

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
 :
 : PROCEEDINGS
 :
 _____ :

City Hall
 3715 Palisade Avenue
 Union City, New Jersey

Thursday, June 8, 2017
 Commencing at 6:14 p.m.

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

MARGARITA GUTIERREZ
 MIGUEL ORTIZ, (Arrived at 6:29 p.m.)
 JOHN MEDINA
 JOSEPH D. BONACCI, (Left at 8:42 p.m.)
 PETER C. DOUMAS, Alternate No. 4
 VICTOR M. GRULLON, Vice Chairman

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

YDALIA GENAO, (Arrived at 9:23 p.m., for
 New Cingular Wireless, PCS, LLC)

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

KHALED DARDIR
 DAVID W. PRESSEY
 LIBERO MAROTTA, Alternate No. 3

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

ROBERT C. MATULE, ESQ.,
Attorney for Applicant, K & J Union City, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Leon De La Vega

ALAIN MULKAY, ESQ.,
Attorney for Applicant, HIMEJI, LLC

GUILLERMO J. GONZALEZ, ESQ.,
Attorney for Applicant, GBTC Properties, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 701 30th Street, LLC

RAMON M. GONZALEZ, ESQ.,
Attorney for Applicant, 3900 LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Juan Vizqueta

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Centro Cristiano Hechos 29

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Rare Enterprise, LLC

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, 14th Street Associates, LLC

SANTO T. ALAMPI, ESQ.,
Attorney for Applicant, DDIS Union City, LLC

EUGENE P. O'CONNELL, ESQ.,
Attorney for Applicant,
Palisade Emergency Residence Corporation

JUDITH A. FAIRWEATHER, ESQ.,
Attorney for Applicant,
New Cingular Wireless, PCS, LLC (AT&T)

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WITNESSPAGE

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3911 Kennedy Boulevard

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

3 VICE CHAIRMAN GRULLON: Attention, please.

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

6 THE SECRETARY: Ready?

7 MS. DILLON: Yes.

8 THE SECRETARY: Please take notice that on
9 Thursday, June 8, 2017, at six p.m., a Regular
10 Meeting is scheduled for City of Union City
11 Zoning Board of Adjustment, to be held in the
12 Municipal Chamber, located on the second floor,
13 3715 Palisade Avenue, Union City, New Jersey.

14 Can everybody kindly rise to salute the
15 flag, please?

16

17 (Whereupon, the Pledge of Allegiance was
18 said by all.)

19

20 THE SECRETARY: Thank you.

21 Notice of this meeting has been provided as
22 follow:

23 Notice of this meeting, setting forth the
24 time, date, location and the agenda, to the
25 extent known, was sent to The Jersey Journal, The

1 Record, and The Hudson Reporter, has been posted
2 on the bulletin board in the City Hall, and been
3 made available to the public in the Office of the
4 Municipal Clerk.

5

6 **ROLL CALL:**

7

8 THE SECRETARY: Roll call for tonight's
9 meeting.

10 Victor Grullon?

11 VICE CHAIRMAN GRULLON: Here.

12 THE SECRETARY: Margarita Gutierrez?

13 MS. GUTIERREZ: Here.

14 THE SECRETARY: Miguel Ortiz? Absent.

15 David Pressey? Absent.

16 Khaled Dardir? Absent.

17 John Medina?

18 MR. MEDINA: Here.

19 THE SECRETARY: Joseph Bonacci?

20 MR. BONACCI: Here.

21 THE SECRETARY: Libero Marotta? Absent.

22 Peter Doumas?

23 MR. DOUMAS: Here.

24 THE SECRETARY: Let the record indicate
25 there are five present.

1 Those absent tonight are Mr. Ortiz, Mr.
2 Pressey, Mr. Dardir, and Mr. Marotta.

3 So, we have a -- a Board made up of five
4 members. We have a full quorum.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

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3 (1) Regular meeting held on April 6, 2017.

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5 THE SECRETARY: Approval of Previous
6 Meeting Minutes held on April 6.

7 Can I have a motion?

8 VICE CHAIRMAN GRULLON: A motion.

9 THE SECRETARY: Motion by Mr. Grullon.

10 MS. GUTIERREZ: Second.

11 THE SECRETARY: Second by Ms. Gutierrez.

12 Roll call on the motion.

13 Mr. Bonacci?

14 MR. BONACCI: Yes.

15 THE SECRETARY: Mr. Grullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mr. Doumas?

22 MR. DOUMAS: Yes.

23 THE SECRETARY: Five in favor. Motion
24 carries.

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1 K & J Union City, LLC -

2 609-611 25TH Street & 608-610 24TH Street:

3

4 THE SECRETARY: First -- first hearing on
5 tonight agenda is K and J Union City, LLC, 609-
6 611 25th Street.

7 MR. PANEQUE: Mr. Vallejo?

8 THE SECRETARY: Yes, sir.

9 MR. PANEQUE: With respect to this meeting,
10 the applicant's attorney, Mr. Matule, sent an
11 email to my office earlier this afternoon,
12 indicating that he would be running late, as he
13 had to attend the Hoboken Board meeting.

14 As such, he asked that we put his case
15 aside until he gets here later on in the evening.

16 THE SECRETARY: Okay, Mr. Paneque.

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1 **Leon De La Vega - 3305 Pleasant Avenue:**

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3 THE SECRETARY: We are moving on, to number
4 two, number four is later on -- Leon De La Vega,
5 3305 Pleasant Avenue.

6 Resolution was memorialized on July 27, '06
7 -- 2006. Applicants are seeking for one year
8 extension.

9 Mrs. Pereiras, please?

10 MS. PEREIRAS: Thank you.

11 Good evening, counsel, Mr. Chairman,
12 members of the Board.

13 Bianca Pereiras, on behalf of the
14 applicant, Leon De La Vega.

15 Yes, we are requesting a one year
16 extension. This is a property that was approved
17 back in 2006. Unfortunately, my client did not
18 have the finances to complete the project at that
19 time.

20 The project is going to be sold. I've
21 actually spoken to the prospective buyers, and
22 they have every intention of proceeding and
23 building this, according to the Resolution of
24 2006.

25 So, we're hoping that this Board would

1 grant us the one year extension.

2 MS. GUTIERREZ: -- 2006.

3 VICE CHAIRMAN GRULLON: Ms. Pereiras, is
4 this the first extension on this application?

5 MS. PEREIRAS: It is the first extension.

6 VICE CHAIRMAN GRULLON: And are the client
7 seeking for extension in order to sell the
8 property?

9 MS. PEREIRAS: In order to sell and get
10 building right away.

11 VICE CHAIRMAN GRULLON: Make a motion to
12 grant the --

13 THE SECRETARY: To grant extension?

14 VICE CHAIRMAN GRULLON: -- extension. Yes.
15 Um hum.

16 THE SECRETARY: Motion to grant extension
17 by Mr. Grullon.

18 MS. GUTIERREZ: And I'm seconding.

19 THE SECRETARY: Second by Ms. Gutierrez.

20 Roll call on the motion.

21 Mr. Bonacci?

22 MR. BONACCI: Yes.

23 THE SECRETARY: Mr. Grullon?

24 VICE CHAIRMAN GRULLON: Yes.

25 THE SECRETARY: Ms. Gutierrez?

1 MS. GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. Doumas?

5 MR. DOUMAS: Yes.

6 THE SECRETARY: Five in favor, motion
7 carries.

8 MS. PEREIRAS: Thank you all very much.

9 Good night.

10 MS. GUTIERREZ: Good night.

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1 **HIMEJI, LLC - 1410-1418 Palisade Avenue:**

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3 THE SECRETARY: Next on the agenda, HIMEJI,
4 LLC, 1410-1418 Palisade Avenue.

5 Resolution was memorialized on September
6 10, 2009. First extension Resolution was
7 memorialized on January 14, 2016. Applicant
8 seeking for one year extension.

9 Mr. Mulkay?

10 MR. MULKAY: Alain Mulkay, from Mulkay and
11 Rendo, on behalf of the applicant.

12 We're requesting a one year extension on
13 this matter -- this case. This was approved back
14 in 2009. It went up on appeal. It went all the
15 way up to the Supreme Court and the Supreme Court
16 ruled in 2013.

17 After that approval, we came back to the
18 Board because there was a typo in the Resolution,
19 and the Board granted a Corrective Resolution
20 that was entered in April of 2015.

21 My client submitted construction plans
22 immediately after that.

23 While the Building Department was reviewing
24 the construction plans, the town amended its
25 Ordinance regarding outside brick veneers and

1 outside materials, so my client was required to
2 redesign the outside material in the building,
3 and resubmit all new construction plans.

4 They have -- the plans have gone to the
5 City Engineers, and the Engineers have issued a
6 lengthy report, which they issued actually last
7 month, on May 3rd, making a bunch of changes.

8 My clients have made a deposit towards the
9 court fees, and have paid all the review fees for
10 the Building Department. We're literally months,
11 hopefully, weeks or months away from -- from
12 getting the permits issued.

13 They're submitting revised plans in the
14 next couple of weeks, taking into account all of
15 the Town Engineer's comments.

16 So, we're asking a one year adjournment.

17 VICE CHAIRMAN GRULLON: Mr. Mulkay, are you
18 -- do you -- did I hear that your client got an
19 extension until --

20 MR. MULKAY: We --

21 VICE CHAIRMAN GRULLON: -- 2016?

22 MR. MULKAY: We -- we did get an extension
23 in 2016.

24 Now, the Permit Extension Act that Governor
25 Christie signed last year, we came in before

1 | that. We came in in June, and got the extension
2 | in June of last year.

3 | But it's our position that based on the
4 | Governor's signing of the Extension Act, which
5 | applied to Hudson County, the approvals are
6 | actually -- were extended by law -- by operation
7 | of law, and that extension that was granted was
8 | really not necessary, basically void or became
9 | irrelevant.

10 | So, this technically would be the first
11 | extension that's granted, because the previous
12 | extension was -- was basically obviated by the --
13 | by the Permit Extension Act.

14 | VICE CHAIRMAN GRULLON: And is your client
15 | ready to proceed now --

16 | MR. MULKAY: Yeah. He's --

17 | VICE CHAIRMAN GRULLON: -- to
18 | construction?

19 | MR. MULKAY: My client has been -- like I
20 | said, they've paid permit fees, they've paid --
21 | they've paid -- my understanding is north of a
22 | hundred thousand dollars to the Building
23 | Department for review fees by experts.

24 | The Maser -- Maser Engineering has issued a
25 | report -- a four page report last month regarding

1 the comments.

2 They're waiting -- they're ready to proceed
3 as soon as the permits are issued.

4 VICE CHAIRMAN GRULLON: Because I seen the
5 property, and it seems to me that they -- they
6 haven't even started the demolition with the old.

7 MR. MULKAY: The Building -- the Building
8 Department would not issue demolition permits.
9 They'll issue -- they want to issue it all as one
10 package.

11 We've requested demolition permits, so we
12 wouldn't have to be here, and the Building
13 Department has refused to do that. They've
14 insisted that -- that all the permits have to be
15 resolved together.

16 They -- they did issue, and it was done
17 already, was all the asbestos removal and -- and
18 all the -- the connections to PSE&G. All those
19 lines have been disconnected and permits were
20 issued for that.

21 But the actual demo permits, they will not
22 issue it until all the plans -- until they issue
23 the whole construction plans.

24 VICE CHAIRMAN GRULLON: But if we grant
25 this extension, they be ready to proceed with the

1 --

2 MR. MULKAY: We're hoping --

3 VICE CHAIRMAN GRULLON: -- demolition and

4 --

5 MR. MULKAY: We're hoping --

6 VICE CHAIRMAN GRULLON: -- construction?

7 MR. MULKAY: -- within the next couple of
8 weeks, the permits are issued.

9 VICE CHAIRMAN GRULLON: I don't have any
10 more question.

11 Do you have any question, guys?

12 MR. BONACCI: No.

13 VICE CHAIRMAN GRULLON: Yeah. I make a
14 motion to grant this extension, the one --

15 THE SECRETARY: Motion to grant the --

16 VICE CHAIRMAN GRULLON: -- one year
17 extension.

18 THE SECRETARY: -- extension by Mr.
19 Grullon.

20 Any second?

21 MS. GUTIERREZ: I'm second.

22 THE SECRETARY: Second by Ms. Gutierrez.
23 Roll call on the motion.

24 Mr. Bonacci?

25 MR. BONACCI: Yes.

1 THE SECRETARY: Mr. Grullon?

2 VICE CHAIRMAN GRULLON: Yes.

3 THE SECRETARY: Ms. Gutierrez?

4 MS. GUTIERREZ: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Doumas?

8 MR. DOUMAS: Yes.

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

11 Thank you.

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1 **GBTC Properties, LLC - 1412-1414 New York Avenue:**

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3 THE SECRETARY: Next item on the agenda is
4 GBTC Properties, LLC, 1412-1414 New York Avenue.
5 Resolution was memorialized on September 13,
6 2012. Applicant seeking for one year extension.

7 Mr. Gonzalez?

8 MR. G. GONZALEZ: Good evening, Board.

9 My name is Guillermo Gonzalez, Scura,
10 Wigfield, Heyer and Stevens, representing GBTC,
11 concerning property located at 1412-1414 New York
12 Ave., seeking a one year extension.

13 The reason we're seeking the extension was
14 because it approximately took three years to get
15 the demolition permit.

16 The reason it took so long was that the
17 property is directly across the street from a
18 school. So, as you can imagine, the City had
19 some concerns, while students were in session, of
20 demolishing the property.

21 The property has since been demolished. We
22 received our permit.

23 This -- as you can imagine, also, the City
24 would like us to build that property during the
25 summer months, while the school's not in session.

1 The applicant has all financing ready,
2 blueprints are ready. We're ready to build
3 immediately, so we are seeking one year extension
4 because of that.

5 VICE CHAIRMAN GRULLON: They are ready to
6 proceed with construction now?

7 MR. G. GONZALEZ: We are ready to proceed.

8 VICE CHAIRMAN GRULLON: And I seen the
9 property. It's -- it's been demolished and it's
10 (indiscernible) over.

11 And with that, I make a motion to grant the
12 extension.

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

15 Any second?

16 MS. GUTIERREZ: Second.

17 THE SECRETARY: Ms. Gutierrez.

18 MS. DILLON: Mr. Gonzalez, do you have a
19 card?

20 MR. G. GONZALEZ: I do.

21 THE SECRETARY: Roll call on the motion.

22 Mr. Bonacci?

23 MR. BONACCI: Yes.

24 THE SECRETARY: Mr. Grullon?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: Ms. Gutierrez?

2 MS. GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Mr. Doumas?

6 MR. DOUMAS: Yes.

7 THE SECRETARY: Five in favor, motion
8 carries.

9 Thank you.

10 MR. G. GONZALEZ: Thank you very much.

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1 **701 30th Street, LLC - 701-707 30th Street:**

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3 THE SECRETARY: Next item on the agenda,
4 701 30th Street, LLC, 701-707 30th Street.
5 Resolution was memorialized on August 9, 2007.
6 Applicant seeking for one year extension.

7 Mr. Alonso, please?

8 MR. ALONSO: Good evening, Mr. Chairman,
9 members of the Board.

10 For the record, Alvaro Alonso, Alonso
11 Navarette, on behalf of the applicant.

12 This is an applicant that was approved back
13 in August of 2007. The Board may recall, whoever
14 was on the Board at the time, this is the old
15 Flecha taxi-cab station.

16 Prior to that, there used to be a gas
17 station. The gas station had -- had leaked, and
18 there was extensive contamination.

19 At substantial cost to my client, they
20 spent a number of years cleaning the property.

21 We could not get either construction
22 financing or permits issued until the
23 contamination was -- was resolved.

24 We received a letter last month that,
25 essentially, the property is now clean. We

1 submitted the final payment towards what's called
2 the remedial action outcome letter from the State
3 to -- to clean it up.

4 All we have to do now is we have to cap the
5 -- the wells that are there. Once the wells are
6 capped, they'll issue the RAO, and then we could
7 proceed with the construction financing, and
8 obtaining the permits.

9 So, at this time, we just need a one year
10 extension.

11 VICE CHAIRMAN GRULLON: Mr. Alonso, and the
12 one -- the one year extension will be sufficient
13 for your applicant to -- to go through the
14 process of covering those wells and --

15 MR. ALONSO: We -- we hope so. The
16 estimate that we have is eight to ten months.

17 So, if we're able to do it within the eight
18 to ten months, simultaneously, we're working on
19 the construction plans and submitting for the
20 financing, hopefully. If not, we would have to
21 come in and request another extension.

22 This is our first extension request.

23 VICE CHAIRMAN GRULLON: Oh, it is. It's
24 your first extension.

25 And -- and your client is ready to proceed

1 | once you get all the approvals.

2 | MR. ALONSO: Correct.

3 | That's the only thing that's holding us up
4 | is the -- the environmental clearances.

5 | VICE CHAIRMAN GRULLON: Okay.

6 | Any question, guys?

7 | Yeah, with that, I make a motion to grant
8 | this extension for one year.

9 | MR. ALONSO: Thank you.

10 | THE SECRETARY: Motion to grant the
11 | extension for one year by Mr. Grullon.

12 | Any second?

13 | MS. GUTIERREZ: I'm seconding.

14 | THE SECRETARY: Second by Mrs. Gutierrez.

15 | Roll call on the motion.

16 | Mr. Bonacci?

17 | MR. BONACCI: Yes.

18 | THE SECRETARY: Mr. Grullon?

19 | VICE CHAIRMAN GRULLON: Yes.

20 | THE SECRETARY: Ms. Gutierrez?

21 | MS. GUTIERREZ: Yes.

22 | THE SECRETARY: Mr. Medina?

23 | MR. MEDINA: Yes.

24 | THE SECRETARY: Mr. Doumas?

25 | MR. DOUMAS: Yes.

1 THE SECRETARY: Five in favor, motion
2 carries.

3 MR. ALONSO: Thank you.

4 THE SECRETARY: Thank you.

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1 **Juan Vizqueta - 534 42nd Street:**

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3 MR. ALONSO: Number two. Just an
4 adjournment.

5 MR. PANEQUE: You need an adjournment?

6 MR. ALONSO: Yeah.

7 MR. PANEQUE: Okay.

8 Mr. Vallejo?

9 THE SECRETARY: Yes, Mr. Paneque?

10 MR. PANEQUE: Mr. Alonso has a request to
11 the Board, with respect to case number two on the
12 agenda.

13 THE SECRETARY: Number two on the agenda.

14 MR. PANEQUE: Go ahead, Mr. --

15 MR. ALONSO: Just an adjournment request.
16 I'm providing counsel with my proof of
17 publication and notices.

18 MR. PANEQUE: For the record, just call
19 the case.

20 THE SECRETARY: Next item on the agenda,
21 Juan Vizqueta, 534 42nd Street.

22 Go ahead, Mr. Alonso.

23 MR. PANEQUE: Thank you.

24 For the record, I've been provided by Mr.
25 Alonso with the following documentation:

1 A affidavit indicating that notices with
2 respect to the property located at 534 42nd
3 Street, giving notice of tonight's hearing, was
4 sent out on April 29th, by certified mail, and
5 published in the newspaper.

6 I have a copy of the Affidavit of
7 Publication from The Jersey Journal, which
8 indicates that notice was published on April 29th,
9 giving notice of the hearing for Thursday, May
10 11th.

11 For the record, that was the hearing that
12 was adjourned until tonight.

13 MR. ALONSO: Correct.

14 MR. PANEQUE: Therefore, your notice
15 carries you through tonight's hearing.

16 I've also been provided with the certified
17 mail list --

18
19 (Whereupon, Miguel Ortiz arrived at 6:29
20 p.m.)

21
22 MR. PANEQUE: -- of all property owners
23 within the 200 foot radius of 534 42nd Street,
24 issued by the City of Union City Assessor's
25 Office, dated March 28 --

1 THE SECRETARY: Mr. Paneque?

2 MR. PANEQUE: -- 2017.

3 THE SECRETARY: I'm sorry.

4 Allow me one second.

5 Let the record indicate that Mr. Ortiz
6 arrived to join the meeting, 6:31.

7 Thank you.

8 We have a Board -- we have six members now.

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

10 THE SECRETARY: Thank you.

11 MR. PANEQUE: Also been provided with the
12 certified mail receipts, which have a postmark
13 date of April 29th, as well as a number of return
14 receipts that have come back.

15 Based on the documentation that's been
16 provided, this Board does have jurisdiction to
17 hear this matter.

18 Mr. Alonso, you have an application?

19 MR. ALONSO: Yes.

20 Unfortunately, I have actually an
21 application that's already pending, and already
22 started in West New York, so I have to get to
23 West New York.

24 I also have another application in North
25 Bergen.

1 So, this is the first time that this is
2 going to be heard, so I'm just going to ask that
3 this matter be carried to your next hearing.

4 VICE CHAIRMAN GRULLON: Mr. Alonso, I -- we
5 have a meeting in -- in July that is really
6 packed, and going to have a Special Meeting in --
7 on June 29.

8 Would it be okay to carry it to that
9 meeting?

10 MR. PANEQUE: I don't see why not.

11 Mr. Vallejo?

12 VICE CHAIRMAN GRULLON: Vallejo?

13 THE SECRETARY: Yes.

14 MR. PANEQUE: Do we have capacity at the
15 June 29th meeting?

16 VICE CHAIRMAN GRULLON: The Special --

17 THE SECRETARY: Yes.

18 VICE CHAIRMAN GRULLON: -- Meeting?

19 THE SECRETARY: I check with the Board
20 members. You know, majority, they say it's okay
21 for the 29th, Special Meeting, June 29th.

22 MR. PANEQUE: Mr. Alonso?

23 MR. ALONSO: That's fine.

24 MR. PANEQUE: That works with you?

25 MR. ALONSO: Yes.

1 MR. PANEQUE: All right.

2 VICE CHAIRMAN GRULLON: Thank you.

3 I make a motion --

4 Is anyone from the public for the
5 application, 534 42nd Street?

6 No one.

7 Were you planning to re-notice?

8 MR. PANEQUE: No. There won't be any need
9 to re-notice, because he's presented his
10 jurisdictional proof tonight.

11 So, the notice that tonight's hearing will
12 be carried to the June 29th meeting.

13 All right?

14 MR. ALONSO: Very good.

15 Just need motion.

16 VICE CHAIRMAN GRULLON: With that, I'm
17 going to make a motion to carry it to June 29
18 meeting, and the date of the meeting will be
19 probably on the August --

20 MR. PANEQUE: Yes. Mr. Vallejo will make a
21 publication --

22 VICE CHAIRMAN GRULLON: A publication of
23 that.

24 MR. PANEQUE: -- of that in the newspaper.

25 VICE CHAIRMAN GRULLON: To be June 29th.

1 Thursday, June 29.

2 Make a motion to carry this application.

3 THE SECRETARY: Motion to carry this
4 application --

5 MS. GUTIERREZ: And I'm seconding.

6 THE SECRETARY: -- to the Special June 29
7 meeting.

8 Motion by Mr. Gullon.

9 Second by Ms. Gutierrez.

10 Roll call on the motion.

11 Mr. Bonacci?

12 MR. BONACCI: Yes.

13 THE SECRETARY: Mr. Gullon?

14 VICE CHAIRMAN GRULLON: Yes.

15 THE SECRETARY: Ms. Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Yes.

19 THE SECRETARY: Mr. Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Mr. Doumas?

22 MR. DOUMAS: Yes.

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

25 No new notice required.

1 MR. ALONSO: Thank you. Have a good
2 evening.

3 THE SECRETARY: Thank you.

4 MS. GUTIERREZ: Okay.

5 MR. PANEQUE: Thank you.

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

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1 **3900 LLC - 545-547 39th Street:**

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3 MR. PANEQUE: We're going back, now, to
4 case number one, 3900 LLC, 545-547 39th Street.

5 MR. R. GONZALEZ: Good evening, ladies and
6 gentlemen of the Board.

7 At this time, what I'd like to do is I'd
8 like to give to the Board Attorney -- I, although
9 we were present, and the Board found us properly
10 before the Board, since so much time passed, I
11 decided that I thought it'd be prudent to re-
12 notice everybody, and I did. I have those
13 documents here.

14 MR. PANEQUE: Thank you, Mr. Gonzalez.

15 MS. DILLON: Just your appearance, Mr.
16 Gonzalez.

17 MR. R. GONZALEZ: Thank you.

18 For the record, Ramon Gonzalez,
19 G-O-N-Z-A-L-E-Z, firm Gonzalez Caride, on behalf
20 of 3900 LLC.

21 MR. PANEQUE: Thank you.

22 For the record, I've been provided by Mr.
23 Gonzalez with an affidavit, which indicates that
24 notice of tonight's hearing was sent to all
25 property owners within a 200 foot radius of 545

1 39th Street.

2 The notice was also published on The Jersey
3 Journal, on May 25th, and there is an Affidavit
4 from The Jersey Journal attesting to that.

5 I've also been provided with the Tax
6 Assessor's list, as well as copies of the notices
7 that went out to all property owners, as well as
8 the certified mail receipts, and the green cards,
9 and unclaimed envelopes that have come back to
10 date.

11 Even though it was not necessary, we thank
12 you, Mr. Gonzalez, for re-noticing, and making
13 sure that the public is aware, and this Board
14 continues to retain and have jurisdiction over
15 this matter.

16 MR. R. GONZALEZ: Thank you.

17 What I would like to do is the testimony
18 and the information that was provided to the
19 Board at the last hearing, which includes some
20 lay exhibits of the area and photographs of the
21 surroundings, that they be incorporated, again,
22 into today's meeting.

23 What I'd like to do now is I'd like to call
24 my expert, Mr. Izquierdo, and I'll have him give
25 his name and I'll qualify him for the record.

1 MS. DILLON: 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. IZQUIERDO: I do.

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

7 MR. IZQUIERDO: My name is Jose Izquierdo.
8 Last name, I-Z-Q-U-I-E-R-D-O.

9 MS. DILLON: Thank you.

10 MR. R. GONZALEZ: Thank you.

11 Mr. Izquierdo, I know you're before this
12 Board and many boards in Hudson County on several
13 occasions, but I'd like to take this opportunity
14 for you to take, and give the Board your
15 qualifications as an expert as an architect, and
16 also as a planner, please.

17 MR. IZQUIERDO: I am a licensed architect
18 in the State of New Jersey, license number 09143,
19 registered planner, 03385.

20 I received a bachelor of architecture from
21 the Georgia Institute of Technology, masters of
22 community and regional planning from the
23 University of Texas at Austin, and a Juris Doctor
24 from Rutgers University School of Law.

25 VICE CHAIRMAN GRULLON: Yeah.

1 MR. R. GONZALEZ: Thank you.

2 VICE CHAIRMAN GRULLON: Yeah, we accept his
3 qualification. Board accept his qualification.

4 MR. IZQUIERDO: Thank you, Mr. Grullon.

5 MR. R. GONZALEZ: Thank you very much.

6 Mr. Izquierdo, were you the individual who
7 prepared the plans that are before the Board
8 today?

9 MR. IZQUIERDO: Yes, I was.

10 MR. R. GONZALEZ: And they were prepared
11 with the preparation of -- and the participation
12 of the owner of the property.

13 Is that correct?

14 MR. IZQUIERDO: Yes, correct.

15 MR. R. GONZALEZ: All right. And I'd like
16 to go through those plans now.

17 The plans are for what type of building?

18 MR. IZQUIERDO: Good evening, members of
19 the Board.

20 There is an existing two story brick
21 masonry building, which is actually a
22 professional office, and has a total of 15,000 --
23 or just about a thousand square feet of office
24 space.

25 The application is to demolish this

1 building, actually even abandoning the cellar and
2 whatnot, and building a mixed use building that
3 will have a total of 23 apartments, will have a
4 law firm on the fourth floor, and a total of 31
5 spaces on the ground floor.

6 The design of the building actually sets
7 back from all property lines, a minimum of three
8 feet one inch on the ground floor. So, contrary
9 to the existing building, which has no setbacks
10 at all, and actually it's like an assemblage in
11 the back of a number of buildings all mixed
12 together, this building will set back from all
13 property lines, allowing to have maintenance of
14 the building and whatnot.

15 The ground floor has one way circulation,
16 has actually a one way entrance, and follows the
17 westerly direction of 39th Street.

18 As you're coming in, you -- you see on the
19 -- on the ground floor, which is shown in SP-1,
20 is the parking layout.

21 There were six sheets submitted in
22 conjunction with the application. Drawings SP-1,
23 which is the site plan drawing, and shows the
24 list of variances, and square footage of the --
25 of the different uses within the mixed use.

1 A-1 is the ground level floor plan. A-2 is
2 the second level floor plan. A-3, third level.
3 A-4 is fourth level.

4 And the exterior building elevations, and
5 actually part of like the schematic section of
6 the roof is shown on A-5.

7 MR. R. GONZALEZ: Let me just ask you a
8 couple of questions.

9 You -- you actually visited the site,
10 several occasions.

11 Is that correct?

12 MR. IZQUIERDO: I have.

13 MR. R. GONZALEZ: And right now, the
14 property lines of the building that's existing go
15 right to the property line of the lots.

16 Is that correct?

17 MR. IZQUIERDO: Correct.

18 MR. R. GONZALEZ: Okay.

19 And when you prepared this, you had an
20 opportunity to see what parking was there in
21 existence now.

22 Is that right?

23 MR. IZQUIERDO: Correct.

24 MR. R. GONZALEZ: The new plans would call
25 for substantial amount more parking.

1 Is that right?

2 MR. IZQUIERDO: Correct.

3 MR. R. GONZALEZ: Okay.

4 And, in fact, how many parking spaces would
5 the building have then at this time?

6 MR. IZQUIERDO: A total of 31 spaces. And
7 those 31 spaces do not count actually three
8 spaces on the street that the Ordinance actually
9 allows us to include. But the 31 spaces is
10 exclusive of that.

11 And there are a total of 51 spaces
12 required, since we -- we have two one bedrooms at
13 1.8, that would be 3.6 spaces, and 21 two
14 bedrooms, at two spaces, would be 42 spaces.

15 We have a total -- law office on the fourth
16 floor, of a total of 1703 square feet, which
17 requires 5.67 spaces.

18 Putting it all together, it comes out to 51
19 and we're providing 31 plus the three on the
20 street that we're not counting.

21 MR. R. GONZALEZ: You know, I want to ask
22 you about those three on the street, also,
23 because I know it's a big concern in Union City.

24 The -- the measurements that you have to
25 take because of the requirements under the law

1 requires the spaces to be about 23 feet.

2 Is that correct?

3 MR. IZQUIERDO: Exactly 23 feet.

4 MR. R. GONZALEZ: All right. But the
5 spaces in the Parking Authority, that they've
6 drawn out, throughout Union City, are 18.5.

7 Is that correct?

8 MR. IZQUIERDO: I don't know if they're
9 18.5, but they are not 23 feet.

10 MR. R. GONZALEZ: Okay.

11 So, if they were to mark out the spaces,
12 they would, in fact, have more in the front.

13 Is that correct? On their measurements.

14 MR. IZQUIERDO: On their measurements?
15 Yes.

16 MR. R. GONZALEZ: Now, I understand for the
17 plans that that's not -- not what you should
18 control, but it's important for the Board to
19 understand that the way the Parking Authority has
20 drawn out the parking spaces, there's actually
21 more.

22 Is that right?

23 MR. IZQUIERDO: It's -- it's different from
24 what the Zoning Ordinance calls for. That is a
25 true statement.

1 MR. R. GONZALEZ: Now, I just want to
2 switch to your planning qualifications for a
3 moment.

4 The area where we're talking about is 39th
5 Street.

6 At the top of the block, there is the
7 Parking Authority.

8 Is that right?

9 MR. IZQUIERDO: Yes.

10 MR. R. GONZALEZ: Okay.

11 And that Parking Authority has many parking
12 spaces.

13 Is that right?

14 MR. IZQUIERDO: Yeah. It's multi-tiered.

15 MR. R. GONZALEZ: Okay.

16 And on the adjacent side of that parking
17 lot, on 38th Street, between 38th and 37th and 36th,
18 there's parking lots, also, municipal parking
19 lots.

20 Is that right?

21 MR. IZQUIERDO: Correct. Ground parking.
22 Yes.

23 MR. R. GONZALEZ: Okay.

24 And are you familiar that in one of the
25 those parking areas, this Board has just approved

1 a parking deck which would increase parking
2 spaces?

3 MR. IZQUIERDO: I heard rumors.

4 MR. R. GONZALEZ: Okay.

5 If I told you this Board has approved that,
6 and they would have more parking spaces, would
7 that -- would that alleviate even more of the
8 parking situation in this area of Union City?

9 MR. IZQUIERDO: Yes. Well, the -- the
10 parking requirements that are stated by -- by the
11 Zoning Ordinance, or the -- or the RSIS, they're
12 -- they're are guidelines and they're -- they're
13 standards.

14 And if we don't meet those standards, we
15 need a variance. But it is -- it is subject to
16 this Board, with its knowledge of local
17 conditions and local streets and whatnot, to
18 determine if it would be an appropriate use of
19 the -- of the land.

20 I -- I proffer, as a planner, that when you
21 balance the positive criteria and the negative
22 criteria, this building is actually an
23 improvement over the existing commercial space,
24 it's going to be a brand new building, it's going
25 to -- to render wonderful two bedroom units that

1 | have a -- I actually think it's a very nice
2 | layout.

3 | And it -- it meets the standard of good
4 | planning for this area, and just adjacent, we're
5 | just right next to the White Castle on Kennedy
6 | Boulevard. This is extremely active zone.

7 | But the fact that it's -- 39th Street goes
8 | one way, if a person comes into the parking lot,
9 | into our -- our facility, he has an assigned
10 | parking space, so the tenants and the -- the
11 | residents of the building will have a parking
12 | space.

13 | But if anybody decides to have a party or
14 | something like that, there's plenty of -- of
15 | ground surface parking and -- and the multi-
16 | tiered facility. I'm not suggesting anybody park
17 | on the street, on 39th Street. So, even for the
18 | holidays, there's plenty of parking facilities
19 | around the -- the site.

20 | MR. R. GONZALEZ: Okay.

21 | I want to ask you about the office that
22 | will be located there.

23 | Can you explain to Board -- to the Board
24 | what the shared parking theory is?

25 | MR. IZQUIERDO: The company that -- the

1 company that holds the building is going to be
2 the company that is going to operate the
3 building. So, the owner of the law firm is going
4 to actively participate in the management of the
5 building.

6 So, that being -- being said, the -- the
7 administration of the building and how those 31
8 spaces are -- are assigned, we have 23 tenants,
9 and they're going to be provided a parking space
10 according to the -- to the site, to the -- to the
11 lease that they would have.

12 But if -- if a specific time becomes very
13 busy for the law office, and the law office needs
14 to have not only the five spaces that are
15 required by Ordinance, but maybe they need eight,
16 or maybe they need -- you know, less or three,
17 they can manage that inside, so that nobody is
18 left out.

19 MR. R. GONZALEZ: Thank you.

20 MR. IZQUIERDO: Planning in advance.

21 MR. R. GONZALEZ: I want to ask you about
22 the height of the building.

23 What is the height of the building?

24 MR. IZQUIERDO: Actually, I'm turning to
25 the -- to the table on drawing SP-1. The height

1 of the building is four stories, or 58 feet.

2 Allowed by zoning, on the R zone, is three
3 stories, or 40 feet.

4 The existing building has two stories or 30
5 feet. For that, we're seeking a D-6 building
6 height variance.

7 Additionally, this Board has jurisdiction
8 of this application because this is a straight
9 D-1 building variance.

10 We do not have a density variance, we have
11 just a D-1 and the D-6.

12 The side yard standards are subsumed under
13 the use variance.

14 MR. R. GONZALEZ: And -- and the reason for
15 that height is because it's not going to be a
16 flat roof.

17 Is that correct?

18 MR. IZQUIERDO: Correct.

19 What happens is, employing some --
20 actually, state-of-the-art, let me call it for
21 the moment being, technology, we're going to be
22 providing the air conditioning and the heating,
23 as well as the hot water of the building on the
24 roof of the building.

25 So, we're going to, essentially, have a

1 mechanical spine. That mechanical spine is
2 schematically actually shown in a dashed line,
3 shown in drawing A-5, in both the front elevation
4 that shows just what happens in that attic space.
5 And in the rear elevation, it also shows clearer
6 what --

7 So, essentially, what we have is we have
8 the basement mechanical space concealed within
9 the roof purdence (phonetic, sic).

10 MR. R. GONZALEZ: Okay.

11 So, the -- at the edge of the building,
12 what would be the height of the roof?

13 MR. IZQUIERDO: The wall?

14 MR. R. GONZALEZ: Yes. The wall.

15 MR. IZQUIERDO: The building wall.

16 MR. R. GONZALEZ: The building wall.

17 MR. IZQUIERDO: That will be --

18 MR. R. GONZALEZ: Forty-one?

19 MR. IZQUIERDO: Forty-one?

20 MR. R. GONZALEZ: I think it was 41, you
21 said.

22 MR. IZQUIERDO: Forty-one feet. It's 41
23 feet.

24 MR. R. GONZALEZ: Forty-one feet. So, the
25 reason for the height variance is really because

1 of the pitched roof.

2 Is that correct?

3 MR. IZQUIERDO: Yeah, but it recedes back.
4 You only see the height in the -- in the center.
5 So, it's not really perceptible.

6 MR. R. GONZALEZ: Okay.

7 I want to show you what's been marked --
8 previously marked P-2 for identification. That's
9 photograph of 39th Street.

10 Are you familiar with that -- that
11 photograph?

12 MR. IZQUIERDO: Yeah. That is actually
13 looking west, and then you see the multi-family
14 building, you see -- see this beautiful
15 industrial building that needs renovation, and
16 needs something with all the mechanical.

17 Yeah, you're looking west on 39th Street.

18 MR. R. GONZALEZ: And the -- the
19 construction -- the proposed construction would
20 be lower than the existing nice building, that
21 you called.

22 MR. IZQUIERDO: Yes. Yes.

23 MR. R. GONZALEZ: Okay.

24 MR. PANEQUE: Mr. Gonzalez, before you
25 proceed, it's been brought to my attention that

1 we don't have that exhibit, P-2, that you marked
2 last time.

3 I don't know if it was introduced.

4 MS. DILLON: We have A-1.

5 MR. PANEQUE: We have an A-1, Google Earth
6 photograph.

7 If it was marked P-2, and not introduced,
8 and you'd like to introduce it, you could --

9 MR. R. GONZALEZ: I -- I would like --

10 MR. PANEQUE: -- make that tonight.

11 MR. R. GONZALEZ: -- to introduce it, if it
12 wasn't. I'm sorry.

13 MR. PANEQUE: Okay.

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

16 MS. DILLON: How do you want this marked,
17 A-2?

18 MR. R. GONZALEZ: That's fine.

19 MR. PANEQUE: It's part of your packet.

20 MR. R. GONZALEZ: Yeah. That's it.

21 MR. PANEQUE: Okay. So, I -- I think
22 what's going on is he had the entire packet as
23 A-1, Google photographs.

24 MR. R. GONZALEZ: Okay.

25 MR. PANEQUE: And I see that -- yeah. So,

1 | it's not really -- it's -- it's picture number
2 | two of the package.

3 | MS. DILLON: Okay. So, don't mark it.

4 | MR. R. GONZALEZ: No. It's okay.

5 | MS. DILLON: Okay.

6 | MR. R. GONZALEZ: It's already previously
7 | marked. That's fine.

8 | Thank you.

9 | Now, you've also had an opportunity to
10 | review the neighborhood.

11 | Is that correct?

12 | MR. IZQUIERDO: Yes. I'm familiar with the
13 | neighborhood.

14 | MR. R. GONZALEZ: And how would this
15 | building positively and, then I'll ask you
16 | negatively, impact the neighborhood?

17 | MR. IZQUIERDO: The application meets the
18 | positive criteria because the -- the existing use
19 | that is in this building is actually
20 | nonconforming. This residential use actually
21 | decreases the nonconformity.

22 | So, it introduces a residential use,
23 | obviated a multi-family, mixed use building, and
24 | it actually serves as the buffer between the
25 | three families that are there, four of them

1 actually, and the multi-family building that is
2 further east on the street, with the White Castle
3 and all the busyness of -- of John F. Kennedy
4 Boulevard.

5 So, in the -- in the balancing of the
6 positive criteria, the -- the application meets
7 the intent and the purpose of the Master Plan,
8 because it's a better zoning alternative for the
9 property.

10 MR. R. GONZALEZ: Let me ask you one
11 question, because when you were describing the
12 plans, there's a setback on the first floor.

13 MR. IZQUIERDO: No.

14 MR. R. GONZALEZ: Is that correct?

15 MR. IZQUIERDO: No.

16 MR. R. GONZALEZ: On the -- on the first
17 floor, there's three foot setback from the
18 property line.

19 MR. IZQUIERDO: Oh, yeah. On -- not on the
20 front, on the sides and on the rear, yes. We
21 have a three foot setback.

22 MR. R. GONZALEZ: Right.

23 And, in fact, then after that, the building
24 goes in an additional five feet.

25 Is that correct?

1 MR. IZQUIERDO: Yes, the -- the parking
2 goes to the three feet one inch, and then the
3 apartments -- actually, the exterior of the
4 apartment starts five feet in and the living
5 space of the apartment starts another five feet
6 in.

7 So, in reality, the living space of the
8 apartment is 13 feet away from the property line.

9 MR. R. GONZALEZ: I have nothing further at
10 this time from Mr. Izquierdo.

11 If the Board has questions?

12 VICE CHAIRMAN GRULLON: Mr. Izquierdo,
13 could you go over the parking layout again? The
14 entrance of the parking, the exit of the parking?

15 One -- it's one level of parking, no?

16 MR. IZQUIERDO: One level parking. Yes.

17 VICE CHAIRMAN GRULLON: And is it better to
18 refer to sheet A-1?

19 MR. IZQUIERDO: Yes.

20 Sheet A-1 shows 39th Street on the bottom.

21 VICE CHAIRMAN GRULLON: Yes.

22 MR. IZQUIERDO: And actually, the first
23 entrance, which is the one on the left hand side,
24 would be what I consider to be one way coming in.

25 So, once you're inside the building, you're

1 | able to actually go from this part to the other
2 | side. Within the building, it's not one way.
3 | Within the building, it's two way.

4 | But what I'm suggesting, rather than people
5 | have -- coming out on the left hand side, I'm
6 | just suggesting that all the parking cars are
7 | going to be coming in on the easternmost door,
8 | and exiting on the westernmost door.

9 | VICE CHAIRMAN GRULLON: And on the existing
10 | building, do you have two curb cuts currently, or
11 | one curb cut?

12 | MR. IZQUIERDO: We have two.

13 | VICE CHAIRMAN GRULLON: Two.

14 | MR. IZQUIERDO: We have one that has kind
15 | of like a 25 by a hundred, that people just park
16 | wherever they can find in there.

17 | And then, the other one that actually rams
18 | up on top of the cellar, and provides the parking
19 | spaces that the law office presently utilizes.

20 | VICE CHAIRMAN GRULLON: And what you have
21 | is 28 parking spaces off-street, off-street.

22 | MR. IZQUIERDO: No, 31.

23 | VICE CHAIRMAN GRULLON: The --

24 | MR. IZQUIERDO: I have two --

25 | VICE CHAIRMAN GRULLON: The three parking

1 spaces that you mentioned here, are they the
2 parking on the street?

3 MR. IZQUIERDO: Oh, okay. Wait one second.

4 VICE CHAIRMAN GRULLON: Yes.

5 MR. IZQUIERDO: I have two, three, five,
6 eight, 16, 18, 21, 24, 28.

7 Yes. Correct. Twenty-eight --

8 VICE CHAIRMAN GRULLON: Twenty-eight.

9 MR. IZQUIERDO: -- and three. Yes. Twenty-
10 eight.

11 I misspoke. Thanks for bringing it to my
12 attention.

13 VICE CHAIRMAN GRULLON: And as per your
14 calculation, the required parking for this
15 building will be --

16 MR. IZQUIERDO: Fifty-one.

17 VICE CHAIRMAN GRULLON: Fifty-one? One
18 point eight for the one bedroom and two parking
19 for the two bedrooms?

20 MR. IZQUIERDO: Yes. Yes. That's our
21 table four -- that's our parking schedule number
22 two, which is the Residential Site Improvement
23 Standards. Yes.

24 VICE CHAIRMAN GRULLON: And you have a
25 total of two one bedrooms and 21 two bedrooms.

1 MR. IZQUIERDO: Yes.

2 VICE CHAIRMAN GRULLON: Out of the 21 two
3 bedrooms, you have -- I believe you had six two
4 bedrooms that are not the -- you know, conforming
5 size.

6 MR. IZQUIERDO: No.

7 VICE CHAIRMAN GRULLON: As per the
8 Ordinance.

9 MR. IZQUIERDO: No.

10 VICE CHAIRMAN GRULLON: You have 700 --

11 MR. IZQUIERDO: That is actually -- no,
12 that is actually --

13 VICE CHAIRMAN GRULLON: Seven hundred and
14 twenty-seven square feet.

15 MR. IZQUIERDO: No, that is a misprint.
16 That is 750. Both of them are 750. It's a
17 misprint.

18 We're not seeking a density variance.

19 MR. BONACCI: Yeah.

20 No, I see where Chairman is -- is pointing
21 out.

22 MR. IZQUIERDO: For apartment 7 and 8.

23 MR. BONACCI: Says that, yeah, six of the
24 two bedroom units, this is according to Mr.
25 Spatz's memo --

1 MR. IZQUIERDO: Yes.

2 MR. BONACCI: -- memorandum.

3 MR. IZQUIERDO: Yes.

4 MR. BONACCI: That six of the two bedroom
5 units are 727 square feet.

6 VICE CHAIRMAN GRULLON: Is -- is also
7 listed here on your -- on your sheet. Apartments
8 207, 208, 307, 308, 407 and 408 --

9 MR. IZQUIERDO: Correct.

10 VICE CHAIRMAN GRULLON: -- they're all 720.

11 MR. IZQUIERDO: Correct. What I was
12 suggesting was that in -- after filing the
13 project, I can revise that entrance so that both
14 apartments, because I have plenty of corridor
15 space, I can make -- I -- it's the Board's
16 pleasure.

17 I can either like that, and those become
18 one bedroom plus a den.

19 VICE CHAIRMAN GRULLON: Yes.

20 MR. IZQUIERDO: Or -- or I can -- I can
21 modify that -- that section, because they can
22 meet the 750 --

23 VICE CHAIRMAN GRULLON: Let me ask you --

24 MR. IZQUIERDO: -- square feet.

25 VICE CHAIRMAN GRULLON: -- Mr. -- Mr.

1 Izquierdo, if -- if these are to be one bedroom,
2 what would be the -- the parking calculation for
3 that?

4 MR. IZQUIERDO: You lose .2. I gain one
5 parking space. In the six apartments, changing
6 from a one bedroom to a two bedroom, six times .2
7 is 1.2.

8 So, it's negligible.

9 VICE CHAIRMAN GRULLON: Yeah. But don't
10 you have a breakdown of eight one bedrooms and 15
11 two bedrooms.

12 MR. IZQUIERDO: If that is your -- if that
13 is your -- your pleasure, that -- that's
14 certainly what I will do.

15 VICE CHAIRMAN GRULLON: And --

16 MR. IZQUIERDO: Otherwise, because the
17 corridor here is eight feet wide. It's a very
18 ample building.

19 VICE CHAIRMAN GRULLON: Yeah.

20 MR. IZQUIERDO: So, I can make it 750.

21 VICE CHAIRMAN GRULLON: What --

22 MR. IZQUIERDO: No problem.

23 VICE CHAIRMAN GRULLON: What I'm thinking
24 is, if -- if you have more one bedroom apartments
25 that you can assign one parking space to each one

1 | bedroom, and then two parking spaces to the two
2 | bedroom apartments, would make more sense for you
3 | to have a building itself calculating 1.8 and 1.2
4 | spaces, if you have less two bedroom apartments
5 | and assigning only one parking space to each of
6 | those one bedroom apartment.

7 | And it would be -- I think it would be --
8 | it would be less requirement for the parking
9 | variance. That's what I'm trying to see if you
10 | can accommodate, because what I see right now is
11 | that you're requesting for, like, I would say,
12 | like almost 40 percent of a variance on parking.

13 | MR. IZQUIERDO: So, then, what I can do is
14 | I can actually take these six spaces -- these six
15 | apartments, I would actually be seven and eight
16 | on the second, third, and fourth floor, and call
17 | it a one -- and make it a one bedroom.

18 | So then, instead of having 21 two bedrooms
19 | and two one bedrooms, we would have eight one
20 | bedrooms and 15 two bedrooms.

21 | VICE CHAIRMAN GRULLON: Another thing, Mr.
22 | Izquierdo, could you go over the -- the setback
23 | of the building?

24 | MR. IZQUIERDO: Yes.

25 | VICE CHAIRMAN GRULLON: The side yards?

1 MR. IZQUIERDO: Yeah. The side yard of --
2 of the building, on the ground floor, is three
3 feet one inch. To the exterior of the parking
4 wall.

5 So, we could walk around the entire
6 building. Actually, the -- the exits of the
7 building, they lead to a -- a continuous
8 circulation around the building.

9 On the second floor, the -- the edge of the
10 second floor starts at eight feet one inch away
11 from the property line. And it starts eight feet
12 one inch away all the way up the -- the third --
13 the second, third and fourth floors. It's at
14 eight feet. And then, the living space of the
15 unit is at 13 feet.

16 I have five foot increments in the
17 setbacks, with the exception of the ground floor
18 that is three feet one.

19 VICE CHAIRMAN GRULLON: Because I see zero
20 setback on the west side of the building. Is
21 that the side that you have adjacent to the --

22 MR. IZQUIERDO: White Castle.

23 VICE CHAIRMAN GRULLON: -- restaurant? The
24 White Castle?

25 MR. IZQUIERDO: Three feet one I have.

1 That would be the right hand side of the
2 building.

3 VICE CHAIRMAN GRULLON: And the height --
4 the height of the building, as Mr. Gonzalez
5 mentioned, on the previous meeting, is because of
6 the peak that you have?

7 MR. IZQUIERDO: Yeah.

8 VICE CHAIRMAN GRULLON: And what's the
9 height of the building?

10 MR. IZQUIERDO: To the -- to the top of the
11 peak, it's 58 feet.

12 VICE CHAIRMAN GRULLON: Fifty-eight feet.
13 And what is permitted there? I believe is --

14 MR. IZQUIERDO: Forty feet.

15 VICE CHAIRMAN GRULLON: Forty?

16 MR. IZQUIERDO: My -- my perimeter wall --
17 the building wall is 41 feet. It's just that,
18 from there, the roof rises, and then, once it
19 gets that I have significant amount, then I
20 create the mechanical spine that runs the entire
21 length of the building, and provides all the --
22 all the mechanical to -- you know, the hot water,
23 everything to the units underneath.

24 VICE CHAIRMAN GRULLON: Like the living
25 space will be only one feet above the -- the

1 requirement.

2 MR. IZQUIERDO: Yes. Yes.

3 VICE CHAIRMAN GRULLON: Okay.

4 And the material. Could you -- could you
5 explain the materials that you're using for the
6 building?

7 MR. IZQUIERDO: The building? The -- the
8 front wall is all brick, and the sides is
9 essentially -- the sides of the building, which
10 are shown in A-5, it's actually the aluminum
11 rails that have the -- the terraces. And they
12 create the accesses to the -- to the units.

13 And inside, it will probably be aluminum
14 siding or vinyl siding, because I understand that
15 Hardy Board is not an allowed use by Ordinance in
16 the City.

17 But we're going to have four inch brick in
18 the front and the ground floor is all masonry.

19 VICE CHAIRMAN GRULLON: And again, with the
20 -- with the curb cuts on the street, are you
21 going to leave the existing ones, or are you
22 going to rebuild the --

23 MR. IZQUIERDO: We have new ones. We have
24 a complete new sidewalk, and I have two new curb
25 cuts. One of them might be close to where it is,

1 but not even close. They have to be new.

2 VICE CHAIRMAN GRULLON: Would you be
3 proposing any trees or lighting after you --

4 MR. IZQUIERDO: Yes. We have -- we have --

5 Yeah, we have street lighting, and we have
6 street trees, actually. We're proposing three
7 trees associated with the three spaces on-street.
8 And -- and we're going to have very nice
9 decorative lighting along the streetscape.

10 VICE CHAIRMAN GRULLON: And that's on the
11 corridor -- that street leads to a school? To
12 Washington School? We get a lot of students
13 walking by the sidewalk there. On the garage,
14 would you be proposing strobe lights?

15 MR. IZQUIERDO: And they open --

16 VICE CHAIRMAN GRULLON: Strobe lights and
17 --

18 MR. IZQUIERDO: Yeah. For when the --

19 VICE CHAIRMAN GRULLON: -- a mirror?

20 MR. IZQUIERDO: -- garage opens and closes.

21 VICE CHAIRMAN GRULLON: For cars?

22 MR. IZQUIERDO: Yes.

23 VICE CHAIRMAN GRULLON: How far will be the
24 door setback from the sidewalk?

25 MR. IZQUIERDO: The door, right now, is

1 right on the sidewalk.

2 VICE CHAIRMAN GRULLON: Right on the
3 sidewalk.

4 MR. IZQUIERDO: Right at the -- at the
5 property line.

6 VICE CHAIRMAN GRULLON: Is any way that you
7 can set it back, like two or three feet? Just
8 the door?

9 MR. R. GONZALEZ: That's not a problem.
10 Right?

11 MR. IZQUIERDO: Put this wall back -- this
12 door back three -- three feet?

13 MR. R. GONZALEZ: Well, it hits that
14 parking space.

15 I think the issue happens is with the
16 parking, that we might lose some parking as a
17 result of it. But I -- I generally think that --

18 MR. IZQUIERDO: The doors are not going to
19 be solid. The doors are going to be transparent,
20 so there's not going to be any -- any issues with
21 --

22 VICE CHAIRMAN GRULLON: You will have --

23 MR. IZQUIERDO: -- -- with safety and what
24 --

25 VICE CHAIRMAN GRULLON: -- strobe lights

1 | there and --

2 | MR. IZQUIERDO: We can have -- we can have
3 | a --

4 | VICE CHAIRMAN GRULLON: -- and mirror.

5 | MR. IZQUIERDO: -- system of lights on and
6 | on --

7 | MS. GUTIERREZ: And a mirror.

8 | MR. IZQUIERDO: You know, as the door
9 | opens, there can be -- I can design a system of
10 | lights. Together -- actually, there's a --
11 | there's a mechanical system that -- that occurs
12 | in the garage level for the exhaust of fumes, so
13 | that operates every time the door opens.

14 | So, at the time that the door opens, I'm
15 | going to have also lights outside -- you know, to
16 | caution school children.

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

19 | Do you guys have any questions?

20 | MR. BONACCI: Yeah. I have a few
21 | questions. Okay.

22 | So, you're saying if we go from the 21 two
23 | bedrooms to 15 two bedrooms, we're going to save
24 | on some parking requirements there.

25 | MR. IZQUIERDO: Very little.

1 MR. BONACCI: Okay.

2 MR. IZQUIERDO: You save 1.2. So, you
3 would be going from 51.27 to 50.0, because
4 instead of being 1.8, they would be 2.0. So, the
5 six that are shown as two bedrooms becoming one
6 bedroom, would generate 1.2 requirements less.

7 MR. BONACCI: Okay, and just to clarify.

8 The variances, the relief that you're
9 seeking is a C-2 and a D-6?

10 MR. IZQUIERDO: It's a D-6 and a D-1. D-6
11 is a building use -- it's -- it's a building
12 height variance, because we exceed ten percent of
13 the 40 feet. And -- and a D-1, because a multi-
14 family mixed use building is not allowed in the
15 R-1 zone.

16 MR. BONACCI: So, just those two?

17 MR. IZQUIERDO: Yes.

18 MR. BONACCI: Okay.

19 MR. IZQUIERDO: And the -- and the other
20 parking and whatever, they're the C-2 variances.

21 MR. BONACCI: Okay.

22 And just in regards to the height, last
23 time, I don't think you were here.

24 MR. R. GONZALEZ: No, he wasn't.

25 MR. IZQUIERDO: No, I was not.

1 MR. BONACCI: We did hear testimony about
2 the height.

3 MR. R. GONZALEZ: That's correct.

4 MR. BONACCI: And I just remember, just to
5 remind some of the other Board members here, if
6 you guys are concerned about the height, --

7 Mr. Gonzalez?

8 MR. R. GONZALEZ: Yes.

9 MR. BONACCI: -- he pointed out the
10 surrounding buildings, and what their current
11 height is here, from his own -- and we accepted
12 that -- you know, as evidence.

13 So, we could see from A, B, C -- we could
14 see all the difference, and there's a lot of
15 buildings in that area that are way above the
16 height requirement.

17 So, this wouldn't be over it by much,
18 considering there's a building there that's 85,
19 73, 92. So --

20 MR. IZQUIERDO: Yeah. It's not going to be
21 out of -- out of context.

22 VICE CHAIRMAN GRULLON: And Mr. Izquierdo,
23 and again, parking situation in the area, could
24 you describe if you, as a planner, the
25 neighborhood, how -- how hard it is to find

1 parking in the area?

2 I mean, I know it myself, but I just want
3 you to --

4 MR. IZQUIERDO: Thirty-nine --

5 VICE CHAIRMAN GRULLON: -- mention it for
6 the record.

7 MR. IZQUIERDO: This section of 39th Street
8 occurs between Bergenline Avenue and John F.
9 Kennedy Boulevard, and essentially, it -- it's
10 also the -- since it goes in a western direction,
11 it's also going down onto Union -- County road.
12 There's a condominium and all sorts of good stuff
13 over there in North Bergen.

14 In terms of our section of the city, we
15 have White Castle, which is right next to us, and
16 next to that, all of Kennedy Boulevard, that's
17 where you have the -- the new, I think, Taco
18 Bell, and all sorts -- the bank and everything,
19 that's the very, very busy thoroughfare.

20 But in this section, it's hardly -- it
21 doesn't lend itself to two and three families.
22 There were three families, actually, that my
23 office designed, a number of years ago. And
24 they're there. We also did the building also
25 further out.

1 And it's kind of like the street that this
2 building is -- is what's needed there, because
3 once the law office, it changes its character and
4 wants to go into a different place within the
5 property, it becomes an asset for the -- for the
6 street.

7 And then, the -- the building across the
8 street, that is a huge pre-industrial building,
9 that what -- what do they call; the Elizabethan
10 loss. What are they?

11 They are just -- it's just this huge
12 building in front of us that's just there.

13 MR. BONACCI: The old soap factory.

14 MR. IZQUIERDO: And it's basically
15 preventing --

16 MR. BONACCI: It's an old soap factory.
17 The old soap factory.

18 MR. IZQUIERDO: Yeah.

19 MS. GUTIERREZ: Yeah. Yeah.

20 MR. R. GONZALEZ: The mill.

21 MS. GUTIERREZ: The mill.

22 MR. IZQUIERDO: The mill. Yeah.

23 It's a beautiful building architecturally,
24 but it -- it just doesn't develop the -- the
25 neighborhood. So, maybe when that develops and

1 | this building, then, 39th Street will be A-okay.

2 | Other than that, Bergenline Avenue is -- is
3 | full of all commercial spaces, and so is Kennedy
4 | Boulevard.

5 | In the back of our building, there are a
6 | number of -- of buildings, both commercial and
7 | residential, that basically, because of the rear
8 | property line we have is so jogged, everybody's
9 | on top of each other.

10 | So what we want to do is knock down the
11 | building, set ourselves back and actually, at
12 | that point, we're actually going to be better
13 | than eight or ten feet away from the property
14 | line.

15 | So -- and then, setback our building and
16 | start anew.

17 | MR. MEDINA: I have a question.

18 | When you say apartments, you mean rental
19 | apartments or condominium?

20 | MR. R. GONZALEZ: They're rental
21 | apartments.

22 | MR. MEDINA: Rental apartments. I mean,
23 | rental apartment is include a parking. And the
24 | thing we have parking.

25 | So, we have to make sure that they're using

1 | that driveway and don't using the outside parking
2 | that's -- you know what's going on in Union City
3 | parking.

4 | MR. R. GONZALEZ: No. I --

5 | MR. MEDINA: So --

6 | MR. R. GONZALEZ: I understand.

7 | MR. MEDINA: If this is happening, another
8 | place, that they're using the parking and you
9 | send somebody outside in they hold the drive
10 | inside the building.

11 | So, I want to be clear that the using this
12 | apartment, because it's rental apartment, because
13 | usually they all have parking.

14 | MR. IZQUIERDO: If a person rents an
15 | apartment from -- from the management, he's not
16 | going to have to find parking anywhere. We're
17 | providing them with parking within the premises.

18 | MR. R. GONZALEZ: That's an asset.

19 | MR. IZQUIERDO: Yes.

20 | MR. MEDINA: I understand that. Yes. But
21 | I still want to make sure that that's -- you know
22 | --

23 | MR. IZQUIERDO: Yeah. No, we're not going
24 | to hog the parking spaces. We want it for them.

25 | MR. R. GONZALEZ: Yeah.

1 VICE CHAIRMAN GRULLON: Mr. Gonzalez, is he
2 your only witness?

3 MR. R. GONZALEZ: Yes, he is.

4 VICE CHAIRMAN GRULLON: Any other member of
5 the Board?

6 At this point, I want to open this to the
7 public for any question or public comment on this
8 application.

9 Anyone from the public?

10 Okay.

11 No one from the public.

12 Closed to the public.

13 You know, after hearing the application and
14 seeing the -- it's going to change the condition
15 to -- to make it more -- to be in compliance with
16 the neighbor, I'm going to make a motion with the
17 condition to -- to make it be five --

18 MR. IZQUIERDO: Eight one bedrooms and --

19 VICE CHAIRMAN GRULLON: Eight one bedrooms
20 --

21 MR. IZQUIERDO: And 15 two bedrooms.

22 VICE CHAIRMAN GRULLON: Fifteen two
23 bedrooms.

24 MR. IZQUIERDO: And the law office remains
25 the same size.

1 VICE CHAIRMAN GRULLON: And -- and please
2 submit new plans.

3 MR. IZQUIERDO: Yes.

4 VICE CHAIRMAN GRULLON: Okay.

5 Motion to grant this application with the
6 condition to eight one bedroom and 15 two
7 bedrooms.

8 MR. IZQUIERDO: Correct.

9 VICE CHAIRMAN GRULLON: Thank you, Mr.
10 Gonzalez.

11 THE SECRETARY: Motion on the table to
12 approve this application with the condition of
13 eight units one bedroom and 15 units two bedrooms
14 by Mr. Grullon.

15 Second by?

16 Ms. Gutierrez.

17 Roll call on the motion.

18 Mr. Bonacci?

19 MR. BONACCI: Yes.

20 THE SECRETARY: Mr. Grullon?

21 VICE CHAIRMAN GRULLON: Yes.

22 THE SECRETARY: Mrs. Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Mr. Doumas?

4 MR. DOUMAS: Yes.

5 THE SECRETARY: Six in favor, motion
6 carries.

7 MR. R. GONZALEZ: Thank you.

8 THE SECRETARY: Thank you.

9 MS. GUTIERREZ: You're welcome.

10 MS. DILLON: Carlos, I'm sorry. Who was
11 the second? I'm sorry.

12 THE SECRETARY: Ms. Gutierrez.

13 MS. DILLON: Okay.

14 Thank you.

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

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1 **Centro Cristiano Hechos 29 - 2000 West Street aka**
2 **526 Monastery Place:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, Centro Cristiano Hechos 29,
6 2000 West Street.

7 Mr. --

8 VICE CHAIRMAN GRULLON: Mr. Lopez.

9 THE SECRETARY: -- Lopez?

10 There you go. Mr. Lopez is right there.

11 VICE CHAIRMAN GRULLON: Mr. Lopez?

12 MR. LOPEZ: Good evening, Mr. Chairman,
13 lady and gentlemen of the Board.

14 Adolfo Lopez appearing on behalf of this
15 application.

16 My -- my client is here. Unfortunately, I
17 received an email message this -- during the day
18 from Mr. Arencibia, who is unable to be here this
19 evening.

20 Without his testimony, I am unable to
21 proceed on the application, and I would simply
22 request an adjournment of this matter.

23 We had submitted jurisdictional documents
24 previously, and requested an adjournment on a
25 meeting that did not take place, in essence.

1 MR. PANEQUE: Yes.

2 MR. LOPEZ: And you had granted us
3 jurisdiction over the matter.

4 This would be our -- our first adjournment
5 request, respectfully.

6 MR. PANEQUE: Okay.

7 Mr. Lopez, this was the jurisdictional
8 proofs that were meant to be submitted at the
9 last meeting?

10 MR. LOPEZ: Correct.

11 MR. PANEQUE: But that meeting never
12 opened, so we need to do that officially now.

13 MR. LOPEZ: In that case, then, I was aware
14 that the meeting had not gone forth.

15 MR. PANEQUE: Yeah.

16 MR. LOPEZ: I wasn't aware that the
17 documents were not submitted. So, respectfully,
18 I would submit jurisdictional documents on the
19 matter and -- and request an adjournment.

20 MR. PANEQUE: Okay.

21 Let the record reflect that I've been
22 provided by the office of Adolfo Lopez with the
23 following documents:

24 I have an Affidavit of Service indicating
25 that notice of the application, with respect to

1 526 Monastery Place, also known as 2000 Kerrigan
2 Avenue, Union City, were sent out for the May 11th
3 meeting, which is now carried to June 8th, today.
4 Those notices went out ten days before the
5 meeting scheduled for May 11th.

6 There was a publication done in The Jersey
7 Journal on April 19, and an Affidavit of
8 Publication is provided to that effect.

9 I also have the tax list from the Union
10 City Tax Assessor's Office, which is dated April
11 12, 2017, listing all property owners within the
12 200 foot zone.

13 I also have a copy of the notice that was
14 sent to all the property owners within the 200
15 foot zone radius.

16 Also, in the packet, I've been provided
17 with the green cards receipts that have come
18 back, as well as an unclaimed envelope, and the
19 certified mail receipts with a date of April 18,
20 2017.

21 Based on the documentation that has been
22 provided by Mr. Lopez, this Board does have
23 jurisdiction to hear this matter.

24 Your request, Mr. Lopez, is to adjourn it?

25 MR. LOPEZ: For an adjournment, please.

1 MR. PANEQUE: Mr. Vallejo, June 29th?

2 THE SECRETARY: Yes, sir.

3 VICE CHAIRMAN GRULLON: Mr. Lopez, the next
4 meeting is June 29. You be okay with that
5 meeting?

6 MR. LOPEZ: We'll be okay with that
7 meeting.

8 And this -- just by simple clarification,
9 this project does not involve construction at any
10 -- of any type. It's simply occupancy by a
11 church, of an existing space.

12 VICE CHAIRMAN GRULLON: Okay.

13 With that, I make a motion to adjourn it to
14 the next meeting, on June 29.

15 THE SECRETARY: Motion to adjourn this
16 application for the Special Meeting on June 29 by
17 Mr. Grullon.

18 Second by Mr. Bonacci.

19 Roll call on the motion to adjourn this
20 application for the Special Meeting on June 29;
21 no new notice required.

22 Mr. Bonacci?

23 MR. BONACCI: Yes.

24 THE SECRETARY: Mr. Grullon?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: Ms. Gutierrez?
2 MS. GUTIERREZ: Yes.
3 THE SECRETARY: Mr. Medina?
4 MR. MEDINA: Yes.
5 THE SECRETARY: Mr. Ortiz?
6 MR. ORTIZ: Yes.
7 THE SECRETARY: Mr. Doumas?
8 MR. DOUMAS: Yes.
9 THE SECRETARY: Six in favor, motion
10 carries.
11 Thank you.
12 MR. LOPEZ: Thank you.
13 I have the next one on the list, if you
14 could please hold off and call Mr. Diaz ahead of
15 time.
16 I may have a -- an application on that
17 project.
18 MR. PANEQUE: Okay.
19 MR. LOPEZ: Thank you.
20 (Whereupon, there was a pause in the
21 proceedings.)
22 MR. PANEQUE: We're going to go to number
23 five.
24 THE SECRETARY: Yes, Mr. Paneque.
25 MR. PANEQUE: Mr. Diaz, you're ready?

1 MR. DIAZ: No.

2 If I could have a few minutes. Maybe take

3 --

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1 **DDIS Union City, LLC - 717-719 Bergenline Avenue:**

2

3 THE SECRETARY: We are going to change a
4 little bit the order of the agenda -- on
5 tonight's agenda. Next --

6 MR. PANEQUE: Mr. Alampi?

7 THE SECRETARY: DD --

8 MR. PANEQUE: You ready?

9 THE SECRETARY: -- IS, Union City, LLC.

10 Mr. Alampi, please?

11 MR. ALAMPI: Thank you.

12 Good evening, members of the Board.

13 Santo Alampi on behalf of DDIS, Union City,
14 LLC.

15 The property is 717-719 Bergenline Avenue.
16 It is Block 35, Lot 7.01 and 8.01.

17 This is a continuation from the March
18 meeting. We had submitted revised or additional
19 drawings, at the request of the Board.

20 This is a application for a Certificate of
21 Preexisting Nonconforming Use, as the Board may
22 recall, for the property. The drawings that were
23 submitted were of the existing condition.

24 The Board had requested, and we have
25 supplied, the proposed floor plans of what the

1 building will look like when it gets converted
2 back to what was testified to having been there.

3 The Board may recall that Michael Gere had
4 testified extensively. He was a child at the
5 time, a teenager that had lived in the area, and
6 testified as to the layout of the building, at
7 that time, in the late '60s and early '70s, prior
8 to the Zoning Ordinance of 1974.

9 You may also recall that we had other
10 witnesses that were going to testify similarly to
11 Mr. Gere. However, the Board, based on the
12 representation that their testimony would pretty
13 much mirror Mr. Gere's, accepted the Affidavits
14 that had been submitted by them with the
15 application.

16 And that was Droller Estevez, who actually
17 had operated the restaurant in the commercial
18 space of the building, and Ms. Fundoro, who was a
19 resident of the building, back in the late '60s.

20 So, with that, we've submitted the drawing
21 as it is proposed. The application is for the
22 preexisting nonconforming use status.

23 The applicant will have three bedrooms on
24 the second floor, or three residential units on
25 the second floor, one residential unit on the

1 ground floor, and one commercial unit on the
2 ground floor.

3 So, that is the application before the
4 Board this evening, and we've provided those
5 drawings. The architect is here and could answer
6 any questions regarding those drawings, if
7 necessary.

8 Again, they are to show what it will revert
9 back to.

10 VICE CHAIRMAN GRULLON: Mr. Alampi, do you
11 want to bring the architect to explain the
12 drawings?

13 MR. ALAMPI: If the Board would like for
14 him to --

15 VICE CHAIRMAN GRULLON: Yes, please.

16 MR. ALAMPI: -- to explain?

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

19 MS. DILLON: Please raise your right hand.

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

22 MR. PEREIRAS: I do.

23 MS. DILLON: Please state your name for the
24 record.

25 MR. PEREIRAS: Manny Pereira,

1 P-E-R-E-I-R-A-S, with Pereiras Architects
2 Ubiquitous, 1116 Summit Avenue, Union City.

3 MS. DILLON: Thank you.

4 MR. ALAMPI: Chairman, I assume that we
5 continue with --

6 VICE CHAIRMAN GRULLON: Mr. Pereiras --

7 MR. ALAMPI: -- Mr. Pereiras under oath.

8 VICE CHAIRMAN GRULLON: Yes. He's been in
9 front of -- on many occasions. We accept his
10 qualifications.

11 MR. ALAMPI: Thank you.

12 VICE CHAIRMAN GRULLON: So, my -- could you
13 please explain the drawing? And I believe what
14 we're looking here is to legalize one unit.

15 MR. ALAMPI: We're establishing the
16 preexisting nonconforming use of structure. And
17 what we have on the easel is that configuration.

18 The building, as it exists, has in --
19 somehow converted illegal residential unit on the
20 ground floor.

21 It was testified that that was part of the
22 commercial space. It has --

23 MR. PEREIRAS: I'll walk us through it.

24 VICE CHAIRMAN GRULLON: Yeah, please.

25 MR. ALAMPI: -- now been --

1 VICE CHAIRMAN GRULLON: Please.

2 MR. PEREIRAS: We have three stories. We
3 have a basement, we have a ground floor, and we
4 have a second floor.

5 VICE CHAIRMAN GRULLON: Yes.

6 MR. PEREIRAS: Our focus is really that
7 ground floor.

8 We have what is, in this -- right now, I'm
9 showing my drawing and just to reference, for the
10 record, I'm using the same drawing that was
11 submitted to the Board. It's sheet Z01. It has
12 a date of 5/5/17 as the latest revision date.

13 I'm pointing to -- this is the existing
14 basement. This is the existing ground floor.
15 This is our proposed ground floor, and this is
16 the existing second floor.

17 We're not making any changes to the
18 existing second floor or the existing ground --
19 basement. The change that we're looking to do is
20 on the ground floor.

21 There is a commercial space right on the
22 corner, as you -- as you meet the corner of --
23 right at the corner of Bergenline. There's an
24 existing small commercial space.

25 And the presumption is, based on the -- the

1 testimony that was given here, as eye witnesses
2 of children, people that were here for many
3 years, that that commercial space used to go to
4 the extent of the rear of the property.

5 Now, there is an apartment back there. So,
6 what we're looking to do is tear down the walls
7 of that apartment, and basically extend that
8 commercial space all the way to the rear, in
9 order for it to go back to its original use and
10 original condition the way it was.

11 There are some level changes there and
12 we're going to address that with a few steps
13 within the commercial space. But the layout is
14 roughly what we're going to look there.

15 We're basically increasing the commercial
16 space to that size, which makes the commercial
17 space a total of 844 square feet, and eliminates
18 the apartment that was located in the rear of
19 that space.

20 VICE CHAIRMAN GRULLON: If I remember
21 correctly, the pre -- in your previous
22 presentation, you have sketches that were dated
23 from early 2005 and they were showing two
24 apartments in the rear.

25 MR. PEREIRAS: Correct.

1 They were original sketches. They were
2 kind of old.

3 We -- you asked me to go back and -- and
4 verify it, so I sent one of my staff members. We
5 measured the entire building precisely, except
6 for one room that we couldn't have access to.

7 I went there personally, to look at the
8 conditions and verify, as the architect of
9 record, that they -- they meet what we're showing
10 on those documents. And we've documented that in
11 these drawings.

12 So, this is the actual condition of the way
13 things are today.

14 VICE CHAIRMAN GRULLON: And the only work
15 you're doing is on the -- on the first floor,
16 right?

17 MR. PEREIRAS: Correct.

18 VICE CHAIRMAN GRULLON: The commercial
19 unit, with the apartment in the rear.

20 MR. PEREIRAS: Correct.

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

23 Do you guys have any question regarding to
24 this application?

25 MR. ORTIZ: No.

1 MR. BONACCI: I got one.

2 So, you guys are not really asking to do
3 much. You're just asking for the application for
4 the Certificate of the Prior Nonconforming Use.
5 It's pretty simple.

6 MR. ALAMPI: Exactly. Under 68 of the
7 statute, the MLUL, the applicant, or the owner of
8 property who has a vested right, can come before
9 this Board, if it's been longer than a year since
10 it was preexisting under the Ordinance and
11 predates the Ordinance, within a year --

12 MS. DILLON: Just one step closer to the
13 microphone, Mr. Alampi.

14 Thank you.

15 MR. ALAMPI: Within the first year, they
16 can just go to the Building Department or the
17 duly appointed official and have it certified.

18 After a year's time, they have to come
19 before this Board, and this Board will issue a
20 Certificate of Nonconformity Status, under
21 Section 68 of the statute.

22 So, that's what the application is for.
23 And what this Board would do, would recognize the
24 preexisting nonconforming status of three
25 residential units on the second floor, one

1 residential unit on the ground floor, and one
2 commercial unit on the ground floor.

3 MR. BONACCI: So, you're not seeking any
4 variances, just to certify the nonconforming
5 status of what was already there.

6 MR. ALAMPI: Exactly.

7 MR. BONACCI: Okay.

8 VICE CHAIRMAN GRULLON: Any other member of
9 the Board?

10 At this point, I want to open it to the
11 public.

12 MR. PANEQUE: One second, Mr. Grullon.

13 Mr. Alampi, just so that I have it clear,
14 can you please reiterate exactly the number of
15 units that are going to be found on each level?

16 MR. ALAMPI: On the second floor --

17 MR. PANEQUE: Okay.

18 MR. ALAMPI: -- there will be three
19 residential units.

20 On what I refer to as the ground floor,
21 which I guess technically is also the first
22 floor, there will be one residential unit and one
23 commercial unit.

24 So, you will have a total of four
25 residential units, and one commercial unit.

1 The commercial unit, if you're looking at
2 the building, is on the right side of the
3 building. And the residential unit is on the
4 left side of the building, on the ground floor.

5 And the plan that was submitted shows the
6 existing basement. It has a detail for the
7 existing ground floor. We've labeled the third
8 detail as the proposed ground floor.

9 And then, the proposed second floor -- the
10 proposed second floor is actually the existing
11 second floor.

12 MR. PANEQUE: And what will be located in
13 the basement, if anything?

14 MR. ALAMPI: The basement is, I believe,
15 just storage and some mechanicals.

16 MR. PEREIRAS: There's currently a studio
17 there that has to be demolished. And it will be
18 returned to non-habitable space.

19 MR. PANEQUE: All right.

20 So, currently, it is being used as a
21 residential studio?

22 MR. PEREIRAS: Yes.

23 MR. PANEQUE: And that's going to be
24 demolished.

25 MR. PEREIRAS: And turned to non-habitable.

1 MR. PANEQUE: And that's part of your
2 application.

3 MR. PEREIRAS: Yes. And -- and it's noted
4 on the drawings, and it will be duly noted in the
5 construction documents.

6 MR. PANEQUE: Thank you.

7 No further questions.

8 MR. ALAMPI: Thank you, counsel.

9 VICE CHAIRMAN GRULLON: At this point,
10 we're going to open it to the public.

11 MS. DILLON: Mr. Price, please raise your
12 right hand.

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

15 MR. PRICE: I do.

16 MS. DILLON: Name and address for the
17 record, please.

18 MR. PRICE: Larry Price, 1006 Palisade
19 Avenue.

20 MS. DILLON: Thank you.

21 MR. PRICE: We -- or, actually, my
22 question, I think, to the Board, we normally get
23 a memorandum from the Building Department saying
24 -- you know, this is what the Building Depart --

25 Have we received a memo -- a memorandum

1 | like that for this application?

2 | MR. PANEQUE: Yes, Mr. Price. We do have
3 | it. I'll read it into the record.

4 | We have a memorandum from Mr. Martinetti,
5 | Construction Official, dated March 8th of this
6 | year, reference verification of legal units.

7 | It states: In compliance with the City
8 | Ordinance, implemented January 4th, 2011, the
9 | number of legal units for a property must be
10 | verified as part of the Zoning Board application
11 | process.

12 | According to Building Department records,
13 | the property you had inquired about, located at
14 | 717-719 Bergenline Avenue, Block 35, Lot 7.01,
15 | was originally a two unit and one commercial
16 | structure.

17 | If you have any questions, please feel to
18 | contact me.

19 | Dated March 9, 2017. There is a -- the
20 | attached document is Mr. Vallejo's request to Mr.
21 | Martinetti to provide that --

22 | MR. PRICE: Okay.

23 | MR. PANEQUE: -- document.

24 | MR. PRICE: That was two units or two
25 | residential units?

1 MR. PANEQUE: Two units and one commercial
2 structure.

3 MR. PRICE: Okay, which -- it doesn't say
4 that.

5 Okay. Okay.

6 Well, all I would say is that the
7 obligation of the applicant for that is to go
8 from the one and two, in that memorandum, to the
9 one and four that they want. They have to
10 justify two.

11 Now you know, Mr. Pereiras' testimony,
12 there -- there actually, apparently, six
13 residential units there existing. Four of them
14 are apparently illegal, because you have one in
15 the basement, a studio; you've got three on the
16 second floor; you have two on the first floor.
17 As far as the Building Department --

18 Okay. They've agreed to demolish the
19 studio in the basement, but existing currently
20 are one commercial unit and five residential
21 units. Whereas, legally, the Building
22 Department, which is always what we accept, says
23 that there are only two residential units. They
24 have to go from two to four.

25 I don't think they've done that here.

1 Mr. Pereiras has said there's a -- a
2 residential unit, which existing, which we're
3 going to eliminate and incorporate in a --
4 whatever. But that -- that unit would appear to
5 be illegal.

6 So, that doesn't prove anything. They've
7 got to go from two to four, on residential unit.

8 I don't think they've done that.

9 MR. PANEQUE: Thank you, sir.

10 Anything else?

11 MR. PRICE: That's it.

12 MR. PANEQUE: Mr. Alampi, do you want to
13 have the opportunity to respond to that?

14 MR. ALAMPI: Thank you.

15 Members of the Board, I would submit to you
16 that you heard the testimony of Michael Gere. He
17 testified that during the late '60s, he was
18 intimately familiar with this property and that
19 what we are showing is what was there. That's
20 his testimony.

21 I understand the confusion with the
22 Building Department records, but that's Mr.
23 Gere's testimony. We had two other witnesses who
24 were going to substantiate his testimony, and the
25 Board felt it unnecessary to have them come up

1 and actually provide that testimony, although
2 their Affidavits are part of the record, and have
3 been submitted.

4 So, I wasn't here in 1968; Mr. Gere was.

5 And I would ask that the Board weigh his
6 testimony and his credibility. And if the Board
7 finds that he is credible, and that what he says
8 is what the building existed like in 1968, prior
9 to the Zoning Ordinance, that is more than enough
10 justification for this Board to certify that this
11 is a preexisting nonconforming use and structure,
12 as he testified to.

13 Thank you.

14 VICE CHAIRMAN GRULLON: Mr. Alampi, we
15 heard the testimony of the witnesses. And -- but
16 my question to you is we -- what are you asking
17 for here? Is to legalize two units?

18 MR. ALAMPI: I am asking that this Board
19 recognize and document and legalize the already
20 existing rights of this property to be three
21 residential units on the second floor, one
22 residential unit on the first floor, and one
23 commercial unit on the first floor.

24 And issue the appropriate Certificate of
25 Preexisting Nonconforming Use, which I am sure

1 | counsel will be able to properly draft if the
2 | Board were to grant or recognize those rights.

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

5 | MR. PRICE: Could I make a follow on
6 | question?

7 | VICE CHAIRMAN GRULLON: Yes, you may. Come
8 | forward, Mr. Price.

9 | MR. PRICE: Larry Price, again.

10 | One thought -- you know, in -- with what
11 | Mr. Alampi just said, the fact of the matter is,
12 | this is the R zone. Commercial spaces and mixed
13 | use are not permitted uses in the -- in the R
14 | zone.

15 | Okay.

16 | Mr. Pereiras' testimony was that the
17 | existing commercial space is roughly 400 feet,
18 | and is going to basically double by the
19 | elimination -- by -- by moving into the -- to the
20 | existing illegal apartment there.

21 | Well, that means you're -- you know,
22 | expanding a nonconforming use. That -- the
23 | commercial space is there, and it's been there
24 | for a long time. And I think everybody accepts
25 | that it's been there since 1974, but how big was

1 | it in 1974? If it was only 400 square feet, in
2 | 1974, and you're now going to expand it to 800
3 | square feet, do you need a D-2 variance for
4 | expansion of a nonconforming use? Because that
5 | commercial space is a nonconforming use.

6 | So, and I haven't heard any -- any proofs
7 | along those lines.

8 | VICE CHAIRMAN GRULLON: According to the
9 | testimony, Mr. Price, what I heard is that the
10 | ground floor was commercial with one unit
11 | previously. And then, they reduced the
12 | commercial to make it a second unit behind the
13 | commercial.

14 | For that, they have --

15 | MR. PRICE: Okay.

16 | VICE CHAIRMAN GRULLON: -- two residential
17 | and one commercial on the ground floor, which was
18 | not -- you know, the -- the original setup --

19 | MR. PRICE: Okay.

20 | VICE CHAIRMAN GRULLON: -- that they had.

21 | MR. PRICE: The testimony was, the original
22 | -- originally, whenever, there was one
23 | residential space, and one commercial space on
24 | the ground floor.

25 | Okay. Somehow, we've ended up with two

1 residential spaces on the ground floor.

2 But where did the -- how -- what was that
3 second residential use carved out of? Was it
4 carved out of the commercial space? That would
5 be -- then you would probably not have an
6 expansion, because you're just reclaiming what --
7 but if the space -- that second residential space
8 was carved out of the apartment, and the -- and
9 the resident -- and the commercial space, in
10 1974, was 400 square feet. In other words, it's
11 unchanged to date from what it was originally.

12 Then, by going from 400 to 800, you -- you
13 have an expansion of a non-permitted use, and
14 that requires a D-2 variance.

15 So, I heard -- yes, I have the same
16 recollection that you do, but the -- the key
17 question is, where did that second apartment come
18 from?

19 If it's a carve-out from a commercial
20 space, then it's a restoration. But if it was a
21 carve-out from the -- of the original residential
22 space on the ground floor, then you do need that
23 variance, and there's no application for that.

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

1 Any other member of the public want to step
2 forward?

3 After hearing the testimonies of the -- the
4 witness that you presented at the previous
5 meeting, and now with your revised drawing, and
6 we -- knowing that this -- the conditions are
7 preexisting our Ordinance, want to make a motion
8 to grant this application to be a one commercial,
9 and four residential units.

10 THE SECRETARY: Motion to approve by Mr.
11 Grullon.

12 MS. GUTIERREZ: And I'm seconding.

13 THE SECRETARY: Second by --

14 VICE CHAIRMAN GRULLON: And the basement
15 apartment has to be demolished.

16 THE SECRETARY: -- Ms. Gutierrez.

17 VICE CHAIRMAN GRULLON: Sorry.

18 For the record, I just want to mention that
19 the basement apartment has to be demolished.

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

22 THE SECRETARY: Motion on the -- on the
23 table by Mr. Grullon.

24 Second by Ms. Gutierrez.

25 Roll call on the motion.

1 Mr. Bonacci?

2 MR. BONACCI: Yes.

3 THE SECRETARY: Mr. Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Mr. -- Mrs. Gutierrez?

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: Sorry.

8 Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Ortiz?

11 MR. ORTIZ: Yes.

12 THE SECRETARY: Mr. Doumas?

13 MR. DOUMAS: Yes.

14 THE SECRETARY: Six in favor, motion
15 carries.

16 Thank you.

17 MR. ALAMPI: Thank you, everybody.

18 VICE CHAIRMAN GRULLON: Thank you, Mr.
19 Alampi.

20 MR. ALAMPI: Have a good night.

21 MS. GUTIERREZ: Good night.

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

24 * * *

25

1 **Rare Enterprise, LLC - 413-419 35th Street:**

2

3 MR. PANEQUE: Mr. Vallejo, we're going to
4 go back now to case number four, Rare
5 Enterprises.

6 Mr. Lopez?

7 THE SECRETARY: Thank you, Mr. Paneque.

8 We're going to move on -- will be --

9 MR. PANEQUE: Mr. Lopez?

10 THE SECRETARY: -- item number five at this
11 time --

12 MR. PANEQUE: Case number four.

13 THE SECRETARY: All right. Number four.

14 Rare Enterprise, LLC, 413-419 35th Street.

15 Mr. Lopez, please?

16 MR. LOPEZ: Good evening.

17 Adolfo Lopez, appearing on behalf of the
18 applicant.

19 Mr. Chairman, lady and gentlemen of the
20 Board, I'd like to submit the jurisdictional
21 documents on this. And -- and then, have it
22 carried to the 29th.

23 In the interim, in consultations with
24 interested parties from the neighborhood, it has
25 been decided that the applicant will scale down

1 the project, instead of 21 units, to 18 units,
2 which apparently is more pleasing to -- to
3 everyone involved.

4 My client has agreed to do that. We simply
5 would like to retain our order, retain our
6 application, and then modify it.

7 We will re-notice for the next meeting.
8 We'll provide notice to all property owners.

9 MR. PANEQUE: Okay.

10 MR. LOPEZ: So --

11 MR. PANEQUE: Mr. --

12 MR. LOPEZ: If I may?

13 MR. PANEQUE: Well, if I may, Mr. Lopez?

14 Since you're going to re-notice, is there a
15 need to establish jurisdiction on tonight's
16 application?

17 MR. LOPEZ: There is -- if I wanted to be
18 heard the 29th --

19 MR. PANEQUE: You will be.

20 Right?

21 THE SECRETARY: The 29th?

22 MR. LOPEZ: The 29th will be a Special
23 Meeting. Can we --

24 THE SECRETARY: Yes. Yes.

25 MR. PANEQUE: Yeah.

1 MR. LOPEZ: Can we still -- so we -- I will
2 --

3 THE SECRETARY: You have to re-notice.

4 MR. LOPEZ: Mr. Vallejo, I will modify my
5 existing application.

6 MR. PANEQUE: Yeah, if you want to
7 establish jurisdiction --

8 MR. LOPEZ: I just --

9 MR. PANEQUE: -- I'm more than happy to
10 take them, but --

11 MR. LOPEZ: I just don't want to -- I don't
12 want to withdraw my application, and have my
13 client have to pay a substantial fee all over
14 again. So --

15 MR. PANEQUE: Okay.

16 MR. LOPEZ: For that reason, I'd like to
17 submit jurisdiction, notifying the Board that we
18 will be modifying and re-noticing everyone.

19 VICE CHAIRMAN GRULLON: And re-notice.

20 MS. GUTIERREZ: And re-notice.

21 MR. PANEQUE: The re-noticing is the
22 important key because --

23 MR. LOPEZ: Absolutely.

24 MR. PANEQUE: -- you've changed the plans.

25 MR. LOPEZ: We are changing the plans.

1 It's -- it's a different -- even though it is an
2 inferior application. We will, nonetheless, re-
3 notice all property owners within 200 feet.

4 So, if I may?

5 MR. PANEQUE: Yes.

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

8 MR. PANEQUE: For the record, I've been
9 provided with the following documentation by Mr.
10 Lopez:

11 I have an Affidavit of Service, signed by
12 Mr. Lopez, indicating that notice of tonight's
13 hearing, with respect to the application for
14 413-15-17-19 35th Street in Union City was
15 provided to all property owners within the 200
16 foot radius prior to -- on May 22nd, which is ten
17 days prior to the June 8th hearing.

18 I also have an -- an Affidavit of
19 Publication from The Jersey Journal, dated May
20 16, 2017, indicating that notice of tonight's
21 hearing, June 8th, with respect to the property in
22 question, was published in the newspaper.

23 I also have a copy of the notices that went
24 out to all property owners within the 200 foot
25 radius, as well as a list from the Union City Tax

1 Assessor's Office, with a date of May 11 --
2 requested May 11th, dated May 12th, which provides
3 the -- the names of all property owners within
4 the 200 foot radius of the property, 413-19 35th
5 Street.

6 I've also been provided with the certified
7 mail receipts, with a date of May 22nd, as well as
8 the green cards that have come back, and
9 envelopes that have come back undeliverable or
10 unclaimed.

11 Based on the documentation that's been
12 provided, this applicant does have jurisdiction
13 to be heard by this Board.

14 MR. LOPEZ: We would then be requesting an
15 adjournment for the purposes indicated of
16 revising and reducing the project.

17 VICE CHAIRMAN GRULLON: For the June 29 and
18 you --

19 MR. LOPEZ: For the June 29th meeting.

20 VICE CHAIRMAN GRULLON: You will provide
21 new prints.

22 MR. LOPEZ: We will provide new prints.

23 VICE CHAIRMAN GRULLON: And re-notice.

24 MR. LOPEZ: And re-notice everyone, and
25 publish.

1 THE SECRETARY: Modify the application,
2 too.

3 MR. LOPEZ: Yes.

4 VICE CHAIRMAN GRULLON: Yes.

5 MR. LOPEZ: Yes. Modified application.
6 Correct.

7 VICE CHAIRMAN GRULLON: Okay. With that --
8 with that condition, I make a motion to adjourn
9 this to the June 29th meeting.

10 THE SECRETARY: Motion on the table --

11 MS. GUTIERREZ: And I'm second.

12 THE SECRETARY: -- to adjourn this
13 application for June 29, Special Meeting, by Mr.
14 Grullon.

15 Second by Mrs. Gutierrez.

16 MS. DILLON: Speak up, Carlos. You're in
17 --

18 THE SECRETARY: Roll call on the motion.

19 Mr. Bonacci?

20 MR. BONACCI: Yes.

21 THE SECRETARY: Mr. Grullon?

22 VICE CHAIRMAN GRULLON: Yes.

23 THE SECRETARY: Ms. Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Mr. Doumas?

5 MR. DOUMAS: Yes.

6 THE SECRETARY: Six in favor, motion

7 carries. Need to re-notice, revised plans, and

8 revised application.

9 Thank you.

10 MR. LOPEZ: Thank you so much.

11 Have a good night.

12 MS. GUTIERREZ: Thank you.

13 Good night.

14 VICE CHAIRMAN GRULLON: Good night.

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

17 * * *

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1 **14th Street Associates, LLC -**

2 **413-415-417 14th Street:**

3

4 MR. PANEQUE: Mr. Lopez?

5 THE SECRETARY: Mr. Lopez?

6 MR. PANEQUE: Mr. Lopez, is Mr. Diaz
7 proceeding with his application?

8 MR. LOPEZ: I believe there's a similar
9 situation.

10 MR. PANEQUE: Oh.

11 VICE CHAIRMAN GRULLON: You want to call
12 the next --

13 MR. PANEQUE: If you want more time, we can
14 go to the next one.

15 Mr. Diaz, you need more time?

16 MR. DIAZ: No. I'm -- I'll face the Board.

17 THE SECRETARY: Allow me to announce.

18 MR. DIAZ: Good evening, Luis --

19 THE SECRETARY: Mr. Diaz, one second,
20 please.

21 Thank you, Mr. Diaz.

22 MR. DIAZ: Good evening, Board members.

23 Luis Diaz for the application of --

24 THE SECRETARY: 14 Street Association, LLC.

25 MR. DIAZ: -- for 14 Street Associates.

1 I would like to ask the Board for an
2 adjournment of my application.

3 We have been considering certain changes
4 and with that regard, we would like to have an
5 adjournment in order to come before the Board
6 with a -- with a different type of application.

7 MR. PANEQUE: Okay. Are you looking to be
8 placed on the June 29th agenda? Or you want the
9 July?

10 MR. DIAZ: I think it would have to be in
11 July.

12 MR. PANEQUE: July?

13 THE SECRETARY: July is --

14 MR. PANEQUE: Okay.

15 THE SECRETARY: -- very busy.

16 MR. PANEQUE: Yeah. July is very busy, Mr.
17 Diaz. So --

18 THE SECRETARY: Very busy.

19 MR. PANEQUE: We may not be able to place
20 you on that agenda.

21 MR. DIAZ: So, the other -- the
22 alternative, June 29th?

23 MR. PANEQUE: Yes.

24 MS. GUTIERREZ: Otherwise to September?
25 No?

1 MR. SPATZ: September.

2 THE SECRETARY: September?

3 MR. SPATZ: September's the next one.

4 MS. GUTIERREZ: September is the next one.

5 THE SECRETARY: Beautiful month.

6 MR. DIAZ: Excuse me.

7 One second, please.

8 MS. DILLON: Off the record?

9 MR. PANEQUE: Off the record.

10

11 (Whereupon, the Board recessed from 7:43:38
12 p.m. to 7:43:56 p.m.)

13

14 MS. DILLON: Okay.

15 On the record.

16 THE SECRETARY: Mr. Diaz, --

17 MR. DIAZ: The June --

18 THE SECRETARY: -- please?

19 MR. DIAZ: -- 29th --

20 MR. PANEQUE: Okay.

21 MR. DIAZ: -- will be fine.

22 MR. PANEQUE: If I may, then, Mr. Diaz,
23 let's establish jurisdiction with the application
24 you have --

25 MR. DIAZ: With this --

1 MR. PANEQUE: -- here.

2 MR. DIAZ: -- application. And then --

3 MR. PANEQUE: And then, we can carry that
4 to the 29th.

5 And there's going to be a provision, since
6 the plans are being modified, that you re-notice,
7 republish, and have the plans in prior to ten
8 days before --

9 MR. DIAZ: Ten days --

10 MR. PANEQUE: -- the meeting.

11 MR. DIAZ: -- prior to the 29th.

12 MR. PANEQUE: Do you have your
13 jurisdictional proof?

14 MR. DIAZ: Understood.

15 Yes.

16 MR. PANEQUE: Thank you.

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

19 MR. DIAZ: Counsel, I'm providing --

20 MR. PANEQUE: Thank you, sir.

21 MR. DIAZ: -- the documents in order to
22 obtain jurisdiction.

23 (Whereupon, there was a pause in the
24 proceedings.)

25 MR. PANEQUE: For the record, I've been

1 provided by Mr. Luis Diaz with the following
2 documentation:

3 I have an Affidavit of Service indicating
4 that on May 23rd, at least ten days prior to
5 tonight's hearing, notice of tonight's hearing
6 was given to all property owners within the 200
7 foot radius of 413-15-17 14th Street in Union
8 City.

9 I've also been provided with an Affidavit
10 of Publication from The Jersey Journal,
11 indicating that notice of tonight's hearing was
12 published on May 15, 2017, and copies of the
13 notices that went out to all property owners, as
14 well as a list from the Union City Tax Assessor's
15 Office, which was requested on May 11th, and given
16 by the Assessor's Office on May 12th, listing all
17 property owners within the 200 foot radius.

18 Mr. Diaz has also provided me with the
19 certified mail receipts, with a date of May 23rd,
20 as well as the green cards that have come back to
21 date, and envelopes that have been returned not
22 deliverable, or unclaimed.

23 Based on the documentation that's been
24 provided, this Board does have jurisdiction to
25 hear this matter tonight.

1 Mr. Diaz, you have an application to the
2 Board?

3 MR. DIAZ: Yes, I do.

4 I would like to have an adjournment on that
5 application, if the Board would grant the -- the
6 adjournment.

7 VICE CHAIRMAN GRULLON: Mr. Diaz, you be
8 okay with the June 29th meeting?

9 MR. DIAZ: Yes.

10 VICE CHAIRMAN GRULLON: And with the
11 condition of re-noticing and submitting your
12 plans?

13 MR. DIAZ: As counsel stated, everything
14 ten days prior to the 29th.

15 VICE CHAIRMAN GRULLON: With that, I make a
16 motion to adjourn it to the next --

17 THE SECRETARY: Blueprints and application
18 have to match.

19 Okay?

20 Motion to adjourn --

21 MR. DIAZ: Understood.

22 VICE CHAIRMAN GRULLON: Motion to adjourn
23 to --

24 THE SECRETARY: -- this application by --

25 VICE CHAIRMAN GRULLON: -- the June 29

1 meeting.

2 THE SECRETARY: -- Mr. Gullon.

3 MR. DIAZ: Thank you very much.

4 And I apologize for the delays. I know
5 that everybody wants to go home.

6 MR. PANEQUE: We need to take a vote.

7 THE SECRETARY: Motion --

8 MR. DIAZ: That's right. That's right.

9 VICE CHAIRMAN GRULLON: Thank -- thank you.

10 THE SECRETARY: Motion on the table by Mr.
11 Gullon.

12 Any second?

13 Second by Mr. -- Mrs. Gutierrez.

14 Roll call on the motion.

15 Mr. Bonacci?

16 MR. BONACCI: Yes.

17 THE SECRETARY: Mr. Gullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Ms. Gutierrez?

20 MS. GUTIERREZ: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Mr. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Mr. Doumas?

1 MR. DOUMAS: Yes.

2 THE SECRETARY: Six in favor, motion
3 carries.

4 MR. DIAZ: Thank you, Board members.
5 And again, accept my apologies.

6 MR. PANEQUE: Thank you, Mr. Diaz.
7 Have a good night.

8 MS. GUTIERREZ: Have a good night.

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

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1 **Palisade Emergency Residence Corporation -**
2 **113 37th Street, (Subdivision):**

3

4 THE SECRETARY: Next application tonight's
5 agenda --

6 MS. DILLON: Come closer so you're by a
7 microphone.

8 THE SECRETARY: -- Palisade Emergency
9 Residential Corporation, 113 37th Street.

10 Mr. O'Connell, please?

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

13 THE SECRETARY: Mr. Paneque, please?

14 MR. PANEQUE: Thank you, sir.

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

17 MR. PANEQUE: Yes.

18 For the record, I've been provided, by the
19 office of Mr. O'Connell, with the following
20 documentation:

21 I have an Affidavit of Proof of Service by
22 Jenniffer Charles?

23 MR. O'CONNELL: Correct.

24 MR. PANEQUE: From the office of Mr. Eugene
25 P. O'Connell, indicating that notices of

1 | tonight's hearing, with respect to the property
2 | located at 113 37th Street, in Union City, was
3 | sent out to all property owners within the 200
4 | foot radius on April 28th, 2017.

5 | I've also been provided with an Affidavit
6 | of Publication that was published on April 29th,
7 | indicating that notice of this application was
8 | given for May 11th.

9 | It's noted, for the record, that the May
10 | 11th hearing never opened because of the lack of a
11 | quorum. And therefore, it was carried to June
12 | 8th, and it was noticed that all applications
13 | would be carried to tonight. So, that
14 | publication is valid.

15 | I've also been provided with a list from
16 | the Tax Assessor's Office with a date of April
17 | 7th, with all property owners within the 200 foot
18 | radius, as well as the certified mail receipts,
19 | with a postmark date of April 28th.

20 | Based on the documentation that has been
21 | provided, this Board does has jurisdiction to
22 | hear this matter and may proceed.

23 | MR. O'CONNELL: Thank you very much.

24 | Tonight, we are applying -- our first
25 | application is for a minor subdivision.

1 This is a lot that runs from 36th Street
2 through 37th Street. There are two buildings on
3 the lot, and the purpose of our subdivision
4 tonight is to carve out a piece of the lot which
5 faces 37th Street, which now exists a thrift store
6 and one residential unit.

7 I have two witnesses tonight, Grace Lynch,
8 a licensed architect, and Charles Heydt, a
9 licensed planner.

10 I believe Grace Lynch has testified many
11 times before the Board, and wish you'd accept her
12 as a -- qualified as an expert in architecture.

13 VICE CHAIRMAN GRULLON: Sure. We accept
14 her qualification.

15 MS. DILLON: Ms. Lynch, 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 MS. LYNCH: Yes.

20 MS. DILLON: If you could please state your
21 name and spell it for the record?

22 MS. LYNCH: Sure.

23 Grace, G-R-A-C-E, Lynch, L-Y-N-C-E (SIC) --
24 N-C-H.

25 MS. DILLON: Thank you.

1 MS. LYNCH: I thought I could spell it for
2 the record.

3 MR. O'CONNELL: Ms. Lynch, would you please
4 describe the existing lot and the -- and the
5 piece that we're asking to be subdivided out, to
6 the Board?

7 MS. LYNCH: Okay.

8 The existing lot -- it's approximately just
9 shy of 10,000 square feet, two 50 by almost a
10 hundred foot lots that -- that form an irregular
11 combined lot.

12 This lot now houses --

13 MR. O'CONNELL: Grace?

14 MS. LYNCH: -- the homeless shelter.

15 MR. O'CONNELL: Talk up a little bit,
16 please.

17 MS. LYNCH: Oh, I'm so sorry. I think I'm
18 plugged in.

19 MS. DILLON: That doesn't amplify. That's
20 just for the record.

21 MS. LYNCH: Oh, okay.

22 Right now, on the first floor, the homeless
23 shelter and the dormitory area, kitchen,
24 cafeteria. On the second floor, dormitory space.
25 And on the upper floor is studio apartments.

1 But this little lot that is the -- this
2 little building was a two family building
3 traditionally. At some point in time, the
4 residence on the first floor was turned into a
5 thrift shop.

6 So, for the purposes of the subdivision,
7 it's really to separate this lot, which has
8 served as a two family, and is consistent with
9 the buildings across the street. And right now,
10 the big apartment complexes have been built on
11 either side. But this is a two family lot, and
12 always has been.

13 So, the idea is to subdivide that lot. And
14 I think the planner and the -- the owner can
15 speak to that more, but it really is about grant
16 funding and turning that first story from the
17 thrift shop back into a residential unit, that
18 will be affordable housing.

19 MR. O'CONNELL: Correct.

20 We're -- this will be -- we're -- we want
21 to have two permanent -- two residential units,
22 which will be permanent housing, not temporary
23 housing. This will -- people will rent these
24 units and live there permanently.

25 MS. LYNCH: So the --

1 MR. O'CONNELL: And --

2 MS. LYNCH: I'm sorry.

3 The lot that's proposed is 24 -- 25 foot
4 wide by 48 foot deep. And basically, will run
5 just literally to just carve out that little
6 piece, that will still be managed by the same
7 entity.

8 MR. O'CONNELL: I have no further questions
9 for this witness.

10 MS. DILLON: Ms. Lynch?

11 MS. LYNCH: Oh, I'll be -- I'll be back in
12 a minute.

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

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

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

19 MR. HEYDT: I do.

20 MS. DILLON: Please state your name and
21 spell it for the record.

22 MR. HEYDT: Charles Heydt, last name
23 spelled H-E-Y-D-T.

24 MS. DILLON: Thank you.

25 MR. O'CONNELL: Mr. Heydt, would you please

1 give your educational background to the Board?

2 MR. HEYDT: Yes.

3 I'm a licensed planner in the State of New
4 Jersey, planning number 6211. I also -- also
5 have a masters in city and regional planning from
6 Rutgers University.

7 I've testified in -- at this point, over 50
8 different boards in -- throughout the State of
9 New Jersey, including several in Hudson County,
10 North Bergen, Jersey City, Weehawken.

11 And this is my first time appearing before
12 this Board.

13 VICE CHAIRMAN GRULLON: Yeah. We accept
14 his qualification.

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

16 Now, Mr. Heydt, would you please explain to
17 the Board what variances are required to
18 subdivide this small piece of lot into -- into
19 the lot that we have before the Board tonight?

20 MR. HEYDT: Yes.

21 This is somewhat of a unique circumstance.
22 We are requesting a formal D-2 expansion of a
23 nonconforming use.

24 In your traditional sense, the word
25 expansion means addition. You would be

1 increasing a nonconforming use. And that's what
2 typically gets covered under D-2's.

3 However, in this case, it's unique in the
4 sense that it's an expansion by subtraction.

5 There is prior case law that deals with
6 this issue, and it identifies that because there
7 is a reduction in lot area, it results in the
8 intensification of the nonconforming use, which
9 necessitates the D-2 variance request from this
10 Board.

11 By way of background, that case dealt with
12 a nonconforming residential use on a subdivided
13 lot, that was also proposing a commercial
14 development.

15 In this case, there is no proposed
16 development, which kind of even reduces that
17 intensification. So, it's a little bit of a step
18 back from where the courts have traditionally
19 ruled that this intensification needs a D-2 use
20 variance.

21 I would also like to point out that we do
22 have a joined application, where the proposed use
23 on the subdivided lot is an inherently beneficial
24 use, converting a nonconforming commercial first
25 floor, which is the thrift shop, and the

1 apartment uses above, to a conforming use, that
2 is inherently beneficial.

3 It's -- it's an affordable housing
4 opportunity, which provides a much needed
5 resource to members of the community. And it
6 also is going to not only be providing
7 affordability assistance, but also going to be
8 dedicated for individuals with long term disabil
9 -- disabilities for the long term.

10 So, in terms of inherently beneficial uses,
11 it's actually important to note that this is
12 probably the greatest type of inherently
13 beneficial use that the courts have established
14 support for.

15 There -- by virtue of this request, we also
16 meet -- the D-2 variance request, we also meet
17 the negative criteria.

18 As I discussed, in terms of the intent and
19 purpose of the zone plan and the Zoning
20 Ordinance, we're bringing the property into
21 closer conformity with the R -- R zone, being
22 that it's now going to be taking a nonconforming
23 use into a conforming use.

24 In addition, there's actually -- the second
25 prong, no substantial detriment to the public

1 welfare. This project actually furthers the
2 public welfare. It actually serves as a benefit.

3 So, on both of the negative criterias
4 related to the use variance, I believe it meets
5 both -- both tests.

6 There are several issues related to bulk
7 criteria. Because of the subdivided lot, there
8 are several lot dimensions that are going to be
9 needing variance relief.

10 For the larger lot, so to speak, proposed
11 Lot 44.02, the lot width along the frontage
12 become -- becomes -- or lot depth becomes --

13 Hang on. Let me get this clear.

14 Lot width is required to be 50 feet,
15 whereas now, it's being proposed at 25 feet.
16 Obviously, this is -- all of these bulk criteria
17 that I'll get into are related to the subdivision
18 and trying to provide a single lot for the
19 affordable housing units.

20 In addition, there are two lot coverages.
21 The arithmetic is on the plans. There are many
22 -- several buildings -- or two buildings on this
23 site.

24 By virtue of the new lot lines, the lot
25 areas change. The buildings don't, but the lot

1 coverages result in new lot coverages, and we
2 need to request variances for them.

3 But the averages and the overall lot -- lot
4 coverages, both on building coverage and lot
5 coverage, are provided on the plans.

6 In terms of impact to the public realm and
7 public view along the streetscape, there's no
8 impact. None of the buildings are -- are being
9 changed, in terms of bulk or -- or massing.

10 There also is a setback requirement for the
11 rear yard, on what is now Lot 44.01. That rear
12 yard setback is required to be five feet, but
13 what's being proposed to accommodate the
14 subdivision is 1.9 feet.

15 So, we are formally requesting that rear
16 yard setback as a condition of the subdivision.

17 And I believe I've touched on all of the
18 variances with -- relating -- relating to 44.02.

19 The other two variances, relating to 44.01,
20 is obviously the reduction in lot size; where
21 2500 is required, and we're proposing a lot of
22 1200 square feet. And then, that also lends into
23 the lot depth, where a hundred feet is required,
24 and we're proposing 50 feet.

25 And these are all related to the proposed

1 subdivision.

2 Again, the building's not changing. The
3 adjacent building isn't changing. And there's --
4 in my opinion, no substantial detriment granting
5 the bulk variances, as well as the D-2 expansion
6 variance.

7 MR. O'CONNELL: Thank you.

8 That's my case.

9 MR. PANEQUE: Mr. O'Connell?

10 VICE CHAIRMAN GRULLON: Mr. -- Mr.
11 O'Connell, the zoning chart, do you have a zoning
12 chart for this?

13 MR. O'CONNELL: We prob --

14 MS. LYNCH: The zoning chart is on the --
15 on --

16 VICE CHAIRMAN GRULLON: Because I don't --

17 MS. LYNCH: -- sheet C-01.

18 VICE CHAIRMAN GRULLON: Oh, I only have one
19 page.

20 MR. HEYDT: That's --

21 MR. PANEQUE: Is it part of what was
22 presented to the Board?

23 MR. HEYDT: -- the survey.

24 MS. LYNCH: It was submitted.

25 MR. SPATZ: This is just a subdivision, not

1 the site plan.

2 MR. PANEQUE: Where is the site plan?

3 THE SECRETARY: Oops. I go get it.

4 MS. DILLON: Just go to the microphone,
5 please.

6 MS. LYNCH: Okay.

7 The -- all of the zoning information is on
8 sheet C-01.

9 And the subdivision map and the survey --

10 MR. O'CONNELL: There's a second
11 application for site plan.

12 MS. LYNCH: -- is -- is also included. I
13 think that's the one that you might be looking
14 at, --

15 VICE CHAIRMAN GRULLON: Yes. Yes.

16 MS. LYNCH: -- the survey.

17 VICE CHAIRMAN GRULLON: My question is
18 going to be, could you go over again the
19 dimension of the lots?

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

22 MS. LYNCH: Right now, facing 37th Street,
23 the full -- the full lot is a 50 by a hundred,
24 and a little 25 foot jog, and then another 50 by
25 a hundred, give or take.

1 Facing 36th Street, it's a full hundred.

2 Facing 37th, is -- the upper portion is 99,
3 but it's -- it's close.

4 The small house, the two story house, which
5 was historically a two family house, until they
6 put the thrift store on the bottom, that's on the
7 25 foot lot.

8 So, the subdivision that's proposed,
9 proposes to take off 25 by 48 feet, just to
10 contain that lot. And that has to do, I believe,
11 with funding and all kinds of other things.

12 So, do you want me to go through this chart
13 with you?

14 VICE CHAIRMAN GRULLON: Yes, please.

15 MS. LYNCH: Does everybody have this chart?

16 VICE CHAIRMAN GRULLON: We just -- we just
17 got it. We just received it from the Board
18 Secretary, but could you go over?

19 MS. LYNCH: Yes. Definitely.

20 So, for the existing lot, which is all of
21 the lot which is going to be reduced, currently,
22 the lot area is required 5,000 square feet;
23 existing 9,950; and proposed is 8,750. No
24 variance there.

25 The lot width, as Charles related, becomes

1 a little bit changed once the subdivision is in
2 place.

3 So, while it starts off with 50 foot
4 widths, it reduces as it hits 36th, 37th Street.
5 So, there, a variance would be required.

6 So, the lot width, where the frontage is on
7 37th Street, comes down to 25 feet for this lot.

8 Going down to the lot depth, there's really
9 no change in the lot depth, except for a portion
10 of the lot. So, again, that's -- that's kind of
11 an existing thing.

12 Going down to the variances, the building
13 coverage changes slightly, only for -- for this
14 -- well, 63 is what's existing --

15 And I -- I'm wondering, Charles, maybe you
16 can -- I'm sorry -- maybe you can speak -- speak
17 to this with me.

18 We're not changing any footprints. There
19 are no additions or anything else changed, but
20 the lot coverage would be a little bit higher on
21 this existing lot.

22 VICE CHAIRMAN GRULLON: Yes.

23 And you're only requesting for a
24 subdivision, only for the portion of 44.01?

25 MS. LYNCH: Right.

1 VICE CHAIRMAN GRULLON: Which is 25 by 48.

2 MR. O'CONNELL: Correct.

3 MS. LYNCH: That's the --

4 VICE CHAIRMAN GRULLON: And that's what --

5 MS. LYNCH: -- only thing that we're
6 asking for is --

7 MR. O'CONNELL: Correct.

8 MS. LYNCH: -- just to subdivide that --

9 VICE CHAIRMAN GRULLON: You going to be
10 like --

11 MS. LYNCH: -- two family use.

12 VICE CHAIRMAN GRULLON: -- removing that
13 from the application.

14 MS. LYNCH: Yes.

15 VICE CHAIRMAN GRULLON: Any demolition --

16 MS. LYNCH: No.

17 MR. O'CONNELL: No. There won't be --

18 VICE CHAIRMAN GRULLON: -- being proposed?

19 MR. O'CONNELL: -- any demolition.

20 The -- the purpose for this is in order to
21 get the funding to rehabilitate that small two
22 family building --

23 VICE CHAIRMAN GRULLON: Yes.

24 MR. O'CONNELL: -- we have to separate it
25 from the big site.

1 VICE CHAIRMAN GRULLON: Yes. And the --

2 MR. O'CONNELL: It has to have its own --

3 VICE CHAIRMAN GRULLON: And the commercial
4 space is --

5 MR. O'CONNELL: No commercial. It's going
6 to be all --

7 VICE CHAIRMAN GRULLON: No, no. The --

8 MR. O'CONNELL: -- all residential.

9 VICE CHAIRMAN GRULLON: The existing
10 commercial --

11 MR. O'CONNELL: Going to be --

12 VICE CHAIRMAN GRULLON: -- use, it's on
13 that lot.

14 MR. O'CONNELL: Yes. There's a thrift
15 store on the first floor that we're removing; --

16 VICE CHAIRMAN GRULLON: Okay.

17 MR. O'CONNELL: -- be two residential
18 units.

19 MS. LYNCH: Gene, do you have the
20 photograph?

21 MR. O'CONNELL: Yes.

22 MS. LYNCH: I just wanted to -- I think
23 sometimes it might be --

24 MR. O'CONNELL: Let's mark it.

25 MS. LYNCH: Okay.

1 I just brought a couple of photographs. I
2 can give you a few.

3 MR. O'CONNELL: We'll mark them and pass
4 them out.

5 MS. LYNCH: Yeah.

6 So, this is --

7 MS. DILLON: A-1?

8 MS. LYNCH: This is the building as it
9 exists.

10

11 (Whereupon, Photograph Sheet (2) Photos,
12 was received and marked as Exhibit A-1.)

13

14 MS. DILLON: I marked it A-1.

15 MR. O'CONNELL: Okay.

16 MS. DILLON: I have to give this one to
17 Carlos.

18 MR. O'CONNELL: Okay.

19 MS. LYNCH: So, as to -- as to any changes,
20 the only changes will really be renovation.
21 There's an -- there are existing rear stairs from
22 the basement, and there's an existing Bilco door.
23 That will be renovated and replaced.

24 The brick that's on three plus sides of the
25 building, except for a little bit of siding on

1 the top --

2 MR. O'CONNELL: That will actually be our
3 site plan application.

4 I don't know if we should go through it
5 now.

6 MS. LYNCH: Oh.

7 MR. O'CONNELL: We have two -- a separate
8 application for the site plan.

9 VICE CHAIRMAN GRULLON: Yes.

10 MR. O'CONNELL: We'll just do the
11 subdivision now.

12 VICE CHAIRMAN GRULLON: Yeah.

13 MR. O'CONNELL: And then we'll go through
14 --

15 MS. LYNCH: But what I can say is there's
16 no change in footprint. None of the work that
17 we're doing is going to change any of the
18 footprints as they exist right now.

19 VICE CHAIRMAN GRULLON: Yeah. I see.

20 And the application in front of us is just
21 for a subdivision for the 40 -- 48 by 25 lot that
22 is going to subtract from the previous nine
23 thousand and --

24 MR. O'CONNELL: Correct.

25 VICE CHAIRMAN GRULLON: -- and change.

1 Okay. It's all clear.

2 I don't have any more question.

3 Do you have any question, guys --

4 MR. BONACCI: I don't.

5 VICE CHAIRMAN GRULLON: -- on the
6 subdivision of the lot?

7 I'm going to open it to the public.

8 Any member of the public want to step
9 forward?

10 Mr. Price?

11 MR. PRICE: I think I have some questions
12 of Mr. --

13 It's Larry Price, 1006 Palisade.

14 MS. DILLON: Just come forward, and just
15 stand right by Mr. Price and you're fine.

16 MR. HEYDT: Okay.

17 MS. DILLON: Thank you.

18 MR. PRICE: Okay. Two questions.

19 First of all, the lot that you're carving
20 out will be 25 feet by 48 feet, 12 -- roughly
21 1200 square feet.

22 Right?

23 MR. HEYDT: Correct.

24 MR. PRICE: A standard lot in -- in Union
25 City is 25 by a hundred. So, you're using a

1 subdivision to create an undersized lot.

2 MR. HEYDT: Correct.

3 MR. PRICE: That's normally not permitted.

4 Okay. That's not permitted. There have to be
5 proofs.

6 Okay. Second question.

7 You're asking for a D-2 use variance.

8 MR. HEYDT: To support the undersized lot.

9 MR. PRICE: Well, but that assumes a
10 preexisting nonconforming use.

11 Right now, it's used as a book store or a
12 thrift shop. Thrift shop.

13 MR. HEYDT: And I believe we heard
14 testimony that it was previously a two family
15 home.

16 MR. PRICE: It was a two family home. It's
17 a three -- but the thrift shop, as I understood,
18 was going to be discontinued.

19 MR. HEYDT: Correct.

20 MR. PRICE: Okay.

21 And so, this will become a residential
22 space.

23 MR. HEYDT: Correct.

24 MR. PRICE: It will return to being a two
25 family house.

1 MR. HEYDT: Yes.

2 MR. PRICE: Which is a permitted use in the
3 R zone.

4 MR. HEYDT: You're right.

5 MR. PRICE: You're not -- you're
6 eliminating the preexisting nonconforming use.
7 So you -- you aren't expanding it, you're
8 eliminating it. You don't need a D-2 variance, I
9 would think.

10 MR. HEYDT: With the way the applications
11 were submitted, the first application was
12 specifically related to the subdivision, in which
13 case, theoretically, considering just the
14 subdivision and the currently existing commercial
15 space, we would need a D-2.

16 It's -- it's somewhat of a technical issue,
17 because the second application brings that use
18 out --

19 MR. PRICE: Eliminates it.

20 MR. HEYDT: Yes.

21 MR. PRICE: Okay.

22 So, this is just -- a D-2 is just to hold
23 it for 12 seconds until you submit the second
24 application, which eliminates the -- the
25 preexisting nonconforming use.

1 MR. HEYDT: I would -- would agree with
2 that.

3 MR. PRICE: Okay.

4 Would you agree that you are using --
5 you're using the subdivision to create an
6 undersized lot?

7 MR. HEYDT: Yes.

8 MR. PRICE: Okay.

9 Not permitted. Proofs are needed. You --

10 MR. PANEQUE: Mr. Price, do you have a
11 comment, because you're just --

12 MR. PRICE: They --

13 MR. PANEQUE: -- make the gestures.

14 MR. PRICE: They are using a subdivision to
15 create an undersized lot. That is not permitted.

16 Okay? And there were no proofs. Whatever.
17 And they have a lot of space. They got six -- I
18 don't even need -- understand the need for an
19 undersized lot, under these circumstances,
20 because they have enough -- still have 8700
21 square feet remaining in a non-carved out lot.

22 So, they could -- they could -- you know,
23 add --

24 MR. O'CONNELL: I could answer that
25 question.

1 There -- there's a building right behind --
2 there's a building right behind -- the lot we're
3 carving out, there's a building right behind it.
4 So, that's the building where PERC operates their
5 homeless shelter.

6 We don't have enough room -- we would have
7 to tear down the building to get the extra --

8 MR. PRICE: Well, that's a --

9 MR. O'CONNELL: -- footage.

10 MR. PRICE: That's a good explanation, but
11 -- you know.

12 Okay.

13 MR. PANEQUE: That's what's shown as the
14 gray zone.

15 MR. O'CONNELL: Yes.

16 MR. PANEQUE: Mr. O'Connell?

17 MR. O'CONNELL: Yes.

18 MR. PANEQUE: Okay.

19 MR. PRICE: Another --

20 MS. LYNCH: Everything that's colored in is
21 a building.

22 MR. PANEQUE: Okay.

23 MR. HEYDT: Existing.

24 MS. LYNCH: Is an existing building. So,
25 the -- the proposed lot is -- is right here.

1 This is the existing building. This is another
2 existing building.

3 MR. PRICE: But this is a one story --
4 Can you hear me?

5 MS. DILLON: You're on the wireless.

6 MR. PRICE: -- one story existing building
7 right here.

8 MS. DILLON: You're on her wireless.

9 MR. PRICE: Okay.

10 MS. LYNCH: Yes.

11 MR. PRICE: Okay. That's one reason for
12 doing it. Okay.

13 Thank you.

14 MR. O'CONNELL: Thank you.

15 VICE CHAIRMAN GRULLON: Mr. O'Connell, do
16 you know for how long they had that two -- that
17 two floor units there? When was that
18 constructed?

19 MR. O'CONNELL: I don't --

20 VICE CHAIRMAN GRULLON: Is that a recent
21 construction?

22 MR. O'CONNELL: -- personally know.

23 Grace, do you know how long that --

24 MS. LYNCH: I don't know how long --

25 MR. O'CONNELL: -- that two unit building

1 has been there?

2 MS. LYNCH: -- the building has been up,
3 but it's an old brick building, with -- with a
4 narrow stair to the basement. That's why the --
5 that's why, at some point in time, the -- the
6 Bilco was built on the back for a full sized
7 stair.

8 It's an old building.

9 MR. PANEQUE: On your subdivision --

10 MS. LYNCH: If I had to guess, I'd -- I'd
11 say the late 1800's, turn of the century. I
12 think it's that old.

13 VICE CHAIRMAN GRULLON: It's a preexisting
14 condition to our Ordinance.

15 MS. LYNCH: Yes.

16 MR. PANEQUE: Mr. O'Connell, on your
17 subdivision plans, you're showing a proposed
18 easement. I haven't heard any testimony on that.

19 Can we please have --

20 MR. O'CONNELL: That -- Grace can testify
21 to that.

22 The proposed easement, I thought we -- we'd
23 do that in the site plan.

24 But it's a proposed easement for -- there's
25 a rear door of this building here; an easement to

1 get out of this door and to go out to this empty
2 lot, to exit onto 37th Street.

3 That's the purpose, and Grace, you can
4 testify to that?

5 MS. LYNCH: It's really just access so that
6 there's no -- there's -- so that there's no
7 obstruction in the future from the existing fire
8 exit.

9 This -- this room is -- is the cafeteria
10 area, and there's a door over here, and there's a
11 secondary door in here.

12 So, the reason for the easement is just
13 that there's permanent exit access in the future
14 for -- for emergency purposes.

15 MR. PANEQUE: There's also an empty lot
16 adjacent to the two family home.

17 MS. LYNCH: Yes.

18 MR. PANEQUE: What is that lot being used
19 for?

20 MS. LYNCH: That lot is typically the --
21 the staging space for folks who are coming in to
22 access the -- the shelter, because what basically
23 happens here is there's -- there's -- the main
24 door into the kitchen area and cafeteria area,
25 there's a little bit of bathrooms here and the

1 | dormitory area is underneath back here.

2 | So, this area is where people stage. They
3 | come through the gates, and in good weather, they
4 | may wait here to get on line to come into the
5 | cafeteria for the meals -- for meals.

6 | MR. PANEQUE: Are vehicles driven into that
7 | area?

8 | MS. LYNCH: No vehicles are driven in,
9 | unless they're dropping something off and they're
10 | supervised.

11 | John, I -- I've never see -- seen a vehicle
12 | in there, but I -- I suspect that there are times
13 | when maybe a truck full of food, or something
14 | like that, drops things off here.

15 | MR. PANEQUE: Okay.

16 | MS. LYNCH: But that -- this is not used as
17 | an active -- as an active driveway. It's -- it's
18 | really used to house the people who are --

19 | MR. PANEQUE: Okay.

20 | MS. LYNCH: -- who are here in the shelter.

21 | MR. PANEQUE: Is there a driveway curb cut?

22 | MS. LYNCH: There is a curb cut there, yes.

23 | MR. PANEQUE: Okay.

24 | MS. LYNCH: And there --

25 | MR. PANEQUE: Because I see --

1 MS. LYNCH: There are gates and a fence
2 that --

3 MR. PANEQUE: And the gates in the --

4 MS. LYNCH: -- that can open.

5 MR. PANEQUE: -- front have no parking.
6 They have a no parking sign, so it's -- it's an
7 active driveway?

8 MS. LYNCH: They have a no park --

9 MR. O'CONNELL: Just what the architect
10 testified to. Every so often, there may be
11 deliveries, but it's not used as an active
12 driveway, only on occasion.

13 MS. LYNCH: Not for -- not for any kind of
14 parking, just for deliveries. That's -- that's
15 really what -- all that's used for.

16 VICE CHAIRMAN GRULLON: Any other member of
17 the public want to step forward?

18 Closed to the public.

19 This application is only for the
20 subdivision of the lot.

21 MR. O'CONNELL: Correct.

22 VICE CHAIRMAN GRULLON: And we're going to
23 have the opportunity to ask question regarding to
24 the -- the site and the use of the site.

25 MR. O'CONNELL: Correct.

1 VICE CHAIRMAN GRULLON: With that, I make a
2 motion to grant this -- to grant the application
3 for the subdivision of the lot.

4 THE SECRETARY: Motion to grant the
5 subdivision by Mr. Grullon.

6 Any second?

7 Mr. Ortiz.

8 Roll call on the motion.

9 Mr. Bonacci?

10 MR. BONACCI: Yes.

11 THE SECRETARY: Mr. Grullon?

12 VICE CHAIRMAN GRULLON: Yes.

13 THE SECRETARY: Ms. Gutierrez?

14 MS. GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Mr. Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: Mr. Doumas?

20 MR. DOUMAS: Yes.

21 THE SECRETARY: Six in favor, motion
22 carries.

23 * * *

24

25

1 **Palisade Emergency Residence Corporation -**
2 **113 37th Street (Site Plan):**

3

4 THE SECRETARY: Now we are moving on to
5 Palisade Emergency Residential Corporation for
6 site plan.

7 Mr. O'Connell, please?

8 MR. O'CONNELL: Yes. Thank you so much.

9 This is the second part of the application
10 for site plan.

11 It's actually for C variance approval. In
12 a way, it's a site plan.

13 But it's a two -- it's a two family house,
14 and that's allowed under the Ordinance in Union
15 City.

16 I'm asking -- my two witnesses for this
17 application are Grace Lynch, again our architect,
18 and Charles Heydt, our planner.

19 They were just accepted as experts and
20 sworn in, in the prior application. I'd ask they
21 be accepted in this application.

22 VICE CHAIRMAN GRULLON: Yes. They -- they
23 were accepted in the previous application. We
24 accept them again in this application.

25 MR. O'CONNELL: All right.

1 Grace, could you please take the Board
2 through the improvements that are going to be
3 made to the property now, that has the thrift
4 store and one residential unit?

5 MS. DILLON: Ms. Lynch was sworn already.

6 MS. LYNCH: Again, no change in footprint,
7 but it will be an interior renovation, so we're
8 moving one of the little interior walls to make a
9 living space. We're increasing this -- we're
10 doubling the size of this window. We're putting
11 in a new bathroom and kitchen. This is the
12 existing configuration. We're adding --
13 stretching out cabinets a little bit further.

14 But essentially, everything that's
15 happening in is -- is interior renovations within
16 the footprint.

17 And as far as the exterior of the building,
18 it's going to be all repair. So, where the brick
19 needs to be re-pointed, the brick will be re-
20 pointed. Where the --

21 Let me just show you the elevation. It's
22 on sheet A02.

23 So, this is the front of the building right
24 now. There is a very simple cornice. No real
25 cornice, it got removed years ago. So, we're

1 going to try to put back in a simple cornice,
2 just to dress it up a little bit, put a little
3 bit of trim on the window heads, change the
4 awnings, cleanup this brick, cleanup the side,
5 provide a new door for the first floor apartment
6 to the yard.

7 The second floor apartment, once you enter
8 this door, you're kind of in a -- it's -- the --
9 the plan allows for secure entrance to each of
10 the floors.

11 So, the first floor will enter from the
12 door that's to the west, directly in. A smaller
13 bedroom and a larger bedroom.

14 And the upper floor will enter from the
15 entrance to the left. Same -- similar
16 configuration. It's -- it's a small building,
17 and we're basically respecting the existing
18 configurations and bathroom locations, but
19 everything will be made new, so that it -- it
20 will be an improved living space. And the two
21 bedrooms are so that a family can occupy.

22 VICE CHAIRMAN GRULLON: Ms. Lynch, could
23 you tell us the square footage of each apartment?
24 The total square footage?

25 MS. LYNCH: I should be able to tell you

1 | that quickly, but if it's not clear, let me see
2 | if I can at least extract it.

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

5 | MS. LYNCH: If -- if we do -- I think we do
6 | the -- the gross square footage.

7 | We have seven times -- basically, seven
8 | times 15.

9 | Seven times 15 added to 660.

10 | I apologize. That was not on the drawings,
11 | that's a miss on our part.

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

14 | MS. LYNCH: The -- the gross square footage
15 | of each floor is about 760. It's cut down a
16 | little bit by the stairs and by the thickness of
17 | the walls. So, it's probably in the high 600s,
18 | right around 700 square foot per unit.

19 | VICE CHAIRMAN GRULLON: Yes.

20 | And are you familiar with our City
21 | Ordinance that it requires 750 square foot for a
22 | two bedroom apartment?

23 | MS. LYNCH: Yes.

24 | And we should be just about there. And --
25 | and again, this was an existing -- existing

1 configuration. We're not --

2 MR. O'CONNELL: But Grace, what you're
3 saying is, the gross square footage of the entire
4 floor would be about 760 square feet.

5 MS. LYNCH: About 760.

6 MR. O'CONNELL: But of course, there is
7 some cut outs for --

8 MS. LYNCH: A little cut out --

9 MR. O'CONNELL: -- stairway.

10 MS. LYNCH: -- for stairs.

11 MR. O'CONNELL: So, it's very -- it's right
12 about that.

13 VICE CHAIRMAN GRULLON: Could you explain
14 the -- the side yards that you're going to have
15 the egress and the -- that drawing on the back of
16 the building?

17 MS. LYNCH: Um hum.

18 VICE CHAIRMAN GRULLON: That little drawing
19 there?

20 MS. LYNCH: Yes. Right here?

21 VICE CHAIRMAN GRULLON: That easement.

22 MS. LYNCH: So, there is a raised curb.
23 This area is going to be improved and -- and all
24 of the paving improved and -- and the access from
25 the first floor apartment.

1 There will be a fence along the top of this
2 curb, with a little bit of a gate.

3 So, the effective use, and I don't know if
4 John wants to talk about this, but the effective
5 use of the housing that's proposed here, the
6 renovated housing, is going to be part of the
7 system. It's going to be part of the system.

8 When these folks need assistance, they're
9 going to be able to talk to the case manager
10 who's in this building. So --

11 MR. O'CONNELL: With one caveat, I think is
12 important.

13 This is permanent housing. This is not
14 temporary housing. This -- a family will rent
15 here, and stay here. It's for permanent housing.

16 I think that's important.

17 MS. LYNCH: Yeah, but I meant just in terms
18 of the organization and -- and all of that.

19 But, basically, this is all a planted area
20 that's shown here on the drawing. So, this is
21 landscaping back here. There's an existing tree
22 there. It needs a little trimming. But all of
23 this, that will surround and border the edge of
24 the residential use, is landscaped.

25 VICE CHAIRMAN GRULLON: And on your

1 proposed second floor, there is one bedroom that
2 is 80 square feet. You know, that will bring it
3 to maybe like a space like ten by eight. It's a
4 very --

5 MS. LYNCH: It's -- it's --

6 VICE CHAIRMAN GRULLON: -- small --

7 MS. LYNCH: It's a very small --

8 VICE CHAIRMAN GRULLON: -- bedroom.

9 MS. LYNCH: -- bedroom. And the intention
10 is, I think you can see what's drawn in there is
11 a twin -- is one single twin size bed.

12 That's -- that's really meant for a child.
13 That's really meant for a child.

14 VICE CHAIRMAN GRULLON: But I see that on
15 the floor below that, on the first floor --

16 MS. LYNCH: Um hum.

17 VICE CHAIRMAN GRULLON: -- you have a
18 bigger room.

19 Why is that?

20 MS. LYNCH: Just -- just due to the
21 configuration of the stair, because once the
22 stair -- if you can look to see where the stair
23 begins. But it -- this -- the stair that you see
24 sliced here is the one that's running down to the
25 basement.

1 But the stair under -- above that little up
2 sign, continues and it ends here.

3 So, there's a headroom issue here, and the
4 -- where the stair continues on the second floor,
5 that's the existing wall. This is not a new
6 wall.

7 VICE CHAIRMAN GRULLON: This is existing
8 wall.

9 MS. LYNCH: Both of these walls are -- all
10 of these walls on the upper floor are existing,
11 except for this one.

12 This one used to be here, and we moved it
13 down a little bit, to make a little bit larger
14 living space. But these are all existing walls.

15 So, we're -- we're really rehabbing this
16 unit more than we are constructing totally new.
17 These are all existing walls.

18 And this wall we just slid down so that we
19 still have a nice bedroom, and it has a little
20 bit of an offset, which could be an -- we have it
21 labeled offset. I guess it could be used as a
22 nursery. There's a window.

23 But it's meant for -- for family living.

24 And this is the area above the stair. So,
25 we -- we captured a little bit of a -- a little

1 bit of an area there. It's too small to really
2 be considered a bedroom.

3 VICE CHAIRMAN GRULLON: The existing
4 condition, there are two bedrooms.

5 MS. LYNCH: Yes.

6 VICE CHAIRMAN GRULLON: You're not creating
7 any -- any additional --

8 MS. LYNCH: No.

9 VICE CHAIRMAN GRULLON: -- bedroom.

10 MS. LYNCH: No.

11 MR. O'CONNELL: No.

12 VICE CHAIRMAN GRULLON: Mr. O'Connell,
13 could you just explain again the purpose of these
14 two units?

15 Are they going to be deeded to the shelter?

16 MR. O'CONNELL: They -- they will not.

17 Actually, what's going to happen is these
18 properties will be deeded to Garden State
19 Episcopal Community Development Corp., who is the
20 partner of PERC.

21 And the reason we're doing that is because
22 we had to have a separate entity to receive the
23 funding, to rehabilitate the property.

24 The property's going to be used for -- for
25 families with disabilities. It could be a number

1 of different things.

2 It could be for -- it could be a family, if
3 the -- say something happens in Union City where
4 there's a terrible fire, which has occurred
5 recently, and a family is homeless. That family
6 could have permanent housing in one of these
7 units.

8 It's for -- for people with disabilities,
9 for people with special needs, so that they have
10 a decent place to live and an affordable rent.

11 VICE CHAIRMAN GRULLON: Affordable rent.
12 Are they -- the resident of those units will be
13 -- usually will be people that use the
14 facilities, your facilities in the past?

15 MR. O'CONNELL: I -- I don't believe
16 they'll be using the facilities of -- because
17 they're not -- they're not homeless -- homeless
18 people that use the PERC.

19 But they may use some of the social
20 services for things that they may need, whether
21 it be psychological help or help with getting
22 things that they may need.

23 But it's not -- they're not a temporary
24 homeless person. These are -- these are people
25 that can -- can afford permanent housing. They

1 | can afford to live there, because it's affordable
2 | housing.

3 | MR. PANEQUE: I have a question.

4 | Mr. O'Connell, the funding that's going to
5 | be applied and -- and used for this purpose, does
6 | it create a restriction as to how long into the
7 | future the property must be used for that
8 | purpose?

9 | MR. O'CONNELL: There is a restriction, and
10 | I'll have to ask John Restrepo to come up.

11 | MR. PANEQUE: Okay.

12 | MR. O'CONNELL: So, I'll swear him in.

13 | John?

14 | MS. DILLON: Just right in front of this
15 | microphone.

16 | MR. O'CONNELL: Use this one.

17 | MS. DILLON: Right there.

18 | MR. O'CONNELL: Spell your -- give her your
19 | name --

20 | MS. DILLON: Sir, please --

21 | MR. O'CONNELL: -- and spell it.

22 | MS. DILLON: -- raise your right hand.

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

25 | MR. RESTREPO: Yes, I do.

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

3 MR. RESTREPO: John, J-O-H-N, Restrepo,
4 R-E-S-T-R-E-P-O.

5 MR. O'CONNELL: John, just tell the Board
6 who you are, and who you represent.

7 MR. RESTREPO: Sure.

8 Hi. Good evening.

9 I'm John Restrepo. I'm the Director of
10 Housing and Community Development for Garden
11 State Episcopal CDC. We're the parent
12 organization of PERC Shelter.

13 MR. O'CONNELL: And John, the question from
14 the -- Mr. Paneque is, is there a restriction on
15 how long this has to be used for special needs,
16 affordable housing?

17 MR. RESTREPO: Yeah. There is a
18 restriction. The funding that's coming to help
19 us rehab this particular property to serve very
20 low income families with special needs is HOME
21 Program funding, from the U.S. Department of
22 Housing and Urban Development.

23 It's coming through the County's Office of
24 Housing and Community Development.

25 They place a minimum 15 year restriction.

1 But we're a mission oriented corporation. We
2 would never take it after 15, a restriction, and
3 make -- make it market rate housing. It's not
4 consistent with our by-laws and -- and how we
5 operate.

6 So, the intended use, even though pass the
7 15 year restriction from the funding source, is
8 to make it permanent supportive housing for --
9 for the life of -- of the property.

10 MR. O'CONNELL: Thank you.

11 All right. I guess, Grace is finished. I
12 -- I could call --

13 MS. DILLON: You can just go right to the
14 --

15 MR. O'CONNELL: -- Charles, just to --

16 MS. DILLON: -- microphone there.

17 MR. O'CONNELL: Just to put testimony on
18 the record as to any variances that are required
19 for this site plan approval.

20 MR. HEYDT: So, we do have the benefit of
21 hearing my testimony on a previous application
22 with regards to the subdivision.

23 Those are still formal requested variances,
24 as it relates to this specific site plan
25 application; specifically, the lot area.

1 These are all connected to the change in
2 use. So, when you have a change in use, you look
3 at the full bulk criteria. This is required to
4 have 2500 square feet, where what's being
5 proposed is 1200 square feet.

6 The other is lot depth, where what's
7 required is a hundred feet, and what's being
8 proposed is new use on a 50 foot lot, just to
9 address those two.

10 There are also bulk -- bulk variances
11 related to building coverage and lot coverage.
12 If -- can I --

13 MS. DILLON: You need to --

14 MR. O'CONNELL: Yeah. You have to --

15 MS. DILLON: -- stand over there.

16 MR. HEYDT: Sorry. Let me just put that
17 up.

18 I realized when I was covering the bulk
19 variances for the subdivision, you didn't have
20 the zoning table in front of me. So, all the
21 numbers were probably lost in translation.

22 They are provided here, but essentially,
23 because of the subdivision, this new lot, with
24 this site plan, the building in -- lot coverages
25 change because of the change in lot size. The

1 actual square footage doesn't change, so that's
2 another formal variance request.

3 And finally, there's actually a parking
4 variance request.

5 There is no parking provided on this site,
6 as was testified earlier. The overall use of
7 this -- these two properties, proposed Lot 44.02,
8 this driveway area isn't actually used as a
9 formal driveway for either an employee or -- or
10 one of the residents. It's more of very
11 infrequent unloading.

12 And it's nice to actually have that space
13 because it avoids any unloading in the street.
14 So, although it's not a formal parking area, it
15 does accomplish that loading aspect.

16 Related to the specific block, though,
17 where the parking requirement for a commercial
18 use, which is no longer being -- is -- is being
19 vacated, the parking requirement is -- for this
20 commercial, and two units, is actually four
21 spaces.

22 None is proposed, none exists, but the
23 parking actually reduces -- that parking
24 requirement reduces to three spaces.

25 So, in concept, you're -- you're bringing

1 | it into closer conformity because of the proposed
2 | use.

3 | So, those are the bulk related variances
4 | that are being requested. And as I alluded to
5 | earlier, they all do fall under where the
6 | benefits of the project as a whole outweigh the
7 | negative.

8 | This is, obviously, an affordable housing
9 | project, and an opportunity to provide that to
10 | the neighborhood and the community. And that, as
11 | a positive, along with the internal renovations
12 | that are going to be on -- provided on this site,
13 | do outweigh the -- the associated negative
14 | aspects with the lot configuration, lot area, and
15 | the -- the two prongs of the -- of the negative
16 | criteria, which are no substantial detriment to
17 | the intent and purpose of the zone plan, and no
18 | substantial detriment to the public welfare.

19 | I detailed my reasons earlier in the
20 | subdivision application, and -- and they still
21 | stand with this application.

22 | MR. O'CONNELL: Thank you so much.

23 | That's our presentation.

24 | VICE CHAIRMAN GRULLON: Mr. Paneque, I have
25 | a question.

1 Like we just approve along the side lots,
2 and now we have apartments that are undersized,
3 if we grant this application, could we grant it
4 with condition that if they -- if they want to
5 sell these lots they would have to come in front
6 of the Board again?

7 MR. PANEQUE: That would be in the form of
8 a --

9 VICE CHAIRMAN GRULLON: Like deed this --

10 MR. PANEQUE: A deed restriction?

11 VICE CHAIRMAN GRULLON: Yes.

12 MR. PANEQUE: That's where I was heading
13 to, with the question that I asked, with respect
14 to the funding and the restrictions that the
15 funding has.

16 From Mr. Restrepo, we heard that the type
17 of funding that they're planning to rehabilitate
18 this property carries with it a 15 year, minimum,
19 time period from which they can't deviate from
20 the use that the house is being --

21 MR. O'CONNELL: Correct.

22 MR. PANEQUE: -- you know, used for.

23 VICE CHAIRMAN GRULLON: For affordable
24 housing.

25 MR. PANEQUE: For affordable housing.

1 Now, although Mr. Restrepo testified that
2 the intent of the organization is to go into the
3 lifetime of the property, the reality is that in
4 20 years, if the organization disbands, this
5 property stands on its own.

6 And in theory, it could have a separate
7 owner, and it would be a two family on a
8 undersized lot, with undersized units, based on
9 our City Ordinance. You know.

10 But I -- I think placing a deed restriction
11 goes beyond the scope of -- of what this Board
12 really is empowered to do, with respect to that
13 type of deed restriction.

14 I don't know if Mr. Spatz has any idea on
15 this?

16 MR. SPATZ: Well -- well, I -- I would say
17 that -- that in looking at the Ordinance, the
18 unit size, it actually only relates to multi-
19 family buildings.

20 So, we'd need -- a building for four or
21 more units would have to meet those standards.
22 So, since this is a two unit building,
23 technically I don't believe that there are unit
24 size limitations. So, I think that you could
25 grant the approval with this --

1 VICE CHAIRMAN GRULLON: And they are pre --

2 MR. SPATZ: -- with these unit sizes.

3 VICE CHAIRMAN GRULLON: And they are
4 preexisting to the Ordinance.

5 MR. SPATZ: That's correct.

6 They actually -- the Ordinance is silent as
7 to the unit size for anything less than a multi-
8 family building, a building less than four units.

9 VICE CHAIRMAN GRULLON: Thank you, Mr.
10 Spatz.

11 MR. MEDINA: I have a question.

12 This house, you say that this can be for --
13 this is for the disabled.

14 MR. O'CONNELL: It could be a disabled.
15 Yeah.

16 MR. MEDINA: It could be a disabled.

17 MR. O'CONNELL: It could be a disabled
18 person.

19 MR. MEDINA: And that could be that it fall
20 just only, let's say, any family can move in
21 there.

22 Right?

23 MR. O'CONNELL: It's a -- it's a family
24 with special needs.

25 And I mean, John would be best, because he

1 | can explain --

2 | MR. MEDINA: The reason I ask this because
3 | let's say we are next -- and this next side is --
4 | is the homeless place.

5 | Right?

6 | MR. O'CONNELL: Yes.

7 | MR. RESTREPO: Um hum.

8 | MR. MEDINA: That's correct.

9 | Right?

10 | MR. O'CONNELL: That's correct.

11 | MR. MEDINA: Let's say this floor is going
12 | to be rented for family, with a child, who is
13 | minor is there around. And I don't believe
14 | probably it's not be that safe, to me, from -- in
15 | that point.

16 | So, I believe should not be for any family
17 | where -- where that two kids for safety.

18 | MR. O'CONNELL: Um hum. Right.

19 | MR. MEDINA: You know what I mean? That's
20 | really the issue.

21 | I need to know more about this rental or --

22 | MR. RESTREPO: Yeah. Thank you for the --

23 | MR. MEDINA: How's going to work this,
24 | please?

25 | MR. RESTREPO: Yeah. Thank you for that

1 question.

2 As it was noted, the second floor unit
3 currently operates as a shelter for a family.
4 So, what we have now is potentially, on average,
5 for the past ten years, is three to four families
6 come and stay there, temporarily, no more than
7 three months, and we provide them shelter.

8 As -- as far as your security concerns,
9 there is 24 hour on-call staff. And there's
10 staff when there -- the shelter is in operation,
11 to make sure everything is in order.

12 MR. MEDINA: Is any device between this
13 house and shelter? It's just -- I've been
14 wondering whether you can cross over and walk
15 through to this house from the sides?

16 MR. O'CONNELL: Well, we testified there's
17 going to be a fence --

18 MR. RESTREPO: Yeah.

19 MR. O'CONNELL: -- in the rear yard.

20 MR. RESTREPO: In the back.

21 MR. O'CONNELL: Yes.

22 MR. RESTREPO: In the back, there's a
23 fence.

24 MR. O'CONNELL: Backyard.

25 But the -- the entranceway for the shelter

1 is next to this house. That's definite. That's
2 true.

3 MR. RESTREPO: Yeah.

4 MR. O'CONNELL: But I would just put on the
5 record, just because it was -- it's a good
6 question, and it was a question that was asked
7 when we had a prior application before the Board,
8 we put in a lot of testimony as to all the
9 security, all the extra social services that were
10 put into place for this shelter.

11 And Tom -- I just can't remember Tom's last
12 name -- but the person who manages it, and Carol
13 Mori, the Executive Director of Garden State
14 testified before this Board as to all the
15 additional measures they had put in place for
16 security.

17 They not only have security at the site,
18 they have security in the surrounding area. They
19 go out in cars, just to make sure that there's no
20 problems --

21 MR. RESTREPO: Right.

22 MR. O'CONNELL: -- in Union City and
23 Weehawken, because about a year and a half ago it
24 was a big problem.

25 MR. RESTREPO: Right.

1 MR. MEDINA: Hmm.

2 MR. O'CONNELL: And I think at the last
3 Board meeting, it was acknowledged that there's
4 been no -- questions of no problems at all --

5 MR. RESTREPO: Yeah.

6 MR. O'CONNELL: -- from -- from the use of
7 the homeless shelter.

8 So, the -- the security and the social
9 services that are provided are really showing
10 that it -- that the security is there.

11 MR. MEDINA: What is -- this is --

12 Sorry.

13 What is the time the people go to your
14 church --

15 MR. O'CONNELL: Yes.

16 MR. MEDINA: -- to sleep?

17 MR. O'CONNELL: I think -- I think they
18 open at six a.m.

19 MR. MEDINA: Um hum.

20 MR. O'CONNELL: They have -- everybody has
21 to be out of there by six a.m.

22 MR. MEDINA: Okay.

23 MR. O'CONNELL: By six a.m., they have to
24 have -- be dressed, have their breakfast and be
25 gone.

1 The shelter opens for people coming in, I
2 think, sometime after five. I have a memory of
3 five o'clock.

4 So, they -- they -- the use of the shelter
5 is pretty much from five p.m. until six a.m. The
6 --

7 MR. PANEQUE: The testimony, Mr. O'Connell,
8 if I recall, with respect to the last application
9 -- and -- and the reason your last application
10 was carried through several meetings, with six
11 month test periods, was to allow both the City of
12 -- the Township of Weehawken and the City of
13 Union City to feel a level of comfort that the
14 homeless shelter wasn't going to create a
15 nuisance for the surrounding neighborhood.

16 And I think it was very -- made very clear
17 that that was proven. That it's not a nuisance
18 and that measures have been taken to make sure
19 that it doesn't become a nuisance.

20 MR. O'CONNELL: That's correct.

21 And -- and just to tell you how -- how much
22 Weehawken was pleased with the operation, they
23 actually provided a grant of a hundred thousand
24 dollars for the shelter, for the use of the
25 shelter.

1 I think that says a lot, that Mayor Turner
2 was -- was so behind this project, and he felt it
3 was being run so well that they contributed a
4 hundred thousand dollars to -- to the shelter's
5 use.

6 VICE CHAIRMAN GRULLON: Thank you, Mr.
7 O'Connell.

8 Any other member of the -- of the Board?

9 MR. BONACCI: Is it safe to say that you
10 guys envision the residents who will take up the
11 apartments to be people who are intertwined into
12 the -- the shelter that you have now?

13 So, like, for example, somebody who's
14 staying there, that you're providing temporary
15 housing for, and then, they graduate, let's say,
16 to --

17 Is that safe to say --

18 MR. O'CONNELL: That -- that --

19 MR. BONACCI: -- that that's where you guys
20 see this going?

21 MR. O'CONNELL: That's a good question.

22 I -- I would say possibly, but that's not
23 the purpose of the application, because there was
24 testimony to -- for prior hearings, and it was
25 really a thing that opened my eyes.

1 There are people in the homeless shelter
2 that actually had full time jobs, but they didn't
3 make enough money to afford housing or to --

4 So, that -- I'm saying -- so, if that
5 person has enough income to afford rent for
6 permanent housing and --

7 MR. BONACCI: You might have a spot for
8 them.

9 MR. O'CONNELL: Might have a spot. I think
10 it's good, so --

11 MR. BONACCI: Thank you.

12 VICE CHAIRMAN GRULLON: Any -- any other
13 member of the Board?

14 At this time, I'm going to open it to the
15 public.

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

18 Yeah. After hearing all the testimony and
19 -- of Mr. -- the manager -- the operation manager
20 mentioned that this is going to be something that
21 you're looking to have affordable housing, you --
22 you are required to have it for 15 year.

23 MR. O'CONNELL: Correct.

24 VICE CHAIRMAN GRULLON: You are planning to
25 -- to maintain it for life.

1 Make a motion to grant this application.

2 THE SECRETARY: Motion to grant the
3 application by Mr. Grullon.

4 Second by?

5 Mr. Ortiz.

6 Roll call on the motion to approve this
7 application.

8 Mr. Bonacci?

9 MR. BONACCI: Yes.

10 THE SECRETARY: Mr. Grullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Ms. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Mr. Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Mr. Doumas?

19 MR. DOUMAS: Yes.

20 THE SECRETARY: Six in favor, motion
21 carries.

22 Thank you.

23 MR. O'CONNELL: Thank you.

24 It was a pleasure.

25 And thanks for all the questions.

1 VICE CHAIRMAN GRULLON: Thank you.

2 MS. GUTIERREZ: Thank you.

3 MR. O'CONNELL: Appreciate it.

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

6 THE SECRETARY: Debbie?

7 Mr. Bonacci's leaving the meeting.

8
9 (Whereupon, Joseph D. Bonacci left the
10 meeting at 8:42 p.m.)

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

14 MR. PANEQUE: All right. Off the record.
15 Two minute break.

16 VICE CHAIRMAN GRULLON: Two minute break.

17
18 (Whereupon, the Board recessed from 8:43
19 p.m. to 8:55 p.m.)

20 * * *

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1 **New Cingular Wireless, PCS, LLC (AT&T) -**
2 **3911 Kennedy Boulevard:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, New -- New Cingular Wireless,
6 PCS, LLC, AT&T, 3911 Kennedy Boulevard.

7 Mrs. Fairweather?

8 MS. FAIRWEATHER: Yes.

9 THE SECRETARY: Thank you.

10 Go ahead, ma'am.

11 MS. FAIRWEATHER: Hi.

12 THE SECRETARY: Ms. --

13 MS. FAIRWEATHER: Judy Fairweather on
14 behalf of AT&T.

15 What we're proposing tonight is to place 20
16 antennas on top of the Housing Authority
17 building.

18 We've entered into a lease agreement with
19 --

20 MS. GUTIERREZ: Oh, hold on. Hold on.

21 MS. FAIRWEATHER: -- the Housing Authority
22 to put antennas there.

23 MS. GUTIERREZ: Hold on. Hold on.

24 MR. PANEQUE: Mr. Fairweather, I need to
25 establish jurisdiction.

1 MS. FAIRWEATHER: Okay.

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

4 MR. PANEQUE: Yes. For the record, I've
5 been provided by Ms. Fairweather --

6 MS. GUTIERREZ: I can't.

7 MR. PANEQUE: What is it?

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

10 MS. GUTIERREZ: I'm the Vice Chairman of
11 Housing Authority.

12 MS. FAIRWEATHER: Oh, no. You can't recuse
13 yourself. I don't have five people then.

14 MR. PANEQUE: Oh, no.

15 MS. GUTIERREZ: I'm the Vice Chairman. I
16 can't be in.

17 VICE CHAIRMAN GRULLON: Will that impede
18 her?

19 MS. FAIRWEATHER: Oh, no.

20 MR. PANEQUE: Oh, we have an issue.

21 MS. FAIRWEATHER: Can I waive it?

22 MR. PANEQUE: You can't --

23 MS. FAIRWEATHER: I know.

24 MR. PANEQUE: -- waive the conflict.

25 MS. FAIRWEATHER: I know.

1 MS. GUTIERREZ: I can't.

2 MR. PANEQUE: Mr. Vallejo?

3 MS. GUTIERREZ: I can't.

4 MR. PANEQUE: We have --

5 THE SECRETARY: Let me see -- let me try
6 Mr. Bonacci.

7 MR. PANEQUE: Yeah.

8 THE SECRETARY: Because he was --

9 MS. DILLON: You want to go off the record?

10 THE SECRETARY: Oh, no. He's on his way --

11 MR. PANEQUE: Give us --

12 Yeah.

13 MS. GUTIERREZ: Bonacci is not --

14 THE SECRETARY: He's on the way to the
15 airport.

16 MS. GUTIERREZ: Yeah.

17 MR. PANEQUE: Yeah.

18 MS. DILLON: Do you want to go off the
19 record?

20 MS. GUTIERREZ: Well, you have --

21 MR. PANEQUE: Yeah. Let's go off the
22 record a minute.

23 MS. GUTIERREZ: You have four. But you
24 have four.

25 MR. PANEQUE: No, they need --

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(Whereupon, the Board recessed from 8:56 p.m. to 9:23 p.m.)

MS. DILLON: Okay.

On the record.

MS. GUTIERREZ: Okay.

THE SECRETARY: New Cingular Wireless PCS, LLC, AT&T, 3911 Kennedy Boulevard.

Mrs. Fairweather?

Mr. Paneque?

MR. PANEQUE: Thank you, Mr. Vallejo.

MS. GUTIERREZ: I recuse myself.

MR. PANEQUE: Yes.

Mr. Vallejo, let the record reflect that Ms. Margarita Gutierrez is recusing herself as she is a member of the Board, and therefore has a conflict on this application.

MS. GUTIERREZ: On the Housing Authority.

MR. PANEQUE: On the Housing Authority.

(Whereupon, Margarita Gutierrez was recused and stepped down from the dais at 9:23 p.m.)

(Whereupon, Ydalia Genao, Planning Board

1 Member arrived at 9:23 p.m. to hear the
2 application.)

3

4 MR. PANEQUE: Being that Ms. Gutierrez is
5 recusing herself, we have a replacement --

6 THE SECRETARY: From the Planning Board.

7 MR. PANEQUE: -- from the Planning Board,
8 Ydalia --

9 THE SECRETARY: Genao.

10 MS. GENAO: Genao.

11 MR. PANEQUE: Genao.

12 Thank you very much for coming tonight.

13 MS. FAIRWEATHER: Thank you.

14 MS. GENAO: You're welcome.

15 MR. PANEQUE: Okay.

16 She is taking the replacement position so
17 that we can have a five member Board.

18 THE SECRETARY: Let the record indicate the
19 -- the members present is Mr. Grullon, Mr.
20 Medina, Mr. Ortiz, Mr. Doumas, and Ms. Genao from
21 the Planning Board.

22 MR. PANEQUE: Thank you.

23 THE SECRETARY: Thank you.

24 MR. PANEQUE: All right.

25 For the record, I've been provided with the

1 following proof of jurisdiction:

2 I have an Affidavit of Mailing and Service,
3 signed by Sondra Doherty, which indicates that on
4 May 1st, she caused to be served by certified
5 mail, return receipt requested, notice of
6 tonight's hearing to the list that was provided
7 by the Union City Tax Assessor's Office, with a
8 date of April 27, 2017, of all property owners
9 within the 200 foot radius of the property in
10 question. Said property being 3911 Kennedy
11 Boulevard.

12 I've also been provided with the certified
13 mail receipts of notices that went out, with a
14 postmark date of May 1st, 2017.

15 I've also been provided with the original
16 receipts, as well as the green cards that have
17 come back to date.

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

20 MR. PANEQUE: Ms. Fairweather, do we have a
21 Affidavit of Publication?

22 MS. FAIRWEATHER: Yes. It should be in her
23 Certification.

24 MR. PANEQUE: In her Certification.

25 MS. FAIRWEATHER: Yes.

1 MR. PANEQUE: Okay. Bear with me a second
2 while I try to find it.

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

5 MR. PANEQUE: Yes.

6 All right.

7 Let the record reflect that I've also been
8 provided with an Affidavit of Publication, which
9 indicates that the notice of the hearing for May
10 11, 2017 -- and just so that the record is clear,
11 this applicant was supposed to be scheduled
12 before the May 11th hearing, which never took
13 place, for lack of a quorum, and all the hearings
14 were carried to tonight's agenda, on June 8th.

15 This Notice of Publication and the
16 Affidavit indicates that notice was done on April
17 26, 2017.

18 Based on the information that has been
19 provided, this Board has jurisdiction to hear --
20 to proceed and hear this matter.

21 Thank you.

22 You may proceed.

23 MS. FAIRWEATHER: Now?

24 VICE CHAIRMAN GRULLON: You may proceed.

25 MS. FAIRWEATHER: Okay. So, what we're

1 proposing is to place 20 antennas on top of the
2 Housing Authority roof, with our related
3 equipment.

4 It's not going to be a new site in town.
5 We're going to actually decommission an existing
6 site that's at 3900 Bergenline Avenue. That site
7 doesn't meet our needs, which my radio frequency
8 engineer will talk about.

9 So, we're going to take down a site and put
10 up this site.

11 So, my -- I have -- I know that you've
12 heard these applications before, so I'm going to
13 do it kind of quickly.

14 If I go too fast, just tell me to slow
15 down. But I have a radio frequency engineer, I
16 have my civil engineer, and then I have a
17 planner.

18 So, I'm going to start off with Dan
19 Penesso.

20 Raise your right hand.

21 MS. DILLON: Do you affirm the testimony
22 you're about to give this Board is the whole
23 truth?

24 MR. PENESEO: Yes, I do.

25 First name Daniel, last name Penesso,

1 P-E-N-E-S-S-O, address 650 From Road, Paramus,
2 New Jersey.

3 MS. DILLON: What road?

4 MR. PENESEO: From, F-R-O-M.

5 MS. DILLON: Okay.

6 Thank you.

7 MR. PENESEO: Yeah.

8 MS. FAIRWEATHER: Educational, professional
9 background?

10 MR. PENESEO: I have a bachelor of science
11 in electronic engineering. I've been employed as
12 a radio frequency engineer for over 19 years.

13 I've testified throughout the State of New
14 Jersey and New York as an expert in RF design and
15 with regards to implementation of wireless
16 networks.

17 And I'm here tonight to state the need for
18 this particular site in this location, in Union
19 City.

20 VICE CHAIRMAN GRULLON: We accept your
21 qualification, Mr. Penesso.

22 MR. PENESEO: Thank you.

23 VICE CHAIRMAN GRULLON: Thank you.

24 MS. FAIRWEATHER: Okay. Dan, I see you did
25 a board. You have -- talk about the different

1 | colors, and quickly show us the deficit in the
2 | site, and -- and that's what the -- assuming
3 | we're decommissioning the other site, because the
4 | other site is coming down, as soon as that goes
5 | on air.

6 | So, can you show us what the existing
7 | coverage is, with the decommissioned site off,
8 | and then what -- what the coverage would be to
9 | show our hole?

10 | And this is a site for both coverage and
11 | capacity.

12 | MR. PENESEO: Correct.

13 | MS. FAIRWEATHER: Correct?

14 | MR. PENESEO: Yes.

15 | MS. FAIRWEATHER: Okay.

16 | Go ahead.

17 | MR. PENESEO: So, you don't want me to show
18 | this board?

19 | MS. FAIRWEATHER: No. Just go --

20 | MR. PENESEO: Okay.

21 | MS. FAIRWEATHER: -- to the bottom line
22 | here.

23 | MR. PENESEO: So, this exhibit, which is
24 | labeled Map 2 AT --

25 | MS. FAIRWEATHER: And -- and that was part

1 of the packet.

2 MR. PENESEO: So do you want me to mark
3 that as --

4 MS. FAIRWEATHER: So, just tell them what
5 --

6 MR. PENESEO: Do I have to mark them in as
7 a --

8 MR. PANEQUE: Not if it's part of the
9 package.

10 MS. FAIRWEATHER: Not if it's part of the
11 package.

12 MR. PENESEO: Okay.

13 MS. FAIRWEATHER: So, then, just show --
14 tell them what map you're referring --

15 MR. PENESEO: Okay.

16 MS. FAIRWEATHER: -- to in their package.

17 MR. PENESEO: So, I'm referring to Map 2,
18 and this is labeled AT&T Existing On Air Coverage
19 without the site that Judy -- Ms. Fairweather
20 just mentioned, which is our site number 473.
21 This -- this is the site that we're
22 decommissioning.

23 So, this -- the gap in coverage that we're
24 trying to fulfill, with that site removed from
25 the network, is the area in white, which is in

1 the proximal center of the map.

2 The star on the map depicts location of our
3 proposed Housing Authority building, which we
4 would like to propose to have antennas installed
5 up on.

6 The coverage that is being depicted on the
7 map, the purplish blue and green color is
8 representing the coverage that's being provided
9 by the existing on-air sites within AT&T's
10 network currently.

11 The purplish blue color represents reliable
12 in-building coverage. And the green depicts
13 reliable in-vehicle coverage. And --

14 MS. FAIRWEATHER: And the white is
15 basically --

16 MR. PENESEO: And the white is -- the --

17 MS. FAIRWEATHER: -- no coverage.

18 MR. PENESEO: Is --

19 MS. FAIRWEATHER: Or inadequate coverage.

20 MR. PENESEO: -- inadequate, unreliable.

21 MS. FAIRWEATHER: So, if this site were
22 approved --

23 MR. PENESEO: So, if this site were
24 approved, and integrated into AT&T's network --
25 map number 3 I'm referring to now, and this is

1 | titled AT&T Proposed Composite Coverage, with the
2 | proposed site 473X.

3 | As you can see, the white area is now
4 | fulfilled, and we have very good seamless
5 | reliable coverage between the existing on-air
6 | sites, as well as filling in -- you know, John F.
7 | Kennedy Boulevard, and all the surrounding roads.

8 | MS. FAIRWEATHER: Thank you.

9 | And so, in your opinion, we need this site.
10 | Correct?

11 | MR. PENESEO: Yes.

12 | MS. FAIRWEATHER: Oh, --

13 | MR. PENESEO: From the RF standpoint, we
14 | need the site.

15 | MS. FAIRWEATHER: -- and with the antennas
16 | on the rooftop, do we comply with the -- with the
17 | FCC requirements and the New Jersey Radiation
18 | Protection Act, in the energy output of this
19 | site?

20 | MR. PENESEO: Yes, we do. And there was a
21 | -- can I refer to the report that --

22 | MS. FAIRWEATHER: Yes, you can.

23 | MR. PENESEO: -- was submitted?

24 | There was a report that's submitted in your
25 | package, dated January 18th, 2017. And in the

1 | report, if you look at page four, that gives a
2 | summary of the calculations that were done for
3 | the operating parameters, number of channels and
4 | antenna pattern, as well as the transmitter
5 | power.

6 | And for this particular site, we're at 2.5
7 | -- 2.5698 percent of the FCC limit, which means
8 | the FCC limit -- you can go up to a hundred
9 | percent.

10 | So, we're well below that threshold of a
11 | hundred percent. We're actually 38 times below
12 | that.

13 | And then, also, to satisfy the State of New
14 | Jersey Protection Act, that has a factor of five.
15 | So, we're actually 190 times below that, the
16 | State of New Jersey, because the State of New
17 | Jersey is less stringent than the FCC guidelines.

18 | So, for both standards, we're well below
19 | the threshold.

20 | MS. FAIRWEATHER: That's all I have for
21 | him.

22 | VICE CHAIRMAN GRULLON: This site, compared
23 | to the site on Bergenline Avenue, why are you
24 | moving the -- decommissioning that site and
25 | making it to be on that site now?

1 MS. FAIRWEATHER: Dan, do you want to show
2 them --

3 MR. PENESEO: Yeah. And I can show --

4 MS. FAIRWEATHER: -- the coverage on
5 Bergenline?

6 MR. PENESEO: Yes.

7 So, this site is -- and if you look at the
8 coverage from the composite --

9 VICE CHAIRMAN GRULLON: Yes.

10 MR. PENESEO: -- if the site were
11 integrated, just I know -- I can do them side by
12 side.

13 But this site is being designed so that we
14 can -- and have better coverage, as well as
15 capacity for the area, within AT&T's network,
16 because of the amount of subscribers that are in
17 the area.

18 This -- I'll -- the first map that I'm
19 flipping to, which was in the package, labeled
20 Map 1, Existing On-Air Composite Coverage, this
21 is what the coverage looks like with the site
22 that's currently on-air.

23 And then, as you -- so, on the previous
24 map, we -- we're able to fill-in and get much
25 better in-building coverage with the new proposed

1 | site, because of the fact that we're in a very
2 | densely populated area, and more users are using
3 | their phones inside their home. We're having a
4 | lot of capacity issues with this existing on-air
5 | site.

6 | And so that we're decommissioning this one
7 | and proposing to relocate the antennas onto the
8 | Housing Authority building.

9 | MS. FAIRWEATHER: And Dan, now, more than
10 | half the people in the -- in the whole United
11 | States only use cell phones in their homes. Land
12 | lines are kind of going by the wayside.

13 | Correct?

14 | MR. PENESSO: Correct.

15 | And it's not only for the -- there's many
16 | devices other than saying mobile phone usage,
17 | there's other devices that are being used, as
18 | well.

19 | MS. FAIRWEATHER: Computers --

20 | MR. PENESSO: Computers, yes. For data,
21 | for -- not only for voice.

22 | VICE CHAIRMAN GRULLON: And that's the
23 | reason why you're moving, just to provide the
24 | customer with better reception.

25 | MS. FAIRWEATHER: We're moving to provide

1 | them with better reception.

2 | And also, Dan, the property owner did not
3 | want to renew our lease.

4 | MR. PENESEO: Correct.

5 | MS. FAIRWEATHER: Our 15 year lease, or
6 | however --

7 | MR. PENESEO: Correct.

8 | MS. FAIRWEATHER: -- long it was.

9 | MR. PENESEO: On the -- on the -- the --
10 | because the address of that is 3900 Bergenline.
11 | That add -- that location, also, they're not
12 | renewing our lease.

13 | So, that's another additional reason --

14 | VICE CHAIRMAN GRULLON: Right.

15 | MR. PENESEO: -- to find another place.

16 | MS. FAIRWEATHER: But turned out to be
17 | better.

18 | VICE CHAIRMAN GRULLON: Will you be moving
19 | the equipment, or are you proposing to add new
20 | equipment to 3911 Kennedy Boulevard?

21 | MS. FAIRWEATHER: I don't know if they can
22 | reuse it. The --

23 | MR. PENESEO: No. It will be new equipment
24 | that's going --

25 | MS. FAIRWEATHER: Yeah. The -- the 30 --

1 MR. PENESEO: -- to be installed.

2 MS. FAIRWEATHER: The 3900 Bergenline, that
3 equipment will be taken off. But I -- yeah.

4 MR. PENESEO: Right. They'll decommission
5 that site, and then the new site would have to be
6 built.

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

9 Do you?

10 MR. MEDINA: Yes. I have a question.

11 On the 3900 (sic) Kennedy Boulevard, that's
12 the one you're going to -- is just -- just is
13 something this tall on the top or is this
14 (indiscernible).

15 Are you going to be -- I mean --

16 MS. FAIRWEATHER: About what the top looks
17 like, and what's going on?

18 MR. MEDINA: Yeah.

19 MS. FAIRWEATHER: That's my next witness.

20 MR. PENESEO: Oh, yeah.

21 MS. FAIRWEATHER: That's the engineer.

22 MR. MEDINA: Okay.

23 MS. FAIRWEATHER: He's going to show you
24 pictures of it.

25 MR. MEDINA: Mmm.

1 MS. FAIRWEATHER: And then, the planner,
2 he's going to -- the engineer is going to show
3 you the site plan, and then the planner actually
4 has pictures of what it's going to look like.

5 MR. MEDINA: Okay.

6 VICE CHAIRMAN GRULLON: Thank you.

7 You want to bring your next witness?

8 MS. FAIRWEATHER: Sure.

9 Chad?

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

12 MS. DILLON: Sir, please raise your right
13 hand.

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

16 MR. SCHWARTZ: Yes, I do.

17 MS. DILLON: Please state your name and
18 spell it for the record.

19 MR. SCHWARTZ: Chad Schwartz,
20 S-C-H-W-A-R-T-Z.

21 MS. DILLON: Thank you.

22 MS. FAIRWEATHER: Educational, professional
23 background?

24 MR. SCHWARTZ: I'm a licensed professional
25 engineer in the State of New Jersey. Degree in

1 engineering from Rutgers University. I've been
2 working in the wireless field for over 17 years.
3 Director of Engineering of Scherer Design Group,
4 where I lead a team of 40 individuals doing
5 almost exclusively wireless design, design
6 literally thousands of cell sites all across the
7 tri-state area, and have testified at countless
8 boards.

9 VICE CHAIRMAN GRULLON: We accept his
10 qualification.

11 MS. FAIRWEATHER: Great.

12 Okay. Chad, I'm just going to hand it over
13 to you.

14 Can you please explain what we have
15 proposed?

16 MR. SCHWARTZ: Yes. Absolutely.

17 We're looking at --

18 MS. FAIRWEATHER: Oh, wait.

19 And just for the record, what's the rev
20 date of the plans that you're looking at, that
21 was part --

22 MR. SCHWARTZ: It's --

23 MS. FAIRWEATHER: -- of their packet?

24 MR. SCHWARTZ: -- revision zero, issued for
25 zoning. It's dated 02/03/17.

1 MS. FAIRWEATHER: Great.

2 And so, whenever you refer to the sheet
3 just the -- the title page.

4 Okay. Go for it.

5 MR. SCHWARTZ: We're looking at drawing Z4
6 presently. This is the site plan of 3911 John F.
7 Kennedy Boulevard. It's Block 262, Lot 1.

8 We're looking currently at the roof plan.
9 What we have here is essentially -- I'll start at
10 the equipment because that's kind of the easiest.

11 We have an equipment shelter here, which
12 houses the radio equipment. We'll get into a
13 little more detail on that in a minute, but
14 inside there is the radios.

15 And then, we have five antenna sectors in
16 this situation. When we say antenna sectors,
17 it's a grouping of antennas, so each sector is
18 four antennas, and we have five sectors. So,
19 there's a total of 20 antennas.

20 There are two antenna sectors located on
21 the equipment platform. There's a steel platform
22 that holds up the shelter. We have two of the
23 antenna sectors attached to that platform. So,
24 there's two groupings of four antennas on that
25 platform. One facing -- one's on the north side,

1 and the other one is on the east side.

2 Then, the building's sort of shaped like a
3 plus sign. So, on the north side of the plus
4 sign, there is another antenna sector, which is
5 mounted to the roof deck.

6 And on the south side of the plus sign,
7 there are two antenna sectors mounted to the roof
8 deck.

9 I'm actually going to switch to sheet Z5,
10 and it's just a little -- give you a little bit
11 more clarity of the roof plan.

12 So, here, you can see the equipment shelter
13 and the antenna sectors. The other thing of note
14 just for the -- the equipment shelter is 12 feet
15 by 11 foot six. And that houses all the radio
16 equipment.

17 The other thing of note is there is a
18 standby generator on the site, which is -- you
19 know, in case there is power outage, will leave
20 the cellular service operational.

21 The antennas, or the utility conduits
22 around -- across the roof and down to the
23 existing services that are located on the
24 building.

25 And then, the antenna cables that go

1 between the antenna sectors and the equipment,
2 are routed along the rooftop, in cable tray.

3 I think that pretty much covers it.

4 If you want to see the elevation, we can
5 look at that.

6 This is the elevation view. We're now on
7 sheet Z6.

8 In here, you can see we're looking at the
9 left hand detail, which this is a western
10 elevation. The western elevation. You can see
11 the current roofline of the building is about 78
12 feet six inches. And the antennas are above
13 that, up at 84 feet six inches to the top of
14 antenna.

15 The equipment shelter is 86 feet six inches
16 to the top of that. And then, there's also a
17 little GPS device mounted to the top of the
18 equipment shelter, which rises to a height of 94
19 feet six inches.

20 GPS devices are small. They're like a soda
21 pop can. So, relatively --

22 MS. FAIRWEATHER: And the planner will have
23 actually what it looks like.

24 MS. DILLON: Can you just come back to the
25 microphone, Ms. Fairweather?

1 MS. FAIRWEATHER: Oh.

2 VICE CHAIRMAN GRULLON: I have --

3 MS. FAIRWEATHER: I'm sorry.

4 VICE CHAIRMAN GRULLON: I have a question.

5 Could you go over the weight of the
6 equipment and how it's going to be positioned,
7 the support in the roof?

8 MR. SCHWARTZ: Yes.

9 We actually, we did a structural
10 investigation of the building to determine the
11 areas where we could load this building, and have
12 found -- you know, basically we located the
13 building columns and the beams and figured out a
14 structural system that would support it, which is
15 the reason, actually, why the equipment shelter
16 -- I'm going to actually roll back here to sheet
17 -- we're back on sheet Z5.

18 And so, we investigated this area along the
19 -- the north and south side of the dunnage, the
20 steel dunnage, to verify the structural elements
21 in here.

22 So, we're attached to spandrel beams, to
23 the beams around the perimeter of the building.

24 VICE CHAIRMAN GRULLON: They're attached to
25 the beam of the building.

1 MR. SCHWARTZ: The beams. Yeah. It's the
2 structural frame of the building, so --

3 VICE CHAIRMAN GRULLON: Now, is it heavy
4 equipment or --

5 MR. SCHWARTZ: The -- I guess, heavy
6 relative term, but it's -- the entire
7 installation I'm going to estimate is about --
8 about 20,000 pounds, 25,000 pounds, with -- all
9 told for the -- for the steel and the equipment
10 shelter.

11 VICE CHAIRMAN GRULLON: What -- what about
12 maintenance for the equipment?

13 MR. SCHWARTZ: The --

14 VICE CHAIRMAN GRULLON: How would that --

15 MR. SCHWARTZ: The technician comes to the
16 site, roughly, once per month. They drive a
17 regular passenger vehicle, park in existing
18 parking at the site, so there will be no traffic
19 impacts.

20 They -- the site is also remotely
21 monitored. It is -- they are alarmed, silent
22 alarms.

23 MS. FAIRWEATHER: Thank you.

24 MR. SCHWARTZ: Which are monitored 24/7,
25 from a remote location. So, if there is a

1 | problem at the site, and -- you know, radio goes
2 | down, or something like that, the -- the NOC, the
3 | National Operations Center will notify the
4 | technician that he has to go out to the site, and
5 | -- and fix something, or -- or whatnot.

6 | You know, all operations are remotely
7 | controlled. It's really seldom we -- we visit
8 | the site.

9 | VICE CHAIRMAN GRULLON: Once -- once a
10 | month, you say?

11 | MR. SCHWARTZ: Once a month, roughly.
12 | Right.

13 | The generators also exercise remotely. The
14 | -- you know, we don't -- it's -- they cycle the
15 | generator, keep the -- you know, the oil fresh,
16 | and keep the generator fresh.

17 | That happens about you know, once a week on
18 | a Wednesday.

19 | So, it meets all noise ordinances. We've
20 | checked it for sound. Meets all the New Jersey
21 | model noise -- noise ordinance.

22 | VICE CHAIRMAN GRULLON: And how many -- how
23 | many antennas total? Is --

24 | MR. SCHWARTZ: There's 20 antennas total.

25 | VICE CHAIRMAN GRULLON: Twenty antennas.

1 MR. MEDINA: Four group, right? Four
2 group. Five each group.

3 MR. SCHWARTZ: Five groups of four
4 antennas.

5 MR. MEDINA: They same height all the ones
6 or --

7 MR. SCHWARTZ: Yes.

8 MR. MEDINA: -- different?

9 MR. SCHWARTZ: Yeah. I believe so. Yeah.
10 They're all the same.

11 VICE CHAIRMAN GRULLON: Want to bring your
12 next witness?

13 MS. FAIRWEATHER: Sure.

14 Thank you, Chad. Bye.

15 Jim?

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

18 MS. DILLON: Please raise your right hand.

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

21 MR. DOWLING: I do.

22 MS. DILLON: Please state your name and
23 spell it for the record.

24 MR. DOWLING: Sure.

25 My name is Jim Dowling, D-O-W-L-I-N-G.

1 MS. FAIRWEATHER: Educational, professional
2 background?

3 MR. DOWLING: Sure.

4 I'm employed by a firm called Jacobs
5 Engineers, located in Morristown, New Jersey,
6 where I'm the Director of Planning.

7 I have 30 years experience as a planner.
8 Bachelor's degree in environmental science;
9 master's degree in landscape architecture; and a
10 masters degree in urban planning.

11 And I've testified on many occasions before
12 Planning and Zoning Boards in New Jersey, on
13 various topics and wireless communications
14 facilities, has -- has been one of those topics.

15 VICE CHAIRMAN GRULLON: The Board accept
16 your qualification.

17 Thank you.

18 MR. DOWLING: Thank you very much.

19 VICE CHAIRMAN GRULLON: You may proceed.

20 MS. FAIRWEATHER: Jim, before you get to my
21 use and height variance, and what I need for
22 that, go to the -- the photo sim --

23 MR. DOWLING: Sure.

24 MS. FAIRWEATHER: -- so that the Board has
25 an understanding of what it is.

1 MR. DOWLING: Sure.

2 So, we'll -- we'll -- usually I start by
3 going through the variances and the zoning, but
4 I'll come back to that.

5 This is part of the submission, so you guys
6 have a small eight and a half by 11 version of
7 the sim -- this is a photo simulation.

8 I go out and take photographs using a
9 digital camera. I come back to the office and I
10 have a set of plans, so I know the scale
11 elements, and I work with a graphic artist, and
12 we superimpose on the existing photograph what it
13 would look like in the future, should you approve
14 it.

15 So, top photograph is existing. Bottom
16 photograph is proposed. And I'm looking at photo
17 simulation number one now in the package.

18 Again, if we look at the top, we'll see the
19 existing condition. This happened to be in the
20 middle of the winter. There's snow on the
21 ground. The nine story building.

22 And if you look at the bottom, what you'll
23 see -- and actually, what I'm going to do is I'm
24 going to circle some of the new elements on here,
25 so you -- you could focus on them.

1 But we heard the discussion about the
2 addition of the shelter on the roof. Some of the
3 antennas being added on the roof, and there were
4 some antennas associated with the shelter, as
5 well, 20 antennas in total.

6 So, you'll notice in this view the -- the
7 change to the building that will occur. And
8 also, given -- given sort of the size of the
9 building, the height of the building, the fact
10 that there already is some -- you know,
11 significant things going on on the roof of that
12 building, it's not really a substantial change in
13 this one photograph.

14 We'll look at photograph number two, which
15 is from the north, looking south. Again,
16 existing conditions on the top, proposed
17 conditions on the bottom.

18 And the -- you know, the main thing your
19 eye goes to is the very large penthouse --
20 existing penthouse on the roof, which I presume
21 has a water tank in it.

22 And if you look at the bottom, you'll again
23 see the addition of the -- the shelter and the
24 antennas associated with the shelter. And in
25 this view, you'll see the antennas that face on

1 the one side of the building.

2 Again, we've colorized them to match the
3 building, so they match the brick color of the
4 building. And they're at the -- the minimum
5 height necessary to fill in the gap in service.

6 We're looking at photo simulation number
7 3A, so I've gone a little south on -- on Kennedy
8 Boulevard.

9 And again, if we look at the bottom
10 photograph, we'll see the addition of the
11 shelter. And here's some additional antennas in
12 these locations, the south exposure of the
13 antennas.

14 And again, the primary feature, really, on
15 this building is that exceptionally large
16 penthouse that's holding the water tank. And
17 again, not a very significant change.

18 And then, finally, a view from down the
19 block a bit, looking back up. And as you folks
20 all know -- you know, there's a block of these
21 large buildings. And you go down the hill
22 towards Tonnelle and -- and the elevation
23 changes. And that's why this building is -- is
24 such a great location for us, because we're --
25 we're at the high elevation. We have the tall

1 building, and it works very well.

2 In the bottom photograph, you'll see the
3 addition of the antennas on this face of the
4 building.

5 Again, not a very noticeable change. And,
6 in fact, since I'm looking up at it, there --
7 there's trees there and this time of year, right
8 now, you wouldn't even see those antennas.

9 So -- so overall, again, from a visual
10 perspective, it's my opinion that there's not
11 going to be a significant change, and certainly,
12 this is a -- a better alternative than building
13 another freestanding -- you know, tall tower
14 somewhere within the community.

15 So -- so that said, what -- what I'd like
16 to do is just talk about the zoning and the --
17 the variances a little bit, and the proofs of the
18 variances.

19 So, we're in the -- the P, the public zone.
20 It's a zone that permits municipal uses,
21 government uses, schools, public parks,
22 playgrounds. But it does not permit wireless
23 communication facilities.

24 There also happens to be a Wireless
25 Ordinance in the community in Union City, and

1 that does allow wireless communications as a
2 conditional use, but not in this zone, also.

3 So, effectively, we really have to come to
4 the Zoning Board and ask for a use variance, to
5 allow us to locate in the zone in which we're not
6 permitted.

7 And we're also asking for a height
8 variance. There is some conditions in the
9 conditional use variance that indicate that the
10 maximum height of the antennas cannot exceed the
11 height of the roof, which we do. And that the
12 equipment shelter can only exceed the height of
13 the roof by 12 feet, and we do by -- by 14 feet.

14 So, a D-1 variance for the use; a D-6
15 variance for the height.

16 In regard to the -- the required proofs,
17 first the positive criteria. We do believe that
18 special reasons do exist. We have an FCC license
19 to operate this facility, and that through case
20 law in New Jersey has shown that the general
21 welfare is met.

22 I also believe that this site is
23 particularly suited for a number of reasons,
24 which would show that special reasons exist, as
25 well.

1 We saw about the RF gap in service in this
2 one particular location. That makes it
3 particularly suited.

4 This very tall existing structure, at the
5 top of the hill, the topography. That makes it
6 particularly suited.

7 JFK Boulevard, which is a main user of this
8 facility, as well as many of the people who live
9 in this -- this dense complex of buildings and
10 around it. So, that also makes it particularly
11 suited.

12 And I -- I think we're compatible, also,
13 with sort of the mixed use nature of Kennedy
14 Boulevard, as well. We're not inside one of the
15 smaller streets within Union City. So, I believe
16 we meet the positive criteria.

17 In terms of the negative criteria, I
18 believe we do not create a substantial detriment
19 to the public good. We heard that we meet the RF
20 emission requirements. There's no smoke, odor,
21 glare, or dust associated with this facility.

22 It'll meet all the requirements of the
23 Building Code, so it will be a very safe facility
24 in that regard.

25 Minimal noise, no traffic. And we're

1 really at the minimum necessary height we need to
2 be to provide this service.

3 And as I -- I showed earlier, I believe
4 there is not a substantial detriment related to
5 the change in visual quality.

6 Finally, the question of do we impair the
7 zone plan or ordinance, the second prong of the
8 negative criteria.

9 I would suggest to you that we don't.
10 We're located on the tallest existing structure
11 within our gap, that prevents us from building a
12 new tower, which -- which certainly might impair
13 the zone ordinance and the plan.

14 There really are no other tall structures
15 at the top of the hill like this building. So,
16 we really need to be there.

17 And it's really a passive use, and there's
18 really no effect on activity in the area, which
19 -- which could effect the zone plan or the
20 ordinance.

21 So, I don't believe we -- we do that.

22 So, I -- I believe we're particularly
23 suited and we -- we certainly meet the positive
24 criteria and the negative criteria and the
25 benefits of granting this variance would outweigh

1 the detriments.

2 VICE CHAIRMAN GRULLON: You say in your
3 testimony that it will be a minimum noise.

4 Could you explain that? What type of
5 noise?

6 MR. DOWLING: It -- it will meet the -- the
7 -- whatever the standards are, the state standard
8 of 50 decibels at the property line. It would
9 meet that standard.

10 VICE CHAIRMAN GRULLON: Would there be a
11 noise that would -- like the resident will be
12 able to hear?

13 MR. DOWLING: Yeah, the -- the noise I
14 speak about would be associated with the
15 generator, which is the emergency generator. So,
16 that would only occur during emergencies.

17 And, in fact, the emergency generator has a
18 higher standard.

19 So, would the residents be able to hear it?
20 Possibly they might hear the emergency generator,
21 but again, it would only occur --

22 VICE CHAIRMAN GRULLON: In emergency.

23 MR. DOWLING: -- very infrequently, for
24 emergencies.

25 And -- and it would have a really good

1 purpose, to be able to -- to keep the cell tower
2 going, and if it was a true emergency, that would
3 certainly be a public benefit to be able to make
4 phone calls to -- to the Fire Department, to the
5 Police Department, and such.

6 VICE CHAIRMAN GRULLON: And -- and again,
7 the radiation is in compliance with the FCC?

8 MR. DOWLING: Total compliance. Far, far
9 below.

10 VICE CHAIRMAN GRULLON: Would not effect
11 the health of the residents?

12 MR. DOWLING: Not at all, no.

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

15 Do you?

16 MR. MEDINA: Yeah. I have a question.

17 I would like to know, they say that 20,000
18 pounds, right?

19 MR. DOWLING: Something like that.

20 MR. MEDINA: The equipment --

21 MR. DOWLING: Yeah.

22 MR. MEDINA: -- is going to be on the top
23 floor.

24 How strong will the support, that you're
25 going to support 20,000 pounds?

1 MR. DOWLING: Yeah. The --

2 MS. FAIRWEATHER: That's Chad.

3 MR. SCHWARTZ: Every project --

4 MS. DILLON: Just step forward.

5 MR. SCHWARTZ: Oh, sorry.

6 All right. Every project we do, we run a
7 full structural analysis of the -- not just the
8 proposed structure, but also the existing
9 structure.

10 And this building happens to be quite
11 substantially built, as is the nature with larger
12 apartment buildings, particularly of this era,
13 there tends to be a lot of surplus capacity in
14 them.

15 So, there's an absolute certainty that the
16 building has adequate capacity to support the
17 proposed installation.

18 MR. MEDINA: Okay.

19 When you say that one is 20,000, is
20 specifically around 20 antennas and four
21 different group.

22 Right?

23 So, it's what -- each one -- each antenna
24 or just the total of the -- the --

25 MR. SCHWARTZ: No. I was --

1 MR. MEDINA: -- antenna with the weight?

2 MR. SCHWARTZ: -- estimating, actually,
3 about 25,000 pounds. I was really talking about
4 the equipment shelter and the platform that
5 supports it.

6 The antenna sectors themselves are probably
7 more on the order of, let's say, a thousand
8 pounds --

9 MR. MEDINA: Oh, okay.

10 MR. SCHWARTZ: -- if that. So, the antenna
11 sector is --

12 MR. MEDINA: Okay.

13 MR. SCHWARTZ: -- quite light, relatively
14 speaking.

15 And again -- you know, this is a very
16 robustly built building. Every single site we
17 do, we do a full structural analysis to verify
18 something that we know to be true already, that
19 the building has adequate capacity.

20 But we'll also verify that with a
21 appropriate structural analysis.

22 MR. MEDINA: Okay.

23 Thank you.

24 VICE CHAIRMAN GRULLON: Any other member of
25 the Board?

1 MS. FAIRWEATHER: That's it.

2 VICE CHAIRMAN GRULLON: Do you have any
3 other witness?

4 MS. FAIRWEATHER: No, sir. Just asking
5 that you please approve it.

6 VICE CHAIRMAN GRULLON: At this point, I
7 just want to open it to the public.

8 Any member of the public want to step
9 forward?

10 MR. PRICE: Yeah.

11 Larry Price.

12 I have one question. One of the less
13 elegant things, and we've seen it past, whatever,
14 is not the top, but we have coming down the side
15 of the building, four, five big, fat, ugly cables
16 that go from the top to the basement.

17 You never mentioned anything like that.
18 Are they going away? Do you have those here?
19 What's --

20 MR. SCHWARTZ: There's -- there's no cable,
21 so to speak, going from the top to bottom. There
22 are conduits, and we have -- we're going to have
23 electric conduit, a telephone conduit, and a
24 ground conduit. So, there will be three conduits
25 which are routed down the exterior of the

1 building, which will be painted to match the
2 color of the building.

3 They're about two -- the electric conduit
4 is about two and a half inches. The telephone
5 will be two inch conduit, and the ground can be
6 about a one and a half inch conduit.

7 MR. PRICE: Okay. So they'll --

8 MR. SCHWARTZ: But the cables -- I think
9 what you're referring to are the cables. The
10 antenna cables. And those will be routed along
11 the roof. They'll be out of sight. You won't --

12 MR. PRICE: No, no. I'm talking from the
13 basement to the top.

14 MR. SCHWARTZ: Right.

15 MR. PRICE: We have big, ugly things going
16 up the side of the building.

17 MR. SCHWARTZ: Right. I think what you're
18 talking about is perhaps at a different site
19 design. Sometimes we have the radio equipment in
20 the basement of the building, and they'll have to
21 route the cables to the antennas up the side of
22 the building.

23 In older cell sites, using older
24 technology, they had to run coaxial cables, which
25 are almost two inches in diameter each, and so,

1 we might have a grouping of, say, 18 of those
2 cables running up the side of the building, which
3 might -- it sounds like --

4 MR. PRICE: Yes.

5 MR. SCHWARTZ: -- what you're describing.

6 MR. PRICE: Yes.

7 MR. SCHWARTZ: That's not going to happen
8 here because our radios are on the roof already.
9 So, to get the radios from the equipment shelter,
10 which is on the roof, to the antennas, which is
11 also on the roof, they're going to go outside of
12 the shelter, drop right down to the level of the
13 roof, so you won't be able to see it.

14 And then, route right along the roof to the
15 antennas, where they'll pop back up right --

16 MR. PRICE: Okay.

17 MR. SCHWARTZ: -- behind the antenna.

18 MR. PRICE: So, there are only three cable
19 -- there's an electric cable, a ground cable, and
20 what was the --

21 MR. SCHWARTZ: Telephone conduits.

22 MR. PRICE: Telephone cable.

23 MR. SCHWARTZ: Conduits. So, like a rigid
24 conduit -- you know, so it will be a painted
25 metallic conduit going down the exterior.

1 So, it would look orderly and it will be
2 color matched and whatnot.

3 MR. PRICE: Okay.

4 Thank you.

5 MR. SCHWARTZ: No problem.

6 VICE CHAIRMAN GRULLON: And the antennas
7 will be painted, too, to match the color? The
8 antennas?

9 MR. SCHWARTZ: Yes. The antennas are
10 painted to match.

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

13 Closed to the public.

14 After hearing all the testimony from your
15 witness, I make my motion to grant this
16 application.

17 THE SECRETARY: Motion to grant the
18 application by Mr. Grullon.

19 Any second of the -- on the motion?

20 Mr. Doumas?

21 MR. DOUMAS: Usually I like to be first.

22 MR. MEDINA: I don't like to be second. I
23 don't like to be second.

24 THE SECRETARY: Roll call on the motion to
25 approve this application.

1 MR. MEDINA: First or nothing.

2 THE SECRETARY: Mr. Grullon?

3 VICE CHAIRMAN GRULLON: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Mr. Ortiz?

7 MR. ORTIZ: Yes.

8 THE SECRETARY: Mr. Doumas?

9 MR. DOUMAS: Yes.

10 THE SECRETARY: Ms. Genao?

11 MS. GENAO: Yes.

12 THE SECRETARY: Five in favor, motion
13 carries.

14 Thank you.

15 VICE CHAIRMAN GRULLON: Thank you.

16 MS. FAIRWEATHER: Thank you so much.

17 Would the Resolution be adopted next month?

18 MR. PANEQUE: It will be in the July
19 meeting, not --

20 MS. FAIRWEATHER: The July meeting?

21 MR. PANEQUE: Not the June 29th.

22 THE SECRETARY: July 13.

23 MS. FAIRWEATHER: The July meeting. Okay.

24 VICE CHAIRMAN GRULLON: July 13.

25 MS. FAIRWEATHER: Great. And then, after

1 | that, we can apply for the BP?

2 | THE SECRETARY: I will -- I will send it by
3 | email. I will email you the Resolution after
4 | they --

5 | MS. FAIRWEATHER: Okay. Great.

6 | THE SECRETARY: No problem.

7 | MS. FAIRWEATHER: Thank you. Thank you so
8 | much.

9 | VICE CHAIRMAN GRULLON: Bye. Good night.

10 | THE SECRETARY: Sure. You're welcome.

11 | MS. FAIRWEATHER: Bye-bye.

12 |

13 | (Whereupon, Ydalia Genao, Planning Board
14 | Member, stepped down at 9:56 p.m.)

15 |

16 | (Whereupon, Margarita Gutierrez, returned
17 | to the dais at 9:56 p.m..)

18 |

19 | MR. PANEQUE: We have one more Resolution,
20 | and then we have one more application.

21 | MS. GUTIERREZ: For real.

22 | THE SECRETARY: Can we -- wait.

23 | (Whereupon, there was a pause in the
24 | proceedings.)

25 | MR. DOUMAS: So let's -- let's do it.

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

3 * * *

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1 **K & J Union City, LLC -**

2 **609-611 25th Street & 608-610 24th Street:**

3

4 THE SECRETARY: Okay?

5 Ready?

6 We have an extension hearing.

7 K & J Union City, LLC, 609-611 25th Street
8 and 608-610 24th Street.

9 Mr. Matule?

10 MR. MATULE: Yes.

11 Good evening, Commissioners.

12 Robert Matule appearing on behalf of the
13 applicant.

14 Thank you for still being here. I
15 apologize for being delayed. I was at another
16 matter.

17 This is an application by K & J Union City.
18 We received a one year extension last year to
19 June 30. We still have a residential tenant to
20 relocate on the site before we can close down the
21 scrapyard.

22 So, we're requesting an additional one year
23 extension.

24 I would just add, parenthetically, that the
25 approvals were originally -- the corrected

1 Resolution was in May 10th, 2012. Typically, we
2 have a five year window from there, and we were
3 in the Appellate Division for a little over a
4 year. So, you know, arguably, we could still be
5 within that five year window, but just to be on
6 the safe side and keep everything clean and
7 straightforward, we would like another one year
8 extension, if the Board would agree to that.

9 VICE CHAIRMAN GRULLON: Mr. Matule, is this
10 your first extension that you request?

11 MR. MATULE: No. We were given an
12 extension in June 2016. We were given a one year
13 extension.

14 VICE CHAIRMAN GRULLON: And the reason is
15 because there is litigation with a tenant?

16 MR. MATULE: Well, no. No. We were in
17 litigation with Mr. Price, with -- with respect
18 to the underlying approvals.

19 No, the reason we're requesting it is
20 because -- you know, it's multiple lots. So,
21 some of the lots are the actual scrapyard that's
22 still in operation. But we also have some --
23 residential tenants there, who, my understanding
24 is they have a special needs child. So, it's
25 been a little difficult to try to relocate them.

1 We're hoping to get them relocated over the
2 summer, while school is out.

3 And so, that's the primary reason we're
4 asking for the one year extension, just to be
5 able to relocate those residential tenants.

6 VICE CHAIRMAN GRULLON: Okay.

7 With that explanation, I will make a motion
8 to grant the extension for one year.

9 THE SECRETARY: Motion to grant the
10 extension --

11 MS. GUTIERREZ: And I'm seconding.

12 THE SECRETARY: -- by Mr. Grullon.

13 Second by Ms. Gutierrez.

14 Roll call on the motion.

15 Mr. Grullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Mr. Doumas?

24 MR. DOUMAS: Yes. Excuse me. Yes.

25 THE SECRETARY: Five in favor, motion

1 carries.

2 MR. DOUMAS: Choking.

3 MR. MATULE: Thank you very much.

4 MS. GUTIERREZ: You're welcome.

5 MR. MATULE: And I appreciate -- I
6 appreciate your time. Glad we made it.

7 Thank you.

8 MS. GUTIERREZ: Okay. Okay.

9 MR. MEDINA: That's it.

10 MS. GUTIERREZ: Hold on. The Resolutions.

11 MR. MEDINA: Oh.

12 MS. GUTIERREZ: Check in the back.

13 THE SECRETARY: One second, please.

14 MR. PANEQUE: Resolutions.

15 THE SECRETARY: Yes.

16 MS. GUTIERREZ: Resolution.

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

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1 **ADOPTION OF RESOLUTIONS:**

2
3 (1) 207 39th Street, LLC - 207 39th Street,
4 Block 227, Lot 16 & 17. Construct a new multi-
5 family structure consisting of eight parking
6 spaces, five two bedrooms, one three bedrooms and
7 two studios. **Approved**

8 (2) Reino Magico, 701 Bergenline Avenue, Block
9 35, Lot 1. Resolution was memorialized on April
10 9, 2015. Applicants are seeking for one year
11 extension. **Approved**

12 (3) Palisade Emergency Residence Corporation,
13 108 36th Street, Block 217, Lots 20, 21, 44 and
14 45. Residential Homeless Shelter Dormitory.
15 **Approved**

16 (4) 716 Capital, LLC, 716 29th Street, Block
17 162, Lot 9. Rear addition to an existing four
18 family house. **Approved**

19 (5) Alpine Investment Group, LLC, 208 New York
20 Avenue, Block 7, Lot 21. Single Family home with
21 a new garage, curb cut and a new rear addition.

22 **Denied**

23 (6) Tower Lenox CPU, LLC, 500 Central Avenue,
24 Block 22, Lot 1.02. Legalization of two
25 commercial spaces into apartments. **Approved**

1 (7) Tower Management Service, LLP, 500 Central
2 Avenue, Block 22, Lot 1.01. Erect an eight foot
3 high iron fence in front and side yards, and
4 construct a controlled entry/exit at the driveway
5 to Central Avenue. **Approved**

6 (8) 4219 Park Avenue, LLC, 4217-4221 Park
7 Avenue, Block 248, Lots 33-38. Resolution was
8 memorialized May 12, 2005. Applicants are
9 seeking for one year extension. **Approved**

10 (9) 4007 Park Avenue, LLC, 4007-4015 Park
11 Avenue, Block 238, Lots 22, 36-41. Resolution
12 was memorialized June 29, 2006. Applicants are
13 seeking for one year extension. **Approved**

14 (10) 416 Monastery Place, LLC, 416 Monastery
15 Place, Block 110, Lot 36. Resolution was
16 memorialized July 12, 2012. Applicants are
17 seeking for one year extension. **Approved**

18 (11) 2100-2106 Summit Avenue, LLC, 2100-21-6
19 (sic) Summit Avenue, Block 116, Lots 34-35.
20 Resolution was memorialized February 21, 2013.
21 Applicants are seeking for one year extension.

22 **Approved**

23

24 THE SECRETARY: Okay. Next item is
25 Resolutions.

1 We have 11 Resolutions.

2 First one, 207 39th Street, LLC, 207 39th
3 Street.

4 Second, Reino Magico, 701 Bergenline
5 Avenue.

6 Third one, Palisade Emergency Residential
7 Corporation, 108 36th Street.

8 Next one, 716 Capital LLC, 716 29th Street.

9 Number five, Alpine Investment Group, LLC,
10 208 New York Avenue.

11 This application was denied at the previous
12 meeting -- meeting.

13 Tower Lenox CPU, LLC, 500 Central Avenue.

14 That was approved at the previous meeting.

15 Tower Management Service, LLP, 500 Central
16 Avenue.

17 Was approved at the previous meeting.

18 Next one are extensions of the previous
19 Resolution.

20 4219 Park Avenue, LLC, 4217-4221 Park
21 Avenue.

22 Approved at the previous meeting.

23 4007 Park Avenue, LLC, 4007-4015 Park
24 Avenue.

25 Approval at the previous meeting.

1 416 Monastery Place, LLC, 416 Monastery
2 Place.

3 Approved at the previous meeting.

4 2100-2106 Summit Avenue, LLC, 2100-21-6
5 Summit Avenue.

6 Was approved at the previous meeting.

7 Can I have a motion to adopt these
8 Resolutions?

9 VICE CHAIRMAN GRULLON: Motion to -- to
10 adopt the Resolutions.

11 THE SECRETARY: Motion --

12 MS. GUTIERREZ: Second.

13 THE SECRETARY: Motion by Mr. Grullon.
14 Second by Mrs. Gutierrez.

15 Roll call on the motion to adopt these
16 Resolution.

17 Mr. Grullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Mrs. Gutierrez?

20 MS. GUTIERREZ: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Mr. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Mr. Doumas?

1 MR. DOUMAS: Yes.

2 THE SECRETARY: Five in favor, motion
3 carries.

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1 **ADJOURNMENT:**

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

6 Motion by Mr. Ortiz.

7 MS. GUTIERREZ: Second.

8 THE SECRETARY: Second by Mrs. Gutierrez.

9 MR. MEDINA: See, you have to say, I'm
10 seconding.

11 THE SECRETARY: All in favor?

12

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

14

15 THE SECRETARY: The ayes have it.

16 Thank you.

17 Have a good night.

18 Let the record -- let the record show that
19 the meeting has ended.

20 Thank you and good night everyone. I'll
21 see you on the 29th.

22

23 (Whereupon, the proceedings were concluded
24 at 10:04 p.m.)

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY ZONING BOARD OF
10 ADJUSTMENT heard on Thursday, June 8, 2017, and
11 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon