15 THE SECRETARY: Mr. Pressey?

16 MR. PRESSEY: Yes.

17 THE SECRETARY: Mr. Doumas?

18 MR. DOUMAS: Yes.

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

21 Let the record show the meeting has ended.

22 Thank you.

23 And have a good night, everyone.

24 (Whereupon, the proceedings were concluded
25 at 8:24 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY ZONING BOARD OF
10 ADJUSTMENT heard on Thursday, February 16, 2017,
11 and digitally recorded.

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