

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
: _____

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, April 27, 2017
Commencing at 6:32 p.m.

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

MARGARITA GUTIERREZ
MIGUEL ORTIZ
DAVID W. PRESSEY
JOHN MEDINA, Alternate No. 1,
(Arrived at 6:35 p.m.)
JOSEPH D. BONACCI, Alternate No. 2
VICTOR M. GRULLON, Vice Chairman

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

KHALED DARDIR
HARLENNY E. JAVIER
LIBERO MAROTTA, Alternate No. 3
PETER C. DOUMAS, Alternate No. 4
ANDRES GARCIA, Chairman

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates,
(Left at 8:55 p.m.)

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, 716 Capital, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
Alpine Investment Group, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Tower Lenox CPU, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
Tower Management Service, LLP

MARLENE CARIDE, ESQ.,
Attorney for Applicant, 3900 LLC

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, 4219 Park Avenue, LLC

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, 4007 Park Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 416 Monastery Place, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
2100-2106 Summit Avenue, LLC

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

3 Please take notice that on Thursday, April
4 27, 2017, at six p.m., a Special Meeting is
5 scheduled for 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: Notice of this meeting has
16 been provided as follow:

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

24 Is a Special meeting.

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 MS. GUTIERREZ: Here.

10 THE SECRETARY: Miguel Ortiz?

11 MR. ORTIZ: Here.

12 THE SECRETARY: David Pressey?

13 MR. PRESSEY: Here.

14 THE SECRETARY: Khaled Dardir? Absent.

15 Harlenny Javier? Absent.

16 John Medina?

17 Mr. Medina's here, but he step out for a
18 second.

19 He's absent right now.

20 Joseph Bonacci?

21 MR. BONACCI: Here.

22 THE SECRETARY: Libero Marotta? Absent.

23 Peter Doumas? Absent.

24 Let the record indicate there are five
25 present.

1 So, we have a Board made up of five
2 members. We have a full quorum.

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

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3 THE SECRETARY: Tonight's agenda.

4 This is a continuation, Paula Escobar, 2404
5 Summit Avenue.

6 Mrs. Pereiras, please?

7 THE SECRETARY: Where's John? He's absent.
8 Go ahead, Mrs. Pereiras.

9 MS. PEREIRAS: Good evening, members of the
10 Board.

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

13 Counsel, because this matter had been
14 continued to the Regular Meeting and not to this
15 Special Meeting, we did notice again for today's
16 hearing, as a continuation.

17 MR. PANEQUE: Thank you, Ms. Pereiras.

18 Let the record reflect that I've been
19 provided with the following documents:

20 Certification as to publication and
21 service, signed by Ms. Bianca Pereiras,
22 indicating that notice of tonight's hearing on
23 the application for Paula Escobar was published
24 in the newspaper on April 17th, 2017.

25

1 (Whereupon, John Medina arrived at 6:35
2 p.m.)
3

4 MR. PANEQUE: That being The Jersey
5 Journal.

6 I've also been provided with a copy of the
7 certified mail receipts, as well as the actual
8 green cards that have come back, and envelopes,
9 and a copy of the application.

10 As stated by Ms. Pereiras, this is a
11 continuation where all of the testimony has been
12 taken by the Board. And the matter was brought
13 up for a vote at the last hearing, and based on
14 the fact that we did not have a full Board of --

15 THE SECRETARY: Mr. Paneque?

16 MR. PANEQUE: -- five members --

17 THE SECRETARY: I'm sorry to interrupt you.

18 Let the record indicate that Mr. John
19 Medina joined the meeting.

20 We have six members now.

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

22 THE SECRETARY: Thank you.

23 MR. PANEQUE: As I was stating, due to the
24 fact that we did not have five members on the
25 Board at the last meeting, Ms. Pereiras requested

1 | that the matter be carried.

2 | And it was -- there was a motion made to
3 | carry the matter to the May meeting, but as a
4 | result of the -- having a Special Meeting, in
5 | which Ms. Pereiras is present, it comes before
6 | the Board this evening, just on a vote.

7 | So, is there a motion --

8 | VICE CHAIRMAN GRULLON: Thank you, Mr.
9 | Tomas.

10 | I -- you know, before we make a motion, I
11 | want to -- you know, say, for the record, that I
12 | had the opportunity to visit the area, and see
13 | the location, just to -- to address our concern,
14 | which was the drop zone for the students, for the
15 | -- you know, child's (sic), when they come in the
16 | morning, and when they get picked up, because of
17 | that Summit Street being -- Summit Avenue being a
18 | busy street, busy avenue.

19 | It was our concern that -- that we have --
20 | that would probably cause problem with traffic.

21 | But I want to thank your client, I want to
22 | -- you know, thank you, you and your client, for
23 | getting the -- all the proper papers to legalize
24 | that drop zone on 24th Street, which is going to
25 | make a safe lane, and will not generate any --

1 | you know, issues with traffic.

2 | And I just want to make -- with that for --
3 | on the record, I make a motion to grant this
4 | application.

5 | MS. PEREIRAS: Thank you very much, Mr.
6 | Chair.

7 | MS. GUTIERREZ: And I'm seconding.

8 | MR. PANEQUE: All right. The --

9 | THE SECRETARY: Motion to approve the
10 | application by Mr. Grullon.

11 | Seconded by Mrs. Gutierrez.

12 | MR. PANEQUE: Okay.

13 | Mr. Vallejo, just as a note, the members
14 | that are present here tonight have all signed
15 | certifications indicating that they have read the
16 | transcript of when this application was presented
17 | to the Board, and have become fully familiarized
18 | with the entire testimony that was given.

19 | That being the case, each of the members
20 | that have signed the certification are eligible
21 | to vote on tonight's approval of this
22 | application.

23 | THE SECRETARY: Motion on the table by Mr.
24 | Grullon.

25 | Seconded by Mrs. Gutierrez.

1 Roll call on the motion.

2 Mr. Grullon?

3 VICE CHAIRMAN GRULLON: Yes.

4 THE SECRETARY: Mrs. Gutierrez?

5 MS. GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Ortiz?

7 MR. ORTIZ: Yes.

8 THE SECRETARY: Mr. Pressey?

9 MR. PRESSEY: Yes.

10 THE SECRETARY: Mr. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Mr. Bonacci?

13 MR. BONACCI: Yes.

14 THE SECRETARY: Six in favor. Motion
15 carries.

16 MS. PEREIRAS: Thank you all very much.

17 VICE CHAIRMAN GRULLON: Thank you.

18 (Applause.)

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1 **716 Capital, LLC - 716 29th Street:**

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3 THE SECRETARY: Second application on
4 tonight's agenda, 716 Capital, LLC, 716 29th
5 Street.

6 Mrs. Pereiras, please?

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

9 MR. PANEQUE: Let the record reflect that
10 I've been provided with the following
11 documentation:

12 I have a certification as to publication
13 and service, which has been signed by attorney
14 Bianca Pereiras, indicating that notices of
15 tonight's hearing, with respect to the property
16 located at 716 29th Street, was published in the
17 local newspaper on April 17, 2017, and notices
18 were sent out to all property owners within the
19 200 foot radius of said property.

20 I've also been provided with an Affidavit
21 of Publication, signed by the employer, Laura
22 (sic) -- Launa Natalicio of The Jersey Journal,
23 as well as the certified mail receipts,
24 postmarked, stamped April 17th, 2017, and a list
25 of all property owners within the 200 foot

1 radius, signed by the Tax Assessor of Union City,
2 and dated April 4th, 2017.

3 Also, the return cards that have come back
4 to date.

5 Based on the information that has been
6 provided, this Board has jurisdiction to proceed
7 and hear this application.

8 MS. PEREIRAS: Thank you, counsel.

9 Again, Bianca Pereiras, on behalf of the
10 applicant, 716 Capital LLC, for his property
11 located at 716 29th Street, also known as Block
12 162, Lot 9.

13 This is an existing four family home. The
14 application before the Board this evening is to
15 provide a two story rear addition or extension to
16 the property. It will continue to be a four
17 family home.

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

21 MS. DILLON: Please raise your right hand.

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

24 MR. PEREIRAS: I do.

25 Manny Pereiras, P-E-R-E-I-R-A-S, with

1 | Pereiras Architects, Ubiquitous, 1116 Summit
2 | Avenue, Union City.

3 | MS. DILLON: Thank you.

4 | MS. PEREIRAS: And just for the record, I'd
5 | like to confirm that Mr. Pereiras is accepted as
6 | an expert in the --

7 | VICE CHAIRMAN GRULLON: Sure.

8 | MS. PEREIRAS: -- field of architecture.

9 | VICE CHAIRMAN GRULLON: We always do.

10 | MS. PEREIRAS: Thank you.

11 | VICE CHAIRMAN GRULLON: We accept your
12 | qualification, --

13 | MR. PEREIRAS: Thank you.

14 | VICE CHAIRMAN GRULLON: -- Mr. Pereiras.
15 | Thank you.

16 | MR. PEREIRAS: It's very good to be here.

17 | MS. PEREIRAS: Mr. Pereiras, are you
18 | familiar with 716 29th Street?

19 | MR. PEREIRAS: I am.

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

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

24 | We have a very interesting and intriguing
25 | project before you.

1 It's a -- it's a four family house. It's
2 one of the oldest houses in Union City. It's
3 from the turn of the century, but it's very tiny.
4 And it's -- we're talking 300 square foot, small
5 apartments.

6 And what we're simply doing here is
7 proposing a rear addition, in order to make these
8 into adequate, livable apartments, with adequate
9 bathroom facilities that it currently does not
10 have.

11 Believe it or not, it's a four family that
12 shared one toilet. And -- and so, we're making
13 this into today's standards.

14 So, what we're proposing -- we have a
15 typical lot that's 25 feet wide, 90 foot deep.
16 And what we're proposing is a 26 foot five inch
17 rear addition, leaving a 12 foot rear yard
18 setback.

19 Now, we have a variance for the rear yard
20 setback, and we have -- we're expanding an
21 existing variance for the side yards. We're on
22 the property line on both sides.

23 The front of the building maintains a
24 (indiscernible), but we're taking an extremely
25 ugly structure, and we're really beautifying it.

1 We're going to bring it up to today's standards,
2 replace the siding, and -- and really clean it
3 up. Right now, it's boarded up windows. So, I'm
4 looking forward to seeing that.

5 The -- another variance that we have is the
6 building coverage. Since we have a little bit of
7 an undersized lot, we've bringing the building
8 coverage up to 74 percent, which is higher than
9 the 60 percent that's permitted.

10 Of course, the parking remains the same.
11 This building has no parking. We propose to
12 continue that. There's no opportunity to create
13 parking on the site.

14 So, all we're doing is really the rear
15 addition.

16 I'm turning now to page Z02, on the same
17 drawings that were submitted before the Board.

18 In this drawing, you can actually see the
19 addition. What I'm pointing to here is the
20 toilet that was shared. We're actually removing
21 that, and actually creating a good size living
22 space, kitchen space there, and creating the
23 addition in the back, which will house -- we're
24 moving the bedroom to the back of the house, and
25 we're creating a full size bathroom, with a full

1 size shower, and a good facility, some closet
2 space, so that these are livable, good apartments
3 for the community.

4 That concludes my testimony. It's a very
5 simple application. I could expand it in however
6 you'd like.

7 VICE CHAIRMAN GRULLON: Could you explain
8 again the existing condition? Is that -- are you
9 doing any demolition there, or --

10 MR. PEREIRAS: Yes, we are.

11 So, first and foremost, the house is in
12 poor condition. It's going to be completely
13 gutted and rehabbed into something that's
14 livable.

15 There have been residents of that house
16 that lived until very recently. I think a year
17 and a half ago is when they finally moved out.
18 But they were living in -- in really poor
19 conditions.

20 There were holes in the walls, rotted wood,
21 and they all shared a toilet and -- and --

22 VICE CHAIRMAN GRULLON: Yeah.

23 MR. PEREIRAS: -- may I say, there was no
24 shower or bathtub in this house.

25 MS. GUTIERREZ: Wow.

1 MR. PEREIRAS: I don't understand how they
2 did it, but they did it.

3 So, we're really bringing this house up to
4 standards. And now, that -- that -- not only
5 living standards, but also full Code
6 requirements.

7 Okay?

8 So, this house is going to now meet all the
9 requirements of a multi-family house, all fire
10 safety, all construction safety, everything is
11 going to be brought up to Code. It's a great
12 opportunity to bring things up to Code in this
13 house.

14 So, it's going -- it's going to benefit the
15 neighbors, because everything's going to be a
16 much better condition now.

17 VICE CHAIRMAN GRULLON: And Mr. Pereiras,
18 the square footage of the apartments? Do you
19 know?

20 MR. PEREIRAS: Yes.

21 They were 285 square feet before, each
22 apartment. So, obviously, undersized. And we're
23 still under the requirement of our Ordinance now,
24 but we're just shy of 700 square feet. I think
25 we're at 695 square feet for these apartments.

1 In order to meet the Ordinance requirement,
2 we would have to go further back into the rear
3 yard, which our client would be very happy to do,
4 but we thought it was a give and take with the
5 situation, and we thought it was important to
6 maintain that 12 foot five rear yard. So, we
7 left it at that.

8 VICE CHAIRMAN GRULLON: Okay.

9 And are you proposing to do anything with
10 the façade of the --

11 MR. PEREIRAS: A renovation.

12 So, it's in really poor condition. The --
13 the doors and windows are boarded up. So, all
14 those boards are going to be removed. We're
15 going to be replacing new windows. We're going
16 to be replacing the siding, painting the porch.
17 The porch itself has to be redone and
18 reconstructed. All of that's taking place.

19 VICE CHAIRMAN GRULLON: And the side yards,
20 could you go over them one more time?

21 MR. PEREIRAS: Yes.

22 We have -- we have a zero foot side yard on
23 both sides right now. That's a condition that
24 exists, and we're maintaining that condition.
25 The houses are very small, as it is, so we're

1 continuing that further back.

2 It's not something that's posing any threat
3 to the neighbors, even as -- since it is an
4 existing condition. And where we have our
5 addition isn't effecting any neighboring houses.

6 VICE CHAIRMAN GRULLON: And the expansion,
7 you only have expansion in the back --

8 MR. PEREIRAS: Correct.

9 VICE CHAIRMAN GRULLON: -- of -- of the
10 house. Nothing in front.

11 MR. PEREIRAS: Correct. The front of the
12 house --

13 VICE CHAIRMAN GRULLON: The --

14 MR. PEREIRAS: -- stays the same.

15 VICE CHAIRMAN GRULLON: Then it's going to
16 remain the same.

17 MR. PEREIRAS: Yes.

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

20 Do you? Any member of the Board have
21 question?

22 MR. MEDINA: I have a question.

23 How long this house been -- I mean, empty?

24 MR. PEREIRAS: I'd say a year and a half,
25 maybe a little bit more.

1 MS. PEREIRAS: It was a little bit of a
2 long process, after my client purchased the
3 property, to get all the tenants out lawfully.

4 So, yes, a year and a half it's been since
5 it's been completely vacant.

6 VICE CHAIRMAN GRULLON: Any other member of
7 the Board?

8 You have any other witness?

9 MS. PEREIRAS: No. That would conclude our
10 presentation.

11 VICE CHAIRMAN GRULLON: That will conclude
12 your presentation.

13 At this point, I want to open it to the
14 public.

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

17 No one from the public?

18 Closed to the public.

19 Taking in consideration that this
20 renovation that you're making, an addition on --
21 on the back of the house is just going to improve
22 quality of life of the residents that are going
23 to be occupying this -- this unit, and -- you
24 know, looking at the existing condition, and
25 compare -- comparing it to -- to your proposed

1 plan, with the existing condition being only one
2 bath -- sharing one bathroom for two -- for -- is
3 it two apartment?

4 MR. PEREIRAS: Four.

5 VICE CHAIRMAN GRULLON: One bathroom with
6 four apartments, which is -- I don't know how
7 they did it. No shower.

8 And I want to make a motion to grant this
9 application.

10 THE SECRETARY: Motion to grant the
11 application by Mr. Gullon.

12 Any second?

13 Second by Mr. Ortiz.

14 Roll call on the motion.

15 Mr. Gullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Mrs. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Mr. Pressey?

22 MR. PRESSEY: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Bonacci?

1 MR. BONACCI: Yes.

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

4 MS. PEREIRAS: Thank you all very much.

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

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1 **4219 Park Avenue, LLC - 4217-4221 Park Avenue:**

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3 THE SECRETARY: We are going to change a
4 little bit the agenda, the order in tonight's
5 agenda.

6 We are going to call for Mr. Adolfo Lopez,
7 seeking an extension, 4219 Park Avenue, LLC,
8 4217-4221 Park Avenue.

9 Mr. Lopez?

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

12 MR. LOPEZ: Ready?

13 THE SECRETARY: Mr. Lopez, please?

14 MR. LOPEZ: Thank you.

15 For the record, Adolfo Lopez, appearing on
16 behalf of the applicant.

17 Mr. Chairman, members of the Board, this
18 application today is for an extension of a
19 previously approved project.

20 If I may just give a little bit of
21 information on it?

22 This is a -- it's a substantial project,
23 and my client had acquired the property in
24 December of 2015. He had sought an extension
25 previously. On May 12th --

1 VICE CHAIRMAN GRULLON: Last year.

2 MR. LOPEZ: -- of last year --

3 MS. GUTIERREZ: Um hum.

4 MR. LOPEZ: -- this Board granted an
5 extension, extending the application for a one
6 year period, to June 30th, 2017.

7 Technically, we are still within the time
8 to make application for building permits.

9 The reason for the extension is as --
10 really, as a safety. It's a very complex
11 project, and to apply for demolition requires a
12 series of things that must be satisfied with the
13 Building Department, including -- the most time
14 consuming of which are getting utility
15 disconnects from PSE&G, and United Water.

16 My client made application for all of these
17 things, but it took United Water 11 months before
18 they actually did the disconnect.

19 My client now, because of the specialty
20 foundation, it's not simply applying for permits,
21 but he has to -- he has to do engineering work on
22 the -- on the structure, just to design a
23 foundation capable of supporting the structure.
24 It's a substantial building. And solely for that
25 reason.

1 Technically, we can come in, request our
2 building permits, and that would be sufficient,
3 and we're still within time.

4 He's seeking to extend it, just in case the
5 Building Department requires additional -- has
6 additional requirements, because technically, we
7 are not putting in an application for the
8 building. We can't until an appropriate
9 foundation is designed.

10 So, that is a first step, which the
11 Building Department may deem is not part of the
12 construction. And solely for that reason, we're
13 seeking a one year extension.

14 In addition, and just for the record to be
15 clear, there is some question as to whether these
16 projects were otherwise approved by the Permit
17 Extension Act.

18 There's some conflicting language. There
19 was one extension through December 31st, 2016,
20 which certainly would have expired. However, the
21 Permit Extension Act made certain accommodations
22 for Super Storm Sandy impacted counties, of which
23 Hudson is one of them.

24 Now, there is some issue, and I've
25 discussed this with Mr. Paneque previously, and

1 we'll clarify for the record, the -- Mr. Paneque
2 seems to believe that the -- that those
3 extensions were only for drainage, and
4 environmentally sensitive issues.

5 So, we are not certain that those
6 extensions extend through, also, June at the
7 latest.

8 So, in either event, the original
9 Resolution adopted by this Board, or whether or
10 not we fit into that Super Storm Sandy related
11 county of extension approval, it also takes us
12 through June.

13 So, my client is doing this just to be
14 safe. There's no change. There's no other
15 modifications to the project. It's the original
16 project which has been discussed before this
17 Board.

18 VICE CHAIRMAN GRULLON: Mr. Lopez, again,
19 what caused the big delay after the --

20 MR. LOPEZ: The biggest delay was that
21 nothing could really be done until all of the
22 conditions were satisfied for the Building
23 Department.

24 The things that took the longest were
25 utility disconnects. That's not something that

1 my client can do. He must make application, and
2 PSE&G was not a problem. They disconnected
3 within three months.

4 However, United Water, because you go on a
5 list, and because during the winter, United Water
6 does not perform any type of work in digging up
7 the street, the water disconnect for the property
8 did not take place until some time in March.

9 And that, basically, stops my client from
10 doing any additional work, because he can't get
11 permits to do the proper excavations to design a
12 foundation.

13 And that's -- that was the delay and
14 nothing else. Everything else has been done. He
15 has fully satisfied all of his requirements,
16 those within his control.

17 VICE CHAIRMAN GRULLON: At this point, it's
18 all clear. Is he ready to proceed?

19 MR. LOPEZ: Everything is clear, and he's
20 ready to proceed.

21 VICE CHAIRMAN GRULLON: Do you have any
22 question guys?

23 MR. BONACCI: I have a question.

24 So, the Resolution was memorialized, is
25 this correct here, 2005?

1 MR. LOPEZ: Yes.

2 When we -- when we came here last year, the
3 -- we were -- the project was subject to the
4 Permit Extension Act, which extended the 2005
5 approval through June of 2016.

6 So, that original approval -- and that's
7 the correct date, this project was originally
8 approved in 2005. The Permit Extension Act
9 extended all the way through June of 2016.

10 So, prior to that -- prior to the
11 expiration of those approvals, my client came in
12 and received an approval by this Board for one
13 year, through June 30th, 2017. But the date that
14 appears on your sheet is correct.

15 MR. BONACCI: Okay.

16 Now, in between the Resolution being
17 memorialized, and like you mentioned, the Permit
18 Extension Act, and now it's 2017, and you were
19 talking about the extension from 2016.

20 MR. LOPEZ: Yes.

21 MR. BONACCI: Right?

22 MR. LOPEZ: There's --

23 MR. BONACCI: I'm just --

24 MR. LOPEZ: The --

25 MR. BONACCI: In the middle --

1 MR. LOPEZ: Yeah.

2 MR. BONACCI: -- between all that time --

3 MR. LOPEZ: Yes.

4 MR. BONACCI: -- was there like a change of
5 owners or something like that?

6 MR. LOPEZ: Oh, absolutely.

7 MR. BONACCI: Okay.

8 MR. LOPEZ: The -- the 2005 approval was
9 not received by my client.

10 MR. BONACCI: Right.

11 MR. LOPEZ: My client took title to the
12 property in -- in 2015. He purchased it from a
13 bank that had taken over for the original
14 developer.

15 So, these were not my client's approvals to
16 begin with in 2005.

17 MR. BONACCI: And I'm assuming that was
18 like recession related, '07, '08?

19 MR. LOPEZ: I would -- I would assume so
20 because --

21 MR. BONACCI: Foreclosure, something?

22 MR. LOPEZ: -- these are --

23 Well, it was definitely a foreclosure,
24 because my client did not purchase from the
25 original developer, he purchased from a

1 foreclosing bank.

2 MR. BONACCI: Okay.

3 That's it. That's just my question.

4 Thank you.

5 MR. LOPEZ: Thank you.

6 VICE CHAIRMAN GRULLON: Any other member of
7 the Board?

8 MR. PRESSEY: And you would definitely need
9 a year extension?

10 MR. LOPEZ: Well, the -- statutorily, the
11 extensions are for a one year period.

12 MR. PRESSEY: One year?

13 MR. LOPEZ: No, absolutely not. He -- my
14 client is working right now with the Building
15 Department, but he only has about 60 days left.

16 MR. PRESSEY: Yeah.

17 MR. LOPEZ: That may not be sufficient for
18 the actual building permits to issue. And that's
19 -- that's why he's being safe.

20 MR. PRESSEY: Okay.

21 Thank you.

22 VICE CHAIRMAN GRULLON: Do I have to open
23 up to the public? Do I need to open to the
24 public?

25 MR. PANEQUE: Yeah.

1 VICE CHAIRMAN GRULLON: Yeah, this time, I
2 want to open it up to the public.

3 Any member of the public has any question?

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

6 None from the public.

7 Closed to the public.

8 Yeah, taking in consideration that your
9 client is ready to proceed now, and all the
10 delays were caused by the water company and
11 PSE&G. They're all clear and they're ready to
12 proceed to the Building Department.

13 I make a motion to grant the one year
14 extension --

15 MR. LOPEZ: Thank you, --

16 VICE CHAIRMAN GRULLON: -- on this
17 application.

18 MR. LOPEZ: -- Mr. Chairman.

19 THE SECRETARY: Motion to grant the
20 extension by Mr. Grullon.

21 Second by Mrs. Gutierrez.

22 Roll call on the motion.

23 Mr. Grullon?

24 VICE CHAIRMAN GRULLON: Yes.

25 THE SECRETARY: Mrs. Gutierrez?

1 MS. GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Mr. Pressey?

5 MR. PRESSEY: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Mr. Bonacci?

9 MR. BONACCI: Yes.

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

12 MR. LOPEZ: Thank you.

13 MS. GUTIERREZ: You're welcome.

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1 **4007 Park Avenue, LLC - 4007-4015 Park Avenue:**

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3 THE SECRETARY: Okay.

4 Let's go to the next one, 4007 Park Avenue,
5 LLC, 4007-4015 Park Avenue.

6 Mr. Lopez, please?

7 MR. LOPEZ: Thank you.

8 Once again, for the record, Adolfo Lopez,
9 appearing on behalf of the applicant.

10 Mr. Chairman, members of the Board, this
11 is, in essence, the exact same issue as the prior
12 presentation. Both of these extensions were
13 granted the same day last year. They are
14 identical buildings, more or less.

15 And, basically, it's the same reasoning.
16 Once we obtained these approvals, my client went
17 through the entire process. Both went on the
18 list at the same time at United Water.

19 The -- the water disconnect to the property
20 took place three days apart, in March of this
21 year.

22 First, they did -- actually, they -- they
23 did this one first. And three days later, they
24 did the disconnect on the first application that
25 you heard.

1 Same issue. It's -- it's a substantial
2 building, and he is stuck. We're still within
3 the same extension. This Board approved this
4 particular project for an extension on May 12th of
5 2016, and it extended the approvals through June
6 30th of 2017.

7 We're now about 60 days, and they are both
8 in the exact same status with the Building
9 Department.

10 And -- and the hold up, once again, like in
11 the first project, was United Water's time in
12 disconnecting water to this property.

13 So, for those same reasons, I ask that you
14 please consider extending it for a one year
15 period.

16 VICE CHAIRMAN GRULLON: And, again, one of
17 the -- one of the reason why United Water say
18 that they take so long, they don't do any -- any
19 type of work like this during the winter time.

20 MR. LOPEZ: It's really the only reason.

21 VICE CHAIRMAN GRULLON: Yes.

22 MR. LOPEZ: If -- if they would have
23 disconnected the way PSE&G did, within three
24 months, my client would have had nine months to
25 fully finalize this.

1 However, until United Water disconnects, we
2 can't get an approval from the Building
3 Department to excavate the property and design a
4 foundation.

5 And that was only in March. So, it was
6 less --

7 VICE CHAIRMAN GRULLON: And -- and as the
8 other application, your client is ready to
9 proceed now.

10 MR. LOPEZ: The client is ready to proceed.

11 VICE CHAIRMAN GRULLON: Any question guys?
12 Members of the Board?

13 I'm going to open to the public.

14 Mr. Price?

15 MS. DILLON: Mr. Price, please raise your
16 right hand.

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

19 MR. PRICE: I do.

20 MS. DILLON: Name and address, for the
21 record, please.

22 MR. PRICE: Larry Price, 1006 Palisade.

23 MS. DILLON: Thank you very much.

24 MR. PRICE: Okay. Just a couple of quick
25 questions.

1 On 4007 Park Avenue, was there also an
2 extension in June of last year?

3 MR. LOPEZ: Yes. There was -- it was --
4 well, it was dated May 12, 2016, and it extended
5 the original application for one year, to June
6 30th, 2017.

7 MR. PRICE: Okay. Okay.

8 MR. LOPEZ: Because again, the Permit
9 Extension Act had extended the original approval,
10 which I believe for this one was in 2006, June
11 29th, 2006.

12 That was extended by the Permit Extension
13 Act through June 30th, 2016. Prior to the
14 expiration of that extension, my client was here
15 on May 12th, 2016, and received a one year
16 approval beyond the June 30th, 2016 expiration.

17 MR. PRICE: Okay.

18 Would you agree that on both of these
19 sites, that the current zoning, adopted in 2013,
20 by the Land Development Ordinance, is for -- it's
21 an R zone now, permitted residential dwellings
22 being one, two, and three family houses?

23 MR. LOPEZ: Certainly. I would admit --
24 it's a matter of public record that the Zoning
25 Ordinance in Union City has, in fact, changed

1 | since this approval.

2 | But I would point out to -- I would point
3 | out to the Board, and to you, Mr. Price, that the
4 | legislature, in enacting the Permit Extension
5 | Act, took things like -- took changes in zoning
6 | into consideration, and they specifically put in
7 | language for changes in zoning.

8 | For example, in sub -- subsection --
9 | Let's see.

10 | -- in sub -- Subsection 4F, as an example,
11 | the legislature indicates that it specifically
12 | excludes the extension in a situation where,
13 | under F -- and I'm quoting -- the extension --
14 | the -- the law shall not toll any approval issued
15 | under the Municipal Land Use Law, in connection
16 | with an application for development involving a
17 | residential use, where subsequent to the
18 | expiration of the permit, but prior to January
19 | 1st, 2007, an amendment had been approved -- had
20 | been adopted to the master plan and the zoning
21 | ordinance, to rezone the property to industrial
22 | or commercial use, when the permit was issued.

23 | So, the -- the legislature specifically
24 | excluded certain changes in the zoning law. And
25 | if it had been their intent to effect subsequent

1 changes, it would have written it into the law,
2 and they were silent about it.

3 MR. PRICE: What -- what you're saying is,
4 the 2005 application; what this says is that if
5 you got the application in 2005, we changed the
6 Ordinance, let's say in 2007.

7 MR. LOPEZ: Oh.

8 MR. PRICE: Or 2006, that you could -- that
9 the -- that the Governor's Extension Act would
10 not apply.

11 But we did it in 2013.

12 MR. LOPEZ: What I'm -- what I'm saying is
13 that the legislature was cognizant of the fact
14 that municipalities amended their zoning
15 ordinances, and they specifically point out
16 situations where amendments would not toll the
17 statute.

18 But that's not the case for an amendment
19 such as Union City's, which came much, much
20 later.

21 Had that been the intent of the
22 legislature, they would have certainly put
23 language in to that effect, and they did not.

24 MR. PRICE: Okay. Okay. All right.

25 Thank you.

1 MR. LOPEZ: Thank you, Mr. Price.

2 VICE CHAIRMAN GRULLON: Any other member of
3 the public?

4 No one else from the public.

5 Closed to the public.

6 You know, considering that you had a year
7 extension, and the delay was caused by you know,
8 unpredicted issue by the water company and the --
9 and the different company, I make a motion to
10 grant this one year extension.

11 MR. LOPEZ: Thank you, Mr. Chairman.

12 THE SECRETARY: Motion to grant the
13 extension by Mr. Grullon.

14 MS. GUTIERREZ: Second it.

15 THE SECRETARY: Second by Mrs. Gutierrez.

16 Roll call on the motion.

17 Mr. Grullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Mrs. Gutierrez?

20 MS. GUTIERREZ: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Mr. Pressey?

24 MR. PRESSEY: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Bonacci?

3 MR. BONACCI: Yes.

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

6 MR. LOPEZ: Thank you, all.

7 MS. GUTIERREZ: You're welcome.

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

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1 **416 Monastery Place, LLC - 416 Monastery Place:**

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3 THE SECRETARY: Okay.

4 The next application is 416 Monastery
5 Place, LLC, 416 Monastery Place.

6 Mrs. Pereiras, please?

7 MS. PEREIRAS: Bianca Pereiras, on behalf
8 of 416 Monastery Place, LLC.

9 This application came before this Board
10 back in 2012. And this was to approve or
11 construct, renovate, actually, 11 units.

12 My client is requesting a one year
13 extension. We requested a one year extension
14 last year.

15 As I mentioned last year, the -- one of the
16 main issues that my client had was that there
17 were several tenants in the building that had to
18 be relocated in order to renovate this building,
19 because it needed significant renovations.

20 And as you can imagine, dealing with the
21 Superior Court, Landlord Tenant Division, as far
22 as getting these tenants relocated, was a little
23 difficult and time consuming.

24 On top of that, my client had significant
25 health issues related to his heart. He was

1 hospitalized for quite some time, and obviously,
2 after that, he had to take it a little easy, so
3 he was unable to submit for the permits at that
4 time.

5 We are requesting a year extension, to
6 allow my client to now go forward to the Building
7 Department.

8 He has retained his architect to perform
9 the construction documents. Those should be done
10 shortly, and he expects to file his permit
11 request in the very near future, but we are
12 asking for a one year extension.

13 VICE CHAIRMAN GRULLON: Is the building
14 totally empty now?

15 MS. PEREIRAS: It is empty.

16 VICE CHAIRMAN GRULLON: And all they need
17 now is just the extension to start proceeding
18 with the permits?

19 MR. PRESSEY: Correct.

20 VICE CHAIRMAN GRULLON: Do you have any
21 question guys? Member of the Board?

22 At this time, I just want to open it to the
23 public.

24 Open to the public.

25 Any member of the public want to step for

1 or against this application?

2 None?

3 Closed to the public.

4 Ms. Pereiras, you got one year extension
5 last year.

6 Was that your first extension?

7 MS. PEREIRAS: That was our first
8 extension.

9 VICE CHAIRMAN GRULLON: And this will be a
10 second extension.

11 MS. PEREIRAS: That's correct.

12 VICE CHAIRMAN GRULLON: And as you stated,
13 everything is ready to proceed.

14 MS. PEREIRAS: Yes.

15 VICE CHAIRMAN GRULLON: The only permit, to
16 start construction.

17 MS. PEREIRAS: That's correct. The
18 architect is finalizing the construction
19 documents, as we speak.

20 VICE CHAIRMAN GRULLON: And with that --
21 with that said, make a motion to grant the --
22 this one year extension.

23 THE SECRETARY: Motion to grant the
24 application by Mr. Grullon.

25 Second by Mr. Bonacci.

1 Roll call on the motion.

2 Mr. Grullon?

3 VICE CHAIRMAN GRULLON: Yes.

4 THE SECRETARY: Mrs. Gutierrez?

5 MS. GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Ortiz?

7 MR. ORTIZ: Yes.

8 THE SECRETARY: Mr. Pressey?

9 MR. PRESSEY: Yes.

10 THE SECRETARY: Mr. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Mr. Bonacci?

13 MR. BONACCI: Yes.

14 THE SECRETARY: Six in favor. Motion
15 carries.

16 MS. PEREIRAS: Thank you very much.

17 MS. GUTIERREZ: You're welcome.

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1 **2100-2106 Summit Avenue, LLC -**

2 **2100-21-6 Summit Avenue:**

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4 THE SECRETARY: Okay.

5 Next, 2100-2106 Summit Avenue, LLC, 2100-
6 21-6 Summit Avenue.

7 Mrs. Pereiras, please?

8 MS. PEREIRAS: Thank you.

9 Bianca Pereiras, on behalf of the
10 applicant.

11 This is, in essence, the same applicant
12 from the last application. He had similar
13 delays, not -- no issues relating to the tenants.
14 However, because of the health concerns, every
15 permit application kind of went back to the back
16 -- was placed on the back burner, until he was
17 healthy again to proceed.

18 He is healthy. He has also hired his
19 architect to begin construction documents, and he
20 expects, hopefully, to submit those application
21 -- permit applications at the same time as the
22 last one. But we are asking for a one year
23 extension on this one, as well.

24 VICE CHAIRMAN GRULLON: Ms. Pereiras, is
25 this the same customer?

1 MS. PEREIRAS: It is.

2 VICE CHAIRMAN GRULLON: Did you had a
3 previous extension on this application?

4 MS. PEREIRAS: We were here last year. And
5 we had an extension good until June of this year.

6 VICE CHAIRMAN GRULLON: Your extension is
7 still valid?

8 MS. PEREIRAS: Yes. It's -- correct.

9 VICE CHAIRMAN GRULLON: And could you
10 explain again what is the reason why you're
11 asking another year extension?

12 MS. PEREIRAS: My client had some
13 significant health issues, related to his heart.
14 He was hospitalized for quite some time.

15 Following his release from the hospital,
16 because it was a heart condition, he was really
17 told to take it easy, and I don't think he wanted
18 to deal with the Building Department quickly
19 after that.

20 So, that's the only reason that he really
21 hasn't proceeded with these applications.

22 VICE CHAIRMAN GRULLON: Okay.

23 His heart is --

24 MS. PEREIRAS: He's doing --

25 VICE CHAIRMAN GRULLON: -- okay now? He's

1 good?

2 MS. PEREIRAS: -- very well, thank God.

3 VICE CHAIRMAN GRULLON: I don't have any
4 question.

5 Any member of this Board?

6 At this time, I want to open it to the
7 public.

8 Any member of the public want to step for
9 or against this application?

10 None?

11 Closed to the public.

12 With that said, I'm just going to make a
13 motion to grant the one year extension, and I
14 hope your client stay healthy --

15 MS. PEREIRAS: Thank you very much.

16 VICE CHAIRMAN GRULLON: -- to complete the
17 application, so thank you.

18 THE SECRETARY: Motion to grant the
19 extension by Mr. Grullon.

20 MS. GUTIERREZ: Second it.

21 THE SECRETARY: Second by?

22 Mrs. Gutierrez.

23 Roll call on the motion.

24 Mr. Grullon?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: Mrs. Gutierrez?

2 MS. GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Ortiz?

4 MR. ORTIZ: Yes.

5 THE SECRETARY: Mr. Pressey?

6 MR. PRESSEY: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Mr. Bonacci?

10 MR. BONACCI: Yes.

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

13 MS. PEREIRAS: Thank you all very much.

14 MS. GUTIERREZ: You're welcome.

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

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1 **Alpine Investment Group, LLC -**
2 **208 New York Avenue:**

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4 THE SECRETARY: Okay.

5 Next application on tonight's agenda,
6 Alpine Investment Group, LLC, 208 New York
7 Avenue.

8 Mrs. Pereiras, please?

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

11 MR. PANEQUE: For the record, I've been
12 provided with the following documentation by Ms.
13 Pereiras:

14 I have a certification as to publication
15 and service, signed by Ms. Bianca Pereiras,
16 attorney, indicating notice of tonight's hearing
17 was sent out to all property owners within the
18 200 foot radius, as well as having been published
19 in the local newspaper.

20 I've also been provided with an Affidavit
21 of Publication, dated April 17th, 2017, in which
22 said notice was published in the newspaper,
23 giving notice of this application for tonight,
24 April 27, with respect to the property at --
25 located at 208 New York Avenue, Union City, New

1 Jersey.

2 I've also been provided with the certified
3 mail receipts, with a postmark stamp of April 15,
4 2017, as well as the list of property owners
5 within the 200 foot radius from the Tax Assessor;
6 said list is dated March 30th, 2017.

7 And the final documentation are the green
8 card receipts and envelopes that have come back,
9 to date.

10 Based on the documentation that has been
11 provided, this Board has the jurisdiction to
12 proceed and hear this application.

13 MS. PEREIRAS: Thank you, counsel.

14 Again, Bianca Pereiras, on behalf of the
15 applicants.

16 This is for property located at 208 New
17 York Avenue, also known as Block 7, Lot 21.

18 We have an existing single family home.
19 This property was devastated by fire some time
20 ago.

21 My clients purchased it in June of 2016.

22 And it was a little bit of a nightmare.

23 We had a few issues relating to violations
24 that were on the property, that during due
25 diligence, did not come up. So, unfortunately,

1 | it's been a long process.

2 | And we were hoping to get before this Board
3 | a lot sooner, but we are happy to be here today,
4 | to, hopefully, renovate this single family --
5 | maintain it a single family, but we are proposing
6 | a curb cut and garage, as well as a rear
7 | extension.

8 | We have one expert to testify before the
9 | Board this evening, that is our architect, Mr.
10 | Manuel Pereiras.

11 | MR. PEREIRAS: I recognize I am still under
12 | oath.

13 | MS. PEREIRAS: Mr. Pereiras, are you
14 | familiar with 208 New York Avenue?

15 | MR. PEREIRAS: I am.

16 | MS. PEREIRAS: And did you prepare the
17 | drawings that are before the Board this evening?

18 | MR. PEREIRAS: I have.

19 | MS. PEREIRAS: And would you kindly walk us
20 | through the application?

21 | MR. PEREIRAS: I'd be very happy to.

22 | For purposes of the record, the drawings
23 | that were submitted to you are the same drawings
24 | I have on the easel right here. I'm putting it
25 | at an angle, so that the general public could

1 | actually view them and I could speak from here.
2 | I think this is a good -- I hope everyone could
3 | see from there.

4 | This is a -- it's an honor to be part of
5 | this project, because it's one of the most
6 | beautiful blocks in Union City. I love this
7 | area. I love the character of this area. I love
8 | the character of the existing buildings.

9 | And so, it's an honor to be able to try to
10 | work there and try to blend into that character,
11 | and make something beautiful.

12 | We've had the opportunity to design some of
13 | the buildings across the street, on the west side
14 | of New York Avenue. Those -- one of them is
15 | going to be constructed very soon. There's
16 | permits, and it's -- it's going up very soon.

17 | And I really believe it might be one of
18 | the, if not the most beautiful block in Union
19 | City, after we're done with all these
20 | constructions that we're -- we're proposing.

21 | That said, this property, as the attorney
22 | said, has been a disaster. The former owner
23 | really had no regard for any of its neighbors.
24 | It was -- it was destroyed, completely destroyed
25 | by fire. There was no roof on this structure.

1 | There's a lot of debris.

2 | There's still a lot of debris. It's still
3 | in really bad shape.

4 | We're here before this Board, in order to
5 | remedy that, and -- and create a new structure
6 | that will be good for its future tenants, and
7 | hopefully, for the entire neighborhood.

8 | One of the big problems that we had with
9 | this is that we're talking about a 15 foot wide
10 | lot. So, this is 15 foot wide by a hundred feet
11 | deep, and the -- on that 15 foot property line is
12 | a shared party wall, made of masonry. So, this
13 | is brick.

14 | One of the big problems with that is that
15 | brick isn't waterproof. Brick absorbs water, and
16 | water goes through it.

17 | So, when you -- when you have a wall that
18 | was designed to be an interior partition, that
19 | wasn't designed to hold moisture out, and now
20 | it's an exterior partition, you're going to get
21 | water. You're going to get mold inside the
22 | neighboring houses. It's a complete disaster.
23 | So, we're looking to remedy that.

24 | Our client immediately took some care to
25 | this when he took the property. He filled in

1 holes, he did some waterproofing. But that's
2 only a patch job. It's very minor, it's very
3 minimum.

4 What we really need to do is get this house
5 built, and work on it to get this -- to get this
6 construction, and to have its neighbors safe.

7 What we're proposing to do, first and
8 foremost, is a rear addition, to make this a good
9 size, single family house.

10 We are proposing a rear addition that's 19
11 feet ten inches to the rear. Mind you, despite
12 this rear addition, we're still in compliance
13 with the rear yard setback. We still have a rear
14 yard of 29 feet five inches.

15 So, we're not asking for a variance of rear
16 yard. It is within our right to go back to this
17 rear yard.

18 We do have -- we are triggering some --
19 triggering some variances on that, which is side
20 yard.

21 There's a zero foot side yard on both
22 sides, but that's simply the nature of these
23 townhouses, where they're on the property line.
24 And we have to maintain that going back, and
25 setting that back would be unreasonable, because

1 | it's only 15 feet wide.

2 | So, we're expanding on an existing
3 | nonconformity when it comes to side yard.

4 | That said, our lot coverage and building
5 | coverage is still under the Code requirement.
6 | So, we're not requesting Code requirements. This
7 | is a modest addition.

8 | Our building coverage is 58 percent, which
9 | is under the 60 percent allowed by the Ordinance.
10 | And our lot coverage is at 70 percent, which is
11 | under the 75 percent allowed by the Ordinance.

12 | So, we're not asking for -- for any
13 | variances of that nature.

14 | We do have an existing nonconformity when
15 | it comes to lot width. Of course, we don't have
16 | the 25 feet that are required. And the lot size,
17 | we don't have the 2500 square feet that are
18 | required.

19 | We do have a parking variance. This is an
20 | existing parking variance, and what we're
21 | proposing to do is to actually reduce that
22 | parking variance.

23 | And one of the things that we're proposing,
24 | in our design, is to introduce a curb cut on the
25 | street, and introduce a garage for this property,

1 | so that the single family home will have a place
2 | to park their garage (sic).

3 | So, we're -- we're looking to have a
4 | parking space within the building and a -- and --
5 | and the curb cut on the street.

6 | In order to do that, we have to do several
7 | things. There's utility poles on the street that
8 | we want to avoid. We don't want to hit the
9 | utility poles.

10 | So, one of the things that we're doing is
11 | we're demolishing that front stair, and we're
12 | going to relocate a couple of steps -- we're
13 | actually reducing the number of steps on the
14 | outside, to the other side of the house, a little
15 | bit further north. And we're creating a driveway
16 | apron, in order to have access to the -- to the
17 | garage.

18 | There is an existing light pole. One of
19 | the -- the Union City black light poles, the more
20 | classical looking ones, that we have to remove.

21 | Where the City's going to put that, I don't
22 | know. But we need to remove it from that point.
23 | It could be moved further to the north or further
24 | to the south.

25 | And we need to handle that with the

1 Engineering Department for Union City.

2 I'm turning now to page Z02. Z02 describes
3 the house.

4 On the ground floor, you could see where we
5 enter, we're creating land -- a landscaping
6 buffer between the driveway and the entrance to
7 the house, so that we're introducing new
8 landscaping to the block, which I think is very
9 important. You have room for the garage.

10 And then, from that garage, you could enter
11 into the stairwell, or from the street, and lead
12 up to the main floor, which is the second floor.

13 That second floor is comprised of your
14 living room, dining room, and full kitchen, along
15 the rear of the building, with a half bath there.

16 From that floor, you have the option of
17 going down to a master suite. So that master
18 suite is on the ground level, looking to the --
19 to the rear yard, so that you have a master
20 bedroom which is ten feet two inches by 16 feet
21 in depth, with its own bathroom and walk-in
22 closet.

23 And then -- or you could go upstairs, where
24 you find two bedrooms for -- for the family. Two
25 smaller bedrooms. One that's 13 by 12, and the

1 other one that's 13.6 by 16. Both of them have
2 their own bathroom and closet.

3 To talk a little bit about the façade of
4 the building.

5 On the first sheet, there's a photograph
6 showing the character of the -- of the façade of
7 the adjoining properties.

8 What we're looking to do is to maintain the
9 brick, maintain the cornice, and what we're
10 looking to do is introduce and cut a lintel for
11 that garage door, and move those stairs over, so
12 that we're not interrupting, we're not changing
13 this façade, we're not tearing it down. We're
14 actually restoring it, and simply introducing a
15 new garage door, so that it stays with that same
16 character and that same uniformity on the block,
17 which I think is very important.

18 The rear of the building. It's -- it's
19 very simple. It's -- we're just proposing siding
20 along the rear. It maintains masonry on the
21 sides of the property, and -- and nice large
22 windows along the rear of it. Nothing -- nothing
23 else there.

24 The building. Let's talk a little bit
25 about construction.

1 We would have to conform with today's
2 construction standards, not the construction
3 standards of when these houses were built. That
4 makes a very big difference, and brings this
5 building up to Code.

6 First and foremost, there is a fire
7 separation between this house and its neighboring
8 houses that has to be maintained, and it has to
9 be upgraded. So, we're -- in addition to the
10 masonry, we're adding gypsum board on our
11 interior side, and filling any voids and
12 crevices.

13 A lot of these buildings, the way they're
14 done, the -- the structure, the wood structure
15 sits within these masonry walls. So, there's
16 cavities in which fire could bleed into.

17 That's not the way we're creating our
18 structure. We're actually creating a new
19 structure, within this masonry cavity.

20 That's a big deal, because it's a much
21 safer building. So, we're creating a full fire
22 wall that stops fire, and then, our structure
23 fits within it.

24 In addition to that, the garage itself has
25 a two hour fire separation from the rest of the

1 house to the adjoining structures.

2 So, it's completely safe and maintains that
3 -- that condition to -- to today's current fire
4 standards, as well as being alarmed for both
5 carbon monoxide and fire, with an alarm system
6 that notifies the entire house and as well as a
7 fan system that blows air out of the garage, in
8 case of an emergency, plus the addition of the
9 alarm.

10 So, there are a lot of fire safety
11 conditions that are created in this house in
12 order to -- to bring it up to Code.

13 That concludes my testimony. I'm open for
14 your questions.

15 VICE CHAIRMAN GRULLON: Mr. Pereiras,
16 according to the Building Department memo, there
17 was a two -- was a two unit structure, and you're
18 proposing to -- to do a one -- one family house
19 there?

20 MR. PEREIRAS: What we're proposing is a
21 one family house.

22 I don't know what -- if the Building
23 Department considers it a two family. I have
24 nothing to contest that. I believe it was a one
25 family originally.

1 VICE CHAIRMAN GRULLON: Okay.

2 You have the owner of the property here?

3 MR. PEREIRAS: No, they're not here.

4 VICE CHAIRMAN GRULLON: Okay.

5 I will say that this is -- it really will
6 help the parking variance, because it -- if it
7 was a two unit construction, you will require
8 more parking. And bringing it down to one unit,
9 your parking variance would be less.

10 MR. PEREIRAS: Yes.

11 We're helping the parking variances in
12 several ways.

13 Number one.

14 We're reducing the number of units,
15 according to that memo.

16 And second, we're providing parking within
17 the building, which reduces the parking variance.

18 VICE CHAIRMAN GRULLON: And again, you're
19 not doing any demolition of the -- of the
20 existing -- existing structure?

21 MR. PEREIRAS: Yes, we are.

22 So, the existing side walls remain.

23 Inside, there is almost nothing left. There is
24 some structure --

25 VICE CHAIRMAN GRULLON: Yes.

1 MR. PEREIRAS: -- but it's in horrible
2 condition. It's charred, it's burned, it's got
3 to be completely redone. This is a complete
4 reconstruction of the interior house.

5 What we're looking to do is save that
6 façade, because I think it's extremely important.
7 It's integral to this project, it's integral to
8 the -- the historic value of this neighborhood to
9 maintain that façade.

10 What we're looking to do is cut the façade
11 at a lower level, and introduce the header that
12 is in character with the neighborhood, so we're
13 using the same stone header as within the
14 windows, cover -- it's covering that lintel, and
15 creating the garage door.

16 So, there is a lot of construction, there
17 is a lot of demolition that's going to be
18 involved, but it's all controlled demolition,
19 with sensitivity to the historic nature of this
20 house.

21 VICE CHAIRMAN GRULLON: And like all the
22 renovation you're doing to the façade, is going
23 -- is going to stay in line with the existing --
24 the existing structure of the neighborhood.

25 MR. PEREIRAS: As a professional, I believe

1 | so completely, and I -- and you can make your own
2 | determination, looking at both the photographs
3 | that we have here, and the façade photograph that
4 | we have -- the rendering that we have here, two
5 | dimensional rendering of that façade.

6 | VICE CHAIRMAN GRULLON: And you will be
7 | adding a rear -- a rear extension. How -- how --

8 | MR. PEREIRAS: Yes.

9 | VICE CHAIRMAN GRULLON: How big is that
10 | extension?

11 | MR. PEREIRAS: It is twenty -- it is 19
12 | feet ten inches, which is within the requirements
13 | of the rear yard setback.

14 | So, we're still actually leaving extra rear
15 | yard available.

16 | VICE CHAIRMAN GRULLON: And do you know
17 | what -- what you have on the north side and the
18 | south side the -- of the property?

19 | MR. PEREIRAS: Yes. Immediately to the
20 | north and the south are structures that are
21 | exactly like this one, or the way it was.

22 | Both the structures immediately to the
23 | north and south do not have the extension.

24 | However, if you go, I believe it's two
25 | properties higher, and we have neighbors here

1 that can confirm what I'm saying, two properties
2 higher do have the extension. And -- and I'm not
3 sure of one to the -- little bit to the south. I
4 could do a quick Google map. I believe another
5 property a little bit to the south has an
6 extension, as well.

7 But I will verify that as soon as we get
8 off -- off this.

9 VICE CHAIRMAN GRULLON: And you will be
10 keeping the front façade the -- to match, exact
11 the same as the other houses.

12 MR. PEREIRAS: You literally will have the
13 same cornice, the same top of the building.
14 What's changing is the garage door below it.

15 VICE CHAIRMAN GRULLON: Just the garage
16 door below.

17 You're keeping the bricks, or you just
18 adding stones?

19 MR. PEREIRAS: We're keeping the brick and
20 maintaining as much as we can.

21 VICE CHAIRMAN GRULLON: I don't have any
22 more question.

23 Do you?

24 MR. BONACCI: I just have a question. I
25 just want to clear this up. Maybe you can help

1 me clear this up.

2 So, you said you will meet the minimum rear
3 yard requirement.

4 MR. PEREIRAS: Yes.

5 MR. BONACCI: Okay.

6 MR. PEREIRAS: More than the minimum. So,
7 the minimum rear yard requirement is 25 percent
8 of the lot depth, which would be 20 -- actually,
9 we're exactly at 29 feet five inches. At 25
10 feet, and we're at 29 feet five inches. So,
11 we're leaving an additional four feet five inches
12 of rear yard.

13 MR. BONACCI: I'm only asking, because
14 according to Mr. Spatz's memo, it says that the
15 minimum yard of 25 feet is required, and the rear
16 yard of 29.5 feet will be provided, which does
17 not conform.

18 MR. SPATZ: That --

19 MR. PEREIRAS: So --

20 MR. SPATZ: That -- that's an error on my
21 part.

22 VICE CHAIRMAN GRULLON: That was a typo.

23 MR. SPATZ: It is -- it's a typo.

24 MR. BONACCI: Okay.

25 MR. SPATZ: It is -- it does conform.

1 MR. BONACCI: Okay.

2 MR. SPATZ: Yeah.

3 Thank -- thank you for pointing that out to
4 me.

5 MR. BONACCI: Another question I have is
6 about the garage, because as far as rebuild
7 versus construction of the rear addition, those
8 are two like completely different things for me.

9 MR. PEREIRAS: Um hum.

10 MR. BONACCI: Rebuilding, I don't have any
11 problem with.

12 The construction of the rear addition,
13 considering how on top of each other that the
14 neighbors are, that's where -- you know, I see
15 things being a little bit sticky.

16 In the rear addition, the garage, does your
17 client plan on having electric outlets in there,
18 and using it for purposes of that nature?

19 MR. PEREIRAS: We are required, by Code, to
20 have electric outlets within the garage.

21 MR. BONACCI: Right.

22 MR. PEREIRAS: It's required. It's a car
23 garage. So, it's -- the purpose is not a
24 mechanic shop. It's a residential, single family
25 house, and it's to maintain their car in there.

1 MR. BONACCI: I got it. The only reason
2 that I would bring that up is because I would
3 just see that, personally, as something that
4 might create a new safety hazard in a block that
5 was already devastated by a fire hazard.

6 MR. PEREIRAS: The --

7 MR. BONACCI: That's -- that's the only --

8 MR. PEREIRAS: The safety being having a
9 car within a house?

10 MR. BONACCI: Not the car within the house,
11 not the garage. Just the fact that the new
12 garage could be used for all kinds of purposes.
13 Somebody could spill gas, something like that,
14 and that's a new condition that didn't exist
15 there before.

16 In addition to the fact that we've got,
17 like a light pole there, and we don't know what
18 we're going to do with that.

19 So, the client -- that's an inconvenience
20 for them, but then, removing it becomes an
21 inconvenience on the City.

22 So, we're shifting that inconvenience from
23 the client, who purchased the property, to now
24 it's an inconvenience for the City that kind of
25 has to fix it, to make things easier for -- you

1 know what I mean? For -- for the client.

2 MR. PEREIRAS: It -- it's not an
3 inconvenience to the City. The City will make a
4 request for that, through the Engineering
5 Department. They will be putting money into
6 escrow that will be reviewed by the Engineering
7 Department, that's hired by the City.

8 They're going to make recommendations on
9 that. And the City is not going to just
10 arbitrarily move it because they feel like it, or
11 because we feel like it. Anything that has to
12 take place is going to take place by -- and be
13 paid for by the applicant.

14 So, there is no inconvenience for the City.
15 It's part of -- of general operating conditions
16 of the City. It's something that's typical and
17 normal.

18 What you may say is that it may be an
19 inconvenience of where that pole is located, if
20 any neighbor would be upset with that pole.

21 We need to light our streets and we need to
22 be able to light the pole -- light the streets,
23 and there will be light poles there.

24 The Engineering Department will pick a
25 place for that. I can't do that, as the

1 architect, as the applicant, but the Engineering
2 Department designs that, studies that, and where
3 it's needed, they will provide it.

4 MR. BONACCI: Okay.

5 And just one last thing is, so the
6 variances would be for the side yard setback, not
7 the rear yard, but yes, for the minimum lot area.

8 Does that sound right?

9 MR. PEREIRAS: No.

10 MR. BONACCI: Okay. So, the --

11 MR. PEREIRAS: So --

12 MR. BONACCI: -- variances that you're
13 seeking --

14 MR. PEREIRAS: So, we have -- we have
15 preexisting variances for lot size. Everyone on
16 the block has the same condition. We're the same
17 as all our neighbors. We have a 15 foot wide
18 side yard. So, we have lot width and -- and lot
19 size. Those are C variances.

20 In addition to that, we have the C variance
21 for expansion of the side yard.

22 That said, we're here before the Board for
23 -- Bianca, you could help me out with the
24 technicalities on this, and the -- and our
25 Planner could help us with the technicalities on

1 | this.

2 | Beyond that, we're not required to have
3 | site plan approval. That's why we're not before
4 | the Planning Board. That's why we're hearing a
5 | single family application within the Zoning
6 | Board, within -- before you today.

7 | So, even though we don't have a use
8 | variance of any sort, we're -- we're here before
9 | you to grant those variances.

10 | MR. BONACCI: Just to clarify, again -- I
11 | don't mean to be repetitive.

12 | MR. PEREIRAS: No problem.

13 | MR. BONACCI: But the variances that we are
14 | seeking are --

15 | Just fill in the blank for me.

16 | MR. PEREIRAS: You're -- you're doing
17 | minimum lot area, minimum lot width, side yard,
18 | and off-street parking, because we are required
19 | to provide parking. And by providing the parking
20 | space is our efforts to reduce that requirement.

21 | MR. BONACCI: Okay. So, four in total.

22 | MR. PEREIRAS: Yes.

23 | MR. BONACCI: Okay.

24 | That's it. I don't have any more
25 | questions.

1 MR. PEREIRAS: And of the four, just to be
2 clear, every single house on that block has the
3 same variances, the same preexisting variances.

4 So, it's -- even though it's not in
5 conformance with our Ordinance, it's a hundred
6 percent and fully in conformance with every
7 single other house on that block.

8 MR. BONACCI: I understand.

9 MR. PEREIRAS: Our neighbors have that same
10 side yard, lot size, lot width --

11 MR. BONACCI: But not all the neighbors --

12 MR. PEREIRAS: -- all the same variances.

13 MR. BONACCI: -- have a garage, though.

14 MR. PEREIRAS: Right. But that's a
15 separate item.

16 MR. BONACCI: Okay.

17 MR. PEREIRAS: We could talk about the
18 garage.

19 MR. BONACCI: Okay.

20 MR. PEREIRAS: But if you're talking about
21 the variances that we're seeking, and the rear
22 yard, that's a whole separate item.

23 And if you have an objection to the garage,
24 it's different from having an objection to the
25 rear yard --

1 MR. BONACCI: Yeah.

2 MR. PEREIRAS: -- and an objection to this
3 project as a whole.

4 MR. BONACCI: That's why, in my mind, I'm
5 trying to separate the rebuilding of what was --

6 MR. PEREIRAS: Um hum.

7 MR. BONACCI: -- devastated by the fire
8 from the construction of a new garage.

9 MR. PEREIRAS: Right.

10 So -- so, let's talk about this project,
11 and just to be clear, we're reconstructing a
12 single family. No questions there. We're
13 proposing a rear yard, and we're proposing a
14 driveway.

15 All of these things conform and -- and
16 satisfy different needs for our client, and for
17 this application.

18 MR. BONACCI: Okay.

19 Thank you.

20 I don't have any more questions right now.

21 VICE CHAIRMAN GRULLON: Mr. Pereiras, you
22 mentioned that you -- do you have a planner?

23 MS. PEREIRAS: We do not.

24 MR. PEREIRAS: No, no.

25 VICE CHAIRMAN GRULLON: No. I think I --

1 MS. PEREIRAS: No, no, no.

2 MR. PEREIRAS: I mentioned your planner.

3 VICE CHAIRMAN GRULLON: Oh, okay. I see.

4 MR. PEREIRAS: It's a single family.

5 VICE CHAIRMAN GRULLON: See, again, I mean,
6 I understand the situation with the garage and
7 the pole, and probably we -- we don't have -- you
8 know, any jurisdiction to say whether the
9 Building Department is going to approve that or
10 not.

11 Because -- but your experience, you say you
12 have to submit a request for them to move the
13 pole, and whether they -- they will either grant
14 your request or deny.

15 If they deny that request, you -- you will
16 not be able to build a garage.

17 MR. PEREIRAS: That's -- that's true.

18 VICE CHAIRMAN GRULLON: Yes.

19 And according to your testimony, there are
20 other houses on the same block that have that
21 rear extension.

22 MR. PEREIRAS: Yes, there are. And there
23 are other houses in the -- in the block that have
24 been approved by this Board that have a garage,
25 as well. It's not constructed yet, but it's

1 | already been approved. It's already coming to
2 | this neighborhood.

3 | VICE CHAIRMAN GRULLON: Yes.

4 | MR. PEREIRAS: Across the street.

5 | MS. SCHMITT: No. That's across the
6 | street.

7 | MR. PEREIRAS: Across the street.

8 | MS. SCHMITT: That has nothing to do with
9 | our side of the street.

10 | MR. PEREIRAS: So -- in the neighborhood,
11 | literally, across the street.

12 | VICE CHAIRMAN GRULLON: Okay.

13 | Any other member of the Board? Any
14 | question?

15 | See, at this time, I just want to open it
16 | to the public.

17 | You don't have any other witness?

18 | MS. PEREIRAS: I don't.

19 | VICE CHAIRMAN GRULLON: At this time, I'm
20 | going to open it to the public.

21 | Any member of the public want to step
22 | forward?

23 | Yes. Come forward.

24 | MS. DILLON: Right in front of the
25 | microphone, sir.

1 Please raise your right hand.

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

4 MR. HAMILTON: I do.

5 MS. DILLON: Okay.

6 Could you please state your name, and spell
7 it for the record, and --

8 MR. HAMILTON: Sure.

9 MS. DILLON: -- give your address?

10 MR. HAMILTON: Mark, middle initial E,
11 Hamilton.

12 MS. DILLON: M-A-R-K?

13 MR. HAMILTON: M-A-R-K.

14 MS. DILLON: Middle initial?

15 MR. HAMILTON: E.

16 Hamilton, H-A-M-I-L-T-O-N.

17 MS. DILLON: And your address?

18 MR. HAMILTON: 206 New York Avenue, Union
19 City, New Jersey.

20 MS. DILLON: Thank you.

21 Thank you.

22 VICE CHAIRMAN GRULLON: You may stand, sir.

23 MR. HAMILTON: Oh, thank you.

24 Hi.

25 I -- I own two houses, actually, in that

1 row of houses. I own 214, which my partner and I
2 bought in about 1995. He was a lifelong resident
3 of Union City, and we moved up from Hoboken, and
4 we bought 214.

5 I appreciate what the architect said about
6 the block. It is a beautiful block, and it's an
7 amazing neighborhood, and I -- my neighbors are
8 terrific, and I'm very happy to be there.

9 In fact, I was so happy to be there that,
10 about a few years ago, I ran down to 206, when it
11 came on the market and bought that.

12 And 206 New York Avenue, when I bought it,
13 was -- was a blight on the block. It was covered
14 in -- in white stucco. Renovations had been made
15 to that -- to that building that were truly not
16 in character -- keeping in character with the
17 block itself.

18 And -- and I spent a lot of money to clean
19 the stucco off, try to replace the brick.
20 Unfortunately, the bay windows had been removed,
21 and I couldn't afford that. But -- but I
22 restored the house as best I could.

23 And January 10th of 2015, we were -- my
24 entire block, really, was devastated by a fire,
25 which effected myself, in particular, and also

1 the Schmitt's in 210, in particular. But
2 everybody was effected to a less -- greater or
3 lesser degree.

4 And I was out of my home for a year and a
5 half, and -- almost a year and a half. And that
6 was pretty devastating, and I lost pretty much
7 everything inside the home.

8 The good news about the whole thing is that
9 ultimately my house got rebuilt, and it -- it's
10 very nice, at this point. And I did whatever I
11 could do to try to stick with the integrity of
12 the architecture on that block.

13 So, I am very concerned about the garage,
14 because to me, I'm not so sure that the garage is
15 going to blend in with the intention of those
16 rowhouses, those old rowhouses, which are very
17 old, and will match the -- the architecture.

18 I'm also a little concerned of having a
19 garage abutting -- directly abutting my living
20 space. I'm concerned on any number of -- of
21 issues, but in particular, I think, at this
22 point, we are all, on that block, extremely
23 paranoid of fire, which you brought up.

24 And we would certainly want to have -- make
25 sure that there is extra precaution taken in that

1 -- in that area.

2 And the only other thing -- and this may
3 not be the venue for this, but I want to just
4 bring up something else, this -- this house has
5 stayed in its current condition for an inordinate
6 amount of time. And it really needs -- something
7 needs to be done. The Schmitt's are getting
8 mold.

9 My partner has had lung cancer, which
10 thankfully, he is better, at this point, and --
11 and cancer-free. But he has severe breathing
12 issues, and luckily, so far, I don't have mold.
13 At least anything visible.

14 But -- but if I did, I would literally have
15 to move him out of his home again. So, I am
16 concerned that this project move ahead in terms
17 of at least a roof on -- on the -- on the
18 structure, for the safety of -- of the Schmitt's
19 and -- and my partner.

20 So that's really all I have to say.

21 Thank you.

22 And except, to really pay attention to --
23 to the architecture, integrity of that block,
24 because that -- that's really -- it's a really
25 nice block.

1 And I have great neighbors. It's one of
2 the most diverse neighborhoods in the world. I
3 -- everybody's great. And -- and -- but the
4 block itself, and especially we got the park now,
5 is totally renovated. It's beautiful. It just
6 feels really nice to live there.

7 So, thank you.

8 MR. PEREIRAS: Mr. Hamilton, --

9 MS. GUTIERREZ: Thank you.

10 MR. PEREIRAS: -- before you go.

11 MR. HAMILTON: Yeah.

12 MR. PEREIRAS: You're the immediate
13 neighbor.

14 Right?

15 MR. HAMILTON: Yeah. I am --

16 MR. PEREIRAS: To the -- to the south.

17 MR. HAMILTON: -- one of the immediate
18 neighbors. Yes.

19 MR. PEREIRAS: Do you have any objection to
20 the rear addition?

21 MR. HAMILTON: I do not.

22 MR. PEREIRAS: Thank you, sir.

23 MR. HAMILTON: Okay.

24 VICE CHAIRMAN GRULLON: Thank you, sir.

25 MS. GUTIERREZ: Thank you.

1 VICE CHAIRMAN GRULLON: Any other member of
2 the public want to step forward?

3 Come forward, please.

4 MS. DILLON: Hello, sir.

5 MR. SCHMITT: How are you tonight?

6 MS. DILLON: Very well.

7 Please raise your right hand.

8 MR. SCHMITT: Sure.

9 MS. DILLON: Do you affirm the testimony
10 you're about to give this Board is the whole
11 truth?

12 MR. SCHMITT: Oh, definitely. Yes.

13 MS. DILLON: Okay.

14 I need you to state your name and spell it
15 for me.

16 MR. SCHMITT: My name is Roger, R-O-G-E-R,
17 Schmitt, S-C-H-M-I-T-T.

18 MS. DILLON: S-C-H --

19 MR. SCHMITT: M-I-T-T.

20 MS. DILLON: M-I-T-T.

21 And what is your address, Mr. Schmitt?

22 MR. SCHMITT: Two-ten New York Avenue.

23 MS. DILLON: Thank you, sir.

24 MR. SCHMITT: It's been my address for 44
25 years. And that's why I'm here, because -- first

1 of all, I hate change. Okay. That's me. But
2 that's beside the point.

3 Their job -- you can't rebuild that house.
4 You can only renovate that house. Because of the
5 Ordinance of 15 feet wide, you can only renovate
6 the house. You can't knock the structure down,
7 well then it's no good.

8 So, anyhow, I'm more concerned about the
9 fact that if that -- listen, we all go in the
10 wintertime, we start our car, to warm it up.
11 Where do you warm it up, unless he's got an
12 electric car, but if he warms it up, it's in that
13 garage.

14 And then, my wife spends 90 percent of her
15 time downstairs in the living room, kitchen,
16 which is all on the first floor. Our second
17 floor is a bedroom.

18 Now, I know I'm going to miss a little
19 sunlight in the back. That doesn't bother --
20 because the -- you know, we're all attached and
21 my yard doesn't go as long as their extension.

22 I have an extension, but it's only a 12 by
23 -- foot extension to the house, where my laundry
24 room is, and my bathroom.

25 But that's my concern. My concern is this

1 garage.

2 VICE CHAIRMAN GRULLON: This garage. Okay.

3 MR. SCHMITT: I don't know. I mean, nobody
4 -- we all have the right -- no, across the street
5 is going for the right. We don't have the right
6 to cut ours.

7 And Brian put all those stones there. He
8 put the lights in, just exactly where he wanted
9 them.

10 We had no concern of that. He put the
11 stones and everything, all around the lights.

12 So, I mean, I'm really concerned. I'm --
13 I've been living in Union City for 66 out of --

14 VICE CHAIRMAN GRULLON: Sure.

15 MR. SCHMITT: -- my 69 years. So, I know
16 what I'm talking about.

17 And I've been to variance boards, and I
18 really hope that you turn the plan down with the
19 garage.

20 VICE CHAIRMAN GRULLON: Yeah.

21 MR. SCHMITT: We don't care if they want a
22 variance.

23 First of all, it is a two family house. If
24 you look at the tax records, they're paying taxes
25 on a two family house, because the sons lived

1 | there, and the mother lived on the second floor,
2 | all had their own kitchens, both of them.

3 | So, it is a two family house, and now
4 | they're going to make it a one family house. But
5 | again, mine is now a one family house. Mine was
6 | a two family house, but when they renovated, we
7 | renovated to make a one family house.

8 | And you know, I'm concerned and I'm really
9 | worried.

10 | VICE CHAIRMAN GRULLON: Sure.

11 | MR. SCHMITT: And I -- you know, I hope --
12 | you know, this is --

13 | VICE CHAIRMAN GRULLON: Thank you, --

14 | MR. SCHMITT: -- not approved.

15 | VICE CHAIRMAN GRULLON: -- Mr. Schmitt, for
16 | coming for --

17 | MR. SCHMITT: Thank you.

18 | MS. GUTIERREZ: Thank you. Thank you.

19 | MS. SCHMITT: The mold.

20 | MR. SCHMITT: Oh, yeah. We have mold.
21 | We're the ones with the mold.

22 | MS. SCHMITT: We're the ones.

23 | MR. SCHMITT: Our whole kitchen, from the
24 | top to the bottom, is coated with black mold.

25 | Now, was it you that said they would take

1 | care of that? I certainly hope so, but that's if
2 | there was a house, an apartment next to us, not a
3 | car.

4 | Thank you.

5 | VICE CHAIRMAN GRULLON: Thank you, Mr.
6 | Schmitt.

7 | MS. GUTIERREZ: Thank you.

8 | VICE CHAIRMAN GRULLON: Any other member of
9 | the public want to step forward?

10 | MS. DILLON: Please raise your right hand.

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

13 | MR. KAUFFMAN: I do.

14 | MS. DILLON: Please state your name and
15 | spell it for the record.

16 | MR. KAUFFMAN: My name is Ronen Kauffman.
17 | First name is R-O-N as in Nicholas, E-N. Last
18 | name is K-A-U double F, as in Frank, M-A-N.

19 | MS. DILLON: And your address.

20 | MR. KAUFFMAN: Two-twelve New York Avenue.

21 | MS. DILLON: Thank you.

22 | MR. KAUFFMAN: Mr. Chairman, members of the
23 | Board, thank you very much.

24 | We have not lived in Union City for 63
25 | years. We've lived in Union City for three and a

1 half years, but we lived through the fire. And
2 when we went through the fire, we were tenants in
3 our home.

4 We loved the home. And so, after the home
5 was renovated, and we found out that the owner
6 was going to sell it, we bought it.

7 We love our neighbors. We love the block.
8 We love the building.

9 I'm surprised it hasn't been said in this
10 room, yet, but the houses that we're talking
11 about predate Union City by probably about 30
12 years.

13 In fact, the street that we live on is one
14 of the first streets in New Jersey, and these
15 houses are among the oldest that still stand.

16 And beyond the safety concerns that I know
17 we all share, and I don't think that the -- the
18 person who bought the property really has any bad
19 intentions, but I also don't know that they
20 necessarily have the same vested interest that we
21 have at this point, and they could choose to sell
22 it to anyone who could do anything with it.

23 We already live here, and so we think that
24 as owners, and people with an investment in the
25 neighborhood and the schools and the homes and in

1 the block, our opinions should be given
2 appropriate weight.

3 My biggest concern is that the look of the
4 block, the architecture, and these historic homes
5 is just going to be completely destroyed.

6 We have the safety concerns. We're going
7 to lose a parking spot. I understand they're
8 going to get to put a car in their home, but that
9 curb cut eliminates a parking spot in an area
10 where it's already very challenging to find
11 parking.

12 We've been told that to make up for this,
13 apparently, the owner gets to park a second car
14 in the driveway, in the curb cut, which, to me,
15 sounds like an undeeded free parking spot that
16 only get -- they get to park in without threat of
17 a ticket.

18 So, that doesn't seem very fair to me.

19 But I think that you can see that we're all
20 here very much opposed not to the rehabilitation
21 of the property, because believe me, it is a
22 scary eyesore. It was -- I mean, I literally,
23 for a year after we got back after living in a
24 hotel suite for almost four months, would tell my
25 young son to cover his mouth as we walked by from

1 my house to the car, because we didn't know what
2 was in that pile.

3 So, we want it fixed, but we want it fixed
4 with respect for the space, for the block, for
5 the people who already live here, who have a
6 vested opinion and not some speculative opinion
7 that may or may not care, down the line, about
8 the impact of this decision.

9 So, thank you.

10 VICE CHAIRMAN GRULLON: Thank you.

11 MS. GUTIERREZ: Thank you.

12 MR. PRICE: By the way, I have a question
13 to ask of Mr. Kauffman.

14 MR. KAUFFMAN: Okay.

15 MS. DILLON: Just forward, Mr. Price.

16 VICE CHAIRMAN GRULLON: Mr. Price?

17 MR. PRICE: You know, every testimony is
18 subject to cross examination.

19 Mr. Kauffman, you live at 212 New York
20 Avenue.

21 MR. KAUFFMAN: Yes, that's right.

22 MR. PRICE: Okay. Do you have parking at
23 that site?

24 MR. KAUFFMAN: No, we don't.

25 MR. PRICE: You do not?

1 MR. KAUFFMAN: No. None of the homes in
2 the stretch of -- of original brick brownstones
3 that we inhabit, none of them have parking. Not
4 one.

5 MR. PRICE: I thought -- I live a few
6 blocks from -- I thought, when I walk down the --
7 there's a large apartment building on the corner
8 of 3rd Street.

9 MR. KAUFFMAN: Yes.

10 MR. PRICE: Then there's a house.

11 MR. KAUFFMAN: Yes.

12 MR. PRICE: Is that 212?

13 MR. KAUFFMAN: No. That's 218?

14 A VOICE: Two-fourteen.

15 MR. KAUFFMAN: Two --

16 A VOICE: Two-fourteen.

17 MR. KAUFFMAN: No, no, no.

18 A VOICE: No, that's not 214.

19 MR. KAUFFMAN: No.

20 There's a -- there's a large apartment --

21 A VOICE: Right.

22 MR. KAUFFMAN: -- building, the house.

23 MR. PRICE: Yeah.

24 MR. KAUFFMAN: The Hamilton's.

25 MR. PRICE: Yeah.

1 MR. KAUFFMAN: Then, there's a home with a
2 --

3 MS. DILLON: You can't yell out from the
4 audience, please.

5 MR. KAUFFMAN: There's a home where the
6 Patel (phonetic) family lives. And they -- it's
7 not a connected brownstone. It's not one of
8 ours.

9 MR. PRICE: Right.

10 MR. KAUFFMAN: It's a separate home. It
11 looks like it was built many years after ours.

12 They have a driveway that fits two cars,
13 both of which butt out into the sidewalk.

14 MR. PRICE: Right. Yes. Okay.

15 But that is not your -- that's 214 --

16 MR. KAUFFMAN: No. That's -- that's two --

17 MR. PRICE: Your -- your --

18 MR. KAUFFMAN: It's 216, it's not -- the
19 last house in the strip is 214. So --

20 MR. PRICE: Oh, okay.

21 MR. KAUFFMAN: Yes.

22 MR. PRICE: So --

23 MR. KAUFFMAN: And they are 216.

24 MR. PRICE: So, the strip goes from 202 to
25 214.

1 MR. KAUFFMAN: Whatever's on the corner, at
2 2nd Street, yes, 202 to 214. Then, there's an
3 alleyway. And then, there's 216.

4 MR. PRICE: The Patel's.

5 MR. KAUFFMAN: And that large building on
6 the corner. Yes.

7 MR. PRICE: Okay.

8 Thank you.

9 MR. KAUFFMAN: Thank you.

10 VICE CHAIRMAN GRULLON: Thank you.

11 MS. GUTIERREZ: Thank you.

12 VICE CHAIRMAN GRULLON: Thank you, Mr.
13 Price.

14 Any other member of the public want to step
15 forward?

16 MS. ANGIONE: Hi.

17 MS. DILLON: Please raise your right hand.

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

20 MS. ANGIONE: Yes.

21 MS. DILLON: Please state your name for the
22 record.

23 MS. ANGIONE: Margherita Angione, three --

24 MS. DILLON: Spell it for me.

25 MS. ANGIONE: -- 320 2nd Street.

1 MS. DILLON: I need you to spell your name.

2 MS. ANGIONE: M-A-R-G-H-E-R-I-T-A, Angione,
3 A-N-G-I-O-N-E.

4 MS. DILLON: A-N-G --

5 MS. ANGIONE: I-O-N-E.

6 MS. DILLON: Okay.

7 And I'm just going to ask you to keep your
8 voice up, it's being -- you're being recorded.

9 MS. ANGIONE: Okay.

10 MS. DILLON: Thank you.

11 MS. ANGIONE: My concern is the garage.

12 Okay? I'm not in favor of building garage,
13 because I had a cousin that passed away from an
14 explosion in a building, garage. So, that's a
15 big concern for me, and the neighborhood.

16 We had two major fires. We don't want to
17 lose anybody. We don't want to lose any more
18 homes. So, that's a concern.

19 The other concern is parking. We're also
20 very limited in neighborhood parking. And now,
21 we have ones where you need parking permits, and
22 you need to know if you're coming from
23 out-of-town, you only give four hours or two
24 hours.

25 My other concern is the extension, because

1 | our building goes back and those yards -- are
2 | connected to our building. And we have windows
3 | facing that side of the block.

4 | MR. PEREIRAS: Um hum.

5 | MS. ANGIONE: So, we're very concerned with
6 | sunlight, and all that, and changing the look of
7 | the backyards in the neighborhood. That's our
8 | concern.

9 | Okay.

10 | VICE CHAIRMAN GRULLON: Thank you.

11 | MS. GUTIERREZ: Yeah. Thank you.

12 | MS. ANGIONE: Thank you.

13 | VICE CHAIRMAN GRULLON: Thank you.

14 | Any other member of the public want to step
15 | forward?

16 | No one else?

17 | Closed to the public.

18 | Mr. Pereiras, could you --

19 | MR. PEREIRAS: Yes?

20 | VICE CHAIRMAN GRULLON: -- address the
21 | concern, please?

22 | MR. PEREIRAS: I'd be very happy to.

23 | I thank you all. I consider you neighbors.
24 | This is the neighborhood I grew up in also.

25 | It seems like the overwhelming general

1 public is opposed to the garage. That said, our
2 Ordinance actually encourages the garage
3 component. They want us to take parking off the
4 street. They want us to have parking inside the
5 building.

6 We encourage having the typical garage,
7 within the structure. We find it safe and we
8 find it suitable here in Union City, as well as
9 across America. The majority of our suburban
10 houses, the majority of our urban houses have
11 parking within the structure.

12 It's a very normal, it's a very safe thing.
13 That's not in question. Let's dismiss that.

14 That said, they have some legitimate
15 concerns.

16 VICE CHAIRMAN GRULLON: Mr. Pereiras, I
17 just want to say that this is not -- you know, a
18 standard lot. This is only a 15 feet wide lot.
19 And no side yards in any of the -- you know, on
20 the side of the building.

21 I understand their concern. It's only a 15
22 feet wide structure, and if you put a car inside
23 there, it's going to be like inside the property,
24 as well. It's not --

25 MR. PEREIRAS: But that's a normal thing.

1 You see that across, every -- there's townhouse
2 designs with the garage underneath.

3 As far as safety and construction, that's
4 not a question. They could oppose a garage.
5 They could not like it for lots of reasons, and I
6 could understand that.

7 And our applicant understands that, and --
8 and we'd like to make the distinction that
9 there's a -- there's several components to our
10 application. One is the rear addition, and we
11 hope that that's -- the -- the Board looks
12 favorable on that. Absolutely.

13 And we're willing to concede to that
14 garage. We are willing to do so. We don't feel
15 -- we want the garage. We want a single family,
16 someone to buy the single family and be able to
17 find parking, because as someone who knows how
18 difficult it is to find parking in Union City,
19 it's a huge, huge convenience, and a great value
20 to find parking.

21 I think it -- it relieves a little of the
22 parking issue on the neighborhood, because we
23 will have two cars that are going to be
24 maintaining their -- satisfying their parking
25 issues on this property. Whereas, otherwise, we

1 would have one park in the street.

2 We feel that Union City's Master Plan, as
3 well as the Ordinance, encourages that. But we
4 look to the Board. If the Board thinks we
5 shouldn't have a garage, then we shouldn't have a
6 garage.

7 However, it is, in my strong professional
8 opinion, that we should have a garage. It should
9 be part of our application, and it should be
10 approved. It's better for many reasons. And
11 we've stated our reasons.

12 VICE CHAIRMAN GRULLON: Mr. Pereiras, but,
13 also, you know as an architect that keeping the
14 characteristic of a neighborhood is also really
15 important for the city. And also -- you know,
16 respecting the residents of the neighborhood,
17 it's -- it's another thing to consider that is
18 very important.

19 MR. PEREIRAS: I believe that --

20 VICE CHAIRMAN GRULLON: It's not --

21 MR. PEREIRAS: -- fully.

22 VICE CHAIRMAN GRULLON: It -- it --
23 everything has to be outweighed. And I -- see,
24 in my opinion, I would like to see you coming
25 together with the neighborhood.

1 I don't know if you ever had the chance to
2 get together with them. If this is the first
3 time that you had the opportunity to make that --
4 to get together with the neighbors of that block
5 and try to come up with -- with solution that
6 satisfy everyone there.

7 MR. PEREIRAS: All right.

8 So -- so, we would like to move forward
9 with this application, omitting the garage.

10 VICE CHAIRMAN GRULLON: You have any --

11 MR. BONACCI: Yeah. The only concern is
12 that, Manny, I know you're saying that the
13 applicant understands. It's a little tough for
14 us to just -- you know, take that with the
15 applicant not being here.

16 MR. PEREIRAS: Take what?

17 MR. BONACCI: The --

18 MS. GUTIERREZ: The position.

19 MR. BONACCI: Yeah. The applicant's
20 overall --

21 MR. PEREIRAS: I'm --

22 MR. BONACCI: -- position on their
23 intentions --

24 MR. PEREIRAS: I already --

25 MR. BONACCI: -- for moving --

1 MR. PEREIRAS: -- spoke to the applicant.

2 MR. BONACCI: -- into the neighborhood, and
3 how they view themselves, and working together,
4 and coexisting with the people who have already
5 lived there.

6 There's a lot at stake here.

7 MR. PEREIRAS: Let's talk about some of
8 that. Okay?

9 This isn't the first time I've spoken to
10 the neighbors. I've already been on the phone
11 with Mr. -- Mr. Schmitt once --

12 MS. PEREIRAS: Mr. Hamilton and Mrs.
13 Schmitt.

14 MR. PEREIRAS: Mrs. Schmitt several times.

15 MS. PEREIRAS: So have I.

16 MR. PEREIRAS: We've already -- and -- and
17 Bianca has, as well. Counsel has, as well.

18 And our applicant already conceded to
19 fixing their mold problem. We want to fix it.
20 We want to -- and it's not their problem. They
21 didn't -- they didn't cause this. The fire
22 caused it, which happened before our applicant
23 even came into the picture.

24 Our applicants purchased the building and
25 our applicant wants to be a good neighbor, and

1 they're volunteering to do that, whereas, they
2 have no obligation to do so. Absolutely. And
3 yet, they're coming forward and they're saying
4 that they want to do that.

5 And they're looking for this -- if we don't
6 get approved today, we're just extending that
7 further and further. It's making a worse
8 condition for them.

9 So, that's one huge concern I have, because
10 I don't want to tell the Schmitt's, I'm sorry,
11 we're looking for another month further back. I
12 -- I would hate to see that. That's why we're
13 looking to make a decision now. Time is money,
14 also.

15 And our applicant, I've already been on the
16 phone with him, I've spoken to the neighbors
17 right before this meeting, I understand that the
18 garage is a point of contention, we don't want
19 contention with the neighbors. We understand and
20 we're looking to move forward.

21 So, what I'm looking to do today, and right
22 now, is to make everyone happy. Okay?

23 We're going to remove and omit the garage
24 from our application, and we're going forward as
25 a single family house, with this rear addition.

1 I -- I can't see how anybody would have any
2 objection to that, neither the neighbors nor the
3 Board. We're not asking for a rear yard
4 variance. We're not. It's -- we're in
5 conformance to it.

6 So, we're not asking for absolutely
7 anything special there. We're asking for
8 existing nonconformities for lot width, lot size,
9 side yards, which every single other house on the
10 block has.

11 VICE CHAIRMAN GRULLON: And you're going to
12 do --

13 MR. PEREIRAS: And the --

14 VICE CHAIRMAN GRULLON: And you're going to
15 do your best --

16 MR. PEREIRAS: -- overwhelming neighbors --

17 VICE CHAIRMAN GRULLON: -- to match the
18 façade?

19 MR. PEREIRAS: We're not touching it.

20 VICE CHAIRMAN GRULLON: Yeah. Like --

21 MR. PEREIRAS: It -- it stays as is then.
22 We're not going to tear it down. It's -- it is
23 the existing façade.

24 MR. BONACCI: Okay.

25 We don't even know if the applicant wants

1 to even live there. If this was important, the
2 applicant would be here.

3 MR. PEREIRAS: The applicant will not --

4 MR. BONACCI: And face --

5 MR. PEREIRAS: -- live there.

6 MR. BONACCI: -- the people that are here,
7 that are living in the same neighborhood.

8 MS. GUTIERREZ: The applicant is not going
9 --

10 MS. PEREIRAS: Just if --

11 MS. GUTIERREZ: -- to live there.

12 MS. PEREIRAS: -- I can give you a little
13 more history?

14 MR. BONACCI: Sure.

15 MS. PEREIRAS: Because I represented the
16 applicant in regards to his purchase of the
17 property.

18 The fire happened in January of 2015. My
19 client did not acquire the property until June of
20 2016.

21 It's been a litigious nightmare, to say the
22 least.

23 MR. BONACCI: Um hum.

24 MS. PEREIRAS: As I mentioned before,
25 despite our due diligence, despite having

1 | conversations with City Counsel, after he
2 | purchased the property, we discovered a multitude
3 | of violations that were never disclosed to us.

4 | We were immediately in court. In fact, I
5 | was in Superior Court with Mr. Hamilton and with
6 | Ms. Schmitt less than a month after my client
7 | purchased the property.

8 | It's been ongoing. We have issues, now,
9 | with the seller, because the seller made certain
10 | representations to my client that were not
11 | truthful.

12 | And that is still a battle, and it's going
13 | to continue being a battle.

14 | As Mr. Pereiras mentioned, we've had
15 | several discussions with the neighbors. They've
16 | called us. They have our numbers. We've spoken
17 | to them.

18 | And my client -- the first day we went to
19 | court, my client shook their hands, and said,
20 | I'll take care of whatever problems you have.

21 | And my client intended to be in front of
22 | this Board much sooner, but unfortunately,
23 | because of all those problems that we're having
24 | behind the scenes, in the Superior Court level,
25 | dealing with City Counsel, we could not get

1 before this Board any sooner than today.

2 So, my client is very interested in getting
3 this resolved.

4 I've promised City Counsel that we're going
5 to get this resolved, and it's all an issue of
6 resolving this today.

7 MR. PRESSEY: No garage.

8 MR. BONACCI: Yeah. If I was very
9 interested in something, I'd make sure that I'm
10 there for it.

11 Has your applicant purchased the property

12 --

13 MS. PEREIRAS: He has been --

14 MR. BONACCI: -- yet?

15 MS. PEREIRAS: -- in court with me on
16 several occasions.

17 MR. BONACCI: No, I understand.

18 MS. PEREIRAS: Unfortunately, he could not
19 make it today.

20 MR. BONACCI: I under --

21 MS. PEREIRAS: Today was a Special Meeting.

22 MR. BONACCI: I totally understand --

23 MS. PEREIRAS: And he could not make it --

24 MR. BONACCI: -- all the concerns.

25 MS. PEREIRAS: -- to today's meeting.

1 MR. BONACCI: The only question I have left
2 is if the applicant has purchased that property
3 yet.

4 MS. PEREIRAS: He purchased it.

5 MR. BONACCI: Okay.

6 MS. PEREIRAS: Yes, it's his. He purchased
7 it in June of 2016.

8 MR. BONACCI: Okay.

9 MR. PEREIRAS: And -- and having the
10 applicant not here doesn't mean he doesn't care.

11 MS. PEREIRAS: Yeah.

12 MR. PEREIRAS: First and foremost, that
13 means that he trusts his representation.

14 He is our -- he is my client for almost ten
15 years now. He's one of my best clients. He is a
16 good builder. He cares about his properties. He
17 owns lots of properties in Union City. He
18 develops and flips properties in Union City.

19 This is his market. He knows what he's
20 doing. He -- not being here doesn't mean he
21 doesn't care. He's spoken to the neighbors.
22 He's shook their hand. He cares desperately
23 about this.

24 It means that he trusts us, his
25 representation.

1 MR. BONACCI: I don't want to speak on
2 behalf of the people who are sitting here today,
3 for multiple hours, but I think that it would
4 mean a lot to them if the applicant were here
5 present to field their questions.

6 MR. PEREIRAS: We're representing the
7 applicant.

8 MR. BONACCI: I totally understand that.

9 MS. PEREIRAS: And -- and our --

10 MR. BONACCI: But you guys are not the
11 applicant.

12 MS. PEREIRAS: And our client has
13 addressed, and I think they can testify to the
14 fact that they've met my client, spoken to my
15 client, dealt with him.

16 MR. BONACCI: Can we ask the public if
17 they've met the applicant? If they are familiar
18 with the applicant?

19 MS. PEREIRAS: Have you spoken --

20 MR. BONACCI: If any of these things are --

21 MS. PEREIRAS: -- to my client?

22 A VOICE: No.

23 A VOICE: No.

24 MS. SCHMITT: No.

25 MR. BONACCI: Okay.

1 MS. SCHMITT: I have not.

2 MR. BONACCI: So that answers the question.

3 MS. SCHMITT: I have not.

4 MR. PEREIRAS: At Superior Court, they did.

5 Right? No?

6 MS. SCHMITT: I have not spoken to him.

7 MS. DILLON: They can't do that.

8 MR. PANEQUE: We cannot have --

9 MS. SCHMITT: The only ones --

10 MR. BONACCI: So --

11 MS. SCHMITT: -- I have spoken to are --

12 MS. DILLON: No.

13 MR. PANEQUE: -- members from the public
14 speaking out of turn.

15 MS. SCHMITT: I'm sorry.

16 MR. PANEQUE: If you want to speak, you
17 have to step up to the podium, because you will
18 be recorded.

19 MS. PEREIRAS: And did we some work to the
20 mold issue?

21 MR. PEREIRAS: Not the mold issue. We --

22 MS. SCHMITT: No.

23 MR. PEREIRAS: -- waterproofed their house.

24 MS. DILLON: Right in front of the
25 microphone.

1 MR. PEREIRAS: And by the way, just before
2 you even go forward, let me -- let me add this.

3 We have actually set up meetings with the
4 Union City Building Inspector, Sal Ferlise. He
5 and I have visited that property twice, on two
6 separate occasions with the client. The client
7 that you're suggesting doesn't care, but yet he
8 cared enough to make that meeting.

9 And -- and we went --

10 MR. BONACCI: I didn't say he didn't care.

11 MR. PEREIRAS: -- to the Building
12 Department --

13 MR. BONACCI: I didn't say he didn't care.

14 MR. PEREIRAS: Yeah.

15 MR. BONACCI: So, that's words that you're
16 putting in my mouth because I didn't say that. I
17 said, if he cared, then he would be here.

18 If it was me, I'd make sure that I came to
19 the meeting.

20 MR. PEREIRAS: If he cared, he would be
21 here? Okay.

22 MR. BONACCI: Don't put words in my mouth.
23 That's all I'm saying.

24 MR. PEREIRAS: What did you say? If he
25 cared, he would be here? Then that's what you

1 said.

2 MR. BONACCI: If it -- or rather, let me
3 put it this way, if it was me, then I would make
4 sure. If it was something that was important to
5 me, then I'd make sure I attended it.

6 MS. PEREIRAS: You know, maybe -- maybe
7 it's the practice that we are accustomed to.
8 You've seen us present before you --

9 MR. PEREIRAS: Yeah.

10 MR. BONACCI: Yeah.

11 MS. PEREIRAS: -- many times.

12 MR. BONACCI: Yeah. Absolutely.

13 MS. PEREIRAS: And I think --

14 MR. BONACCI: Sure.

15 MS. PEREIRAS: -- very rarely have you seen
16 one of our clients here. We don't tell them,
17 hey, you have to be there.

18 MR. BONACCI: Right.

19 MS. PEREIRAS: Again, this has been a
20 difficult matter for him. This is a Special
21 Meeting. He's paying extra to have a Special
22 Meeting.

23 MR. BONACCI: That's none of my --

24 MS. PEREIRAS: So obviously --

25 MR. BONACCI: -- concern.

1 MS. PEREIRAS: -- it's -- it's --

2 MR. BONACCI: Anything involving that has
3 nothing to do with me.

4 MS. PEREIRAS: I'm just letting --

5 MR. BONACCI: Nor do I really --

6 MS. PEREIRAS: -- you know that this --

7 MR. BONACCI: -- care about it.

8 MS. PEREIRAS: -- is obviously something
9 that he -- he does care about. It's been going
10 on for --

11 MR. BONACCI: Okay.

12 MS. PEREIRAS: -- for a year. And I can
13 only tell you about my experience with City
14 Counsel, with the Building Department. It's been
15 ongoing. It's been difficult. And this is our
16 -- hopefully, our final step to get the permits
17 --

18 MR. BONACCI: Okay.

19 MS. PEREIRAS: -- and get in there.

20 VICE CHAIRMAN GRULLON: Yeah.

21 MS. PEREIRAS: And do the repairs that we
22 need to do.

23 MS. GUTIERREZ: All right.

24 VICE CHAIRMAN GRULLON: Let's give the
25 opportunity to the lady to speak.

1 MS. PEREIRAS: Absolutely.

2 MS. GUTIERREZ: For the lady.

3 MS. DILLON: Just step forward.

4 Please raise your right hand.

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

7 MS. SCHMITT: Yes.

8 MS. DILLON: Please state your name and
9 spell it for me.

10 MS. SCHMITT: Rose Marie, R-O-S-E, capital
11 M-A-R-I-E, Schmitt, S-C-H-M-I-T-T.

12 MS. DILLON: And your address?

13 MS. SCHMITT: 210 New York Avenue, --

14 MS. DILLON: Thank you.

15 MS. SCHMITT: -- Union City.

16 Okay. My point is, first of all, when we
17 met in court, there was no client.

18 MS. PEREIRAS: Okay.

19 MS. SCHMITT: It was you, it was Molly
20 (phonetic) from Union City --

21 MS. PEREIRAS: Um hum.

22 MS. SCHMITT: -- Mr. Hamilton and myself.
23 That was it.

24 MS. PEREIRAS: Okay.

25 MS. SCHMITT: So, saying that I met the --

1 MS. PEREIRAS: No, I apologize.

2 MS. SCHMITT: I did not.

3 MS. PEREIRAS: I could have sworn he was
4 there.

5 MS. SCHMITT: No. He was not there.

6 MS. PEREIRAS: This was a year ago.

7 MS. SCHMITT: No. You called him on the
8 phone --

9 MS. PEREIRAS: Okay.

10 MS. SCHMITT: -- when I told you about the
11 mold.

12 MS. PEREIRAS: Okay.

13 MS. SCHMITT: Okay?

14 MS. PEREIRAS: Thank you.

15 MS. SCHMITT: Yes.

16 But it's also, it -- first of all, yes, the
17 house next door is a two family, not a one. I've
18 been in that house when the people lived there.
19 I know it was a two family house.

20 MR. PEREIRAS: That's a good thing.

21 MS. SCHMITT: Okay.

22 MR. PEREIRAS: We're making it into one.

23 MS. SCHMITT: Yeah. But it was --

24 MR. PEREIRAS: Instead of keeping --

25 MS. SCHMITT: -- a two.

1 MR. PEREIRAS: -- it as a two.

2 MS. SCHMITT: It was a two.

3 MR. PEREIRAS: Okay.

4 MS. SCHMITT: The other --

5 MR. PEREIRAS: That's good.

6 MS. SCHMITT: -- thing is, I don't want a
7 garage on my first floor, where I live, where my
8 kitchen is, where my living room is, where my
9 laundry room and my full bathroom is.

10 I don't want a garage there. I don't want
11 to have to worry, some day, he starts the car and
12 there's a problem.

13 I just lived through a fire --

14 VICE CHAIRMAN GRULLON: Yeah.

15 MS. SCHMITT: -- that my house was totally
16 --

17 VICE CHAIRMAN GRULLON: Yeah.

18 MS. SCHMITT: Okay?

19 MR. PEREIRAS: Ma'am, I want to be clear.

20 MS. SCHMITT: The only thing --

21 MR. PEREIRAS: We don't want a garage
22 either.

23 MS. SCHMITT: Okay.

24 MR. PEREIRAS: We're removing that.

25 MS. SCHMITT: The only thing that kept us

1 from having to be able to rebuild, because we are
2 only 15 foot front, was that we're a brick front.
3 Otherwise, my house would have been gone, because
4 of carelessness on the man next door and the
5 house that yours (sic) are --

6 MS. PEREIRAS: No.

7 MS. SCHMITT: Has nothing to do with yours
8 (sic), but I'm just saying on carelessness.

9 MS. PEREIRAS: Um hum.

10 MS. SCHMITT: We all suffered. The whole
11 block suffered.

12 VICE CHAIRMAN GRULLON: Yes.

13 MS. SCHMITT: You know? I don't want to go
14 through that again. I don't want to have to
15 have, in the back of my mind, every night I go to
16 bed that I'm going to get woke up.

17 VICE CHAIRMAN GRULLON: Ms. --

18 MS. SCHMITT: I got woke up at a quarter to
19 four on a Saturday morning, because of this fire.
20 I don't want to have to go through that and
21 think, is tonight the night I'm going to hear
22 fire engines?

23 VICE CHAIRMAN GRULLON: Yes.

24 MS. SCHMITT: I don't want that.

25 VICE CHAIRMAN GRULLON: Yeah, Mrs. Schmitt,

1 as Mr. Pereiras stated, they going to remove the
2 garage.

3 MS. SCHMITT: Okay.

4 VICE CHAIRMAN GRULLON: Is any other
5 concern, besides the garage, that you --

6 MS. SCHMITT: No. I --

7 VICE CHAIRMAN GRULLON: -- still have?

8 MS. SCHMITT: And as he said, yes, they're
9 going to take care of my house. Except the thing
10 is, when they come in to fix my wall, and I can
11 have pictures I can show you what it looks like,
12 that I've been living with for over a year now,
13 with this mold, okay, where am I going to go?
14 What are they going to do when they start tearing
15 out my kitchen? That was only redone.

16 Are you going to repair that, too?

17 MR. PEREIRAS: Ma'am, our client has no
18 obligation to fix anything in your house.
19 They're doing that as --

20 MS. SCHMITT: The mold is from the house
21 next door. I never had it. And the backyard is
22 a disgrace.

23 MR. PEREIRAS: Our applicant is telling you
24 --

25 MS. SCHMITT: Yes, he's going to fix it,

1 | but what is going to happen to us while they're
2 | fixing it? While they're tearing out my brand
3 | new cabinets?

4 | Are they going to replace everything the
5 | way it is?

6 | A VOICE: I hope so.

7 | MS. SCHMITT: You know, you're telling me,
8 | yes, he's going to fix the mold problem. But
9 | that involves my cabinets on the wall there where
10 | the mold is.

11 | MR. PEREIRAS: Maybe -- you know what?
12 | It's getting complicated. Maybe -- I don't think
13 | we should fix it.

14 | Let's -- give us -- would you give us five
15 | minutes to confer?

16 | MS. DILLON: Wait. Manny, the microphone.

17 | MR. PEREIRAS: Here's the microphone.

18 | VICE CHAIRMAN GRULLON: Five minute break.

19 | MS. GUTIERREZ: Five minute break.

20 | THE SECRETARY: Five minute break.

21 |

22 | (Whereupon, the Board recessed from 8:10
23 | p.m. to 8:19 p.m.)

24 |

25 | THE SECRETARY: May I have your attention,

1 please?

2 Five minutes is over. Back in business.

3 Mrs. Pereiras, please?

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

6 MS. PEREIRAS: We had an opportunity to
7 speak to our client, and we voiced the concerns
8 that the neighbors had, as well as some of the
9 Board members.

10 And this is, as I mentioned, something
11 that's been ongoing for way too long, and he just
12 wants to move forward.

13 So, we are willing to remove the garage,
14 and proceed with the remainder of the
15 application.

16 MS. GUTIERREZ: All right.

17 VICE CHAIRMAN GRULLON: Okay.

18 Did you get an opportunity to explain that
19 to the neighborhood?

20 MS. PEREIRAS: We mentioned it before we
21 went on break, so I think they heard us. We just
22 wanted to confirm with the client.

23 VICE CHAIRMAN GRULLON: See, you want to
24 step forward, please?

25 MS. DILLON: State your name for the

1 record.

2 MR. HAMILTON: Mark Hamilton.

3 VICE CHAIRMAN GRULLON: Mr. Hamilton, do
4 you --

5 MR. HAMILTON: Yeah.

6 I -- I just want to express that -- that
7 I'm very thankful about the garage, that it
8 probably is to the benefit of everybody on -- on
9 our block, but particularly to myself and to the
10 Schmitt's, who are on either side of this
11 property, that -- that moving forward with --
12 with getting this structure rebuilt, would
13 probably be to all our benefits.

14 Again, I'm -- I'm fearful of mold, and it's
15 a blight to our block, to be honest, the way it
16 is right now. It's an unfortunate blight.

17 So, that's all I need to say.

18 Thank you.

19 MS. GUTIERREZ: Thank you.

20 MR. BONACCI: Thank you.

21 VICE CHAIRMAN GRULLON: Thank you, Mr.
22 Hamilton.

23 See, at this point, first, I want to take
24 -- thank every -- everyone from the neighborhood
25 to come forward, to -- to -- you know, to come to

1 | this meeting and express -- and express your
2 | concern, as a resident of Union City and -- and
3 | the great neighbors that you guys have in that
4 | area.

5 | And you guys are fighting to maintain the
6 | characteristic of that block, which is really
7 | important for you, and also for the entire City
8 | of Union City.

9 | And you all are residents that live there
10 | for many, many years, and we really appreciate
11 | your concern and expressing it here in this
12 | meeting.

13 | With that said, I also want to thank Mr.
14 | Pereiras and your client, for thinking of
15 | removing the garage, just to keep the
16 | characteristic of the neighborhood the same way.

17 | But also, with that, as a Board, we also
18 | want to continue maintaining the characteristic
19 | of the neighborhood. And we don't want to effect
20 | any resident's backyard, the sunlight, and all
21 | that.

22 | And the motion that I'm going to make, I
23 | don't know if it's going to be inline with what
24 | you're looking for, it's going to be just to do
25 | the renovation, no extension, and no garage.

1 A VOICE: The extension is fine.

2 VICE CHAIRMAN GRULLON: And that's the
3 motion.

4 I don't know if anybody has a different
5 motion?

6 MR. PEREIRAS: We don't need you for that.
7 We don't need you for that. We're not here for
8 that.

9 MS. GUTIERREZ: Okay.

10 MR. BONACCI: Yeah. So I'm --

11 THE SECRETARY: Did you make a motion, --

12 MR. BONACCI: I'm okay --

13 THE SECRETARY: -- Mr. Grullon?

14 VICE CHAIRMAN GRULLON: Then I --

15 MR. BONACCI: -- with just -- yeah, the
16 renovation is fine, only.

17 VICE CHAIRMAN GRULLON: Our motion will be
18 to deny the application.

19 THE SECRETARY: Motion to deny the
20 application by Mr. Grullon.

21 Any second on the motion?

22 By Mr. Bonacci.

23 Roll call on the motion to deny the
24 application.

25 Mr. Grullon?

1 VICE CHAIRMAN GRULLON: Yes, to deny.

2 THE SECRETARY: Yes, to deny.

3 Mrs. Gutierrez?

4 MS. GUTIERREZ: Yes, to deny.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes, to deny.

7 THE SECRETARY: Mr. Pressey?

8 MR. PRESSEY: I'm not denying it. No.

9 THE SECRETARY: You are -- you -- yes, to
10 approve?

11 MR. PRESSEY: Yes, to approve.

12 THE SECRETARY: Oh, no. You are -- you're
13 -- you're --

14 MR. SPATZ: No.

15 THE SECRETARY: No, you're no. That's it.
16 Sorry. I apologize for that.

17 MR. SPATZ: Yeah.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes, to deny.

20 THE SECRETARY: Mr. Bonacci?

21 MR. BONACCI: Yes.

22 THE SECRETARY: Five in favor to deny the
23 application, and one against.

24 Motion carries. This application has been
25 denied.

1 Thank you.

2 MR. PEREIRAS: I'm sorry for all of you
3 because now you have to live with that. Sorry.

4 A VOICE: I'm sorry that --

5 MR. PEREIRAS: Sorry.

6 A VOICE: We don't object to the extension.

7 MR. PEREIRAS: They denied it.

8 (Whereupon, there were multiple speakers.)

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

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1 **Tower Lenox CPU, LLC - 500 Central Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda --

5 May I have your attention, please?

6 Tower Lenox CPU, LLC, 500 Central Avenue.

7 Mrs. Pereiras, please?

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

10 MS. PEREIRAS: Just to make sure I'm giving
11 you the right one.

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

14 MR. PANEQUE: For the record, I've been
15 provided with the following documentation from
16 Ms. Bianca Pereiras:

17 I have a certification as to publication
18 and service, signed by Ms. Pereiras, which
19 indicates that notice of tonight's hearing, with
20 respect to the property located at 500 Central
21 Avenue, Union City, New Jersey, was published in
22 the local newspaper, as well as notices sent out
23 to all property owners within the 200 foot
24 radius.

25 I've also been provided with an Affidavit

1 of Publication from The Jersey Journal,
2 indicating that notice of the hearing for 500
3 Central Avenue was published in the newspaper on
4 April 17, 2017, as well as the certified mail
5 receipts, which have a postmark date of April 17,
6 2017, and the green cards that have come back, as
7 well as the envelopes that have come back, to
8 date.

9 Also attached --

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

12 MS. PEREIRAS: What are you missing?

13 MR. PANEQUE: The tax list.

14 MS. PEREIRAS: Okay.

15 Sorry.

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

18 MR. PANEQUE: I've also been provided with
19 a copy of a tax list that was promulgated by the
20 Tax Assessor of the City of Union City, dated
21 April 13, 2017, that indicates all properties
22 within the 200 foot radius of 500 Central Avenue.

23 Based on the information that's been
24 provided, this Board has jurisdiction to proceed
25 and hear this matter.

1 MS. PEREIRAS: Again, Bianca Pereiras, on
2 behalf of the applicant.

3 This is for The Lenox Tower. We all know
4 it. It's located on 5th Street and Central
5 Avenue.

6 This has multiple units, as well as --
7 residential units, as well as seven commercial
8 spaces on the ground floor.

9 Our applicant is looking to convert two of
10 those commercial spaces into residential.
11 They've been vacant for a very long time. Nobody
12 seems to want to rent them, and it just makes
13 more sense to make it a -- an apartment, because
14 there is significant interest in that and there
15 are people that want to move into the building.

16 We have one expert to testify before the
17 Board this evening, and that is Mr. Pereiras.

18 MR. PEREIRAS: I recognize I am still under
19 oath.

20 VICE CHAIRMAN GRULLON: Yes, you are.

21 MR. PEREIRAS: Hopefully, this one's a lot
22 easier.

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with 500 Central Avenue?

25 MR. PEREIRAS: I am.

1 MS. PEREIRAS: And can you please describe
2 the project for the Board?

3 MR. PEREIRAS: I'd be happy to.

4 It's -- it's a great project. We're taking
5 -- within the Lenox building, we're not making
6 any changes to the outside, everything's within.

7 So, there are a couple of commercial spaces
8 within the Lenox. They're offices. They've had
9 multiple tenants throughout the years. People in
10 and out. They've had -- we actually had -- one
11 of my clients actually was going to make a space
12 into a daycare. It's really too small to be a
13 viable commercial space, a viable office in
14 there.

15 So, what the Lenox building is proposing to
16 do is to convert those spaces from non-
17 functioning commercial spaces into more
18 conforming with the rest of the building, to make
19 them into apartments. Okay? Which from -- from
20 a zoning standpoint, it helps us in many ways.
21 One of those ways, it actually reduces our
22 parking variance.

23 We have -- one apartment is 972 square
24 feet, which is all existing office spaces. We're
25 -- if this was office space, we would be required

1 three parking spaces. Now, as an apartment,
2 we're required two parking spaces. So, we're
3 actually reducing our parking requirement,
4 reducing that non -- that nonconformity.

5 And what we're proposing to do is very
6 simple. We're keeping that façade of the
7 building, with those nice windows, and what we're
8 doing is, from the hallway, you enter in, large
9 living area -- living area, dining room area,
10 kitchen area, and two bedroom apartment. It's
11 972 square feet.

12 And then, the other space is on the other
13 end of the building, and that space is a 760
14 square foot space. And we're proposing to make
15 that into a one bedroom.

16 So, in compliance with our Ordinance. Very
17 simple design.

18 Again, you enter, open floor plan design.
19 All the existing windows on the perimeter are to
20 maintain, and we have a one bedroom there. And
21 again, we're reducing the nonconformity for
22 parking there, because we're going from a
23 commercial space, and we'd require two parking
24 spaces -- well, almost two parking spaces to one
25 -- 1.8 parking spaces in the -- because of that

1 apartment.

2 So, it's a very simple, straightforward
3 application. No work to the exterior.
4 Everything's internalized to the building. And
5 it's -- and it will continue that residential
6 use.

7 VICE CHAIRMAN GRULLON: Yes.

8 Mr. Pereiras --

9 MR. PEREIRAS: And no garage, I promise
10 you, inside the building.

11 VICE CHAIRMAN GRULLON: And -- and as you
12 say, it will reduce the -- the parking -- the
13 parking requirement.

14 MR. PEREIRAS: Yes.

15 That said, we have 235 --

16 MS. PEREIRAS: Two hundred and twenty-seven
17 --

18 MR. PEREIRAS: -- 227 --

19 MS. PEREIRAS: -- parking spots.

20 MR. PEREIRAS: -- parking spaces --

21 VICE CHAIRMAN GRULLON: Yes.

22 MR. PEREIRAS: -- within the property.

23 VICE CHAIRMAN GRULLON: And it's a two --
24 it's a two bedroom unit and one bedroom unit.

25 MR. PEREIRAS: Yes.

1 VICE CHAIRMAN GRULLON: Two units.

2 MR. PEREIRAS: And they're both located on
3 the first floor.

4 MS. GUTIERREZ: Doesn't -- safety from the
5 plan -- (indiscernible) -- 225. Check on the
6 plan. It say 225, the parking space. Not 227.

7 VICE CHAIRMAN GRULLON: Two hundred
8 twenty-five.

9 MS. GUTIERREZ: Huh?

10 VICE CHAIRMAN GRULLON: Any member of the
11 -- of the Board has any questions?

12 No question.

13 Have any other witness? The only witness?

14 MS. PEREIRAS: No. He's my only witness.

15 VICE CHAIRMAN GRULLON: Any member of the
16 public want to step forward?

17 Mr. Price?

18 MR. PRICE: Larry Price, still under oath.

19 Question.

20 Will these apartments have independent
21 access to the exterior?

22 MR. PEREIRAS: No. The -- neither of them
23 do.

24 Currently, one of the apartments, and the
25 one I'm pointing to right here, has a door to the

1 exterior. That door is going to be cut off,
2 match the existing façade, and made into a
3 window.

4 So, neither of these apartments will have
5 independent access from the outside. Everything
6 will be coming through the same lobby that
7 everyone else does. Access will be the same as
8 every other apartment in the building.

9 You go through a main lobby, you pass into
10 a hallway, and you enter into the apartments.

11 MR. PRICE: Okay.

12 Thank you.

13 VICE CHAIRMAN GRULLON: They're both --
14 they're both located in the first floor.

15 MR. PEREIRAS: They're both on the ground
16 floor.

17 I have a key plan of their location. The
18 lobby of the building is right here. One is
19 right there, one is right there. They're both
20 right past the elevators on each side.

21 VICE CHAIRMAN GRULLON: And they were
22 commercial space before in --

23 MR. PEREIRAS: Yes. Both of them
24 commercial spaces.

25 MR. BONACCI: Like a dog grooming place, or

1 something like that, or a tennis store?

2 Something like that?

3 MR. PEREIRAS: I don't know if there was
4 ever a dog grooming place but --

5 MS. PEREIRAS: There was.

6 MR. BONACCI: Yeah.

7 MR. PEREIRAS: There was?

8 MS. PEREIRAS: Yes, there was.

9 MR. PEREIRAS: There was a dog groomer.
10 Yeah.

11 MR. BONACCI: Something like that.

12 Okay. That's cool. I'm good with that.

13 VICE CHAIRMAN GRULLON: No one else from
14 the public?

15 Closed to the public.

16 Considering that this is just going to
17 improve the parking situation in the building,
18 and they are two beautiful apartments being added
19 to the -- to the building, I make a motion to
20 grant this application.

21 THE SECRETARY: Motion to --

22 VICE CHAIRMAN GRULLON: Grant this
23 application.

24 THE SECRETARY: Motion to grant the
25 application by Mr. Grullon.

1 Second by Mr. Pressey.

2 Roll call on the motion to approve this
3 application.

4 Mr. Grullon?

5 VICE CHAIRMAN GRULLON: Yes.

6 THE SECRETARY: Mrs. Gutierrez?

7 MS. GUTIERREZ: Yes.

8 THE SECRETARY: Mr. Ortiz?

9 MR. ORTIZ: Yes.

10 THE SECRETARY: Mr. Pressey?

11 MR. PRESSEY: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Bonacci?

15 MR. BONACCI: Yes.

16 THE SECRETARY: Six in favor. Motion
17 carries.

18 MS. PEREIRAS: Thank you very much.

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1 **Tower Management Service, LLP -**

2 **500 Central Avenue:**

3

4 THE SECRETARY: Okay.

5 Next application on tonight's agenda, Tower
6 Management Service, LLP, 500 Central Avenue.

7 Mrs. Pereiras, please?

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

10 MS. PEREIRAS: Almost done.

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

13 MR. PANEQUE: For the record, I've been
14 provided with the following documentation by Ms.
15 Pereiras:

16 I have the Affidavit of Publication in The
17 Jersey Journal, which was notice of the hearing
18 with respect to 500 Central Avenue was published
19 on April 17, 2017.

20 I have the certified mail receipts. I have
21 the 500 foot list, and it's noted for the record,
22 that that is the same 500 foot list from the
23 previous application --

24 MS. PEREIRAS: That's correct.

25 MR. PANEQUE: -- that is -- is involves the

1 same property.

2 I also have the certification as to
3 publication and service, which also is from the
4 previous application, as it involves the same
5 property.

6 I also been provided with the return
7 receipts that have come back to date, as well as
8 the certified mail receipts, which have a post
9 date of April 17, 2017.

10 Based on the documentation that's been
11 provided, this Board has the jurisdiction to
12 proceed and hear this matter.

13 MS. PEREIRAS: Again, thank you.

14 Bianca Pereira, on behalf of the
15 applicant.

16 We're dealing with the same building, 500,
17 the Lenox, on Central Avenue. However, we're
18 dealing primarily with the parking lot.

19 Right now, we have a parking lot, as we
20 mentioned, with 227 parking spots, and a four
21 foot high fence. There has been theft and some
22 issues with people jumping over the fence and
23 getting in.

24 My client wants to make sure that he can
25 keep that parking space -- parking lot as safe as

1 possible. So we are proposing a higher fence.

2 We have an engineer to testify before the
3 Board this evening, and that is Mr. Joseph Lalka.

4 MS. DILLON: Sir, please raise your right
5 hand.

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

8 MR. LALKA: I do.

9 MS. DILLON: Would you please state your
10 name and spell it for me?

11 MR. LALKA: Yes.

12 My name is Joseph S. Lalka, spelled
13 L-A-L-K-A.

14 MS. DILLON: And you did say S as in Sam?

15 MR. LALKA: As in Sam.

16 MS. DILLON: Okay.

17 Thank you.

18 MS. PEREIRAS: And Mr. Lalka, this is your
19 first time testifying before the Union City
20 Board.

21 Is that correct?

22 MR. LALKA: Yes, it is. My pleasure.

23 MS. PEREIRAS: And would you kindly give
24 them your credentials?

25 MR. LALKA: Yes.

1 I received a bachelor of science in civil
2 engineering, in Rutgers University, in 1972.
3 Went on to get my masters in water resources in
4 1976.

5 Had my professional engineer's and then
6 planner's license issued at that time. I've been
7 doing professional engineering and planning for
8 almost 40 years now.

9 MS. PEREIRAS: And have you testified
10 before other Boards in the past?

11 MR. LALKA: Yes, I have. I've testified
12 before numerous zoning boards, planning boards,
13 and I've been accepted as an expert in the courts
14 of -- of the State of New Jersey, probably
15 hundreds of times, on hundreds of occasions.

16 MS. PEREIRAS: And I ask that this Board
17 also --

18 VICE CHAIRMAN GRULLON: Sure.

19 MS. PEREIRAS: -- recognize him --

20 VICE CHAIRMAN GRULLON: It's our pleasure.

21 MS. PEREIRAS: -- as an expert.

22 VICE CHAIRMAN GRULLON: Welcome to -- to
23 our Board.

24 MR. LALKA: Thank you very much.

25 MS. PEREIRAS: Mr. Lalka, are you familiar

1 with the property at 500 Central Avenue?

2 MR. LALKA: Yes, I am.

3 MS. PEREIRAS: And would you kindly
4 describe the proposed fence for the Board?

5 MR. LALKA: Sure.

6 The -- the parking lot on the Central
7 Avenue side, and on the school side, which would
8 be the north side, has four foot fence, in part,
9 in the front, and a -- a motor arm type of gate.
10 Really, it provides no security for the parking
11 lot at all.

12 Much of the rest of the parking lot is
13 eight foot fence already.

14 The problem has been vandalizing, theft,
15 and trespass. And it's very easy to either hop
16 the fence, or simply scooch around the gate.

17 What we're proposing here is a --

18 And I have a -- a better picture of it for
19 you.

20 If I can introduce this?

21 MS. PEREIRAS: Should we have that marked
22 as --

23 MR. PANEQUE: Yes, please.

24 MS. PEREIRAS: -- A-1?

25 MS. DILLON: A-1?

1 MS. PEREIRAS: Yes.

2 Thank you.

3

4 (Whereupon, Photograph of Fence was
5 received and marked as Exhibit A-1.)

6

7 MR. LALKA: This is a manufacturer's
8 colored depiction of the same fence that is seen
9 in the detail on the drawing, Sheet 1 of 1.
10 Sheet 1 of 1 is also in front of you on the
11 easel.

12 It's an eight foot high fence. It's a
13 moderate commercial grade. It's a picket fence,
14 so that you can see through it, but it's eight
15 foot high, and curved outward to strongly
16 discourage climbing over.

17 What we're doing for the entryway, and I
18 don't have a manufacturer's detail of that, but
19 you'll see it in the upper left hand corner of
20 the rendering from the site plan, is a vertical
21 roll gate.

22 If you were to take the moments to look at
23 the videos of this thing, it is really -- it's
24 pretty fast, but it's -- it's equipped with all
25 of the safety features so you don't get trapped

1 underneath.

2 This would block the opening. It's not an
3 arm gate. When it's closed, it's impassable. It
4 will be supported by columns on either side.
5 It's more typically used in a building.

6 So, the columns will be necessary to -- to
7 support it structurally, and against the -- the
8 wind loads.

9 That would be operated by a electronic
10 card, or a key fob, which would be given to the
11 authorized residences.

12 It's 11 foot high on the inside. We've
13 checked with your Fire Department. Their fire
14 trucks are less than 11 feet, so that that access
15 is not an impediment to the safety vehicles in
16 the town.

17 Any moving vans or heavy loads would be
18 brought into the back of the lobby from the 4th
19 Street access, where it doesn't have to go
20 through this gate.

21 The application requires relief from
22 Chapter 223-13(e), fences and walls. Most
23 particularly, the eight foot height, but also for
24 the tines that are atop this fence.

25 We feel it's justified in terms of the

1 safety and security of the residents and the --
2 and the property.

3 And it is not dissimilar in height to the
4 surrounding fences that protect the school
5 parking lot, the church -- the school, the
6 church, and even the public pool facility all
7 have eight foot fences. So, it's not standing
8 out in the neighborhood.

9 And, in fact, there are some residences in
10 the surrounding neighborhood that have six and
11 eight foot fences in their front yards for their
12 protection, as well.

13 And I feel, for those reasons, the variance
14 would be justified.

15 VICE CHAIRMAN GRULLON: This garage door
16 here, is the only door that is being proposed?

17 MR. LALKA: Yes.

18 VICE CHAIRMAN GRULLON: And you have 225
19 spaces in the garage.

20 MR. LALKA: The --

21 VICE CHAIRMAN GRULLON: Is that --

22 MS. GUTIERREZ: Two twenty-seven.

23 VICE CHAIRMAN GRULLON: -- 225?

24 MS. GUTIERREZ: Seven.

25 MR. LALKA: Yeah, it simply replaces the

1 gates that are there now.

2 VICE CHAIRMAN GRULLON: Yes.

3 MR. LALKA: So, it's for access in and out.
4 We're not displacing any parking spaces.

5 VICE CHAIRMAN GRULLON: Yeah. No, I
6 understand that.

7 But my question is, that traffic, will that
8 be enough for that door to handle, for one single
9 door?

10 MR. LALKA: Oh, yeah. Oh, yeah. There's a
11 single entry now, and this is wide enough for --
12 for passage in either direction.

13 VICE CHAIRMAN GRULLON: For -- for in and
14 out.

15 MR. LALKA: In and out. Yes.

16 VICE CHAIRMAN GRULLON: And another
17 question that I have is, in case of power outage,
18 can they be operated manually or some --

19 MR. LALKA: There'll be a safety override
20 system that --

21 VICE CHAIRMAN GRULLON: Because --

22 MR. LALKA: -- I'll -- I'll ensure --

23 VICE CHAIRMAN GRULLON: In case a power
24 outage --

25 MR. LALKA: -- is made part of this.

1 VICE CHAIRMAN GRULLON: -- and the Fire
2 Department needs --

3 MR. LALKA: Sure.

4 VICE CHAIRMAN GRULLON: -- to get in.

5 MR. LALKA: We're stuck then. Yeah. No,
6 there -- there'll be a manual override on here.

7 VICE CHAIRMAN GRULLON: So, they don't have
8 to break the door. They could be able to open
9 the doorway.

10 MR. LALKA: They won't have to break the
11 door, but if firemen have to break the door,
12 they'll break the door.

13 MS. PEREIRAS: And I don't think Mr. Lalka
14 did, but someone from his office did meet with
15 the Fire Department at the site --

16 VICE CHAIRMAN GRULLON: Sure.

17 MS. PEREIRAS: -- to discuss the -- the
18 safety.

19 VICE CHAIRMAN GRULLON: To make sure it
20 complies with --

21 MS. PEREIRAS: Yes.

22 MR. LALKA: Yeah, --

23 VICE CHAIRMAN GRULLON: -- Code.

24 MR. LALKA: -- that would have been Mr.
25 Tony Tomminia, one of my associates --

1 VICE CHAIRMAN GRULLON: And --

2 MR. LALKA: -- who actually drew the plan.

3 VICE CHAIRMAN GRULLON: And the fence that
4 is there now, you said is four -- four feet high.

5 MR. LALKA: It's a four foot picket fence,
6 and easy to hop.

7 VICE CHAIRMAN GRULLON: Yeah. Okay.

8 And -- and this is going to be all around
9 the property?

10 MR. LALKA: It's -- it's going to be on the
11 areas that don't already have an eight foot
12 fence, because there's some areas in common with
13 the playground, and with the school, to the south
14 side, where there's already eight foot fence. No
15 need.

16 VICE CHAIRMAN GRULLON: Okay.

17 MR. LALKA: This will be, primarily, on the
18 street side, and anywhere where there's a low
19 gap, or a weak chain link fence, largely on the
20 --

21 VICE CHAIRMAN GRULLON: Sure.

22 MR. LALKA: -- north side, as well.

23 The -- the map does indicate those areas
24 where we're replacing, and where we're leaving
25 well enough alone.

1 VICE CHAIRMAN GRULLON: Are you're
2 proposing any lighting for these areas?

3 MR. LALKA: No. It's --

4 VICE CHAIRMAN GRULLON: Where you're going
5 to have the gates?

6 MR. LALKA: No. This would be the parking
7 lot lighting and the street lighting. It'd be
8 the same lighting system that's out there now.

9 MS. PEREIRAS: And what kind of lighting do
10 we have in the parking lot now?

11 MR. LALKA: Oh, boy.

12 We've got lamp posts in an alternating
13 pattern -- tall lamp posts, in an alternating
14 pattern, on each one of the island rows,
15 throughout the parking lot.

16 VICE CHAIRMAN GRULLON: Could you show me,
17 on the map, where the location of this gate is
18 going to be?

19 Is it going to be inside the property?

20 MR. LALKA: It will be right inside the
21 property, about 30 feet inside the property, so
22 that a car is out of the driveway when it opens.

23 VICE CHAIRMAN GRULLON: Okay.

24 MR. LALKA: So, it's not waiting in the
25 street. It's the same location as where the arm

1 gates are now. You're allowed to come in, it's
2 open, and you go, so you're not hanging out in
3 the street.

4 VICE CHAIRMAN GRULLON: I don't have any
5 more question.

6 Do you guys have any question?

7 Any member of the Board?

8 No question.

9 You have any other witness?

10 MS. PEREIRAS: No. That would conclude our
11 presentation.

12 VICE CHAIRMAN GRULLON: At this point, I
13 want to open it to the public.

14 Any member of the public want to step
15 forward?

16 Mr. Price?

17 MR. LALKA: Hello, Mr. Price.

18 MR. PRICE: Yes.

19 Mr. Lalka, just one quick question. Or two
20 quick questions.

21 MR. LALKA: Sure.

22 MR. PRICE: One is, is there going to be
23 one gate or two?

24 MR. LALKA: One gate.

25 MR. PRICE: So, there'll be one gate for

1 both exiting and entering?

2 MR. LALKA: No. In fact, there are going
3 to be two gates. One -- one will be for entry
4 and one for exit. These are 11 feet wide and
5 each -- there'll be one for in and one for out.

6 MR. PRICE: Okay.

7 MR. LALKA: I stand corrected.

8 Thank you.

9 MR. PRICE: Okay. Okay.

10 The second question is, right now, the
11 Lenox is here, the parking lot is here. There is
12 very little between the building and the parking
13 lot.

14 Will a fence be erected on that -- that
15 portion?

16 MR. LALKA: No. It's going -- the fence
17 gets connected into the building, so that the
18 building acts as the fourth wall, essentially,
19 the fourth leg of the fence.

20 So, once you're in the parking lot, you can
21 go up the entryway, as you could now, through the
22 landscaped area, and right into the main
23 entranceway.

24 So, it's already three sides --
25 essentially, three sides of fence tied into the

1 wall.

2 MR. PRICE: Okay.

3 Thank you.

4 VICE CHAIRMAN GRULLON: I have to thank Mr.
5 Price for clarifying that.

6 There will be two gates there.

7 MR. LALKA: Yes.

8 Thank you --

9 VICE CHAIRMAN GRULLON: Yeah.

10 MR. LALKA: -- very much.

11 VICE CHAIRMAN GRULLON: It will be 30 --

12 MR. LALKA: Yeah.

13 VICE CHAIRMAN GRULLON: Where you have the
14 30 -- 30 feet to the entrance, you're going to
15 have two gates.

16 MR. LALKA: Yeah, we show 14 and 14, so
17 that we'd have two 11 foot gates.

18 Thank you very much.

19 VICE CHAIRMAN GRULLON: Okay.

20 Thank you.

21 Any other member of the public want to step
22 forward?

23 No one else from -- from the public.

24 Taking in consideration that --

25 MS. GUTIERREZ: Closed to the public.

1 VICE CHAIRMAN GRULLON: Closed to the
2 public.

3 Considering that this is going to -- to
4 protect the residents of the building, and
5 improve the quality of life of the building, and
6 make sure that no trespassing and nothing happens
7 inside the property, I make a motion to grant
8 this application.

9 THE SECRETARY: Motion to grant the
10 application by Mr. Grullon.

11 Second by Mr. Bonacci?

12 MR. BONACCI: Yes.

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

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Mrs. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Bonacci?

25 MR. BONACCI: Yes.

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

3 MS. PEREIRAS: Thank you all --

4 THE SECRETARY: Thank you.

5 MS. PEREIRAS: -- very much.

6 Good night.

7 MS. GUTIERREZ: Thank you.

8 VICE CHAIRMAN GRULLON: Thank you. Good
9 night.

10 THE SECRETARY: Have a good night, Mrs.
11 Pereiras.

12 MR. PEREIRAS: Good night, everyone.

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

15 * * *

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1 **3900 LLC - 545-547 39th Street:**

2

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

5 Next application on tonight's agenda, 3900
6 LLC, 545-547 39th Street.

7 MS. CARIDE: Good evening, everyone.

8 MS. GUTIERREZ: Good evening.

9 MS. CARIDE: Mr. Chairman, members of the
10 Board, it seems that we leave the best for last.

11 So, I have two witnesses on this particular
12 application.

13 MR. PANEQUE: Ms. --

14 MS. CARIDE: Marlene --

15 MR. PANEQUE: -- Caride?

16 MS. CARIDE: -- Caride, for the record.

17 MR. PANEQUE: Yes.

18 MS. CARIDE: Yes.

19 MR. PANEQUE: One second, please.

20 MS. CARIDE: Yes.

21 MR. PANEQUE: We --

22 MS. CARIDE: The jurisdiction.

23 MR. PANEQUE: We do have to establish
24 jurisdiction.

25 MS. CARIDE: Yes.

1 MR. PANEQUE: Let the record reflect that
2 I've been provided with the following
3 documentation by Ms. Caride:

4 First of all, I have an Affidavit
5 indicating that -- Ms. Caride attest to the fact
6 that publication of the hearing regarding 3900 --

7 MS. CARIDE: Thirty-nine hundred LLC.

8 MR. PANEQUE: -- LLC, for property located
9 at 545-547 39th Street, Union City, New Jersey,
10 was published in the newspaper --

11 MS. CARIDE: You have the copy?

12 MR. PANEQUE: Yes.

13 MS. CARIDE: And do you have an email from
14 The Jersey Journal?

15 They have outsourced their mailings, so now
16 it's going to take two weeks to get the original
17 from the date that they published.

18 MR. PANEQUE: Okay.

19 MS. CARIDE: That's why I attached that
20 email for you.

21 MR. PANEQUE: My only concern here is, Ms.
22 Caride, I'm reading this as 4/19, published in
23 the paper.

24 MS. CARIDE: No. That's when they
25 certified it.

1 MR. PANEQUE: Okay. I -- I --

2 MS. CARIDE: It was published -- I know
3 it's small, that's why.

4 MR. PANEQUE: Do you have a copy of --
5 let's go to Mr. Price.

6 Mr. Price?

7 MR. PRICE: I was just looking.

8 MR. PANEQUE: Yes.

9 MR. PRICE: Give me a moment.

10 MS. CARIDE: It should have been April
11 15th.

12 MR. PANEQUE: Fifteenth?

13 MS. CARIDE: It was a weekend.

14 MR. PANEQUE: Yeah. Because usually, they
15 have the same date. That's why -- but I can't
16 read it on -- on --

17 MS. CARIDE: I know.

18 MR. PANEQUE: It's such a tiny print.

19 MS. CARIDE: It was -- we asked that they
20 do it on the weekend, on the Saturday. So, there
21 was a little extra charge for that.

22 MR. PANEQUE: Okay.

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

25 MR. PRICE: Yes. April.

1 MR. PANEQUE: What's the date?

2 MS. CARIDE: April 15th.

3 MR. PANEQUE: Okay.

4 MS. CARIDE: It was a Saturday.

5 MR. PANEQUE: Great.

6 I told you Mr. Price would come through.

7 MS. CARIDE: Yeah. No, no.

8 MR. PANEQUE: All right. Let the record
9 reflect that Mr. Price has been very generous in
10 sharing his information, and we're now able to
11 verify that the newspaper article was, in fact,
12 published on the 15th of April, which is within
13 the ten days required period.

14 I've also been provided, by Ms. Caride,
15 with a list from the Tax Assessor's which is
16 dated March 2nd, 2017, noting all property owners
17 within the 200 foot radius, as well as the
18 certified mail receipts and mail that has come
19 back --

20

21 (Whereupon, David Spatz left at the meeting
22 8:55 p.m.)

23

24 MR. PANEQUE: -- as well as the green
25 cards.

1 The postmark on the mail is dated April 12,
2 2017.

3 Based on the information that's been
4 provided, this Board does have jurisdiction to
5 hear this matter.

6 MS. CARIDE: Oh, here back --

7 MR. PANEQUE: For the record, returning the
8 document back to Mr. Price.

9 MR. PRICE: Okay.

10 MS. CARIDE: So, members of the Board, this
11 is an application for my applicant, 3900 LLC.
12 The owner of the LLC is present here today.

13 I have two witnesses. One would be
14 Izquierdo, who is not present because he is in
15 front of another Board testifying on other
16 matters.

17 But I would like to, if possible, have my
18 witness, who is the owner of the property and the
19 applicant, testify before you this evening, and
20 then, carry it so we can Mr. Izquierdo here at
21 the next meeting.

22 This is a property that currently exists.
23 It's commercial. And my client would like to
24 convert it into 23 apartments, with one law
25 office, commercial space at the top.

1 We're required C variances for building
2 coverage, lot coverage, parking, side and rear
3 yard, as well.

4 And there's only one D variance that we
5 need, and that would be for the height.

6 And of course, Mr. Izquierdo will testify
7 to the -- the variances that are needed at the
8 next meeting that you give us.

9 But in the meantime, I'd like to call my
10 client, the owner and sole member and owner of
11 3900 LLC, Ray -- Ramon Gonzalez, for the record.

12 You know, I don't know --

13 MS. DILLON: You're going to stand in front
14 of --

15 MS. CARIDE: Over here.

16 MS. DILLON: -- the mic, right?

17 MR. GONZALEZ: You always tell me to do
18 that.

19 MS. DILLON: I know.

20 You mess me up when you raise your hand
21 before I say it.

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

24 MR. GONZALEZ: Yes.

25 MS. DILLON: Please state your name and

1 spell it for the record.

2 MR. GONZALEZ: Yes.

3 Last name, Gonzalez, G-O-N-Z-A-L-E-Z.

4 First name, Ramon, R-A-M-O-N.

5 MS. DILLON: Thank you.

6 MR. GONZALEZ: Thank you, Chairman, Board
7 members.

8 I'll move over.

9 As -- I've been here many times
10 representing individuals, so I'm pretty much
11 familiar with the concerns of the Board.

12 And -- and today was probably something
13 that I -- I really recognized as being important,
14 because 3900 LLC is limited liability
15 corporation. I own it. But I'm really the
16 applicant.

17 So, that's why I think it's important. I
18 wouldn't be here if this wasn't a project that I
19 believed in, and that I think it's a good
20 project.

21 So, as -- as what happened in the other
22 meeting, I am the applicant.

23 Okay?

24 What exists there now is my law office.

25 MS. CARIDE: Our.

1 MR. GONZALEZ: Correct.

2 The property is pretty unique in Union City
3 in that it's 115 by about 108. It's a big
4 property.

5 So, one of the issues that has come up is
6 it's really tough with the rentals of commercial
7 space, as you saw on the last application.

8 So I sat with some people, and I thought to
9 myself, gee, you know, with everything that's
10 being paid in taxes and everything, I got to do
11 something here.

12 So, we came up with a plan that if I have
13 residential, it works. But I'm an attorney.
14 I've been here in Union City for 33 years.

15 My wife grew up in Union City on Kerrigan
16 Avenue. My first house that I lived in, when I
17 emigrated from Cuba, was on 30th Street, right off
18 Bergenline.

19 So, Hudson County, Union City is where I
20 belong. That's where all my clients are.

21 And this is the reason why I really want to
22 tell you about -- little bit about me as to why I
23 think it's important for me to have my office
24 there.

25 I'm not leaving Union City. I think it's

1 one of the most diverse places. All my clients
2 are from Union City. They're mostly Hispanic. I
3 would probably say 90 percent of them.

4 A lot of people that I represent, I
5 represent in this court on a weekly basis.

6 So, I have a bond with them, and -- and I
7 think it's one of the most diverse towns there
8 are, and I've loved it from day one. I've always
9 owned properties in Union City. My very first
10 office was on 29th Street, 33 years ago, on
11 Bergenline Avenue.

12 It was a building that was burnt. I bought
13 it. I had no money. I got a lot of loans from
14 the family, and I fixed it myself. That was my
15 first office.

16 I then moved to another place, and eminent
17 domain hit me, and now we have new Hudson County
18 Community College.

19 So, I -- I really think that it was a great
20 thing for the city.

21 I also employ a lot of people that live in
22 Union City. I have two students, one of which
23 has gone on to college. She still works for me,
24 from the high school. It's a great program they
25 have.

1 And the other one just got accepted to NYU,
2 with a \$75,000.00 full scholarship.

3 The children here are really, really
4 benefiting from the school.

5 So, that's why I don't have a problem when
6 they took my building away. But I didn't leave
7 the town. I didn't leave Union City. I stayed
8 here.

9 So, to get back to the application, I'm
10 here because you say to yourself, gee, it's a
11 building, and why do you want an office? Well, I
12 like my office. I like my office. Maybe many of
13 you may have passed it, I take pride in where I
14 work. I take pride in the properties that I own.

15 The reason the office is going to be on the
16 top floor is going to be because I'm going to
17 have full access.

18 If I had it at the bottom, it ruins the
19 structure. How do I know that? I had to talk
20 with architects and contractors, and to make it
21 work -- the way it would work is you would walk
22 into the office on the ground floor, and there's
23 an elevator. You hit the button, and you go
24 right to the office.

25 If you're a resident, you come in through

1 the other side of the elevator, and you have a
2 key. It's a card key. They have them all over
3 the place now. And you go just to the
4 residential area of the building.

5 Now, the building is going to be four
6 stories. Now, the first story is going to be
7 where all the parking is going to be.

8 Now, because I am so wide, I'm going to
9 have the benefit of having more parking than,
10 say, somebody that had a hundred by a hundred.
11 That extra footage really adds a lot of space to
12 it.

13 So, that first floor, which is parking, is
14 still going to be set back. Reason being I want
15 fire safety. And you know what? I love my
16 neighbors. My neighbors are happy, because I
17 talked to everybody on the block. And -- and
18 they're aware of it, and I wish they would have
19 been here, because they probably would have told
20 you that.

21 But either way, it's still going to be set
22 back on the first floor.

23 The next three floors, which is where the
24 residential, that's even set back more.

25 So, from the property line, if you were on

1 the second floor, it's set back about ten feet on
2 either side.

3 The reason I don't do it on the bottom is
4 because it allows me to have more parking.

5 Now, I know parking is a big issue in Union
6 City. But Union City, if you really look at it,
7 it's broken up into areas.

8 I'm pretty fortunate, because in my area,
9 we have the parking lot that's right up the
10 block.

11 So, what I did was, I've gone and I've
12 monitored a few times, and I even spoke with Mr.
13 Price about this. That parking deck, at night,
14 is empty. I'm -- I'm really amazed.

15 Then I had been here before, and I saw that
16 this Board approved another parking lot where
17 they're going to build a new school, which is
18 going to add an additional, I think, 150 spaces.

19 So, when you look at Union City, and you
20 break it up into these areas, this is a part of
21 Union City that really has a lot of parking
22 space.

23 Now, when I designed the building with the
24 architect, and I -- I have been hands-on with
25 this. The entrance that I have now is going to

1 | be similar in the sense that I'm not taking up
2 | any -- anything more.

3 | And I look at the Codes, and I know what
4 | you're supposed to have for parking space. Maybe
5 | whoever designed that, which I believe is 22
6 | feet, maybe 23 feet, clearly never lived in
7 | Hudson County, because the next thing I did was,
8 | I measured a couple of regular spots on the
9 | street. Not the spots that you can just park as
10 | soon as you can get in, I measured the Parking
11 | Authority spots. They're not even that size.

12 | So, in effect, what's happening is, because
13 | I'm going to move the area, just move the area of
14 | the entrances, it's actually going to create two
15 | more additional spots on the outside, because on
16 | my building, at --

17 | I won't wander too much.

18 | -- at the end of my building, there's an
19 | area that's probably about this size.

20 | People do park there, and it doesn't bother
21 | me because I can still get in and out, and I know
22 | it can be tough sometimes. And the same area, on
23 | the other side, by White Castle, which people do
24 | park there, also.

25 | Those are actually going to be bigger so

1 | you can get parking there.

2 | And I know anybody who parks in Union City
3 | can get a medal, that they could park anywhere,
4 | because I know, my wife, with a Suburban, living
5 | in Union City, can get that car into any spot,
6 | even if she has an inch on both sides.

7 | So you know, I'm amazed. And because I see
8 | people that can't park. Sometimes, I say, well,
9 | they would never make it here.

10 | So, to go to the building. What I did is,
11 | and I attached a couple of pictures. I did these
12 | myself and I added it.

13 | The first one that I'd just like to bring
14 | down is I wanted the Board to see what the street
15 | looks like.

16 | I'm sure you're familiar, but they're all
17 | attached. I made sure that was a copy for
18 | everyone.

19 | The first one I labeled was number one.
20 | That's the parking deck. That's the street that
21 | you go down. My building is on the left hand
22 | side, same side as the parking deck.

23 | They -- they -- every -- I --

24 | Yeah. The --

25 | MS. DILLON: Marking these --

1 MR. PANEQUE: No.

2 MS. DILLON: -- as exhibits?

3 MS. CARIDE: Yeah.

4 MR. PANEQUE: They're part of the packet.
5 Right?

6 MR. GONZALEZ: They are.

7 MS. CARIDE: Yes.

8 MR. GONZALEZ: Yes.

9 MS. CARIDE: Yes.

10 MR. GONZALEZ: Every -- I gave -- I gave it
11 to everyone.

12 MS. DILLON: So, they're in?

13 MR. PANEQUE: Yeah. They're in.

14 MS. DILLON: Okay.

15 MR. GONZALEZ: Okay. Good.

16 MS. DILLON: All right.

17 MR. GONZALEZ: The next one that I did was,
18 I -- I just walked down a little further down the
19 street, and I took a picture.

20 This is the old silk building on the right
21 hand side that now has the scaffolding there.
22 It's not in this picture. That's when I took it.
23 And to the left is an apartment building that has
24 parking underneath.

25 What I'm proposing in height-wise is,

1 | essentially, that same height. And I'll -- and
2 | I'll talk to -- to the Board about the height
3 | issue.

4 | The next one, number three, is the office,
5 | my office, what exists there now.

6 | And then, number four is a view from
7 | Kennedy Boulevard, showing White Castle and the
8 | building from that point.

9 | And the last picture I did was, I went
10 | across the street, and you could see the Hess Gas
11 | Station and the silk building.

12 | Now, I thought it would be important, since
13 | I am going to be asking for a height variance is,
14 | and I know that I was here at a meeting once and
15 | somebody asked about that, so what I did was,
16 | there's a survey that's attached. That was a
17 | very expensive survey, but what that survey does,
18 | it shows the height of the property, and height
19 | of the street.

20 | Now, I found out that after I had this very
21 | expensive survey, which I have to have anyway, I
22 | went on Google Earth, and I started doing the
23 | points that they had on Google Earth on the map.

24 | For Google Earth, costing me nothing, it
25 | came out with the same numbers for this very

1 expensive survey that I purchased.

2 So, I said, you know what? I could figure
3 this out. You know, there's no real rocket
4 science here.

5 I went to the first point and I measured
6 and I know that on the street, it's 161 to 162
7 feet, depending where on the street it is.

8 So, then you put the little arrow on Google
9 Earth, on top of the building, and it tells you
10 what the height is.

11 So, if you subtract the two, then you know
12 what the height of the building is.

13 So, what I did was, since this building,
14 and I'll -- and I'll tell you, it is four
15 stories. I have a flat roof now. I have leaks.
16 I don't care how much you could spend on this
17 building, it's old, rubber roof, anything. Maybe
18 an umbrella might help sometimes, but I get
19 leaks. And it bothers the hell out of me.

20 So, one of the things I said here is, I
21 don't want a flat roof. I want a pitched roof,
22 because then the water runs off easier, it's less
23 of a problem.

24 That's probably the biggest reason why I
25 need the height variance, because the way the

1 building is going to be constructed, at the ends,
2 it's about 43 feet. So, I think the level that
3 we're allowed might be 40.

4 MS. CARIDE: Um hum.

5 MR. GONZALEZ: So, that wouldn't be too
6 much.

7 Why is it 56 or 58, I'm not sure, is
8 because the middle is where you got to count
9 from, and that's the highest part, because I need
10 the pitch, because it comes on a formula to have
11 enough pitch, so the water and the snow and
12 everything can run off.

13 So, really, when you're at the street --

14 MS. DILLON: Now you're wandering.

15 MR. GONZALEZ: I'm sorry.

16 Really, when you're on the street, what you
17 see is something that's about 43 feet high,
18 because the high point is in the middle, and
19 nobody's going to see that.

20 But I thought to myself, when I was here
21 once, somebody asked, well, what's the height of
22 the buildings around the area?

23 So, what I did was, I made --

24 MS. CARIDE: Hold on. Before you do
25 anything, just to set a background for these

1 pictures.

2 Who took these pictures?

3 All right. You said Google. You did the
4 measurements?

5 MR. GONZALEZ: I took the pictures off
6 Google Earth.

7 MS. CARIDE: Okay.

8 MR. GONZALEZ: I did the measurements.

9 MS. CARIDE: Okay.

10 MR. GONZALEZ: And I'm going to present
11 them as exhibits for lay purposes.

12 MS. CARIDE: And --

13 MR. GONZALEZ: Okay?

14 MS. CARIDE: And counsel, can we mark this
15 as exhibit --

16 MR. PANEQUE: Yes, please. Have it marked.
17 Do you have extra sets for the Board?

18 MR. GONZALEZ: Yes, I do.

19 MR. PANEQUE: Okay.

20 MS. DILLON: So, this is a set?

21 MR. GONZALEZ: Well, that's one for each.

22 MS. DILLON: Oh, okay.

23 MR. GONZALEZ: You're going to mark this
24 one.

25 I don't know if I made enough.

1
2 (Whereupon, Google Earth Photograph
3 Depicting Heights was received and marked as
4 Exhibit A-1.)

5
6 MR. GONZALEZ: Here's -- I did.

7 MS. DILLON: You've got to take one of
8 those. I'm going to give those to Carlos.

9 MR. GONZALEZ: Okay.

10 So, what I did was, I went to a couple of
11 buildings in the area, because I wanted to see
12 what the height was at those buildings.

13 Okay?

14 And if you look at A, A is this -- this one
15 here. That's the one that I showed the picture
16 that's on the same block. That's 58 feet high.
17 Why? Because it's got the pitched roof.

18 So, what's already there is -- is that
19 height.

20 Now, what I did, also, was I -- I did a few
21 of them.

22 B is -- you can't really see it well, but B
23 is the top -- one of the parts of the silk
24 building. This one over here. That's 85 feet
25 high. Okay?

1 C is just a little further down, and that's
2 a silk building, also.

3 Then, let's just go to maybe D is the top
4 of the -- is the top of the tower over here.
5 That's 93 -- that's 92 feet high.

6 E, which is still the silk building right
7 across the street, 71.

8 And F, which is right across from me is 61
9 feet.

10 What I then did also though, is I wanted to
11 get a couple of pictures of the area. And if you
12 look at G, and you really can't see it too well,
13 that's that new building that they've been
14 constructing for a long time on 40th Street. It
15 was abandoned and now that they're doing it.
16 It's that really tall building. That's 87 feet
17 high. I'm surprised about that one.

18 And then, the -- the last part is H, which
19 is -- I believe that's also part of the silk
20 building, but it's on 40th Street, and that's 75
21 feet high.

22 And if anybody actually wants to know how I
23 did the calculations, I also made copies, so you
24 could see the difference.

25 Now, I also found that there's a pretty

1 interesting thing in Union City. If you go down
2 my street, 39th Street, and you cross the street,
3 going down by the -- by the projects on the
4 right, let's say you don't go down there. You
5 stop right there.

6 That's actually the lowest point of Union
7 City, before you go down the hill.

8 So, I thought to myself, well, gee, this is
9 pretty interesting because if you were able to
10 take a straight line, lay it on the -- on Kennedy
11 Boulevard, at 38th Street, and went straight
12 across like that, the difference, when you got to
13 39th Street, that string would be ten feet in a --
14 in -- up above you.

15 Why was that important? It was important
16 because when I measured the height of 38th Street,
17 it's almost nine and change feet higher in
18 elevation than 39th Street.

19 So, in reality, my building, although you
20 have to go by the ground level, or the street
21 level, would be lower than anything that was on
22 39th Street, or 40th Street.

23 So, really, I say that because the
24 building, in the characteristics of the
25 neighborhood, really is not going to be anything

1 | that's going to be extraordinarily high.

2 | Okay?

3 | So, I thought that was important, and I
4 | learned a little something about this stuff. So,
5 | I -- I thought that was great to know.

6 | Let me see, what else that I wanted to
7 | bring up? Just as a lay person, because I --
8 | I'll rely on my architect, who is not here.
9 | Unfortunately, he got jammed up in -- in West New
10 | York, so I'm not happy about that, but I'll deal
11 | with that.

12 | I talked about the parking. The parking is
13 | going to be all inside. It's all -- all going to
14 | be covered up.

15 | Clearly, what I have now is a building
16 | that's built right onto the property line on both
17 | sides, on three sides. White Castle is right to
18 | the property line.

19 | The back is right to the property line and
20 | the front is to the property line.

21 | There was another structure where I have a
22 | parking lot on the side that brought it over
23 | there, but I thought it was more important to
24 | have parking for -- you know, my office, so we
25 | tore that down so we had parking there, and we

1 have a little parking in the front.

2 What I wanted to do, and what I plan on
3 doing is, I don't have enough parking under the
4 Code. There's no question about that.

5 And with the office, yes, you have to base
6 it on the square footage of the office and so
7 forth.

8 I understand that. But there's a theory,
9 and I have spoken to Mr. Price about it, and Mr.
10 Marotta, there's a shared use, and why is that
11 important? Because usually, during the day,
12 everybody goes out to work, they don't use their
13 parking spaces, and that's when my office is
14 active.

15 At night, other than being here, my office
16 closes at 5:30, the latest. The girls leave and
17 -- and we don't use the parking spots, so all --
18 actually, all the parking spots would be for the
19 benefit of the building.

20 What I did do, that is, I -- and -- and I
21 know I have told you that, but I walked over
22 here, I took a walk through the parking deck, and
23 what I did was, I didn't want to just tell you
24 what happens. You know, I wanted you to see it.

25 So, what I did was, I took a video, and I

1 know it can't be marked, but this is what the
2 parking deck was at six o'clock, when I was
3 walking over here.

4 There's a lot of spots. I'm really
5 surprised. I didn't even think there was going
6 to be as many spots as they are.

7 I also -- I also took a video of the
8 building that has the parking underneath.
9 They're not even used up. I don't understand it,
10 but I was told by my architect and planner that a
11 lot of people that live in Hudson County do
12 commute, so that's why they don't have the -- the
13 parking issues in that -- in that sense.

14 Lastly, the mixed use of having my office
15 there, I wanted to see what it's like in the
16 neighborhood.

17 I grew up here. I -- I know everything
18 that's in the area for a long time. I mean -- so
19 what I did, I just took a walk around the block
20 and down my block.

21 If you go up -- and I'll take you all the
22 way around.

23 If you go up 40th Street, from Kennedy
24 Boulevard towards Bergenline, on the left hand
25 side, there's an accountant that has the

1 apartment. He has accounting, then he has the
2 apartment there.

3 You walk up a little further, there's a
4 dentist on right hand side, they have the nice
5 tooth in the front, and apartments on the other
6 side.

7 You walk a little further up, you have the
8 mixed use building, where they sell some
9 furniture sometimes, or rugs now, now it's rugs,
10 and they have apartments there.

11 Come down Bergenline, not even talk about
12 Bergenline, come down 39th Street. As you're
13 coming down 39th Street, on your right hand side,
14 you have residential that has the travel agency,
15 an accountant.

16 Walk a little further down, on the left
17 hand side, you have the accountant, has the
18 apartments, and -- and you have the accounting
19 office that he has. He's got to go upstairs.

20 Keep walking further down, you have the new
21 little restaurant that opened up on that block.

22 On the opposite side, you have Dr. Mulkay,
23 and the accountants that are there, next to that
24 building.

25 So, having an office there, it's still

1 pretty much consistent with what's there. And of
2 course, my office is there now, and we have White
3 Castle, and we have the gas station.

4 So, it's not something that's out of the
5 ordinary.

6 I did walk to further blocks. I can go to
7 36th Street. There's doctors that are on 36th
8 Street, right across from the parking lot that
9 have the apartments there, and they have their
10 office there.

11 So, it's not something that's really
12 inconsistent with the neighborhood, either.

13 But that's probably about all I can say at
14 this point --

15 Oh, no, that's not true, because I did work
16 on these plans pretty hard.

17 And the -- it's going to be 23 units. And
18 the reason it's 23 is, I didn't want to go higher
19 than -- than the four stories. I thought it
20 would be inconsistent with the area.

21 Why -- why do you come up with 23, though,
22 because one of those units I always keep for
23 myself. I work a lot of times, and I have a lot
24 of trials. I do a lot of trial work.

25 When you have to have a trial, you got to

1 | be up here, you go to be ready, you got to do --
2 | there's a lot of times I wind up staying there,
3 | at my office. I do that now.

4 | I would like -- I'm -- I'm keeping that
5 | number, because one of those is just a one
6 | bedroom unit, which I'm keeping, and it's
7 | adjoining the -- the proper -- the area that's
8 | going to be my office.

9 | So, the -- the rest of the apartments are
10 | all going to be really nice. One and a half
11 | bath, two bedrooms.

12 | They're going to have balconies. The
13 | balconies do not go outside the property line.
14 | They do not hang outside of the building.

15 | I know it's a concern. I talked to the
16 | Building Department and I asked them. I go,
17 | listen, I -- and these are rentals. These are
18 | not condos, I'm not selling. I'm staying here.

19 | And these balconies are recessed in, so the
20 | nicety of that is -- you know what? You can open
21 | up, you get fresh air, too. And I don't like
22 | that fake thing, that you open up the -- the
23 | doors and you have a railing there -- you know,
24 | that scares me.

25 | But nice balconies that are recessed in, so

1 the building is actually going to be flush,
2 square, but they will have balconies.

3 I think that's nice for a tenant -- you
4 know? Sometimes people sell it as a condo that
5 way, that's not what I'm looking for.

6 I'm looking to stay there. This is 3900
7 LLC. This is 3900 LLC.

8 MS. CARIDE: Thank you, Mr. -- Mr.
9 Gonzalez.

10 And again, for the members of the Board,
11 once Mr. Izquierdo is here, we'll be able to have
12 professional testimony with regards to the square
13 feet of the units, and -- and the property.

14 And I know that he will corroborate the
15 testimony that Mr. Gonzalez gave the Board with
16 regards to the height and how it -- how it
17 compares to other buildings in the area, as well.

18 With that said, I think we're done --

19 MR. GONZALEZ: I -- I know he'll testify to
20 that, but pictures don't lie.

21 VICE CHAIRMAN GRULLON: Yes. Ms. Caride,
22 he's going to -- he's going to be your planner
23 and your architect?

24 MR. GONZALEZ: Yes.

25 MS. CARIDE: Yes. He's going to be both.

1 And so, at this point, we only have Mr.
2 Gonzalez here as our witness.

3 We'd ask to carry this application so that
4 I can have Mr. Izquierdo here to testify as the
5 planner, and as the architect, and corroborate
6 everything that you have here, but on a
7 professional level.

8 VICE CHAIRMAN GRULLON: Thank you.

9 Mr. Gonzalez, thank you. I know you did a
10 lot of work -- you know, putting all this
11 together, a lot of homework. And you know your
12 neighborhood --

13 MR. GONZALEZ: Oh, I know it.

14 VICE CHAIRMAN GRULLON: -- we can see. We
15 appreciate all the information that you provide
16 us.

17 MR. GONZALEZ: Great.

18 Thank you very much.

19 Any questions, I'll try to --

20 MR. BONACCI: Thank you so much.

21 MR. GONZALEZ: -- answer as much as
22 possible.

23 MS. GUTIERREZ: Thank you.

24 MS. CARIDE: So, Chairman, if you tell me
25 what day is the next meeting, then I will make

1 | sure to have Mr. Izquierdo here.

2 | MR. GONZALEZ: I will make sure he's here.

3 | THE SECRETARY: Next meeting?

4 | VICE CHAIRMAN GRULLON: We probably for
5 | what, the June meeting?

6 | MS. GUTIERREZ: May -- May -- May --

7 | THE SECRETARY: May 11 is the next meeting.

8 | MS. GUTIERREZ: May 11.

9 | THE SECRETARY: May 11.

10 | MS. CARIDE: May 11?

11 | MR. GONZALEZ: That's perfect.

12 | MS. CARIDE: Okay. May 11.

13 | THE SECRETARY: There's a motion to --

14 | VICE CHAIRMAN GRULLON: Yes.

15 | A motion to adjourn this application to the
16 | May 11 meeting.

17 | MS. GUTIERREZ: And I'm seconding.

18 | THE SECRETARY: Motion to adjourn this
19 | application for May 11.

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

22 | THE SECRETARY: Give me one second, please.

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

25 | THE SECRETARY: All right. Let's go back

1 on record, please.

2 Have a motion on the table to adjourn this
3 application for May 11 by Vice Chairman Grullon.

4 Any second?

5 I have two hands, asking second and third
6 and four.

7 Okay. Second by Mr. Ortiz.

8 Roll call on the motion to adjourn this
9 application for May 11. No further notice
10 required.

11 Mr. Grullon?

12 VICE CHAIRMAN GRULLON: Yes.

13 THE SECRETARY: Mr. (sic) Gutierrez?

14 MS. GUTIERREZ: Yes.

15 THE SECRETARY: Mrs. I'm sorry.

16 Mr. Ortiz?

17 MS. GUTIERREZ: Mr. --

18 MR. ORTIZ: Yes.

19 MS. GUTIERREZ: Mr. Gutierrez.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Bonacci?

25 MR. BONACCI: Yes.

1 THE SECRETARY: Six in favor. Motion
2 carries, next meeting May 11. No new notice
3 required.

4 VICE CHAIRMAN GRULLON: Thank you, Mr.
5 Gonzalez.

6 MR. GONZALEZ: Thank you.

7 THE SECRETARY: Thank you.

8 VICE CHAIRMAN GRULLON: Thank you, --

9 MS. GUTIERREZ: Thank you.

10 MS. CARIDE: Thank you --

11 VICE CHAIRMAN GRULLON: -- Ms. Caride.

12 MS. CARIDE: -- everyone. Have a beautiful
13 evening.

14 MS. GUTIERREZ: Thank you.

15 MR. BONACCI: Thank you.

16 MS. GUTIERREZ: Good night.

17 MR. PANEQUE: Is there a motion to --

18 THE SECRETARY: Don't leave. Don't leave.

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

21 * * *

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1 **RESOLUTION:**

2

3 (1) Paula Escobar, 2404 Summit Avenue, Block
4 135, Lot 3. New daycare center. (Pending
5 application approval).

6

7 THE SECRETARY: We have one Resolution on
8 tonight's agenda.

9 Paula Escobar, 2404 Summit Avenue, new
10 daycare center.

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

13 Motion by Mr. --

14 VICE CHAIRMAN GRULLON: Motion to --

15 THE SECRETARY: -- Pressey.

16 VICE CHAIRMAN GRULLON: -- adopt.

17 MS. GUTIERREZ: Second.

18 THE SECRETARY: Hands up by Mr. Ortiz
19 before you, Mrs. --

20 MS. GUTIERREZ: Aye.

21 THE SECRETARY: Roll call on the motion.

22 Mr. Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Mrs. Gutierrez?

25 MS. GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Mr. Pressey?

4 MR. PRESSEY: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Bonacci?

8 MR. BONACCI: Yes.

9 THE SECRETARY: Six in favor, motion
10 carries.

11 Resolution has been adopted.

12 * * *

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1 **ADJOURNMENT :**

2

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

6 MR. BONACCI: Yes.

7 THE SECRETARY: Motion by Mr. Ortiz.

8 MS. GUTIERREZ: Second it.

9 THE SECRETARY: Second by Mrs. Gutierrez.
10 All in favor?

11

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

13

14 THE SECRETARY: The ayes have it.

15 Thank you.

16 Have a good night, everyone.

17 And please remind, next meeting, on May 11
18 will be seminar from six to seven, and after
19 that, the application is open to the public.

20

21 (Whereupon, the proceedings were concluded
22 at 9:25 p.m.)

23

24

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the SPECIAL
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, April 27, 2017 and
10 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon