

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, July 13, 2017
 Commencing at 6:33 p.m.

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

VICTOR M. GRULLON
 MARGARITA GUTIERREZ
 MIGUEL ORTIZ
 DAVID W. PRESSEY
 JOSEPH D. BONACCI, Vice Chairman
 LIBERO MAROTTA, Chairman, (Left at 7:37 p.m.)

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

JOHN MEDINA
 PETER C. DOUMAS, Alternate No. 4

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 L S O P R E S E N T:

ALICIA MOREJON, Planning Board Member,
(Left at 7:13 p.m.)

JEANNE KOEHLER, Planning Board Member
(Left at 7:13 p.m.)

SCARINCI, HOLLENBECK

BY: ANGELO AUTERI, ESQ., (Left at 7:13 p.m.)
MICHAEL JIMENEZ, ESQ., (Left at 7:13 p.m.)
Corporation Counsels

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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 625 18th Street, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Franklin Medina

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, F & G 3710, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Mt. Management, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Ashraf Soliman

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Nasa Realty, LLC

CARLOS A. RENDO, ESQ.,
Attorney for Applicant, 1208-10 Summit Ave., LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Demetrios S. Econopouly/
Hudson Foot Holdings, LLC

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1 MS. DILLON: On the record.

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

4 Take notice that on Tuesday, July 13, 2017,
5 at six p.m., Regular Meeting is scheduled for the
6 City of Union City Zoning Board of Adjustment to
7 be held in the Municipal Chamber, located on the
8 Second Floor, 3715 Palisade Avenue, Union City,
9 New Jersey.

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

12

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

15

16 THE SECRETARY: Thank you.

17 Notice of this meeting has been provided,
18 as follow:

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

1

2 **ROLL CALL:**

3

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

6

Victor Grullon?

7

MR. GRULLON: Here.

8

THE SECRETARY: Margarita Gutierrez?

9

MS. GUTIERREZ: Here.

10

THE SECRETARY: Miguel Ortiz?

11

MR. ORTIZ: Here.

12

THE SECRETARY: David Pressey?

13

MR. PRESSEY: Here.

14

THE SECRETARY: John Medina? Absent.

15

Joseph Bonacci?

16

MR. BONACCI: Here.

17

THE SECRETARY: Libero Marotta?

18

MR. MAROTTA: Here.

19

THE SECRETARY: Peter Doumas? Absent.

20

We have six members present.

21

22 **EXECUTIVE SESSION:**

23

24 THE SECRETARY: Can I have a motion to go
25 into Executive Session?

1 Motion by Mr. Bonacci.

2 MS. GUTIERREZ: Second.

3 THE SECRETARY: Second by Ms. Gutierrez.

4 Roll call on the motion.

5 Mr. Grullon?

6 MR. GRULLON: Yes.

7 THE SECRETARY: Ms. Gutierrez?

8 MS. GUTIERREZ: Yes.

9 THE SECRETARY: Mr. Ortiz?

10 MR. ORTIZ: Yes.

11 THE SECRETARY: Mr. Pressey?

12 MR. PRESSEY: Yes.

13 THE SECRETARY: Mr. Bonacci?

14 MR. BONACCI: Yes.

15 THE SECRETARY: Mr. Marotta?

16 MR. MAROTTA: Yes.

17 THE SECRETARY: Six in favor, motion
18 carries.

19 Can everybody please leave the room? We
20 are going to get into Closed Session. Is no
21 recording.

22 The only members can be here is the
23 members, the Board Attorney, and myself.

24 Thank you, everybody else.

25

1 (Whereupon, the Board moved to Executive
2 Session at 6:36 p.m.)

3

4 (Whereupon, the Board returned to Open
5 Session at 6:41 p.m.)

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1 **Reorganization to Elect Chair and Vice**

2 **Chairpersons:**

3

4 THE SECRETARY: Okay.

5 We are going back on the Regular Session.

6 Reorganization to elect Chair and Vice
7 Chairperson.

8 Can I have a motion to nominate a
9 Chairperson?

10 MR. GRULLON: I make a motion, I want to
11 nominate Mr. Marotta.

12 THE SECRETARY: Nomination to Mr. Marotta
13 be the Chair by Mr. Victor Grullon.

14 MS. GUTIERREZ: And I'm seconding.

15 THE SECRETARY: Any other nominations?

16 MS. GUTIERREZ: I make the nomin --

17 THE SECRETARY: One second.

18 You already second the nomination of Mr.
19 Marotta.

20 Right?

21 MR. PANEQUE: Yes.

22 MS. GUTIERREZ: Didn't nominate nobody.

23 THE SECRETARY: Is no -- is no more
24 nomination.

25 Right?

1 MR. GRULLON: Yes.

2 MS. GUTIERREZ: Yes. I -- I want to --

3 MR. PANEQUE: No.

4 MS. GUTIERREZ: -- nominate the Vice
5 Chairman.

6 MR. PANEQUE: For Chair.

7 THE SECRETARY: Wait. One second.

8 MS. GUTIERREZ: Huh?

9 MR. PANEQUE: For the Chair.

10 THE SECRETARY: Is only for the Chair. You
11 already second --

12 MS. GUTIERREZ: Yeah. Yeah.

13 MR. PANEQUE: Yeah.

14 MR. ORTIZ: I'll make the nomination.

15 MS. GUTIERREZ: Okay.

16 MR. PRESSEY: No more nominations.

17 MR. PANEQUE: Okay.

18 So, we have a nomination for Libero Marotta
19 as Chairperson.

20 MR. PRESSEY: Right.

21 THE SECRETARY: Second by --

22 MR. PANEQUE: Margarita Gutierrez.

23 THE SECRETARY: -- Margarita Gutierrez.

24 Roll call on the motion.

25 Mr. Grullon?

1 MR. GRULLON: Yes.

2 THE SECRETARY: Ms. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Ortiz?

5 MR. ORTIZ: Yes.

6 THE SECRETARY: Mr. Pressey?

7 MR. PRESSEY: Yes.

8 THE SECRETARY: Mr. Bonacci?

9 MR. BONACCI: Yes.

10 THE SECRETARY: Mr. Marotta?

11 MR. MAROTTA: Yes.

12 THE SECRETARY: Six in favor. Motion

13 carries.

14 Congratulations, Mr. Marotta.

15 CHAIRMAN MAROTTA: Thank you.

16 MR. GRULLON: Thank you, Mr. Marotta.

17 MS. GUTIERREZ: Thank you.

18 THE SECRETARY: All right.

19 Can I have a motion to nominate a Vice

20 Chairperson?

21 MS. GUTIERREZ: I make a motion.

22 THE SECRETARY: Go ahead.

23 MS. GUTIERREZ: I make a motion to nominate

24 Mr. Bonacci.

25 THE SECRETARY: Motion on the table to

1 | nominate Mr. Joseph Bonacci --

2 | CHAIRMAN MAROTTA: Second.

3 | THE SECRETARY: -- as Vice Chairperson.

4 | Second by Mr. Marotta.

5 | Roll call on the motion.

6 | Is no more nomination.

7 | Right?

8 | Roll call on the motion.

9 | Mr. Grullon?

10 | MR. GRULLON: Yes.

11 | THE SECRETARY: Ms. Gutierrez?

12 | MS. GUTIERREZ: Yes.

13 | THE SECRETARY: Mr. Ortiz?

14 | MR. ORTIZ: Yes.

15 | THE SECRETARY: Mr. Pressey?

16 | MR. PRESSEY: Yes.

17 | THE SECRETARY: Mr. Bonacci?

18 | MR. BONACCI: Yes.

19 | THE SECRETARY: Mr. Marotta?

20 | CHAIRMAN MAROTTA: Yes.

21 | THE SECRETARY: Six in favor.

22 | Congratulations, Mr. Bonacci.

23 | MS. GUTIERREZ: Congratulations.

24 | VICE CHAIRMAN BONACCI: Thank you. Thank

25 | you.

1 CHAIRMAN MAROTTA: Thank you.

2 THE SECRETARY: Vice Chairperson.

3 CHAIRMAN MAROTTA: Congratulations.

4 VICE CHAIRMAN BONACCI: Thank you.

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1 **Zoning Board Refresher Seminar:**

2 **Seminar on Ethics, Zoning & Ordinance Updates:**

3

4 (Whereupon, Planning Board member Alicia
5 Morejon joined the meeting at 6:44 p.m.)

6

7 (Whereupon, Planning Board member Jeanne
8 Koehler joined the meeting at 6:44 p.m.)

9

10 THE SECRETARY: All right.

11 Now, we are going to Seminar on Ethics,
12 Zoning and Ordinance Update by the City
13 Attorneys.

14 Gentlemen, please?

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

17 MR. PANEQUE: Okay.

18 Before we commence with the presentation,
19 this is an -- an announcement for the public, we
20 have a training session that is required for the
21 Board.

22 You're more than welcome to sit and listen
23 to it. Otherwise, you can step out, go grab a
24 drink or something.

25 Mr. Jimenez, Mr. Auteri's going to take

1 about how long?

2 MR. AUTERI: We expect approximately 20
3 minutes, maybe --

4 MR. PANEQUE: Okay. So --

5 MR. AUTERI: -- give or take.

6 MR. PANEQUE: -- if you want to take a --
7 for the general public, if you want to take, like
8 a 20 minute break and come back, otherwise, you
9 can sit here and be enlightened by these two
10 gentlemen and their presentation.

11 MR. AUTERI: Thank you, sir.

12 MR. PANEQUE: Thank you.

13 MR. AUTERI: Thank you, sir.

14 MR. PANEQUE: The floor is yours.

15 MR. AUTERI: Thank you, sir.

16 All right. Good evening.

17 My name is Angelo Auteri from Scarinci,
18 Hollenbeck. I'm Corporation Counsel for the City
19 of Union City. I'm joined here by -- on my right,
20 by Mr. Michael Jimenez of my office, zoning
21 expert.

22 We are going to do a little bit of a
23 refresher course today on some ethical issues,
24 some zoning and ordinance updates for you. You
25 already, most likely, know most of this material.

1 This is just a refresher.

2 So, this is something that we're doing just
3 to make sure you have this information handy. We
4 have a handout right here. We're not going to do
5 the PowerPoint, but you can take this home with
6 you and review it, and then ask your Board
7 Attorney any questions you may have, and we'll
8 try to keep this as close to 20 minutes as
9 possible.

10 However, if you have any questions during
11 it, feel -- feel free to just ask, and if it's
12 something that we can answer, we will. If not,
13 maybe we can speak after the meeting's over.

14 Okay?

15 All right. So, having said that, I'm going
16 to --

17 MR. JIMENEZ: We -- we are taking
18 consideration the time. The speech or the
19 seminar we gave to the Planning Board was like an
20 hour. We're going to condense it, so if, at any
21 time, we're going too fast, please let us know.
22 We're trying to help you guys out with your
23 calendar tonight.

24 Ethical obligations.

25 Basically, you know, ethics -- it's black

1 and white. Sometimes, you know when it's wrong.
2 If you feel it's wrong, it's probably wrong.

3 But for you, members of this Board, you are
4 governed by the Local Government Ethics Law,
5 LGEL. You're governed by Municipal Land Use Law,
6 and by Common Law. Those are the -- the bodies
7 that govern you and how you act.

8 The Local Finance Board, which is a
9 division of the Local Government Services, they
10 have the responsibility to oversee this Board and
11 all boards, planning and board of adjustments, to
12 see that the local officials and the -- they call
13 them employees or government employees, even if
14 you're not being paid, you're still an employee,
15 in terms of how they see you and your role in
16 this.

17 So, you can't say, oh, I can do this, I can
18 -- quote, unquote -- act unethical, because I'm
19 not really an employee. I'm not getting paid.

20 No. You are an employee and you are held
21 to these highest standards.

22 The Local Finance Board, basically,
23 receives complaints that are made either from the
24 public about members, or from members to other --
25 about other members.

1 They conduct hearings, they issue
2 decisions, they impose fines. And if necessary,
3 they forward a matter to the prosecutor's office
4 or the appropriate law enforcement agency.

5 So, it's -- it's important that you know
6 these things when it comes to conflicts of
7 interest. If a matter comes before you that is a
8 family member, obviously, that's the most
9 pertinent one, you know you can't hear a case for
10 a family member.

11 If your daughter, or spouse is involved in
12 the company that's coming before you, you know
13 you shouldn't be there -- you know, as a possible
14 conflict.

15 Whenever you feel there's a conflict, you
16 have to speak up. You have counsel at your side
17 that can say, listen, I don't feel comfortable
18 about this. My daughter worked for this company
19 when this application was filed. She's not there
20 anymore, but I'm not sure.

21 Because you can't say, oh, she's not there
22 anymore. But she was there when this was filed.
23 You going to go, Mr. Paneque, Mr. Paneque, this
24 is what I have.

25 Let him make the decision.

1 What happens now, any time that a conflict
2 is noted, you can jeopardize the whole
3 application. So, you're not only wasting your
4 own time, but then the applicant, the applicant's
5 attorney, the engineers, the professionals, all
6 the persons at the time of this application will
7 have to bear the burden because you didn't
8 disclose a conflict, which can compromise your
9 decision here.

10 And if they take it to a Superior Court, it
11 can effect that.

12 Abuse of office.

13 No local government officer, or employee,
14 as yourselves, shall use or attempt your official
15 positions to secure warranted privileges or
16 advantages.

17 You can't receive gifts. This is the
18 obvious one. And use your common sense.

19 If a developer comes to you, gives you a
20 pen, here, sign this. That's not what they're
21 really concerned. You shouldn't, it's easier not
22 to, but from the pen comes oh, here's our Yankees
23 tickets. Don't -- I have a couple here. Take
24 this.

25 Those are obvious ones. So, use common

1 judgement when it comes to this. You're in a
2 particular position where you're making decisions
3 that have a lot of financial ramifications.
4 Because of that, your decision, if you make it,
5 and it's not justified, and it can be seen as --
6 you know, you taking a privilege -- having lunch
7 with a developer, having dinner with an
8 applicant, those are things. It's a perception.

9 Even if you didn't do anything wrong -- oh,
10 Mike, I know this guy for 20 years. Does not
11 matter. Someone can look at that and the -- what
12 the -- quote, unquote -- legal term is, the
13 appearance of impropriety. You can't even look
14 like you're doing something bad.

15 There's various statutes we cite in the
16 book and you'll see them. And they just talk
17 about how your family can't be involved, and you
18 can't use your position to get -- garner
19 influence. Oh, if you help me with -- build my
20 house, don't worry, your application is good to
21 go. You can't do that.

22 If a developer is currently working on your
23 house, and you're hearing his case, these are
24 cases where -- one thing may have nothing to do
25 with the other. You may have paid him full

1 price, but still, you don't do that. You talk to
2 Mr. Paneque, or talk to Corporation Counsel to
3 determine -- to make sure that there's no
4 conflict or impropriety, which there probably
5 will be in that case.

6 When you listen to any case, if you feel
7 that there may be a conflict, doesn't matter if
8 someone else from the Board brings it up, or from
9 the body, you have to bring it up to his
10 attention. You can't say, oh, I didn't know. I
11 wasn't sure. You're going to be held responsible
12 for that.

13 And if your conflict or your conduct rises
14 to criminal behavior, there are criminal
15 sanctions against you. It's out of his control,
16 it's out of everyone's control. It will be just
17 forwarded to the prosecutor's office, and they're
18 going to determine whether your acts truly were
19 in violation of criminal statutes, at that point.

20 Bribery. That's what the term is.

21 MR. AUTERI: Yeah. So, moving forward with
22 conflicts. That's -- that is extremely
23 important. That's one of the things that -- that
24 Mr. Jimenez just said, that I want to hammer
25 home, is even just the representation as if

1 something improper is happening.

2 That's -- that's something that you would
3 want to avoid, just to make it easier for
4 yourself. It's -- it's something, as a public
5 employee and representative that -- that you want
6 to try to do generally, but even more important,
7 as a member of the Board.

8 So, in addition to that, Municipal Land Use
9 Law. No member of a planning or zoning board is
10 permitted to act in any manner in which he has
11 either directly or indirectly any personal or
12 financial interest.

13 Obviously, that's going to be an actual
14 conflict of interest. And that's a New Jersey
15 statute that -- that's important. That's why we
16 put this --

17 MR. JIMENEZ: If you own the real estate
18 company that's the developer, you're part of
19 that. Any little part or percentage. If you own
20 a percentage of any corporation, you're part of
21 that.

22 No, I only own a little -- doesn't matter.
23 You're still part of that.

24 MR. AUTERI: And if you have any questions,
25 you can always ask your Board Attorney on that

1 one.

2 There's disqualifications, if you do engage
3 in any kind of Board proceeding where you do have
4 a conflict. So, you'd have to just take it back
5 and start from square one anyway. And that's not
6 going to help anybody.

7 There's disclosure requirements that you
8 should be knowledgeable about regarding
9 corporations, disclosing information when they're
10 owning at least ten percent of stock, or ten
11 percent of interest in the partnership. That's
12 important.

13 If an applicant comes before the Board,
14 that's something to know. You should know that
15 and -- and that's a conflict of interest, as
16 well.

17 So, there's four types of conflict of
18 interest. Direct pecuniary interest, indirect
19 pecuniary interest, direct personal interest,
20 indirect personal interest.

21 I think we have some examples of this
22 coming up, but again, when it's discovered, you
23 have to start over. So, it's important to just
24 try to avoid it from the very beginning.

25 If you have any questions, ask your Board

1 Attorney. But any relation that you have to an
2 applicant, any kind of gifts or any personal gain
3 that you're going to get from any kind of
4 application, or granting of any application, is
5 important to understand how it effects you and
6 just avoid any kind of engagement in that
7 process.

8 Don't vote on that application. Just stay
9 away from it, recuse yourself from that type of
10 application.

11 Disclosure is the key to identifying and
12 avoiding conflicts of interest. And -- and
13 they're fact sensitive. So, even the ones that
14 Mr. Jimenez is talking about with you right now,
15 you may not hear one, but it's going to be on a
16 case-by-case basis, and you'll get -- and I -- I
17 know most of you already know this, but you'll
18 get to become more familiar with it as time goes
19 on.

20 So, some examples, right? I think --
21 actually, I think you just made this example.

22 When -- if a Board member's mother lives
23 within 200 feet of an applicant's property. That
24 might not seem to you as if you have any kind of
25 relation to the property or the applicant, or it

1 might not be a conflict in your mind, but you
2 have to be aware of it, to at least bring it to
3 the Board's attention. And obviously, there's
4 notice requirements for residents that are within
5 that space.

6 So, that is something that might disqualify
7 you from voting on an application.

8 If a Board member works for a bank that
9 would benefit from a proposed ordinance, you must
10 disqualify yourself from -- from voting on that.

11 These are just some examples.

12 If you're a manager of a title insurance
13 company that did all the title work for an
14 applicant, obviously, that's a -- that's a clear
15 one.

16 Okay.

17 All right. So, when you are disqualified,
18 you can't sit at the table. Get up from the
19 table, walk away from it. You're not going to
20 vote on anything. You know, even though you're
21 not going to vote on it, just you're supposed to
22 get up and not participate in any way.

23 All right. So, waiver of conflicts of
24 interest by parties.

25 Usually, disclosure is not going to cure a

1 conflict, but in some instances where you may
2 have had a conflict in the past, but you no
3 longer have one, by consent of the parties, you
4 might be able to vote. That's something that
5 they're going to have to agree upon beforehand.

6 If you have a quorum, and you don't need to
7 vote on something, it's probably just best to
8 avoid it all together. And this way, you can
9 prevent having to redo the process from the
10 beginning later.

11 All right. So, in addition, sort of
12 related to conflicts, you have ethical
13 obligations as a public official to high standard
14 of conduct, based on fiduciary duty to the
15 public.

16 So, avoiding an appearance of impropriety.
17 This is what I was speaking about earlier. If --
18 if it seems as if you have a conflict or a
19 relation to some of the parties, you want to
20 avoid it. It's not whether it -- what it's
21 quoted in your handout, whether you're succumbing
22 to temptation, it's just the way it may be
23 perceived by the public. Just avoid it all
24 together, is probably better off just to do that.

25 I'm going to go through some things. You

1 all know this. There's -- obviously, don't --
2 you know, drink any intoxicating substances
3 before a Board meeting. It -- there -- it's a
4 professional demeanor, professional atmosphere,
5 as we can see.

6 That's all obvious. I think everyone here,
7 but it should be said, the fact that you're --
8 that you're of clear and sound mind and body when
9 you're voting on these applications, is extremely
10 important to the entire process.

11 You have to upkeep with the highest of
12 professional standards. You're a local
13 government officer and representing the City of
14 Union City.

15 Conduct becoming of a government official.
16 Just the highest standards. That's what we
17 expect of you. That's what you offer. And we
18 would like to maintain that level of
19 professionalism.

20 Professional attire.

21 Right?

22 Come to the meetings dressed
23 professionally. It's important just to give that
24 -- you know, appearance to the public. And --
25 and you know, what is professional to me may not

1 | be for you, but obviously, ripped clothing,
2 | inappropriate clothing should be avoided.

3 | Also, just remember at all times, you never
4 | know when you might be being recorded.
5 | Everything you say is being recorded. Obviously,
6 | today we're being recorded. There might be a
7 | member of the public, in some instances, could
8 | record these meetings. Be careful with what you
9 | say. You want to just make sure that -- you know,
10 | you up -- keep up with that professionalism at
11 | all times.

12 | Okay.

13 | So, anticipating hot button issues or
14 | topics. Sometimes there may be a controversial
15 | issue on the agenda or item that you know may --
16 | you know, there might be a lot of members of the
17 | public here. Something that you want to avoid.
18 | Be careful, beforehand, just to go through it,
19 | make yourself knowledgeable about all the items
20 | on the agenda.

21 | Make sure you remember and maybe review the
22 | meeting minutes from the last agenda, to prepare
23 | yourself for what may come up for -- for this
24 | meeting.

25 | Plan to deal with the situations you

1 anticipate. And if you have any questions, speak
2 to your Board Attorney. You may want to increase
3 security. Review the by-laws and Robert's Rules,
4 which is important for meetings and voting, and
5 -- and it's an organized set of policies and
6 procedures that mandates how the meetings are
7 supposed to be conducted.

8 This is extremely important because
9 everything's recorded, and again, if it's not
10 done correctly, it could lead to litigation or --
11 or issues down the road, which will just cause
12 the process to slow down and -- and you're not
13 going to be able to push through applications in
14 an efficient manner.

15 Okay. All right.

16 So, the -- some of these -- and -- and we
17 gave these to you just as a reminder. A lot of
18 you may think these are obvious and -- and clear,
19 but -- you know, stay calm. No matter how well
20 you prepare, things come up. There may be a
21 member of the public that's upset or says things
22 that may upset you. Do your best to compose
23 yourself and -- and keep in mind the standards of
24 professionalism that we're talking about.

25 Maintaining order, making sure that you're

1 following Robert's Rules. The speakers should be
2 recognized. Stay on the topic, debating the
3 issue, and not bringing up side issues that have
4 nothing to do with the central issue -- matter at
5 issue. Okay.

6 MR. JIMENEZ: Now, Angelo just finished
7 discussing your discussions. Now, with regard to
8 the public. Obviously, we want to maintain some
9 control, always maintain control of these
10 meetings. But the public has certain free speech
11 and rights that they're allowed to say what they
12 want to say on a particular application.

13 However, while they're allowed to say what
14 they want on a particular application, they are
15 not permitted to be disruptive or to go off track
16 on another topic.

17 So, while we have to allow the public speak
18 -- to speak on a certain application, there are
19 some constraints.

20 You need not allow a public speaker hijack
21 the meeting. I'm telling you this. I'm telling
22 you that. If it becomes disruptive, while they
23 have certain protections under the law, you have
24 the right to control this meeting and how you're
25 going to carry it out.

1 Typically, your Board Attorney will -- you
2 know, stop, take a deep breath, or the
3 Chairperson, at that time, and control the
4 meeting. Get the meeting in order.

5 Obviously, we want everyone to be able to
6 express themselves, and express their opinions,
7 but it can be done in an orderly and proper
8 manner.

9 In the event there is a disruption, in the
10 event that the meeting is somewhat hijacked, is
11 the word that you use, we can concentrate, or you
12 can constitute criminal action against this
13 person. It is a disorderly persons offense.

14 So, you have rule -- there are rules and
15 rights here. It's not they can't just hear --
16 and scream at you and make personal attacks about
17 you.

18 That's not what this is about. You're here
19 to hear Planning Board applica -- Board of
20 Adjustment applications. And that's what this
21 should be concentrated around.

22 Board members cannot be permitted to
23 undertake personal actions that serve to dissuade
24 the public from exercising their right.

25 So, you can't say -- you can't speak

1 | anymore if it's not appropriate. You can't stop
2 | someone from speaking on a particular
3 | application.

4 | Certain boards have timeframes, where you
5 | allow a person to speak. Some boards don't.
6 | That's up to you. That's a board decision how
7 | you organize this body. But you have to allow
8 | these people to speak.

9 | Some examples they mention here; a board
10 | member was suspended for one year for making
11 | profanity laced threats toward a member of the
12 | public who called for the board member's
13 | resignation.

14 | Someone can ask you, listen, I don't agree
15 | with your position on this, you should resign.
16 | That doesn't allow you the right to use profane
17 | language against him. It's pertaining to the
18 | application.

19 | So, there's still -- you know, they're
20 | still on point to the topic.

21 | MR. AUTERI: All right.

22 | So, we're going to talk a little bit about
23 | executive session. You just did this five
24 | minutes ago.

25 | Before you do it, before you enter into a

1 closed session, a resolution is supposed to be
2 passed, must be passed stating the nature of the
3 subject to be discussed, and the time and
4 circumstances under which the discussion will be
5 disclosed to the public.

6 And then, we have here just some session
7 topics that can be included; confidential
8 matters; matters which could impair the right to
9 receive federal funds; certain discussions
10 involving real property, bank rates, and
11 investments where disclosure could affect the
12 public interest; personnel matters -- that's an
13 important one.

14 Keep this list. You can refer back to it
15 and -- and these, obviously -- you -- you just
16 had one, let's -- we need to keep it to just the
17 permitted topics. You can't just go into a
18 closed session to avoid public comment.
19 Obviously, that's -- that's a big issue that you
20 want to avoid.

21 Okay.

22 Recording a meeting.

23 I touched on this a little bit before.

24 Members of the public are allowed to
25 videotape meetings. There's case law on that.

1 | There's a case here from 2007. There's
2 | guidelines to limiting how you allow a member of
3 | the public to record your meeting.

4 | I think if it becomes disruptive, that it
5 | might be an issue where you can base your
6 | guidelines around that, to make sure it's
7 | something quiet, something that doesn't disrupt
8 | the meeting.

9 | There's no requirement for boards to
10 | actually tape the meeting, but if you do, it
11 | should be releasable to the public, and -- and
12 | they should be allowed to get that information.

13 | Okay. Again, keep -- always keep it cool.
14 | Your actions during a meeting might be recorded,
15 | even though you don't know it.

16 | MR. JIMENEZ: We also list -- I'm not
17 | going to go through it, but there's a zoning
18 | process summary, from start the meeting -- from
19 | the time the person applies for a permit, to the
20 | point where this body issues a decision and/or
21 | it's appealed, and/or construction begins. You
22 | can review the process there.

23 | I get -- we provided a brief overview of
24 | the statutory Municipal Land Use Law, MLUL, which
25 | governs zoning laws.

1 The responsibilities of zoning board
2 members, I think it's more pertinent to this
3 body.

4 To hear appeals of the decision made by the
5 building official; to interpret zoning ordinance
6 and zoning map; and to hear the D variances.

7 This body should know the D variances
8 already, but I'm just going to repeat them.

9 Uses that are not permitted in a district;
10 an expansion of nonconforming use; deviation from
11 the standards for a conditional use; an increase
12 in the permitted floor area; an increase in
13 permitted density; and a height, structure, that
14 exceeds ten percent allowable amount.

15 At this point, we're -- now we're just
16 going to focus more on the new ordinances that
17 were passed that pertain to you all.

18 They're here in depth. We're going to give
19 a brief summary of it, to conclude our
20 presentation tonight.

21 If you have any questions that are here,
22 Mr. Paneque can further point, but we're -- the
23 reason we're giving you these ordinances is
24 because they should be in the back of your head
25 when you're approving these things, because you

1 may want to include them as part of the
2 conditions in some of the applications that are
3 set before you. So, that's why we're bringing
4 them to your attention.

5 MR. AUTERI: All right. So, you have
6 copies of them. You should have them in -- in
7 your handouts, and refer back to them.

8 If you have -- if you want to -- to locate
9 them in the Code book, Mr. Paneque can help you
10 out with that.

11 But yes, just a brief overview. So, this
12 -- on this first Ordinance, it basically amends P
13 districts, to allow certain uses and permit for
14 age restricted housing, and affordable housing in
15 low or mid-rise buildings.

16 MR. JIMENEZ: The second chapter Ordinance
17 to the construction requirements prohibits the
18 use of certain materials.

19 In new constructions, thin brick, tile,
20 synthetic stucco and Hardiplanks, they're
21 prohibited in new construction.

22 MR. AUTERI: Okay. This Ordinance amending
23 Chapter 223, Section 12, prohibits the use of
24 tile in all renovations of preexisting buildings.
25 It's not tile inside, it's on the outside of the

1 building.

2 MR. JIMENEZ: The next Ordinance here
3 requires installation of permanent, standby
4 generators in residential properties of five or
5 more stories or 20 units in new construction
6 only.

7 So, new construction, we have to have these
8 standby generators if it meets that requirement.

9 MR. AUTERI: All right. And those are
10 residential units. Just so you know that.

11 All right. So, this next Ordinance
12 prohibits the construction and placement and
13 relocation of utility boxes on -- and related
14 devices, it's not just those boxes, on any
15 portion of any structure that's located adjacent
16 to a street. That's to keep it away from the
17 street, hidden a little bit, and away from the
18 public.

19 MR. JIMENEZ: The next Ordinance, Chapter
20 296, entitled Peace and Good Order, this,
21 basically, regulates the nuisance that may be
22 caused by the excessive or unreasonable noise by
23 construction projects.

24 The residents do have a right to a quiet
25 and orderly construction project located next to

1 | them. It's sometimes hard, because obviously,
2 | we're a very tightly knit community here, on top
3 | of each other, sometimes. However, they do have
4 | certain requirements to respect the residents'
5 | peace and quiet.

6 | MR. AUTERI: Okay. This next Ordinance
7 | amends Chapter 366, Streets and Sidewalks, and
8 | sets forth that a city road that's been paved
9 | within the last five years can't be reopened,
10 | unless it's an emergency situation.

11 | In an emergency, they can reopen it, but
12 | the public utility provider is going to pay for
13 | the work that's done.

14 | This was changed. The previous Ordinance
15 | was a ten year limitation. It's now cut in half
16 | to five years.

17 | MR. JIMENEZ: Next Ordinance is the
18 | limitation of construction hours. Hours of
19 | construction in the city are 8:30 to six p.m.,
20 | Monday through Friday, and 9:30 to 2:30 on
21 | Saturdays.

22 | MR. AUTERI: Okay. It's Ordinance amending
23 | Chapter 366. Again, Streets and Sidewalks.

24 | Similar to the last one I mentioned, this
25 | Ordinance prevents opening up a sidewalk during

1 the winter months, which is defined as the months
2 of -- between November and March, except in an
3 emergency situation.

4 MR. JIMENEZ: On the same note, this
5 Ordinance, the next Chapter 366, entitled Streets
6 and Sidewalks, prohibits the removal of
7 underground fuel tanks during these same winter
8 months, November through March.

9 MR. AUTERI: Okay. And -- and this -- this
10 last Ordinance, Chapter 155-12, Uniform
11 Construction Code Fees.

12 This is going to -- it made some changes to
13 the fee structure. You can review the
14 attachments. It's -- it's a few pages for
15 details. Something you can keep for yourself and
16 refer back to as a reference.

17 MR. JIMENEZ: Next Ordinance we have, after
18 the fees, is Chapter 87, Regulating the
19 Preservation of Trees, requires a permit to cut
20 any tree and it must be replaced in the city.
21 And it also establishes a fee for people that do
22 that without the proper permit.

23 MR. AUTERI: Okay. Is that it?

24 Okay. I think we have one more.

25 Okay. This Ordinance, requiring the

1 installation of a key lock box for police and
2 fire during emergency situations.

3 Obviously, that's going to be important for
4 them to try to get in. It's not one that's
5 accessible to the public, but something important
6 to note.

7 MR. JIMENEZ: Board members, we can sit
8 here all day, review this further, but we wanted
9 to give you a brief synopsis of the recent
10 Ordinances, or Ordinances that may be not so
11 recent, but they're still pertinent to what
12 you're doing on a daily basis.

13 If you need additional information, please
14 contact Mr. Paneque. We can give him the
15 information that's contained in these -- this
16 refresher.

17 But he's one of the most competent people I
18 know, and he could probably answer most of the
19 questions that we could, nonetheless.

20 But, on behalf of me and Angelo, I want to
21 thank you for the opportunity to go before you,
22 and hopefully, this was at least a little bit
23 informative.

24 MR. AUTERI: Thank you very much for your
25 time and consideration tonight.

1 MR. PRESSEY: Thank you, guys.

2 MS. GUTIERREZ: Thank you. Thank you.

3 VICE CHAIRMAN BONACCI: Thank you.

4 CHAIRMAN MAROTTA: You know, you did -- did
5 okay, 25 minutes.

6 MR. AUTERI: Sorry. I apologize.

7 MS. KOEHLER: Thank you.

8 MS. GUTIERREZ: Thank you.

9 THE SECRETARY: Thank you Mrs. Morejon and
10 Mrs. Koehler.

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

13 (Whereupon, Planning Board Member, Alicia
14 Morejon, left the meeting at 7:13 p.m.)

15

16 (Whereupon, Planning Board Member, Jeanne
17 Koehler, left the meeting at 7:13 p.m.)

18

19 (Whereupon, Angelo Auteri, Esq.,
20 Corporation Counsel, left the meeting at 7:13
21 p.m.)

22

23 (Whereupon, Michael Jimenez, Esq.,
24 Corporation Counsel, left the meeting at 7:13
25 p.m.)

1 **OTHER BUSINESS:**

2 **CHANGE OF MEETING DATE:**

3

4 MR. PANEQUE: There -- the next matter that
5 we're dealing with is a change of date in the
6 upcoming meetings.

7 We're looking to change the November 9th
8 meeting to November 2nd. Okay. Due to conflict
9 of interest on my part, because I will not be
10 able to be here.

11 We've spoken with our court stenographer,
12 Debbie.

13 MS. DILLON: Yes.

14 MR. PANEQUE: And we've spoken with Mr.
15 Spatz. Mr. Spatz has indicated that he won't be
16 able to be here, but the meeting will have to --
17 I'm requesting the meeting be changed from
18 November 9th to the 2nd.

19 Okay?

20 THE SECRETARY: Thank you, Mr. Paneque.

21 MR. PANEQUE: Thank you.

22 * * *

23

24

25

1 **Demetrios S. Econopouly/Hudson Foot Holdings, LLC**
2 **- 1900-1906 Kennedy Boulevard:**

3

4 THE SECRETARY: We are going to the
5 applications.

6 Mr. Marotta, you mentioned to me you want
7 to change the order of the agenda.

8 CHAIRMAN MAROTTA: Yes. Is everybody -- is
9 Mr. --

10 THE SECRETARY: Which one do you want to
11 hear first?

12 CHAIRMAN MAROTTA: Is Mr. Lynch here?

13 THE SECRETARY: Which -- which is the
14 application?

15 CHAIRMAN MAROTTA: That's -- I'll tell you
16 in a moment.

17 I believe it's number 14.

18 MR. PRESSEY: Correct.

19 CHAIRMAN MAROTTA: Hudson Foot Holdings.

20 THE SECRETARY: That's --

21 CHAIRMAN MAROTTA: That's where we received
22 the letter from Mr. Lynch.

23 THE SECRETARY: That will be number eight?

24 VICE CHAIRMAN BONACCI: Yeah.

25 CHAIRMAN MAROTTA: Right. Right. That's

1 the one.

2 THE SECRETARY: Okay. We are going to
3 change a little bit the order. We're going to go
4 to --

5 MS. DILLON: Carlos, wait until you go back
6 to your seat.

7 THE SECRETARY: -- number eight.

8 Demetrios S. Econopouly/Hudson Foot Holding
9 LLC, 1900-1906 Kennedy Boulevard.

10 Mrs. Pereiras, please?

11 CHAIRMAN MAROTTA: I don't see Mr. Lynch
12 here.

13 A VOICE: No, but there's other people
14 here.

15 CHAIRMAN MAROTTA: Excuse me?

16 A VOICE: He's not coming, but there are
17 other people here.

18 CHAIRMAN MAROTTA: Let me ask you, Tomas.

19 Mr. Lynch, in his letter, raised two
20 objections. One was substantively, and the other
21 was procedurally.

22 MR. PANEQUE: Yes.

23 CHAIRMAN MAROTTA: On the substantive one,
24 I think that's the important one, would you
25 require some time?

1 I read it. I saw that he cited a case.
2 Would you require some time to research that?

3 MR. PANEQUE: Do you have the letter there,
4 Mr. Marotta?

5 CHAIRMAN MAROTTA: Yes, I do have the
6 letter.

7 MS. DILLON: I'll give it to him, Mr.
8 Marotta.

9 CHAIRMAN MAROTTA: Thank you.

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

12 MR. PANEQUE: Regarding the letter that was
13 sent by Mr. Lynch, Mr. Lynch did call my office
14 to discuss his objection.

15 And, in fact, it was his intention to be
16 here tonight, in representing some of the members
17 of the --

18 CHAIRMAN MAROTTA: Right.

19 MR. PANEQUE: -- surrounding property
20 owners.

21 However, it's my understanding that he had
22 a family issue arise, and therefore, was not
23 going to be able to probably make it.

24 He did indicate that if he was not here by
25 seven o'clock, that he probably wasn't going to

1 make it.

2 Now, I did discuss the objections that he
3 raised in his letter with him, with respect to
4 the special reasons that he raises for the D-1.

5 But he raises those arguments, but that's a
6 decision for this Board to make once the
7 presentation is heard. We haven't heard the
8 presentation, so the -- the arguments that he
9 makes is that no special reasons for granting a
10 D-1 variance. However, without a presentation,
11 we really can't make that determination.

12 He's also arguing that res judicata
13 applies. I did speak to Mr. Lynch on this. The
14 res judicata issue is an issue for the court to
15 decide.

16 The application that we have before, as I
17 understand the -- my understanding is that it is
18 a different application. They've cut down the
19 number of floors, and they've increased the
20 number of units, which raises the density in --
21 in the application.

22 However, this Board, in my opinion, should
23 hear the application and then make a
24 determination on its merits.

25 CHAIRMAN MAROTTA: However, in his letter,

1 | if you note, even though res judicata is a court
2 | thing, he does mention, he cites a case -- I
3 | forget which judge ordered, but it was a Supreme
4 | Court Justice that it also applies to a board.

5 | So, the Board could make a decision as to
6 | res judicata.

7 | MR. PANEQUE: Yeah. He --

8 | CHAIRMAN MAROTTA: According to his letter.

9 | MR. PANEQUE: Yeah. He does -- and I did
10 | look into this. I'll read it for the record.

11 | It says, res judicata more normally applies
12 | in court, but as Justice Pollack stated in
13 | Bressman versus Gash, 131 N.J. 517, 526 (1993),
14 | he indicated, as a general rule, an -- an
15 | adjudicative decision of an administrative agency
16 | should be accorded the same finality that is
17 | accorded the judgement of a court.

18 | CHAIRMAN MAROTTA: Right.

19 | MR. PANEQUE: Okay.

20 | Now, we did have this applicant come before
21 | the Board, I forget if it's months ago or over a
22 | year ago. But once again, if we're going to
23 | raise the issue of res judicata, then we have to
24 | listen to the application, and determine whether
25 | it's a similar application, or there are

1 substantial changes.

2 We can't make that determination --

3 CHAIRMAN MAROTTA: Without a hearing.

4 MR. PANEQUE: -- without first hearing what
5 the application entails.

6 CHAIRMAN MAROTTA: Well, then my --

7 MR. PANEQUE: Okay?

8 CHAIRMAN MAROTTA: I'm going to recommend
9 --

10 MS. WATSON: Excuse me?

11 CHAIRMAN MAROTTA: -- that this matter --

12 MR. PANEQUE: If I may, Mr. Marotta?

13 Ma'am, with all due respect, we haven't
14 opened to the public yet.

15 MS. WATSON: Okay.

16 MR. PANEQUE: The public will have a turn
17 when we open it to the public. And then, you
18 could speak, and either object or say what you're
19 --

20 MS. WATSON: I did not get -- receive the
21 letter about this development. That's my
22 objection.

23 MR. PANEQUE: Okay. That was something
24 that was raised by Mr. Lynch in his conversation
25 with me, that he had several property owners

1 | indicating that they had not received a letter.

2 | Okay?

3 | I did tell Mr. Lynch that we would address
4 | that at the beginning of the hearing.

5 | So, at this point, what I would suggest is
6 | to have Ms. Pereiras establish her jurisdictional
7 | proofs. And at that point, we can -- before we
8 | enter into the meeting, see which member of the
9 | public is claiming that they did not receive
10 | notice, because if that member of the public is
11 | on the 200 foot Tax Assessor's list, and they did
12 | not get a notice, or were not notified, then
13 | we're --

14 | CHAIRMAN MAROTTA: And it's substantive.

15 | MR. PANEQUE: -- not going anywhere with
16 | this application.

17 | CHAIRMAN MAROTTA: Yeah. Mr. Paneque, my
18 | recommendation was going to be, since Mr. Lynch
19 | is not here, and there are many issues, to carry
20 | this until the next meeting.

21 | MR. PANEQUE: You are the Chairman, Mr.
22 | Marotta.

23 | CHAIRMAN MAROTTA: That's my
24 | recommendation.

25 | MR. PANEQUE: Okay. If I may just make a

1 suggestion?

2 Since some of the members of the public are
3 here, maybe we could address the one issue that
4 the -- the young lady in the back has brought up,
5 that she did not receive notice.

6 And if -- if, in fact, she's on the list,
7 and there's no proof that notice went out to her,
8 this application is not going to go anywhere.

9 CHAIRMAN MAROTTA: Okay. Let's hear --

10 MR. PANEQUE: Okay?

11 CHAIRMAN MAROTTA: -- from her.

12 MR. PANEQUE: Ms. Pereiras, may we see your

13 --

14 MS. PEREIRAS: Absolutely.

15 MR. PANEQUE: Thank you.

16 MS. PEREIRAS: There you go.

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

19 MR. PANEQUE: Okay.

20 Let the record reflect that I've been
21 provided with the following documentation by Ms.
22 Pereiras:

23 I've been provided with a certification as
24 to publication and service, signed by Ms.
25 Pereiras, indicating that notice of tonight's

1 hearing, with respect to the property at 1900-
2 1906 Kennedy Boulevard, was served to all
3 property owners within the 200 foot radius on the
4 3rd of July, 2017.

5 Lost track of time.

6 MS. PEREIRAS: Today's the 13th.

7 MR. PANEQUE: Thirteenth. Okay.

8 That would put you within the -- the ten
9 day statutory period.

10 I've also been provided with copies of the
11 certified mail receipts, which have a postmark
12 stamp of July 3rd.

13 I've also been provided with the 200 foot
14 radius list from the Tax Assessor's Office, for
15 Lots 24, Lots 25, Lots 26, Lot 27.

16 Is there a proof of publication?

17 MS. PEREIRAS: Yes. It was -- it should
18 have been the first page. The second page.

19 MR. PANEQUE: Oh, there it is.

20 MS. PEREIRAS: After my certification.

21 MR. PANEQUE: I also have been provided
22 with an Affidavit of Publication from The Jersey
23 Journal, indicating that notice of tonight's
24 hearing, with respect to the property at 1900-
25 1906 Kennedy Boulevard was published in The

1 | Jersey Journal, on July 1st, 2017.

2 | Based on the documentation that's been
3 | provided, it does appear that this Board would
4 | have jurisdiction to hear this matter.

5 | Now, we normally don't step into this
6 | process, but if I can have the lady who, in the
7 | back, step up and give us your name, ma'am.

8 | You have to just -- just the lady who's
9 | claiming she did not receive notice.

10 | MS. WATSON: She's -- (indiscernible) -- as
11 | well.

12 | MS. DILLON: Okay. All right. You got to
13 | come one at a time.

14 | MS. WATSON: Okay.

15 | MR. PANEQUE: Okay.

16 | MS. DILLON: Right up here.

17 | MS. WATSON: Okay.

18 | MS. DILLON: To the microphone.

19 | I need you to state your name and spell it
20 | for me, and give your address.

21 | MS. WATSON: My name is Angela Watson.

22 | MS. DILLON: Angela Watson.

23 | Spell your last name.

24 | MS. WATSON: W-A-T-S-O-N.

25 | MS. DILLON: And what is your address?

1 MS. WATSON: 1812 Kennedy Boulevard.

2 MS. DILLON: Okay.

3 Thank you.

4 MR. PANEQUE: Okay. Ms. Watson, just stay
5 there a second, please.

6 I'm just looking. Okay.

7 Ms. Watson, I have here, on the Tax
8 Assessor's list, that 1812 Kennedy Boulevard is
9 owned by a Nicholas Abadzis --

10 MS. WATSON: Abadzis.

11 MR. PANEQUE: -- and Angela Watson.

12 MS. WATSON: That's me. Yeah.

13 MR. PANEQUE: That's you.

14 MS. WATSON: Yeah.

15 MR. PANEQUE: Okay.

16 So, if you would just give me one second.
17 I just have to see if --

18 MS. PEREIRAS: It's number seven on my --

19 MR. PANEQUE: Yes.

20 Ms. Watson, notice was sent out to you on
21 July 3rd.

22 MS. WATSON: I did not get that notice.

23 MR. PANEQUE: I -- let me just explain
24 something.

25 MS. WATSON: Okay.

1 MR. PANEQUE: What the law requires is that
2 notice be sent.

3 MS. WATSON: Yeah.

4 MR. PANEQUE: There's no requirement that
5 you actually receive it, because that is the post
6 office who has to deliver it to you.

7 MS. WATSON: Right.

8 MR. PANEQUE: And whether a person picks up
9 their certified mail, it's up to them.

10 Many people do not pick up --

11 MS. WATSON: We didn't get --

12 MR. PANEQUE: -- the certified mail.

13 MS. WATSON: -- a card, so --

14 MR. PANEQUE: Well, that's something you
15 may have to take up with your post office. But I
16 can show you, if I may approach you, okay?

17 MS. WATSON: Because I've had certified
18 mail before, from your office, as well.

19 MR. PANEQUE: Yes.

20 If I may?

21 You see here, is that --

22 MS. WATSON: Yes. That's us.

23 MR. PANEQUE: Okay. And that's your
24 address?

25 MS. WATSON: Yes.

1 MR. PANEQUE: And look at the postmark
2 stamped.

3 MS. WATSON: Yes. But I didn't receive it.
4 I'm sorry.

5 MR. PANEQUE: I'm -- I'm not arguing that
6 you did or did not receive it, I'm just telling
7 you that the proofs are that it was mailed to
8 you.

9 And the requirement, under the law, is that
10 the notices be mailed to all property owners
11 within the 200 foot range.

12 Okay?

13 We have had situations where when we do
14 what we just did, we don't find a certified mail
15 receipt --

16 MS. WATSON: Right.

17 MR. PANEQUE: -- for the individual who's
18 claiming they did not get it. But that does not
19 seem to be the case in your particular situation.

20 MS. WATSON: I didn't receive it, so.

21 MR. PANEQUE: Okay?

22 So, I don't know if you have anybody else
23 who's claiming they didn't receive it?

24 MS. WATSON: Yes.

25 MS. DILLON: Ma'am, your name, please, and

1 spell it for me.

2 MS. BREUNIG: Marie Breunig, B-R-E-U-N-I-G.

3 MS. DILLON: B-R --

4 MS. BREUNIG: E-U-N-I-G.

5 MS. DILLON: And it's B as in boy.

6 MS. BREUNIG: Yes.

7 MS. DILLON: Okay. And what is your
8 address?

9 MS. BREUNIG: 926 18th Street.

10 MS. DILLON: Okay.

11 Just one moment.

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

14 MR. PANEQUE: Okay. I have, in the tax
15 list, for 926 18th Street, a -- let's see --
16 Florence Marie and John Breunig.

17 MS. BREUNIG: Right.

18 MR. PANEQUE: Okay. So, that would be your
19 address. So now --

20 MS. BREUNIG: Yes.

21 MR. PANEQUE: -- we just have to go into
22 and see if there is a receipt for you.

23 MS. PEREIRAS: It's on the last page,
24 number 34.

25 MR. PANEQUE: Okay. All right.

1 Ms. Breunig, I'm going to approach you, as
2 well, and show you what we have here.

3 For the record, I have a receipt addressed
4 to 926 18th Street, with those individuals that
5 I've just named, also stamped with a July 3rd
6 stamp. Okay?

7 MS. BREUNIG: No, it was July 5th.

8 MR. PANEQUE: Okay. July 3rd, it was sent
9 to you. And is that your name?

10 MS. BREUNIG: Isn't it when it's supposed
11 to be received?

12 MR. PANEQUE: No, ma'am. The -- the law is
13 the date it was mailed, not received. It has to
14 be mailed within ten days of the hearing. So,
15 July 3rd is a date that is permitted.

16 MS. BREUNIG: I understood it to be it had
17 to be --

18 MR. PANEQUE: Did you receive the mail?

19 MS. BREUNIG: -- when it was --

20 I received it --

21 MR. PANEQUE: Okay.

22 MS. BREUNIG: -- on the 5th.

23 MR. PANEQUE: All right.

24 Then, basically, you did receive it. Okay?
25 It was sent out within that ten day period, which

1 is what's required by law.

2 If you received it on July 5th, today is
3 the 15th?

4 MS. BREUNIG: Thirteenth.

5 MR. PANEQUE: Thirteenth. So, that's eight
6 days ago.

7 Okay?

8 Now, we've done this just to clarify that
9 notices were sent out, because the other lady who
10 came before you indicated she had not received
11 the notices.

12 MS. BREUNIG: Um hum.

13 MR. PANEQUE: So, at this point, it appears
14 that the individuals that are on the tax list,
15 within the 200 foot radius, have been notified.

16 Okay?

17 So, I'm going to ask you to please have a
18 seat. There will be an opportunity for the
19 public to be heard, if they have an objection to
20 this project, or if they have a approval for this
21 project. But that will come at a later point in
22 the meeting.

23 MS. BREUNIG: Okay.

24 MR. PANEQUE: All right.

25 CHAIRMAN MAROTTA: Mr. --

1 MR. PANEQUE: Okay.

2 Mr. Chairman, the jurisdictional proofs for
3 hearing this case, by the Board, have been
4 established. And I think we've addressed the
5 concerns of the public that notices were not
6 received.

7 At this point, I don't know if you have an
8 application.

9 CHAIRMAN MAROTTA: Yes. I do.

10 MR. PANEQUE: Okay.

11 CHAIRMAN MAROTTA: I still wish to carry
12 this till the next hearing. I see no harm in it.
13 We do know that Mr. Lynch represents these
14 people. We do know that Mr. Lynch was going to
15 be here this evening, and that evidently, he had
16 a family problem that he couldn't make it.

17 So, I would recommend that this thing --
18 this matter be carried for the next meeting.

19 MR. PANEQUE: Okay.

20 There's a recommendation from the
21 Chairperson on the -- before the Board.

22 Is there a second?

23 Oh, before we do that, I don't know if Ms.
24 Pereiras wants to be heard?

25 MS. PEREIRAS: Yes, briefly.

1 MR. PANEQUE: Okay.

2 MS. PEREIRAS: My -- the application's
3 before the Board this evening. My experts are
4 all here. We're ready to proceed with this
5 application. So, we -- we would like the
6 opportunity to present said application this
7 evening.

8 MR. PANEQUE: Okay.

9 CHAIRMAN MAROTTA: I renew my -- my
10 application.

11 MR. PANEQUE: Okay.

12 Mr. Marotta is renewing his application to
13 carry this matter.

14 There's been an objection by Ms. Pereiras.

15 Is there any other individual on the Board
16 who would either second this application, or have
17 their own application?

18 VICE CHAIRMAN BONACCI: I'll second that we
19 dismiss it to the next meeting, so that we can
20 have Mr. Lynch present to represent the members
21 from the public who have objections.

22 MR. PANEQUE: Okay. It's adjourned to the
23 next meeting.

24 CHAIRMAN MAROTTA: Yes.

25 THE SECRETARY: Adjourned. So that would

1 be September 14.

2 MS. DILLON: Carlos, you want to go back to
3 your microphone, please?

4 THE SECRETARY: For next -- next meeting
5 will be September 14.

6 Motion to carry this to September 14 by Mr.
7 Marotta.

8 Second by Mr. Bonacci.

9 Roll call on the motion.

10 Mr. Grullon?

11 MR. GRULLON: Yes.

12 THE SECRETARY: Ms. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Mr. Pressey?

17 MR. PRESSEY: No.

18 THE SECRETARY: Mr. Bonacci?

19 VICE CHAIRMAN BONACCI: Yes.

20 THE SECRETARY: Mr. Marotta?

21 CHAIRMAN MAROTTA: Yes.

22 THE SECRETARY: Five in favor, one against.

23 Motion carries. This meeting is scheduled for
24 September 14.

25 Thank you, Mrs. Pereiras.

1 MS. DILLON: Carlos, notice. Notice.

2 THE SECRETARY: No further notice required.

3 MR. PANEQUE: Okay.

4 CHAIRMAN MAROTTA: You know, before we go

5 --

6 MR. PANEQUE: Before we --

7 If I may, Mr. Marotta?

8 For the members of the public who were here
9 on this application, what has just happened is
10 that the application has been adjourned to the
11 September meeting. So if you --

12 CHAIRMAN MAROTTA: Without further notice.

13 MR. PANEQUE: Without any further
14 notification. That means that you will not be
15 receiving any notices in the mail.

16 If you want to be heard, make sure you're
17 here at the September meeting. Six o'clock.

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1 **OTHER BUSINESS:**

2

3 CHAIRMAN MAROTTA: Mr. --

4 Carlos, before we go ahead, I'd like to
5 make a few comments.

6 All right?

7 First, I want to thank the Board for having
8 confidence in me, in electing me chairman of this
9 Board. I've been around quite a few years
10 attending meetings. I have some knowledge of the
11 Municipal Land Use Law. And I'll do everything I
12 can to see that it goes through to protect the
13 people of the City and the Zoning Board.

14 I have some issues. I want to mention it
15 to the Board, and those members of the public who
16 are here, issues that I've had over the years,
17 and I'd like to sit down with you, Mr. Paneque
18 and Mr. Bonacci, and discuss these issues.

19 I'll mention a few of them.

20 One is the application made for an
21 extension for a year. I've been reading --
22 although I haven't been here for several months,
23 due to a -- my physical condition, which is
24 slightly improving, thank God, I've been -- I've
25 been looking -- looking at the agendas and

1 looking at the motions that have been carried.

2 I'm very much concerned about the
3 applications for extensions for one year. I see
4 extensions granted for applications that were
5 approved ten, 12, 13 and 14 years ago.

6 All right?

7 So, what I'm going to want to discuss is
8 that I think, this is a thought now, I think that
9 the applicant should be here if there's going to
10 be a motion to -- to extend it for an additional
11 year, so that we could inquire as to the
12 applicant why nothing's been done on this
13 property.

14 There's an approval, and ten years the
15 property lays there, vacant and dead, and nothing
16 being done. That's one thing.

17 Another thing, I do want to talk about is
18 the timing that we put into our meetings. And
19 our meeting is scheduled for six o'clock. We
20 never, never, never, never start at six o'clock.

21 So, I want to discuss with you, Mr. Paneque
22 and Mr. Bonacci, that we start, maybe, at 6:30,
23 but with strict enforcement of commencing at
24 6:30.

25 And I think an ending time should be around

1 10:30, because I think four hours is plenty of
2 time to get some work done, and at 10:30 or 11
3 o'clock, we become a little hazy and a little
4 tired, and our thinking is not accurate.

5 All right?

6 And then, a third issue that I do want to
7 discuss is the possibility of a city planner
8 testifying on behalf of the City in certain of
9 these applications.

10 And the reason I say that is because I've
11 read quite a few of the cases from the Appellate
12 Division, most of which have been brought by our
13 friend, Larry Price, of course.

14 Right?

15 But I'm reading these cases, and I'm
16 reading where the courts are saying, since
17 there's been no anti -- or no contradiction, no
18 -- no expert testifying against the expert who
19 testified, they automatically approve it. So, I
20 think that that's a hindrance to the Board.

21 So, I want to discuss the possibility of
22 maybe having a city expert, a planning expert
23 testify on behalf of the City.

24 With that, since --

25 MR. PANEQUE: If I may just respond --

1 CHAIRMAN MAROTTA: Sure.

2 MR. PANEQUE: -- briefly to you, Mr.
3 Marotta?

4 With respect to the extension applications
5 that have come before the Board, those extension
6 applications came as a result of them being
7 automatically extended by the 2008 Permit
8 Extension Act, which was through legislation
9 carried through June 30th of this year.

10 Therefore, even though some of those
11 applications had been approved --

12 CHAIRMAN MAROTTA: A dozen years ago.

13 MR. PANEQUE: -- a dozen year ago, some of
14 them eight, ten, 12 years ago, they were, by
15 operation of law, carried through June 30th of
16 this year.

17 What I do know, and what I can represent to
18 this Board is that we don't expect to see any
19 more of those cases --

20 CHAIRMAN MAROTTA: Okay.

21 MR. PANEQUE: -- coming before the Board,
22 because the Permit Extension Act --

23 CHAIRMAN MAROTTA: Expired.

24 MR. PANEQUE: -- ended, --

25 CHAIRMAN MAROTTA: Yeah.

1 MR. PANEQUE: -- expired --

2 CHAIRMAN MAROTTA: Yeah.

3 MR. PANEQUE: -- on June 30th.

4 CHAIRMAN MAROTTA: Right.

5 MR. PANEQUE: As a result, any extension
6 application that comes before this Board will now
7 have to be within the two year period before that
8 two year period tolls.

9 So, we -- we don't expect to see anyone
10 coming in now with something that was approved
11 eight, ten, 12 years ago.

12 We will probably see extension applications
13 for applications within the last two years.
14 That's going to continue.

15 So, on that subject, I think we've seen the
16 end of those applications.

17 CHAIRMAN MAROTTA: Okay.

18 I still don't believe that it's -- it would
19 be helpful to the Board if the applicant tells us
20 the reason why --

21 MR. PANEQUE: Yeah.

22 CHAIRMAN MAROTTA: -- the extension is --

23 MR. PANEQUE: Well --

24 CHAIRMAN MAROTTA: -- requested.

25 MR. PANEQUE: If I may?

1 On every single application that we've sat
2 through, and that -- I -- I recall Mr. Grullon,
3 Vice Chairman at the time, specifically asking
4 the applicants the basis as to why --

5 CHAIRMAN MAROTTA: Yeah.

6 MR. PANEQUE: -- the --

7 CHAIRMAN MAROTTA: Right.

8 MR. PANEQUE: -- projects had not been
9 done.

10 Many of them had to do with environmental
11 issues. Many of them had to do with tenants
12 being relocated.

13 I specifically recall the last one that we
14 heard, last month, was K & J, application on 25th
15 and -- and 24th Street, indicating that they had
16 tenants with handicap children.

17 CHAIRMAN MAROTTA: Okay.

18 MR. PANEQUE: And they had taken a
19 substantially long time to vacate and to have
20 these children relocated.

21 CHAIRMAN MAROTTA: Okay.

22 MR. PANEQUE: So every single application
23 that came before this Board did present a reason
24 why they had not started, or they had not
25 commenced their project.

1 CHAIRMAN MAROTTA: Okay.

2 MR. PANEQUE: Okay?

3 And I just wanted to place that on the
4 record, just so that this Board knows that we do
5 not expect to see any other applications coming
6 now that we've passed the -- the June 30th, 2017
7 deadline on -- on the Permit Extension Act.

8 Okay?

9 CHAIRMAN MAROTTA: Now, with that, because
10 of my condition, and you have a sufficient number
11 of members to continue, I'm going to ask Mr.
12 Bonacci to please take over, because I must
13 leave.

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

15 CHAIRMAN MAROTTA: All right?

16 THE SECRETARY: Thank you, Mr. Marotta.

17 CHAIRMAN MAROTTA: Thank you.

18 THE SECRETARY: Let the record reflect that
19 Mr. --

20 CHAIRMAN MAROTTA: Thank you very much.

21 VICE CHAIRMAN BONACCI: Take care.

22 THE SECRETARY: -- Marotta is leaving the
23 meeting. We have five --

24 CHAIRMAN MAROTTA: Thank you.

25 THE SECRETARY: -- members now.

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(Whereupon, Chairman Libero Marotta left
the meeting at 7:37 p.m.)

* * *

1 1208-10 Summit Avenue, LLC -

2 1208-10 Summit Avenue:

3

4 THE SECRETARY: We are going to change,
5 like we mention before, the order of the agenda;
6 1208-10 Summit Avenue, LLC.

7 Mr. Rendo, please?

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

10 THE SECRETARY: Mr. Rendo, please?

11 MR. PANEQUE: Thank you.

12 On the next application, I've been provided
13 by Mr. Rendo, with the following documentation:

14 I have an Affidavit of Service, signed by a
15 Teresa Pacheco, I believe from Mr. Rendo's
16 office, and notarized by Mr. Rendo himself,
17 indicating that on June 23rd, notices was
18 published of the hearing with respect to 1208-10
19 Summit Avenue of this application for tonight's
20 hearing.

21 And also, notices went out, via certified
22 mail, on June 20th, 2017.

23 I've also been provided with an Affidavit
24 of Publication from The Jersey Journal,
25 indicating that notice of tonight's hearing, with

1 | respect to the property at 1208-10 Summit Avenue,
2 | was published in The Jersey Journal on June 23rd,
3 | 2017.

4 | Mr. Rendo has also included a copy of the
5 | notice that went out to all property owners
6 | within the 200 foot radius, as well as the tax
7 | list from the Assessor's Office, indicating all
8 | property owners within the 200 foot radius of
9 | Block 58, Lot 24, also known as 1208-10 Summit
10 | Avenue.

11 | The Tax Assessor's list is dated June 7th,
12 | 2017.

13 | In addition, I've been provided with the
14 | certified mail receipts for the notices that went
15 | out, as well as the green cards that have come
16 | back, and envelopes that have come back as
17 | returned to sender, unable to forward.

18 | Based on the documentation that's been
19 | provided, it appears that this Board does have
20 | jurisdiction to proceed and hear this matter.

21 | MR. RENDO: Thank you, Mr. Paneque.

22 | Just for the record, Carlos Rendo, Mulkay
23 | and Rendo, North Bergen, New Jersey, representing
24 | the applicant, 1208-10 Summit Avenue, LLC.

25 | At this moment, we'll call our architect,

1 Mr. Arencibia, who has prepared the plans that
2 are before the Board, for his testimony on -- on
3 the application.

4 MS. DILLON: Mr. Arencibia, please raise
5 your right hand.

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

8 MR. ARENCIBIA: I do.

9 MS. DILLON: Please state your name and
10 spell it for the record.

11 MR. ARENCIBIA: Albert Arencibia,
12 A-R-E-N-C-I-B-I-A.

13 MS. DILLON: Thank you.

14 MR. RENDO: Okay. Mr. Arencibia, did you
15 prepare the plans that are before the Board
16 today?

17 MR. ARENCIBIA: Yes, I did.

18 MR. RENDO: Okay.

19 MR. ARENCIBIA: And I'm still a licensed
20 architect, and still --

21 VICE CHAIRMAN BONACCI: We accept your
22 qualifications.

23 MR. RENDO: Right.

24 VICE CHAIRMAN BONACCI: Thank you.

25 MR. ARENCIBIA: Thank you so much.

1 MR. RENDO: Right. You've been before the
2 Board many times.

3 Could you please explain the plans to the
4 Board?

5 MR. ARENCIBIA: Yes. Basically -- good
6 evening, members of the Board.

7 This is basically a six story building that
8 was recently renovated during a number of years.
9 It was -- the building was started many years
10 ago, and it was left vacant, and my client
11 previously got an approval to do 24 units on the
12 building itself.

13 The second floor was supposed to be used
14 for mercantile space. However, there's been no
15 demand or -- or requirement, or any possibility
16 of being able to use this space for mercantile
17 basis.

18 So, the application you have before you
19 here is basically to convert that mercantile
20 floor, the second floor, and to have three
21 additional units on the -- on the floor, and the
22 remaining space of the actual floor to be used
23 for storage, tenant storage, so they'd be able to
24 have a space if they want to put their bicycles,
25 their suitcases, whatever it is they do -- they

1 want to do that, they'll be able to use that
2 space for that.

3 Unfortunately, there seems to be no demand
4 for any mercantile, especially on a second floor,
5 on -- on Summit Avenue. So, this is one -- one
6 of the ways to at least be able to have this
7 building, and this space be able to be -- produce
8 something for both the town, and also for the --
9 the owner of the property itself.

10 Again, the existing structure is existing.
11 So, the only thing we're doing is interior
12 partitioning of the -- of the apartments.

13 So, we're going to propose on having three
14 one bedroom apartments, facing Summit Avenue.
15 Everything's going to be an open floor layout,
16 with an open kitchen. Living room, of course, on
17 the front side by the Summit Avenue side.

18 Two of the units are going to have internal
19 bedrooms, so they'll be mechanically ventilated,
20 and one will have a bedroom also along the front
21 of the street itself.

22 The existing building is fully sprinklered,
23 fire alarm system, with brand -- brand new -- new
24 elevator, two means of egress. It has all the
25 fire safety requirements that are -- that are

1 necessary.

2 And the application is basically to connect
3 the existing stairs in the lobby with a corridor
4 to the stairs at the rear, as well, and have the
5 space at the rear to be used for storage, in the
6 future, for the tenants, and the units in the
7 front to be for -- for three one bedroom units.

8 I don't know if you want to --

9 MR. RENDO: I'll call Ms. Hartmann after --

10 MR. ARENCIBIA: Yeah. Okay. Yeah.

11 Yes. I think Ms. Hartmann will go through
12 the -- the --

13 MR. RENDO: The variances.

14 MR. ARENCIBIA: -- the variances
15 requirement.

16 MR. RENDO: Right.

17 I have no further questions of this
18 witness. I'll leave it to the Board, if they
19 have any questions.

20 VICE CHAIRMAN BONACCI: Thank you, Mr.
21 Arencibia.

22 MR. ARENCIBIA: Thank you.

23 VICE CHAIRMAN BONACCI: As it currently
24 stands, the application would fall in the
25 commercial neighborhood zone?

1 MS. HARTMANN: Yes.

2 MR. ARENCIBIA: Yes.

3 VICE CHAIRMAN BONACCI: Okay.

4 And you said that you have another --

5 MR. RENDO: Witness.

6 VICE CHAIRMAN BONACCI: -- witness that
7 would --

8 MR. RENDO: Yes.

9 VICE CHAIRMAN BONACCI: -- testify for the
10 variances.

11 MR. RENDO: Yes. The planner.

12 VICE CHAIRMAN BONACCI: Specifically for
13 that.

14 Okay.

15 MR. RENDO: Yes.

16 VICE CHAIRMAN BONACCI: Thank you.

17 I don't have any more questions for Mr.
18 Arencibia.

19 I don't know if you guys have any questions
20 about the plans?

21 MR. ORTIZ: No. We understand.

22 VICE CHAIRMAN BONACCI: Okay.

23 MR. RENDO: Okay.

24 VICE CHAIRMAN BONACCI: Thanks.

25 MR. ARENCIBIA: Thank you.

1 MR. RENDO: At this moment, I'd like to
2 call up Ms. Jill Hartmann, our planner.

3 MS. DILLON: You can just say right here.
4 Do you have a card, by any chance?

5 MS. HARTMANN: I do.

6 MS. DILLON: Okay. Thanks.

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

9 MS. DILLON: Please raise your right hand.

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

12 MS. HARTMANN: Yes.

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

15 MS. HARTMANN: It's Jill Hartmann. It's
16 H-A-R-T-M-A-N-N.

17 MR. RENDO: Ms. Hartmann --

18 MS. DILLON: Thank you.

19 MR. RENDO: Thank you.

20 I believe Ms. Hartmann has testified before
21 the Board before, and request acceptance of her
22 qualifications.

23 MS. HARTMANN: Long time ago.

24 VICE CHAIRMAN BONACCI: Yes.

25 MS. HARTMANN: Thank you.

1 MR. RENDO: Okay.

2 Mr. (sic) Hartmann -- Ms. Hartmann, have
3 you been able to review this application?

4 MS. HARTMANN: Yes, I have.

5 MR. RENDO: And what have been your -- what
6 has been your findings as to this application?

7 MS. HARTMANN: Well, I just think -- I
8 don't know if you're all familiar with the site,
9 but a quick background of the site.

10 It is a six story, mixed use building.
11 It's surrounded by two story, five story -- two
12 story mixed use buildings, five story apartment
13 building, some one story commercial uses. So,
14 it's in -- it's -- the development pattern of
15 this site and the surrounding neighborhood are
16 somewhat and generally consistent with the
17 Neighborhood Commercial District with which it's
18 in.

19 The application here is -- is really to
20 convert the second story of the -- the building
21 to storage, as I understand it, for the units,
22 plus three one bedroom units.

23 The CN Neighborhood Commercial District, in
24 fact, allows commercial uses -- I'm sorry --
25 apartments on the upper floors, with commercial

1 uses on the first floor.

2 So, what we're doing is bringing this
3 application or this exact building into more
4 conformance with the -- the Ordinance.

5 What results in -- in the -- the
6 nonconforming aspect of it is if you -- if you
7 look at the plan itself, there's basically
8 nothing about the existing building that meets
9 your Ordinance requirements.

10 The lot area is required to be 7500 square
11 feet. This is an existing 6,113 square foot
12 site.

13 The lot width is required to be 70 feet.
14 We have 60.1 feet.

15 The lot depth we meet, which is required to
16 be a hundred feet. We have 101 feet.

17 The minimum front yard setback is required
18 to be ten feet. We have zero feet.

19 And the side yard setbacks are to have a
20 total of 15 feet. We have 0.6 feet, or zero -- a
21 half a foot on one side, and zero on the other.

22 Rear yard setback is required to be 25
23 feet. Existing is 0.6 feet.

24 The building coverage is a hundred percent,
25 where 50 percent is permitted.

1 And the maximum lot impervious surface
2 coverage is allowed to be 75 percent and we're at
3 a hundred percent.

4 The building height is allowed to be four
5 stories, and it's a six story building.

6 What is resulting from this is a decrease
7 in the variance related to the off-street
8 parking. Right now, you have 17 parking spaces
9 that are related to the -- the commercial space.
10 That will be reduced by, basically, 16 spaces.
11 We're taking four thousand five hundred and --

12 Let me just get it for you exactly.

13 I think it's 4,957 square feet away from
14 the mercantile that was approved several years
15 ago, and putting that into storage for the
16 residences, as well as three one bedroom
17 apartments.

18 Each apartment requires 1.5 space --
19 spaces, under the RSIS requirement. And while
20 there is no off-street parking proposed on this
21 site, it still is reducing the -- the variance
22 related to that.

23 We now need four parking spaces, as opposed
24 to 17 parking spaces. I'm sorry. As opposed to
25 16 spaces.

1 So, it greatly reduces the -- the off-
2 street parking requirement. It brings the site
3 more into compliance with your Ordinance. And it
4 does -- for an expansion of a nonconforming use,
5 it, in fact, does meet, as far as the positive
6 criteria, and under your Municipal Ordinance, it
7 -- it meets -- under the Municipal Land Use Law,
8 it meets purpose A, which is to encourage
9 municipal action to guide appropriate use and
10 development, and promote the general welfare of
11 the -- for the municipality.

12 It meets the goal to promote the
13 establishment of appropriate population densities
14 and concentrations.

15 It also meets the -- the goal to provide
16 sufficient space in appropriate locations for a
17 variety of residential uses.

18 The conversion, it's my opinion, will
19 advance the general welfare of the municipality
20 by promoting the goals of the State Development
21 and Redevelopment Plan.

22 Union City is in Planning Area One, which
23 is metropolitan area. It's a major urban center.
24 It's located in a population growth area. It
25 brings this mixed commercial and residential use

1 building into closer compliance with your
2 Ordinance.

3 And it's consistent with the surrounding
4 neighborhood. It fits well with the
5 neighborhood. And it provides additional
6 residential use at an appropriate density for --
7 for the City.

8 It also meets several purposes of your
9 Master Plan, which was passed in 2009, which is
10 to provide a balance of land uses and balanced
11 development patterns, in appropriate locations;
12 to encourage mixed use development in your
13 commercial corridors; to discourage nonconforming
14 uses in residential, commercial and industrial
15 areas; and to preserve the existing character,
16 basically, and housing opportunities for middle
17 income and working class families.

18 Again, I would -- would say to you that the
19 conversion of the second stor -- the second story
20 back to what, in fact, is permitted in the CN
21 District, is consistent with these -- these
22 goals.

23 It does, again, reduce the off-street
24 parking issue significantly. And so, it results
25 in a net reduction in your off-street parking

1 variance.

2 So, those are the -- the proofs for the
3 positive criteria.

4 And for the negative criteria, I believe
5 this application can be -- can be approved
6 without any substantial detriment to your Master
7 Plan, your Zoning Plan, or any impact on the --
8 detriment to the -- the neighborhood.

9 MR. RENDO: So, is it your testimony that
10 eliminating the second floor commercial space
11 fits more to the character and nature of the
12 neighborhood, by converting it into a residential
13 apartment?

14 MS. HARTMANN: It fits more into the
15 character of the neighborhood. It also fits
16 closer to your Ordinance.

17 MR. RENDO: Thank you very much.

18 No further questions of this witness.

19 VICE CHAIRMAN BONACCI: Thank you very much
20 for your testimony.

21 Just a few -- a few points I would like to
22 make, personally. And you guys, if you want to
23 jump in on this, that's fine, too.

24 Just looking at the zoning map, there's
25 already a conflict there that I see with it being

1 | in the CN Neighborhood.

2 | I know that you touched upon that already,
3 | but I see that as an area that could be a
4 | hardship on this application.

5 | The addition of the two extra stories,
6 | bringing it from four to six -- am I correct with
7 | that?

8 | MS. HARTMANN: Yes. But that's existing.

9 | VICE CHAIRMAN BONACCI: Okay.

10 | And you said that four spaces would now be
11 | needed.

12 | MS. HARTMANN: Four spaces as opposed to
13 | 16.

14 | VICE CHAIRMAN BONACCI: Okay.

15 | We're all very familiar with this
16 | particular area. And there's a variance needed
17 | for pretty much every aspect of the application.
18 | And --

19 | MS. HARTMANN: If I might?

20 | VICE CHAIRMAN BONACCI: Just one second.

21 | MS. HARTMANN: I'm sorry.

22 | VICE CHAIRMAN BONACCI: Let me finish.

23 | I just -- for -- to see special reasons to
24 | grant the variance, I don't see the special
25 | reasons, myself, personally.

1 There's other members of the Board that may
2 disagree.

3 And just the density that's going to be
4 raised. I just see this project as a behemoth in
5 a neighborhood that is already very densely
6 population.

7 MS. HARTMANN: On the corner of 13th and
8 Summit, you have a five story apartment building
9 that is five stories of apartments. So, in
10 essence, what this is resulting in, as well, is a
11 five story apartment building, because the ground
12 floor will be commercial.

13 This is an existing building. All of the
14 variances I -- I spoke to you about, we can't
15 change as far as the setbacks, the coverage, the
16 height.

17 What we're doing is actually bringing this
18 building into closer conformity with the zone
19 itself, which says apartments can be on the upper
20 floors, only.

21 And right now, we have two floors of
22 commercial that's approved, that require 52 off-
23 street parking spaces, where none are provided.

24 So, we're reducing the need of 16 parking
25 spaces for that close to 5,000 square feet on the

1 second floor, and bringing back a need for four
2 parking spaces.

3 So, in reality, we're reducing the -- the
4 intensity, if you will, of off-street parking
5 requirements by 12 spaces.

6 VICE CHAIRMAN BONACCI: And as it currently
7 stands, it's a four story building now.

8 MS. HARTMANN: No. It's a six story
9 building.

10 VICE CHAIRMAN BONACCI: It's already a six
11 story --

12 MS. HARTMANN: It's already a six --

13 VICE CHAIRMAN BONACCI: -- building.

14 MS. HARTMANN: Everything that I said to
15 you --

16 VICE CHAIRMAN BONACCI: Okay.

17 MS. HARTMANN: -- they're all existing
18 conditions. Yes.

19 So, what we're looking to do is actually,
20 though, it is --

21 You're absolutely correct.

22 It's two stories higher than what's
23 permitted, but those stories were approved
24 several years ago. And when it was approved, it
25 was approved for four stories of residential, and

1 | two stories of commercial.

2 | So, what we're looking to do is reduce,
3 | because it's very difficult to -- to -- which is
4 | not a land use issue, it's an economic issue.
5 | But it is difficult to rent the second story in
6 | -- in a building like this, because it is mostly
7 | residential, and it is consis -- and if you,
8 | generally, consistently as a development pattern,
9 | in almost any community, including Union City,
10 | you get a lot of ground floor commercial, and the
11 | upper floors are residential.

12 | So, it separates those uses, which is a
13 | good thing for security, and land use issues, and
14 | -- and living issues. Excuse me. So, that's
15 | what we're doing.

16 | We're actually bringing the building,
17 | though it does have two more stories, we're
18 | bringing it more into conformity with the -- I
19 | would say with the spirit and the goal of the
20 | zone, which is to have your residential (sic) on
21 | the ground floor and your apartments above.

22 | VICE CHAIRMAN BONACCI: Currently standing,
23 | how many residential units exist? How many
24 | apartments?

25 | MS. HARTMANN: Twenty-four.

1 VICE CHAIRMAN BONACCI: Twenty-four, now,
2 as it stands.

3 MS. HARTMANN: As I understand, yes.

4 VICE CHAIRMAN BONACCI: Okay.

5 So, then, if there's already the 24
6 apartments, before the application --

7 MS. HARTMANN: So, we now have 27.

8 VICE CHAIRMAN BONACCI: You're asking for
9 three more.

10 MS. HARTMANN: Yes.

11 MR. RENDO: Yup.

12 MS. HARTMANN: And I would say that the --
13 the site itself can not just easily handle it,
14 but it does reduce the net -- and I'll get back
15 to the parking.

16 But parking is a significant issue in all
17 -- I'm the planner in Weehawken, I'm the planner
18 in Guttenberg, and parking, so I know, parking is
19 a significant issue in these municipalities.

20 And so, to reduce that is helpful, and to
21 also make sure that your buildings are -- are
22 fully occupied is also an important thing, from a
23 land use perspective.

24 And so, now, all of your stories will be
25 above, the ground floor, will be residential.

1 VICE CHAIRMAN BONACCI: Has Mr. Spatz
2 prepared a memo for this one?

3 MR. PANEQUE: No. I asked him, and he has
4 not.

5 There's no memo prepared by Mr. Spatz.

6 MR. SPATZ: No. I don't do written memos
7 if there's no new construction in the building.
8 This is all internal to within the building
9 itself. No --

10 VICE CHAIRMAN BONACCI: Okay.

11 MR. ARENCIBIA: If I may?

12 You cannot -- there's nothing --

13 MS. DILLON: Just come to the microphone
14 Mr. Arencibia. That's fine.

15 MR. ARENCIBIA: There's nothing on the
16 exterior of this building that's going to change
17 at all. The balcony is already there. The --
18 the storefronts, the window is already there.
19 The bricks already in place. There's -- you will
20 not see any difference whatsoever from the
21 street.

22 MR. RENDO: Just makes it more -- in more
23 conformity, rather than having a commercial unit
24 upstairs. You have the residentials and you can
25 have the commercials on the bottom.

1 Correct?

2 MR. ARENCIBIA: Just have an empty, vacant
3 space --

4 MR. RENDO: Right.

5 MR. ARENCIBIA: -- put the space to use.

6 MR. RENDO: And -- and for planning
7 purposes, that's what a municipality would want.

8 Correct?

9 Having commercial on the bottom and the
10 residential up top, rather than having a mix --
11 mix-mash of -- of commercial and residential all
12 over the place.

13 MR. ARENCIBIA: Yes.

14 MR. RENDO: Okay.

15 VICE CHAIRMAN BONACCI: You guys don't
16 happen to have the applicant present, do you?

17 MR. RENDO: No.

18 MR. GRULLON: If I may ask a question?

19 On the second floor, which is the
20 commercial --

21 MS. HARTMANN: Yes.

22 MR. GRULLON: -- that you're trying to
23 convert to -- to build the three units there, has
24 that been occupied in the past, or that's been
25 vacant all the time?

1 MR. ARENCIBIA: Vacant.

2 MR. GRULLON: It's vacant?

3 You mean -- mean those existing parking
4 spaces were never occupied.

5 MS. HARTMANN: But they could be.

6 MR. GRULLON: Yes.

7 MS. HARTMANN: I think you have to look at
8 what -- what was approved, and what, in fact, can
9 occur.

10 MR. GRULLON: Because --

11 MS. HARTMANN: Just because they're not,
12 and I think -- I mean, there's a two pronged
13 position there.

14 And that is that you look at what's
15 approved by Resolution years ago, that allows
16 that space to be developed in the future, or now,
17 and it would require 16 off-street parking
18 spaces.

19 And the other edge of the sword is it's
20 been vacant, which is really not good for any
21 building, or any -- you know, any land use.

22 MR. GRULLON: Yes.

23 MS. HARTMANN: So that --

24 MR. GRULLON: Well, one of the -- our
25 concerns we have here is that before you -- you

1 have 52 required parking --

2 MS. HARTMANN: Right.

3 MR. GRULLON: -- spaces, and zero provide.

4 And I understand that you're going to bring that
5 down to 41 parking spaces, but still not
6 providing any parking.

7 And the parking situation in that area we
8 know is real -- is bad, is pitiful.

9 MS. HARTMANN: Which is why the reduction
10 of, literally, 12 parking spaces from the
11 requirement is beneficial to the community,
12 regardless of whether something's there or not
13 today, it could be and it will be at some point.
14 You know, these communities are -- are -- you
15 know, you're highly sought after to -- to build
16 in.

17 MR. GRULLON: Yes.

18 MS. HARTMANN: So -- and as -- as
19 development occurs, and as you continue to evolve
20 as a community, that space will, in fact, be
21 occupied. If not today, tomorrow, or next year,
22 or six months from now. So, you will have that
23 strain on your on-street parking situation.

24 So, this application alleviates that.

25 MR. RENDO: So, even though it's not

1 occupied, if the application is denied, the
2 applicant could rent those spaces for commercial
3 units, and the impact on the parking will be the
4 56 spaces instead of what we have.

5 MS. HARTMANN: Correct.

6 MR. RENDO: Right. In a lower amount,
7 because financially, the -- and logically, the
8 applicant will not leave it empty.

9 MS. HARTMANN: Well --

10 MR. RENDO: Right?

11 MS. HARTMANN: I just think, from a land
12 use perspective, vacant -- interior vacant space,
13 over a significant period of time, is not only
14 not good for the building, it's not good for the
15 neighborhood.

16 And I think converting it to three
17 apartments, leaving -- you know, area also for
18 storage, for the residents of the building, is --
19 is a reasonable alternative, and it's consistent
20 with at least the permitted uses of the zone.

21 VICE CHAIRMAN BONACCI: Do you guys happen
22 to know how much of the building is occupied
23 currently?

24 MR. ARENCIBIA: It's --

25 MR. RENDO: Come on up.

1 MS. DILLON: Just come back.

2 MR. RENDO: Mr. Arencibia, over here.

3 Testify over here.

4 MR. ARENCIBIA: Last I spoke to my client,
5 it was fully occupied.

6 VICE CHAIRMAN BONACCI: Okay.

7 MR. ARENCIBIA: And the tenants tend --
8 tend to be people from New York, so they use the
9 mass transit predominantly. Yes.

10 MR. GRULLON: And that's 24 units -- is six
11 per floor. The four floors that are occupied?

12 MR. ARENCIBIA: I believe that's what it
13 was. Yes.

14 MR. GRULLON: Yes.

15 MR. ARENCIBIA: Yes. Um hum.

16 And they're all brand -- they're very nice
17 units, by the way. Very nice.

18 VICE CHAIRMAN BONACCI: And what you guys
19 are proposing is to still keep the commercial
20 spaces, or just eliminate the --

21 MS. HARTMANN: On the ground floor, but not
22 on the second floor. They're gone.

23 VICE CHAIRMAN BONACCI: Okay.

24 MS. HARTMANN: Yes.

25 VICE CHAIRMAN BONACCI: So, it's going to

1 be second floor commercial.

2 MS. HARTMANN: No.

3 MR. RENDO: No.

4 MS. HARTMANN: Second floor residential.

5 VICE CHAIRMAN BONACCI: Gotcha. First
6 floor stays commercial.

7 MS. HARTMANN: Yes.

8 MR. RENDO: Correct.

9 MR. ARENCIBIA: Right.

10 VICE CHAIRMAN BONACCI: Gotcha. Okay.

11 I think we should open it up --

12 MR. GRULLON: Yes.

13 VICE CHAIRMAN BONACCI: -- to see if
14 there's anybody from the public.

15 We just want to open it up to members from
16 the public, if anybody has any --

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

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

21 MR. PRICE: I do.

22 MS. DILLON: Name and address, please, for
23 the record.

24 MR. PRICE: Larry Price, 1006 Palisade
25 Avenue.

1 MS. DILLON: Go ahead.

2 MR. PRICE: Good? Okay.

3 No questions, just a short testimony.

4 People, oftentimes, ask me why I do what I
5 do. It's buildings like this building. This
6 thing got approved in 2002.

7 The parking requirement for this building
8 as approved was 80 units. You know, 30 -- 30 for
9 the -- 32 for the commercial and 48 upstairs.
10 And of course, it provides no parking.

11 And whatever.

12 On top of it, they built a crummy building.
13 I mean, it was awful construction. And it stood
14 there empty in a -- you know, for five years, I
15 think.

16 Current owner bought it, and first fixed up
17 the building, and then rented up the -- the
18 floors upstairs.

19 He's got two floors that are designated as
20 commercial. The ground floor, which isn't used
21 as commercial yet, but will be, I guess, in due
22 course, and the second floor. And his chances of
23 renting that second floor as a commercial space,
24 I will be president tomorrow before he rents that
25 space as -- whatever.

1 So, I don't -- I don't know the -- the
2 owner, but he kind of stepped in and did Union
3 City a -- you know, a favor, because he took this
4 crummy building and he didn't exactly turn it
5 into the Taj Mahal, but he certainly turned it
6 into a lot better than what it was.

7 So, I -- I don't think it would be out of
8 -- out of, whatever, to do him a favor. If he
9 converts it to commercial -- or from commercial
10 to residential, he can rent those three
11 apartments, and we're doing him a favor. But he
12 did us a favor, so maybe the favor is owed.

13 You're puzzled, sir. You're devastated
14 that --

15 MR. PANEQUE: Mr. Price, thank you.

16 MR. PRICE: You're welcome.

17 MR. RENDO: Thank you, Mr. Price.

18 VICE CHAIRMAN BONACCI: With --

19 MR. PANEQUE: Anybody else?

20 VICE CHAIRMAN BONACCI: Is anybody else
21 from the public like to step forward?

22 Okay.

23 We're going to close it out to the public
24 at this time.

25 Thank you, Mr. Price.

1 Unfortunately, this was approved, at one
2 point in time. I believe, Mr. Price, you've
3 mentioned 2002, or something?

4 MR. PRICE: (Indiscernible).

5 VICE CHAIRMAN BONACCI: Okay.

6 Unfortunately, I -- it would be nice to
7 view -- to view it at the point of somebody did
8 somebody a favor, the town a favor, and maybe we
9 should return the favor.

10 But being as though we just received, like
11 a tutorial on how to go about going the right way
12 forward, and following particular rules, and
13 there being -- you know, special reasons needed
14 for certain variances, and how we need to be kind
15 of strict with that, I'm going to make a motion
16 to deny this application, at this time.

17 THE SECRETARY: Motion to deny the
18 application by Mr. Bonacci.

19 MR. GRULLON: I second the motion.

20 THE SECRETARY: Second by Mr. Grullon.

21 Roll call on the motion to deny the
22 application.

23 Mr. Grullon?

24 MR. GRULLON: Yes.

25 THE SECRETARY: Ms. Gutierrez?

1 MS. GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Mr. Pressey?

5 MR. PRESSEY: No.

6 THE SECRETARY: Mr. Bonacci?

7 VICE CHAIRMAN BONACCI: Yes.

8 THE SECRETARY: Four in favor, one against.

9 Motion carries.

10 Thank you.

11 MR. RENDO: Thank you very much.

12 VICE CHAIRMAN BONACCI: Thanks.

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

15 * * *

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1 **625 18th Street, LLC - 625 18th Street:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 625 18th Street.

5 Mr. Alonso, please?

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

8 MR. PANEQUE: Thank you, Mr. Alonso.

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

11 MR. PANEQUE: Mr. Alonso -- well, first,
12 let's establish jurisdiction.

13 Thank you.

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

16 I have an Affidavit, signed by Mr. Alonso,
17 indicating that notices of tonight's hearing were
18 sent out on July 1st, with respect to the property
19 at 625 18th Street, Union City, New Jersey.

20 I also have been provided with a copy of
21 the Affidavit of Publication that was published
22 in The Jersey Journal with respect to the
23 property, 625 18th Street, giving notice of
24 tonight's hearing for July 13th. Said publication
25 was done on the first of July.

1 I also have a copy of the notice that went
2 out to all property owners within the 200 foot
3 radius, and a copy of the tax list on Block 92,
4 Lot 24, also known as 625 18th Street. Said tax
5 list is dated June 26, 2017.

6 Also been provided with the certified mail
7 receipts with a stamp date from the post office
8 of June 30th, as well as the green cards that have
9 come back to date, and a couple of envelopes
10 marked unable to forward, unable to forward, and
11 return to sender.

12 Based on the documentation that's been
13 provided, this Board does have jurisdiction to
14 proceed and hear this matter.

15 Mr. Alonso, your applicant for this
16 property, is she here?

17 MR. ALONSO: Yes.

18 MR. PANEQUE: Okay. She's the lady in red,
19 in the front?

20 MR. ALONSO: Yes.

21 MR. PANEQUE: Okay.

22 It's been brought to my attention by one of
23 our Board members, Mr. Pressey, that there might
24 be a potential conflict, because he knows the
25 applicant.

1 Mr. Pressey, the -- you're familiar with
2 the applicant?

3 MR. PRESSEY: Yes.

4 MR. PANEQUE: Okay. Being that you are
5 familiar with the applicant, you would have to
6 recuse yourself from --

7 MR. ALONSO: But to -- to --

8 MR. PANEQUE: -- this application.

9 MR. ALONSO: -- to what extent are they
10 familiar?

11 MR. PANEQUE: Mr. Pressey, you want to --

12 MR. PRESSEY: She happens to be owner of a
13 restaurant which I frequent quite often. And I
14 know her more than just to say hello. You know,
15 we've had conversations, and everything like
16 that.

17 MR. ALONSO: Okay. I mean, I would -- I
18 would always defer to the Board and -- and the
19 Board members.

20 MR. PANEQUE: Well, as --

21 MR. ALONSO: I don't know if that really
22 rises to a level --

23 MR. PANEQUE: We -- we --

24 VICE CHAIRMAN BONACCI: He feels
25 uncomfortable.

1 MR. ALONSO: Yeah.

2 MR. PANEQUE: Yeah.

3 We have had the -- the benefit of a
4 training seminar --

5 MR. ALONSO: Right.

6 MR. PANEQUE: -- within the last hour and a
7 half. And one of the issues that was brought to
8 the attention of the Board members is that they
9 should avoid the appearance of impropriety at any
10 time they feel the back of their -- you know,
11 hairs in the neck --

12 MR. ALONSO: Yeah.

13 MR. PANEQUE: -- raise.

14 And Mr. Pressey, for some reason, felt the
15 back of -- you know, his hairs on the neck
16 raised. And he came over to me and brought to my
17 attention.

18 Now, if he frequents the restaurant and --
19 you know, it might be a question of next time he
20 goes there, he may get a larger portion of rice
21 and beans. You know?

22 MR. VALELLA: He should be so lucky.

23 MR. PANEQUE: You know, we -- we definitely
24 don't want to have that situation.

25 MR. ALONSO: Very good. Very well.

1 MR. PANEQUE: So, Mr. Pressey, you're going
2 to recuse yourself. That leaves a Board composed
3 of four members.

4

5 (Whereupon, David Pressey was recused and
6 stepped down from the dais at 8:10 p.m.)

7

8 MR. PANEQUE: You're coming in on a use
9 variance?

10 MR. ALONSO: I am not.

11 MR. SPATZ: No.

12 MR. PANEQUE: You're not?

13 MR. ALONSO: We --

14 MR. SPATZ: There -- there are no D
15 variances so --

16 MR. PANEQUE: Okay.

17 MR. SPATZ: -- as long as four is a quorum,
18 you can go forward.

19 MR. PANEQUE: So, --

20 MR. ALONSO: Right.

21 MR. PANEQUE: -- if you don't need a super
22 majority, Mr. Alonso, I leave it to your
23 discretion whether you want to proceed with this
24 matter with a Board composed of four members.

25 MR. ALONSO: Right. I believe we'll --

1 we'll present it, since we're here.

2 MR. PANEQUE: Okay.

3 MR. ALONSO: And then, at the time of the
4 vote, then I guess we'll make the determination
5 as to whether or not to proceed.

6 MR. PANEQUE: Okay.

7 MR. ALONSO: And just for the record, since
8 this is the Zoning Board, four members
9 constitutes a quorum, so we do have a quorum.

10 MR. PANEQUE: Yes.

11 MR. ALONSO: And since there is no D
12 variance, I do not need the five votes,
13 affirmative votes. I just need the majority
14 vote. Simple majority.

15 So, the Board, as constituted right now,
16 can -- can continue and can decide the
17 application.

18 MR. PANEQUE: All right.

19 MR. ALONSO: So --

20 MR. PANEQUE: Let the record show that Mr.
21 Pressey has stepped out, as he has recused
22 himself, and he's no longer sitting on the podium
23 here.

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

1 MR. PANEQUE: Mr. Alonso, you can proceed.

2 MR. ALONSO: Thank you, Mr. Paneque.

3 Mr. Chairman, members of the Board, for the
4 record, Alvaro Alonso, Alonso Navarette, on
5 behalf of the applicant.

6 This is actually a -- an application --
7 this is not typical for your Board. Usually
8 we're asking for some type of D variance.

9 In this case, we are actually taking a
10 property that has a preexisting nonconforming
11 use. We're eliminating that use, and we're
12 converting it into a permitted use.

13 It's -- we really aren't proposing any
14 construction of the outside of the building.
15 It's an existing commercial building, which has
16 currently two offices. And we just want to
17 convert those two offices into two residential
18 units. And that is permitted in the zone.

19 I have one witness this evening, Mr.
20 Valella, who will testify as to the plans, and he
21 will identify the bulk or the C variances that
22 are being requested.

23 So, with that said --

24 MS. DILLON: Mr. Valella, please raise your
25 right hand.

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

3 MR. VALELLA: I do.

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

6 MR. VALELLA: Sure.

7 My name is Orestes Valella, V-A-L-E-L-L-A.

8 And my offices are at 5809 Madison Street,
9 West New York, New Jersey.

10 MS. DILLON: Thank you.

11 MR. ALONSO: Mr. Chairman, Mr. Valella's
12 been before this Board many times. I would ask
13 that his qualifications be accepted.

14 VICE CHAIRMAN BONACCI: Yes. Absolutely.

15 MR. ALONSO: Thank you.

16 VICE CHAIRMAN BONACCI: Sorry about that.

17 MR. ALONSO: Thank you.

18 Mr. Valella, can you please review with the
19 Board, what are the existing conditions of the
20 property and how it is that we're proposing to --
21 to change the use?

22 MR. VALELLA: Sure. Be happy to.

23 This property is on 18th Street. It's on
24 Block 92, and it's Lot 24. It's one property in
25 from Central Avenue. It is an existing 19 foot

1 and a half wide by 75 foot property, 1,462 square
2 feet.

3 It has an existing two story building on
4 the property, with a basement. And the property
5 is vacant at this moment. There are -- as I
6 understand, there used to be a travel agency that
7 was used -- occupied the building. The two
8 stories.

9 And they're no longer there. My client
10 purchased the property. It is empty, with very
11 little prospects of -- of renting it.

12 So, she has asked us to propose to do a two
13 family home. One dwelling unit on the ground,
14 and a second dwelling unit on the second floor.

15 It seems to me -- I'm not a detective, but
16 I am an architect -- that this must have been a
17 residential property at one point that got used
18 as a travel agency, because the rooms lay out as
19 an apartment.

20 Very little is needed to do to convert the
21 travel agency into two dwelling units.

22 Basically, the kitchen and the bathrooms need to
23 be redone, but the rooms -- the bedrooms
24 themselves, what were -- what were -- what are
25 considered offices must have been, at some point,

1 bedrooms, because it lays out too -- too easily.

2 We -- as counsel mentioned, we are not
3 altering the exterior of this building
4 whatsoever. To the outside world, it remains as
5 is. No yard changes, no height, no length, no
6 width, and very, very minor layout changes to the
7 floors themselves. Again, for the reasons
8 stated, that then would permit these two floors
9 to become dwelling units.

10 On the ground floor, we're proposing a
11 three bedroom dwelling unit. And just inserting
12 the kitchen and the bathroom.

13 And on the second floor, likewise, a three
14 bedroom apartment.

15 I'm looking for the square footage and I
16 don't see my office as having put them on. I
17 apologize for that.

18 They seem to be about 1200 square foot in
19 floor area. The bedrooms are large. They all
20 have windows to the side.

21 For example, bedroom number three is 12
22 foot seven by 12 foot nine. Bedroom number two
23 is eight by 12. And the third, eight by ten foot
24 nine, with a bathroom, powder room and a kitchen,
25 and the living room out to the street.

1 Oh, I apologize. The square footages are
2 on the drawing. I just miss -- miss --

3 Apartment number one is 971.68 square foot,
4 with an eight foot four ceiling height.

5 And apartment number two is 954, with an
6 eight foot nine.

7 So you know, it's an older structure. Very
8 nice ceiling heights; good, big windows. This
9 must have been a house at some point.

10 That's about it. I can go through the
11 yards, as they exist. We're not altering them,
12 but for no reason, it's all to remain as is.

13 MR. ALONSO: Yeah. And just -- just for
14 the record, can you identify what the
15 requirements are and what the existing condition
16 is?

17 MR. VALELLA: Sure.

18 We are in the R, Low Density Residential.
19 The lot area requirement would be 2500 square
20 feet. We're proposing a two family. We have an
21 undersized lot. We are 1,462.

22 The lot width requirement is 25. We have
23 an existing 19.5.

24 Lot depth would be 100. We have a 75 foot
25 lot depth.

1 The front yard would be ten feet, or the
2 prevailing setback. We have zero and we do not
3 have any opportunity to change that.

4 The side yards, one would be two minimum.
5 We have zero. Combined would be five, if
6 provided. We have zero and zero to the lot
7 lines.

8 The rear yard will be 25 percent of the lot
9 depth. We are at zero.

10 Building coverage is 60 percent maximum.
11 We're at 86 percent.

12 Lot coverage is 85 percent. We are at 100.

13 Maximum stories is three. The building is
14 two.

15 Maximum height is 40, and we're at 35.

16 The requirement for parking would be four
17 spaces. There are -- is no parking on the
18 property. And again, to do anything like that,
19 we would have to significantly alter the -- the
20 structure itself.

21 MR. ALONSO: And there currently is a
22 parking demand on the property, by virtue of the
23 fact that there's commercial uses.

24 MR. VALELLA: Exactly.

25 MR. ALONSO: Okay.

1 Mr. Chairman, I have no further questions.

2 VICE CHAIRMAN BONACCI: Okay. Just allow
3 me to review a few things real quick.

4 So, the district is Low Density
5 Residential.

6 MR. VALELLA: Right.

7 MR. ALONSO: Correct.

8 VICE CHAIRMAN BONACCI: There's no parking
9 requirements. You're just looking for a use
10 variance.

11 MR. ALONSO: No use variance.

12 VICE CHAIRMAN BONACCI: Okay.

13 MR. ALONSO: The use is permitted.

14 VICE CHAIRMAN BONACCI: Use is permitted.
15 The Ordinance that we have does apply to two
16 families.

17 Mr. Spatz?

18 MR. SPATZ: Yes?

19 VICE CHAIRMAN BONACCI: The square footage
20 of the apartments, it meets the -- the criteria?

21 MR. SPATZ: They do, but our Ordinance
22 doesn't require a unit size until you get to four
23 units or more.

24 So, it wouldn't apply.

25 VICE CHAIRMAN BONACCI: Because --

1 MR. SPATZ: But they, in fact, do meet our
2 standards.

3 VICE CHAIRMAN BONACCI: Okay. I don't have
4 any more questions, unless you guys have
5 anything?

6 MR. GRULLON: The only question that I have
7 is the memo from Building Department calls for
8 four unit structure.

9 Did you see this memo?

10 MR. ALONSO: I did not.

11 MR. GRULLON: Okay.

12 And to me -- it got a little confused,
13 because the only require -- requiring for two
14 units. No?

15 MR. ALONSO: Correct.

16 MR. GRULLON: Yeah. But this memo calls
17 for four units, and I see on the -- on the tax
18 record, it shows four units.

19 Was that presented as a four unit, at any
20 point?

21 MR. ALONSO: I -- I don't know. My client
22 purchased it in the condition that it's in. It's
23 currently vacant. It's basically laid out as two
24 commercial space offices.

25 But as Mr. Valella indicated, it appears to

1 have been two residential apartments at some
2 time.

3 I don't know what those records are. We're
4 not representing that they're four units at all.
5 We're not looking for four units. We're just
6 looking to, I believe put it back into the
7 condition it used to be, which was probably a two
8 family house.

9 VICE CHAIRMAN BONACCI: What Mr. Grullon is
10 referring to is that it's the Building
11 Department's records that see that it was
12 originally a four unit structure.

13 So, if anything, I guess you guys would be
14 bringing it back to that.

15 MR. GRULLON: To -- to be reducing the
16 amount of units.

17 MR. ALONSO: No, we bring it to two.

18 VICE CHAIRMAN BONACCI: Right.

19 MR. ALONSO: To two units.

20 VICE CHAIRMAN BONACCI: Bring it -- okay.
21 Right.

22 Do we have any --

23 MR. GRULLON: Mr. Valella, you doing any --
24 anything on the outside of the building?

25 MR. VALELLA: No. It's not our plan. The

1 building is in good condition, and we'd like to
2 leave it alone.

3 It's a residential nature. It happens to
4 have had a commercial occupancy, but there's no
5 need to do anything, really.

6 MR. GRULLON: I don't have any more
7 question, do you?

8 VICE CHAIRMAN BONACCI: Are there any
9 members of the public that would like to be heard
10 at this time?

11 Okay.

12 We're going to close it to the public at
13 this time.

14 At this time, I'm going to go ahead and
15 make a motion to grant your application.

16 THE SECRETARY: Motion grant the
17 application by Vice Chairman Bonacci.

18 MR. GRULLON: Second.

19 THE SECRETARY: Second by Mr. Grullon.

20 Roll call on the motion.

21 Mr. Grullon?

22 MR. GRULLON: Yes.

23 THE SECRETARY: Ms. Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Mr. Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: Mr. Bonacci?

3 VICE CHAIRMAN BONACCI: Yes.

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

6 MR. ALONSO: Thank you.

7 Good night.

8 MS. GUTIERREZ: Good night.

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

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1 **Franklin Medina - 522 4th Street:**

2

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

5 MR. PANEQUE: Let's get Mr. Pressey back
6 in, please.

7 THE SECRETARY: Oh, I'm sorry.

8 MR. PANEQUE: Mr. Pressey?

9 THE SECRETARY: Apologize for that.

10

11 (Whereupon, David Pressey returned to the
12 dais at 8:22 p.m.)

13

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

16 THE SECRETARY: Let the record reflect that
17 Mr. Pressey joined the meeting. Now we have five
18 members.

19 Thank you.

20 Next application on tonight's agenda,
21 Franklin Medina, 522 4th Street.

22 Mr. Alonso, please?

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

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

1 provided by Mr. Alonso with the following
2 documentation:

3 I have an Affidavit, signed by Mr. Alonso,
4 indicating that notice was sent out on July 1st
5 with respect to the notice of tonight's hearing
6 for 522 4th Street.

7 I also been provided with a copy of the
8 Affidavit of Publication from The Jersey Journal,
9 indicating that notice of tonight's hearing for
10 522 4th Street was published in the paper on July
11 1st, 2017.

12 I also been provided with a copy of the
13 notice that went out to all property owners
14 within the 200 foot radius, as well as a tax list
15 from the Tax Assessor's Office, with a date of
16 June 26, 2017 for property Block 16, Lot 21,
17 located at 522 4th Street, Union City, New Jersey,
18 and the tax list itself.

19 Also been provided with the certified mail
20 receipts, with a postmark stamp date of July 1st,
21 2017, as well as the green cards that have come
22 back to date.

23 Based on the documentation that has been
24 provided, this Board has jurisdiction to proceed
25 and hear this matter.

1 MR. ALONSO: Thank you, Mr. Paneque.

2 THE SECRETARY: Thank you, Mr. Paneque.

3 MR. ALONSO: Mr. Chairman, members of the
4 Board, for the record, Alvaro Alonso, Alonso
5 Navarette, on behalf of the applicant.

6 This is an application -- legally, the
7 Building Department has this property as a two
8 family house. We want to convert it as a four
9 family.

10 The tax records has it as a six family.
11 So, I'm going to present to Mr. Paneque a
12 printout from the Tax Assessor's Office that was
13 last updated back in 2011.

14 MR. PANEQUE: You want to have this marked,
15 --

16 MR. ALONSO: Yes, can you please?

17 MR. PANEQUE: -- Mr. Alonso?

18 Can we have this marked as A-1?

19 MR. ALONSO: Yes, please.

20

21 (Whereupon, Property Detail Sheet was
22 received and marked as Exhibit A-1.)

23

24 MR. ALONSO: So, the Tax Assessor, as of
25 2011, has it as a six family building. And

1 | there's a number of different reasons why the Tax
2 | Assessor could have it as -- as the -- as a six
3 | family building. Sometimes they just do an
4 | inspection and it's an actual use that's there.

5 | Sometimes they get information from the
6 | Building Department, based on permits that are
7 | issued, and they're -- the Tax Assessor's records
8 | get updated, so that the taxes get up -- tax
9 | collector can properly collect the taxes.

10 | We don't know why it's as six units. My
11 | client -- you know, bought it after that. But we
12 | want to use it as a four family.

13 | So, with that said, I'm going to have Mr.
14 | Arencibia get --

15 | Get sworn in?

16 | MR. ARENCIBIA: Yes, I did.

17 | MR. ALONSO: Okay.

18 | MS. DILLON: Mr. Arencibia was previously
19 | sworn.

20 | MR. ALONSO: And I would have him -- just
21 | accept his qualifications?

22 | VICE CHAIRMAN BONACCI: Yes.

23 | MR. ALONSO: Thank you.

24 | MR. ARENCIBIA: Thank you very much.

25 | MR. ALONSO: So, I'm going to ask you to

1 please review what are the existing conditions,
2 and how we propose to -- to change the property?

3 MR. ARENCIBIA: Okay. Yes.

4 Well, the -- the actual site itself is a 25
5 by a hundred site. The building structure,
6 there's no change to the perimeter of the
7 building, it's existing. What it is, it's
8 basically on the zero lot line, on one side of
9 the property, zero lot line on the side yards.
10 It's a minor rear two foot three setback on the
11 front. And there's a little cutout, with an
12 access, an alleyway leading to a stairs that's
13 somewhere in the middle of the actual structure
14 itself.

15 In essence, the -- the units that seem to
16 be the legal units -- the ones we're trying to
17 leg -- to legalize are the ones at the rear of
18 the property. So, the units that are actually
19 facing the front of the street, on 4th Street, are
20 the ones that are -- that are legal. And those
21 are basically on the ground floor and on the
22 second floor.

23 If you look on T100, you could basically
24 see the front door of the lower unit on the --
25 facing the street itself. And the upper unit, on

1 the -- up in the upper area is actually accessed
2 through the side door of the actual structure.

3 That side door of the actual structure
4 leads to a common vestibule that you can see on
5 one -- A100.

6 And that vestibule has stairs that go up to
7 one of the units we're trying to legalize
8 upstairs, and it also has an -- an access into a
9 ground floor existing dwelling unit.

10 Basically, both dwelling units are similar,
11 as far as layout, with the exception of the upper
12 unit has an existing bedroom that basically has a
13 balcony.

14 So, the number of units on the -- on the
15 ground floor, basically will be two bedrooms,
16 dining area, living room area, kitchen. And the
17 upstairs will be three bedrooms and a dining room
18 area and kitchen.

19 Again, there's really no work being
20 contemplated here, because everything's already
21 existing and in place.

22 So, if the Board does approve this
23 application, we will, of course, be doing an
24 analysis of the existing services that are there.
25 GFIs and the outlets, and we'll be upgrading all

1 of those, smoke detectors, carbon monoxide
2 detectors, all those type of things in order to
3 bring them up to current Code.

4 But with respect to actual work that's
5 going to be contemplated on here, there's
6 actually no work being done on it. We're just
7 trying to legalize the units.

8 MR. ALONSO: Okay.

9 Can you also identify the -- the zoning
10 analysis?

11 MR. ARENCIBIA: Yes.

12 Okay. We're in a R district. So, it's a
13 Low Density Residential. So, one, two, three
14 families are -- are permitted. So, we're
15 requesting variance for the -- for the use,
16 because we're proposing a four family. So, we'll
17 need a variance for the use.

18 Respect to the lot area. The minimum lot
19 area is 2500 square feet and we comply with that.

20 Lot width, 25 feet. We comply -- we comply
21 with that.

22 Lot depth, a hundred feet. We comply with
23 that.

24 Front yard.

25 The prevailing on the street is ten foot --

1 ten foot. And actually, the prevailing is 1.97
2 and we have four and a half feet. So, we do not
3 need a variance for the front.

4 Minimum side yard.

5 We have zero and zero. So, we need a
6 variance. However, that is preexisting, again --
7 again, as well as both side yards variances, it's
8 all preexisting. So, we need a -- we need a
9 variance, as well, too. But again, that's
10 preexisting.

11 Rear yard.

12 We have two foot three inches. We need a
13 variance for that. But that's preexisting.

14 Maximum building coverage.

15 We -- we're at 82.5, where 60 is permitted.
16 So, we need a variance for that. Again, that's
17 preexisting.

18 Maximum lot coverage.

19 Seventy-five percent is permitted. We have
20 97.8. We need a variance for that. Again, that
21 is also preexisting.

22 So, maximum building height's three stories
23 and 40 feet. We're at two stories and 30 feet.
24 So, we do not need a variance for that.

25 As far as parking, we need two cars for

1 three bedrooms, we need eight cars. We do not
2 have any cars whatsoever. And so, we need a
3 variance for that.

4 That, of course, will be an additional
5 parking requirement, based on the fact of the
6 additional two units that we're trying to
7 legalize.

8 MR. ALONSO: Right.

9 Now, Mr. Chairman, for the record, the --
10 the analysis that Mr. Arencibia just went
11 through, of the bulk variances, that's if it was
12 a permitted use in the zone, but since the four
13 family is not permitted, we're asking, really,
14 for two variances. The D-1 use variance, for the
15 non-permitted use, as well as the parking
16 variances that are -- it's existing, and it's
17 going to be exacerbated by the -- the additional
18 units.

19 It's really two -- two variances. The
20 analysis basically is just to indicate what's the
21 existing condition, irrespective of what happens
22 with this Board, everything's already
23 constructed.

24 So, either we're going to have larger
25 units, because eventually, that space that's

1 | already constructed will be consolidated, which
2 | may be worse, because once you have more
3 | bedrooms, typically, you tend -- tend to generate
4 | additional people in these units, and additional
5 | cars.

6 | But Mr. McDonough, our planner, is going to
7 | -- to testify as to -- as to the variances
8 | themselves. We're just doing it for purposes of
9 | comparison at this point.

10 | Mr. Arencibia, is there anything else that
11 | you would need to add to your testimony with
12 | respect to the existing conditions?

13 | MR. ARENCIBIA: I don't believe so.

14 | VICE CHAIRMAN BONACCI: Thank you.

15 | MR. ALONSO: Mr. Chairman, would the Board
16 | like to ask questions of the architect, or should
17 | I bring up the planner?

18 | VICE CHAIRMAN BONACCI: Yeah. Just Mr.
19 | Arencibia, would you happen to -- I don't see it
20 | here in the plans, but the application, you guys
21 | are seeking to legalize two existing basement
22 | apartments.

23 | MR. ARENCIBIA: No, not basement
24 | apartments.

25 | VICE CHAIRMAN BONACCI: Not --

1 MR. ARENCIBIA: No.

2 VICE CHAIRMAN BONACCI: Okay.

3 MR. ARENCIBIA: It's one on the ground --
4 it's -- there's two apartments on the front,
5 facing the street.

6 VICE CHAIRMAN BONACCI: Okay.

7 MR. ARENCIBIA: On ground floor and on
8 second floor.

9 There's a little alleyway. And in the --
10 in the rear of the alleyway, there's two floors,
11 as well, too. So, we're trying to legalize the
12 ground floor apartment on the rear, and the
13 second floor apartment in the rear.

14 VICE CHAIRMAN BONACCI: Do you have area,
15 square footage of those?

16 MR. ARENCIBIA: I don't know if I have it.

17 No, I do not. I would tell you it's
18 roughly, I would say, about 850 square feet, in
19 that -- in that range.

20 VICE CHAIRMAN BONACCI: Each apartment?

21 MR. ARENCIBIA: Yes.

22 VICE CHAIRMAN BONACCI: Eight fifty square
23 feet, each apartment.

24 Mr. Spatz?

25 MR. SPATZ: Yes.

1 VICE CHAIRMAN BONACCI: Mr. Arencibia says
2 that the square footage of each apartment would
3 be 850 square feet.

4 Is -- is that meet the requirement?

5 MR. SPATZ: Yes. In fact, because they're
6 four units, they are required at this. A two
7 bedroom apartment requires a square footage of
8 750 square feet. And these, he indicates, exceed
9 that. So, they both would be conforming.

10 VICE CHAIRMAN BONACCI: Okay.

11 Thank you.

12 Thanks, Mr. Arencibia.

13 MR. ARENCIBIA: Sure.

14 VICE CHAIRMAN BONACCI: Thanks.

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

17 MR. ALONSO: Mr. Chairman --

18 VICE CHAIRMAN BONACCI: One -- one second.
19 I just need to ask Mr. Spatz.

20 MR. SPATZ: Yes, sir.

21 VICE CHAIRMAN BONACCI: You -- you
22 mentioned the requirement for a two bedroom, but
23 what about for three bedroom, because that's what
24 this is supposedly going to be.

25 MR. SPATZ: One of them is a three bedroom.

1 Excuse me. That is -- is the 900.

2 So, actually, one -- one of those units --

3 VICE CHAIRMAN BONACCI: Would fall a --

4 MR. SPATZ: The three bedroom unit is
5 undersized if it's 800. The other one is a two
6 bedroom.

7 VICE CHAIRMAN BONACCI: Okay.

8 MR. SPATZ: Conforms.

9 MR. PANEQUE: The other unit is four.

10 MR. SPATZ: Right, because they have a --

11 VICE CHAIRMAN BONACCI: One of them would
12 be four.

13 MR. SPATZ: Right. The -- the one on the
14 first floor is a three bedroom, and -- and that
15 requires 900 square feet. So, actually, that
16 unit is undersized. The other unit is a two
17 bedroom.

18 MR. ALONSO: How many -- how many bedrooms?

19 MR. ARENCIBIA: The way it's used right
20 now, presently, three bedrooms on the -- on the
21 --

22 MR. SPATZ: Ah, okay. I didn't see the one
23 in the back there. But excuse me. They are both
24 three bedrooms.

25 MR. ARENCIBIA: Yes.

1 MR. SPATZ: Where -- where --

2 MR. ARENCIBIA: Because you have the
3 upstairs unit has that additional bedroom facing
4 the front, on the alley.

5 What happens is, on the ground floor, there
6 is a bedroom that has no window.

7 MR. SPATZ: Right.

8 MR. ARENCIBIA: But they use it as a
9 bedroom, presently. In essence, it should really
10 -- really be a dining area, but that's the way
11 it's used right now, so that's what we classify
12 it as.

13 MR. ALONSO: But legally, it cannot be a
14 bedroom.

15 MR. ARENCIBIA: Correct.

16 VICE CHAIRMAN BONACCI: Okay. So --

17 MR. PANEQUE: Excuse me a second?

18 VICE CHAIRMAN BONACCI: Just give us a
19 second to straighten all this out.

20 Three bedroom --

21 MR. SPATZ: That's one, two, three. One,
22 two, three.

23 VICE CHAIRMAN BONACCI: -- on the ground
24 floor.

25 MR. SPATZ: Right. So they -- so they --

1 VICE CHAIRMAN BONACCI: And then --

2 MR. SPATZ: -- both need to be 900 --

3 MR. ARENCIBIA: Three on the second.

4 Correct.

5 MR. SPATZ: -- but they are less than nine.

6 VICE CHAIRMAN BONACCI: And three on the
7 second.

8 MR. PANEQUE: And Mr. Arencibia, you're
9 indicating that one of them is not an actual
10 bedroom?

11 MR. ARENCIBIA: Well, I'm indicating that
12 one is an interior -- interior room that
13 basically has no window, and there's no
14 mechanical ventilation in that particular room.

15 If you have an interior space that's used
16 as a bedroom, you have to have natural means of
17 mechanically ventilating it. And I know that
18 space does not have that at this point.

19 MR. PANEQUE: And that's on the first floor
20 plan.

21 MR. ARENCIBIA: That's correct.

22 MR. PANEQUE: So, that would reduce that to
23 a two bedroom.

24 MR. ARENCIBIA: That's correct.

25 MR. PANEQUE: Okay.

1 Would you be modifying your plans to that
2 effect?

3 MR. ARENCIBIA: Yes, we would.

4 MR. PANEQUE: Mr. Spatz, if that's a two
5 bedroom, what's the requirement then?

6 MR. SPATZ: Okay. The ground floor would
7 need to be 750, if it's a two bedroom. He's
8 indicated it's 800, so that would -- the second
9 floor is a three bedroom, and that needs to be
10 900, and it's only 800. So, the second floor
11 unit is undersized.

12 MR. PANEQUE: Okay.

13 Now, Mr. Arencibia, the second floor has
14 that addition, where the balcony is.

15 MR. ARENCIBIA: That's correct.

16 MR. PANEQUE: Are you counting the square
17 footage in that, because if the bottom floor is
18 eight -- 850, you indicated --

19 MR. ARENCIBIA: Correct.

20 MR. PANEQUE: -- the top floor has an
21 additional room, which would bring up the square
22 footage. Would -- would it not?

23 MR. ARENCIBIA: Yes. That's -- that's
24 true. And that's one of the things. I mean, I
25 approximated 850 because just basically I squared

1 off the bottom one. But you do have that
2 additional space above. So, it might be up to
3 900, and maybe a little more. But in that range.

4 MR. PANEQUE: And if --

5 VICE CHAIRMAN BONACCI: So, Mr. Spatz,
6 would you say that the second floor, three
7 bedroom unit, would need to be cut down to a two
8 bedroom unit for this application?

9 MR. SPATZ: If -- if it is less than 900
10 square feet, you either would have to do that, or
11 you could grant a density variance to allow it.
12 Either way. I'll see if I can figure out the --

13 MR. PANEQUE: You want to take a few
14 minutes, Mr. Arencibia, and calculate the square
15 footage, because we -- you do have the dimensions
16 of the room size.

17 MR. ARENCIBIA: Yes.

18 MR. PANEQUE: And I think that -- that --

19 MR. ARENCIBIA: But I don't have a scale.

20 Do you have a scale?

21 MS. DILLON: Want to go off the record?

22 MR. PANEQUE: You want to -- yeah. Go off
23 the record a minute.

24 THE SECRETARY: Five minute break.

25 MR. ARENCIBIA: Thank you.

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(Whereupon, the Board recessed from 8:37 p.m. to 8:44 p.m.)

THE SECRETARY: May I have your attention?

On the record.

Mr. Alonso?

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

MR. ARENCIBIA: Okay.

Are we back on the record?

MS. DILLON: Yes.

On the record.

MR. ARENCIBIA: Okay. Okay. I actually did a cal -- I actually measured the actual units, and actually, I was a little -- very short.

The ground floor unit is 1170 square feet. And the upstairs unit is 1245 square feet.

MR. PANEQUE: Thank you, Mr. Arencibia.

MR. SPATZ: Okay, then they both conform.

MR. ARENCIBIA: Okay.

MR. PANEQUE: Okay.

VICE CHAIRMAN BONACCI: Okay.

MR. ARENCIBIA: So, with that, I'll hand it

1 off to Mr. Spatz, Mr. --

2 MR. McDONOUGH: Mr. Spatz is over there.

3 MR. ARENCIBIA: Yeah. Mr. Spatz.

4 Thank you.

5 MS. DILLON: Mr. McDonough, please raise
6 your right hand.

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

9 MR. McDONOUGH: Yes, I do.

10 MS. DILLON: Please state your name and
11 spell it for the record.

12 MR. McDONOUGH: Hello, everyone.

13 For the record, John McDonough. M-C
14 capital D-O-N-O-U-G-H.

15 I am the project planner.

16 MR. ALONSO: Yeah.

17 Mr. -- Mr. Chairman, Mr. McDonough has
18 testified before this Board on countless
19 occasions.

20 VICE CHAIRMAN BONACCI: We accept your
21 qualifications.

22 MR. McDONOUGH: Qualifications haven't
23 changed since last week.

24 MR. ALONSO: Thank you very much.

25 VICE CHAIRMAN BONACCI: Two weeks ago.

1 MR. ALONSO: Mr. Planner -- Mr. Planner --
2 Mr. McDonough, as I -- as I indicated to the
3 Board, we're essentially seeking two variances, a
4 D-1 use variance.

5 MR. McDONOUGH: Yes.

6 MR. ALONSO: And a parking variance. I'm
7 going to ask you to please provide a planning
8 analysis.

9 MR. McDONOUGH: So, in terms of the use
10 variance, we simply run this through the four
11 parts of the Medici test.

12 Again, this is in the R, Low Density
13 District, where a four family use is not
14 permitted.

15 Running it through the four parts of the
16 Medici test, that gives the Board the statutory
17 authority to grant relief for this particular
18 type of use.

19 First part cites suitability. That's
20 justifiable because what you see is essentially
21 what you get. This is a retrofit of an existing
22 building that easily accommodates those four
23 units without requiring any expansion or
24 substantial modification, you've heard about the
25 interior retrofit that Albert just spoke about.

1 Second part of the test looks at the Land
2 Use Law itself, and the purposes of zoning. And
3 we see the advancement of purpose A, planning
4 goal to provide for a variety of uses in -- in
5 appropriate location, or to promote the -- the
6 public welfare, and to provide for a variety of
7 housing choices.

8 And that's exactly what this does, with an
9 appropriately sized unit, four appropriately
10 sized units. Two legal, two in the back which
11 are being legalized as part of this application.

12 Third part of the test looks at the public
13 impact. And again, for the reasons that I
14 stated, the site can easily accommodate the use
15 that's before you, without creating substantial
16 detriment to any of the surrounding properties.

17 And the last part of the test looks at the
18 impact on the zone plan and ordinance. This ties
19 right into the parking relief.

20 Although this is increasing the number of
21 dwelling units, it is not increasing the overall
22 number of bedrooms on-site. So, from a planning
23 standpoint, this is really not an
24 intensification, in terms of the overall
25 population that may be contemplated here.

1 In that regard, not only can we justify the
2 use variance, under the D-1 standard of Medici,
3 but also the parking variance.

4 Under the C-2 balancing test, whereby the
5 benefits of the application as a whole outweigh
6 the detriments.

7 With that said, I would conclude that the
8 tests are met, and this application warrants
9 approval.

10 MR. ALONSO: Thank you.

11 VICE CHAIRMAN BONACCI: Thank you.

12 MR. ALONSO: Does the Board have any
13 questions of Mr. McDonough?

14 VICE CHAIRMAN BONACCI: I don't have any
15 questions for Mr. McDonough.

16 Do you guys have any questions?

17 Okay.

18 MR. ALONSO: Public.

19 VICE CHAIRMAN BONACCI: Do we have anybody
20 that would like to speak on this application?

21 MS. DILLON: Name and address for the
22 record.

23 MR. PRICE: Larry Price, 1006 Palisade.

24 I'm still under oath.

25 Okay. Your last testimony was, we have two

1 apartments in the front.

2 MR. ARENCIBIA: Correct.

3 MR. PRICE: It's a two bedroom on the
4 ground floor and a three bedroom upstairs.

5 MR. ARENCIBIA: No. It's going to be three
6 and three.

7 MR. PRICE: Three and three.

8 MR. ARENCIBIA: Yes.

9 MR. PRICE: Okay. And one is 1175 square
10 feet. And the other is 1200.

11 MR. ARENCIBIA: That's correct.

12 MR. PRICE: Okay. There are two apartments
13 in the back.

14 MR. ARENCIBIA: No. These are the
15 apartments in the back, the ones I'm referring
16 to.

17 The ones that are legal are the ones in the
18 front that face the front of the street.

19 MR. PRICE: Okay. Then, the ground floor
20 in the front.

21 MR. ARENCIBIA: Okay.

22 MR. PRICE: It's what? A two bedroom or --

23 MR. ARENCIBIA: Two bedroom.

24 MR. PRICE: How large is the apartment?

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. McDONOUGH: What are your numbers?

3 MR. ARENCIBIA: Nine hundred and ten square
4 feet. Each one.

5 MR. PRICE: None -- both of them are 910.

6 MR. ARENCIBIA: One -- ground floor is 910.
7 The upstairs is the same, so 910 and 910.

8 MR. PRICE: By the way, how can you get an
9 apartment with 1200 square feet, nine -- another
10 apartment with 910, an alleyway two feet in the
11 back, on a 25 by a hundred square foot lot?

12 I kind of question your numbers.

13 MR. ARENCIBIA: I just do the measure --

14 MR. PRICE: Did we just put 15 pounds into
15 a ten pound bag or something?

16 MR. ARENCIBIA: That's -- that's existing.

17 MR. PRICE: You don't understand the
18 question.

19 I'm saying, you said there were 1200 square
20 feet in one apartment. In the back.

21 MR. ARENCIBIA: Well, it's basically --
22 it's 1170 and 900. That's basically what you
23 have. That's your footprint, basically, on a
24 2500 square foot lot.

25 MR. ALONSO: And what's it, when you add

1 the 1170 and 910, is approximately how much?

2 MR. ARENCIBIA: Two thousand square feet,
3 roughly. So --

4 MR. ALONSO: Two thousand square feet.

5 MR. ARENCIBIA: Twenty-one hundred square
6 feet. So you have 400 square feet, which is
7 basically that little alley that leads you out to
8 the street. That's the space.

9 MR. PRICE: Okay. This site provides no
10 parking.

11 MR. ARENCIBIA: That's correct.

12 MR. PRICE: And in the front, the setback
13 is --

14 MR. ARENCIBIA: I believe it's already been
15 mentioned that the front yard is four and a half
16 feet.

17 MR. PRICE: Four and a half feet.

18 MR. ARENCIBIA: Yes.

19 MR. PRICE: Okay. And the rear yard
20 setback is --

21 MR. ARENCIBIA: Two -- two foot three
22 inches.

23 MR. PRICE: Okay. Very good.

24 Thank you.

25 VICE CHAIRMAN BONACCI: Is there any other

1 members from the public that would like to speak
2 on this application at this time?

3 Okay.

4 Closed to the public.

5 Mr. Alonso, the difficulty that I'm having
6 in order to grant the application is that there's
7 a lot of numbers that I just can't see on the
8 paper.

9 MR. ALONSO: Sure.

10 VICE CHAIRMAN BONACCI: And it's difficult
11 to picture, or even discuss the layout, without
12 things being -- you know, a little bit more
13 planned out, as far as how many square feet is
14 this bedroom going to be, and so on and so forth.

15 I'm going to ask that we carry this on --

16 MR. ALONSO: Okay.

17 VICE CHAIRMAN BONACCI: -- to the next
18 meeting. And if you could modify, if that's
19 something that you guys would be able to do, is
20 to modify the plan, the application and we
21 continue this at the next meeting.

22 MR. ALONSO: So, you need all dimensions.

23 MR. ARENCIBIA: You need square footage
24 numbers for the preexisting units?

25 VICE CHAIRMAN BONACCI: Please.

1 MR. ARENCIBIA: Okay.

2 VICE CHAIRMAN BONACCI: With a little bit
3 more of a detailed description on how this is all
4 going to fit together.

5 MR. PANEQUE: Just so that we're clear, Mr.
6 Bonacci --

7 VICE CHAIRMAN BONACCI: Making a motion.

8 MR. PANEQUE: Wait, before we do that.

9 Are you also asking that they depict the
10 front apartment, as well?

11 VICE CHAIRMAN BONACCI: Yes. Please.

12 MR. PANEQUE: So, Mr. Arencibia, you've
13 left blank spaces for that front apartment. Lay
14 them out, please, in your plans and with
15 dimensions and so forth.

16 VICE CHAIRMAN BONACCI: So, I'm just going
17 to make a motion to carry this over to the next
18 meeting.

19 THE SECRETARY: Motion to --

20 VICE CHAIRMAN BONACCI: With --

21 THE SECRETARY: -- carry over to September
22 26 (sic) --

23 VICE CHAIRMAN BONACCI: With the condition
24 that all the plans are -- you know --

25 MR. SPATZ: Fourteen?

1 THE SECRETARY: Oh.

2 MR. SPATZ: September 14?

3 VICE CHAIRMAN BONACCI: Specifics --

4 THE SECRETARY: I'm sorry.

5 VICE CHAIRMAN BONACCI: -- as far as
6 footage and all that kind of stuff.

7 MR. ALONSO: Okay.

8 VICE CHAIRMAN BONACCI: Thank you.

9 THE SECRETARY: Allow me one second.

10 MR. ARENCIBIA: No problem.

11 MR. PANEQUE: Mr. McDonough?

12 MR. McDONOUGH: I don't know. I think he's
13 changing the date or --

14 MS. GUTIERREZ: September --

15 THE SECRETARY: Is September 14.

16 MR. SPATZ: Yes. The 14th.

17 THE SECRETARY: I'm sorry. September 14.

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Motion by Mr. Bonacci.

20 Second by Mr. Pressey.

21 MR. ARENCIBIA: Do you need to have that
22 submitted five days before?

23 MR. ALONSO: Ten days.

24 MR. SPATZ: Ten.

25 MR. ARENCIBIA: Or ten days before?

1 MR. ALONSO: Yeah. Ten days.

2 MR. PANEQUE: Ten days before.

3 MR. ARENCIBIA: Ten days before the
4 meeting?

5 MR. PANEQUE: And there's no requirement
6 for new notices.

7 THE SECRETARY: Roll call on the motion to
8 adjourn this application for September 14, 2017.
9 No new notice required.

10 Roll call on the motion.

11 Victor -- Mr. Grullon?

12 MR. GRULLON: Yes.

13 THE SECRETARY: Ms. Gutierrez?

14 MS. GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: Yes.

19 THE SECRETARY: Mr. Bonacci?

20 VICE CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Five in favor. Motion
22 carries. No new notice required.

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

25 * * *

1 **F & G 3710, LLC - 3710 Kennedy Boulevard:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, F and G, 3710, LLC, 3710
5 Kennedy Boulevard.

6 Mr. Alonso, please?

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

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

12 I have a Affidavit, which indicates that
13 notices of the hearing with respect to the
14 property located at 3710 Kennedy Boulevard were
15 sent out to all property owners within the 200
16 foot range.

17 I've also been provided with a copy of the
18 Affidavit of Publication indicating that notice
19 of tonight's hearing with respect to the property
20 at 3710 Kennedy Boulevard was published in The
21 Jersey Journal on July 1st, 2007 (sic).

22 I've also been provided with a copy of the
23 notice that went out to all property owners
24 within 200 foot radius, indicating that there
25 would be a meeting tonight for the property in

1 question.

2 Also have a tax list from the Tax
3 Assessor's Office, from -- for Block 219, Lot 58,
4 also known as 3710 Kennedy Boulevard, with a date
5 of May 2nd, 2017, showing all property owners
6 within the 200 foot radius.

7 Also, the -- been provided with the
8 certified mail receipts, with a postmark stamp
9 date of July 1st, as well as the green cards and
10 envelopes that have come back from the notices
11 that went out.

12 Based on the documentation that's been
13 provided, this Board has jurisdiction to proceed
14 and hear this matter.

15 MR. ALONSO: Thank you, Mr. Chairman,
16 members of the Board.

17 For the record, Alvaro Alonso, Alonso
18 Navarette, on behalf of the applicant.

19 This is a property, if you're familiar with
20 it, it's been a commercial building for many
21 years.

22 There used to be a residential component to
23 the building. At some time, it was -- it was
24 converted to all commercial. Unfortunately, the
25 Building Department still has its record as

1 indicating as residential and commercial mixed
2 use.

3 So, my client was -- was given a summons
4 for the illegal occupancy as a commercial space.
5 So, we're here to legalize the building, to make
6 it all commercial.

7 I have Mr. Arencibia, who's been previously
8 sworn, and -- and qualified as an architect.

9 I'm going to have him review the plans at
10 this time.

11 MR. ARENCIBIA: Okay.

12 VICE CHAIRMAN BONACCI: Yes.

13 MR. ARENCIBIA: Okay.

14 Thank you.

15 VICE CHAIRMAN BONACCI: Absolutely. Thank
16 you.

17 MR. ARENCIBIA: All right.

18 Good evening, again.

19 Okay. Of course, the subject property is
20 on Kennedy Boulevard, between 38th Street and 37th
21 Street. It's 25 by a hundred lot. And the --
22 the structure actually itself is zero lot line in
23 the front, and zero lot line on the -- on the
24 sides.

25 There is a rear deck on the back of the

1 property itself, so the building does not
2 encroach all the way into the rear. It's roughly
3 about 20 feet from the -- from the property at
4 the -- at the rear. It's actually 22 foot seven.

5 What we have is, on -- on the existing
6 building itself, the ground floor, if you look at
7 page A-100, there's a picture of the actual
8 existing building as you depict it. You could
9 see the actual entrances to the actual structure,
10 there's two entrances. One entrance before led
11 to the actual stairs, and the other entrance
12 leads to their actual office space there. The
13 other's a large window for the actual space.

14 And as you can tell, the front part of that
15 building was actually built out some years ago,
16 and to sort of create like a commercial look to
17 the actual building itself. However, it's only
18 one story structure at the front of the building.

19 You can see, in that picture, the
20 residential nature of the structure behind. And
21 that's set back and that's -- roughly, it's three
22 stories at the rear, where the residential
23 portion of the actual structure was.

24 This application, we're proposing on trying
25 to extend the front façade, right from the

1 street, going straight up to the third floor, and
2 enclosing the up -- the upper area and -- and
3 have all three floors be exactly the same square
4 footage, and have the existing commercial space
5 on the ground floor extend to the other two
6 floors above.

7 Part of the application is also to extend a
8 deck off of the rear, so you can actually have a
9 deck from the floors accessing to the ground
10 floor below, in order to make it more comfortable
11 for the actual people working in the office, to
12 have a place to go outside, sit down in the
13 summertime, whatever.

14 But the majority of the -- the base -- the
15 majority of the existing space is existing on the
16 ground floor, basically existing. We're going to
17 reconfigure some of the work stations. However,
18 the space, the ground floor space actually stays
19 pretty much the way it is.

20 Where there is some change will be on the
21 second floor and on the third floor, where the
22 front façade is going to be extended out, flush
23 with the street, so that therefore, as a -- as a
24 result of doing that, we'll be able to provide an
25 additional square footage space within the

1 premises.

2 On the second floor, additional square
3 footage space will be used for a proposed office.
4 And on the upper floor, what we produced -- we
5 use for using additional space for additional
6 desk on the -- on that space itself.

7 The current space, they do mortgages, they
8 do loans. They also -- I think they have sort of
9 like a little studio, where they actually do some
10 photography and so forth.

11 The owner is here. He'll be able to
12 explain exactly how he functions in the building
13 itself.

14 But we're proposing on doing a nice, clean,
15 modern facility, clean structure. If you look at
16 the proposed elevation, the idea is to have the
17 door relocated off to one side of the building
18 itself, have the nice new stone veneer throughout
19 the new extension that we're proposing.

20 Three floors of glazing along the middle of
21 the actual building itself, with awning windows,
22 to provide some natural ventilation into the
23 space, and cladding it and securing it with
24 actual metal panels, so we'll have a nice real
25 modern façade, with hard stone materials, as far

1 as nice, clean, modern, polished materials with
2 the metal glazing also.

3 Part of the application, we're also
4 proposing some signage, so we'd like to be able
5 to get some type of approval for some signage for
6 the actual application itself.

7 And on the -- on the ground floor, we're
8 going to have a -- sort of like a stone veneer on
9 the ground floor, in order to protect the actual
10 base of the building itself.

11 Again, the ground floor, we have work
12 stations. About one, two -- we have about like
13 12 desks and a conference room at the rear of the
14 property. Seating area, waiting area in the
15 front of the property.

16 If you go up the stairs, you're going to
17 end up with the additional open bullpen seating
18 area, and a couple of offices. One existing
19 office that's at the rear of the property, and a
20 conference room, and new offices that will be new
21 in the front of the building, which we'll be
22 extending in the front.

23 If you keep going up the stairs, you'll end
24 up with the upper floor, the third floor. And
25 again, you have an open office layout space,

1 | predominantly all desks throughout, and some
2 | communications people that actually, they do
3 | phone calling, so they have some of the small
4 | little desk. People actually do cold calls, like
5 | a telecommunication center. And -- and two
6 | existing -- two proposed offices at the rear of
7 | the -- of the rear of the third floor, that will
8 | have access to the new proposed deck at the -- at
9 | the rear.

10 | The building's going to have a flat roof.
11 | It's going to have the nice modern look to it.

12 | So, I mean, as far as heights are
13 | concerned, everything is going to be the same.
14 | We're just going to square off the roof.

15 | Lot coverage.

16 | We're basically going to be at a hundred
17 | percent lot coverage, with the except -- well,
18 | with the exception of the rear yard. But you
19 | know, the actual sides and the front are going to
20 | be -- it's 87.13 percent, so --

21 | VICE CHAIRMAN BONACCI: Okay.

22 | So, right now, it stands as an existing
23 | mixed use; commercial and residential.

24 | MR. ALONSO: Well, from the -- from the
25 | Building Department perspective.

1 VICE CHAIRMAN BONACCI: Right. But it's
2 only been used by your applicant as commercial,
3 since he's owned it.

4 MR. ALONSO: No. I believe --

5 I'll -- I'll bring him up and he'll tell
6 you --

7 VICE CHAIRMAN BONACCI: Okay.

8 MR. ALONSO: -- what the history of it is.

9 VICE CHAIRMAN BONACCI: Sure.

10 MR. ALONSO: And how he propose to use it.

11 VICE CHAIRMAN BONACCI: Okay.

12 MR. ARENCIBIA: I believe there was a
13 residential unit before, when he first occupied
14 the premises. And that stayed there for awhile.

15 But as his business grew, then he grew into
16 that space, as well, too, so it was not -- did
17 not eliminate the residential use.

18 VICE CHAIRMAN BONACCI: Okay.

19 So, it's his intention to eliminate the
20 residential completely, and just make it all
21 commercial?

22 MR. ALONSO: Correct.

23 MR. ARENCIBIA: That's correct.

24 VICE CHAIRMAN BONACCI: You guys are aware
25 that you would need approval from the County

1 Planning Board?

2 MR. ALONSO: Yes.

3 MR. ARENCIBIA: Yes.

4 VICE CHAIRMAN BONACCI: Okay.

5 If you would like to bring up your next --

6 MR. ALONSO: Sure. I'll bring up the
7 planner.

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

10 MS. DILLON: Mr. McDonough was previously
11 sworn.

12 VICE CHAIRMAN BONACCI: We'll accept your
13 qualifications again.

14 Thank you.

15 MR. ALONSO: Thank you.

16 Mr. McDonough, can you please review your
17 planning analysis in connection with this
18 application?

19 MR. McDONOUGH: Sure.

20 Again, this is a longstanding building in
21 the community. It's a prominent building. This
22 is an opportunity to upgrade. That's exactly
23 what Mr. Arencibia is going to do.

24 You saw the after pictures, I'll call them,
25 in terms of how this is going to improve the

1 | streetscape, and sort of square off this building
2 | that has a lot of unusual notches to it, an
3 | irregular shape. That's going to go towards the
4 | planning goal of promotion of a desirable visual
5 | environment, one of the special reasons that
6 | we'll look -- we'll look at in terms of the
7 | justification.

8 | But what I'd like to do, Mr. Chairman, is
9 | just take a look at what is there now, and share
10 | with the Board some photographs, as evidence, so
11 | we can compare what Mr. Arencibia is proposing
12 | with what is actually out there right now.

13 | Actually, I got a bunch.

14 | MR. PANEQUE: Let's have them marked, Mr.
15 | Alonso.

16 | MR. ALONSO: Yes.

17 | MR. ARENCIBIA: Do you want to see these?

18 | MR. ALONSO: Let's have it marked.

19 | MR. PANEQUE: It's one set?

20 | MR. ALONSO: It's one set, A-1.

21 | VICE CHAIRMAN BONACCI: Thank you.

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

24 |

25 | (Whereupon, Planning Exhibit, Three Pages,

1 was received and marked as Exhibit A-1.)

2

3 MR. McDONOUGH: This is A-1?

4 MS. DILLON: Yes.

5 MR. McDONOUGH: So, A-1, for the record, is
6 going to be a set of photographs that were
7 actually taken by my office. Not the first one.
8 That's an aerial photograph that we downloaded
9 from the Bing website, that shows the subject
10 property fronting on JFK Boulevard, between 37th
11 and 38th. This is actually a corner -- just one
12 lot off the corner.

13 Again, you get a sense of the irregular
14 shape of the building and the mixed character of
15 the area.

16 Flipping over to frame number two, we're
17 looking at four different views of the subject
18 property. And this shows, again, that irregular
19 façade that they have, with what looks to be a
20 commercial component, that has pulled out in the
21 front, what looks like a residential component,
22 that is actually in the rear.

23 And this has actually been utilized for
24 commercial purposes some -- for some time.
25 Again, you heard through the financial office

1 | that that aspect has actually been occupying the
2 | space.

3 | It's a very stable business here in the
4 | community. It employs a lot of people, provides
5 | a lot of jobs. And this is an opportunity to
6 | create a more conducive work environment for the
7 | people who are already there.

8 | Flipping over to frame number four, just
9 | giving a sense of the surrounding land use
10 | context, where we have some residential, some
11 | mixed use. And again, we know the way -- we have
12 | a varied mix of forms and uses along the JFK
13 | Boulevard corridor.

14 | So, with that, we're looking at the legal
15 | basis for a use variance, and we could somewhat
16 | qualify this as almost a hybrid with a D-2, as
17 | well, given the fact that the variance that the
18 | applicant needs from your CN, Neighborhood
19 | Commercial zone, is to allow for ground floor
20 | office, which is not allowed. This is a zone
21 | where you look for retail and I'll say active
22 | uses on the street.

23 | That said, we do have an office use there.
24 | So, again, this is somewhat of a hybrid between a
25 | D-1 and a D-2, recognizing that that office use

1 is -- is a very stable land use.

2 On the positive side, we see the promotion
3 of the public welfare. That's purpose A, with
4 the improvement to a longstanding established
5 business, with a longstanding commitment to the
6 community.

7 Purpose I, as I said, the promotion of a
8 desirable visual environment, taking that façade
9 there now and substantially beautifying it.

10 And also, purpose M, the efficient use of
11 land. Taking people who are working there now,
12 keeping them there. Business retention, from a
13 planning standpoint, is as important as business
14 attraction. It maintains for a new -- a very
15 stable economic base.

16 Flipping that over, on the negative side.
17 Certainly, no substantial detriment, in terms of
18 the public impact.

19 This is not going to be an innocuous use or
20 an obnoxious use, in terms of public health,
21 public safety, or public welfare.

22 And with respect to the zone plan, the 2009
23 Master Plan, again, has an economic aspect to it.
24 This is going to promote that aspect.

25 And also, to the extent that the intent of

1 the CN zone is to provide for activity at the
2 street level, this is going to provide those
3 consumers that will activate the street and
4 provide for foot traffic that will support the
5 other commercial uses in the area.

6 So, it has a nice -- very nice symbiotic
7 effect with the overall intent of -- of the zone
8 plan and the ordinance.

9 All of that goes towards the justifications
10 for the use variance. We do have a number of
11 bulk variances, which are essentially existing
12 conditions, such as the lot size, the front yard,
13 and the rear yard.

14 That is all justifiable under the Hawrylo
15 case, which was essentially a case that dealt
16 with extension of existing non-conformances,
17 following the line that's already been
18 established there.

19 So, in that regard, we see that as a
20 justification, under both the C-1 hardship and
21 the C-2 balancing tests.

22 Lastly, we do need parking relief. Under
23 the strict, or literal read, under the Ordinance,
24 there would be 16 spaces that are required.
25 There are no spaces provided here.

1 We know, of course, we have alternate modes
2 of transportation, with the bus stops along the
3 JFK corridor. We've got the parking lots, the
4 public parking lots that the current employees
5 presently use, within walking distance of the
6 site. And again, it's a very walkable area, as
7 well.

8 We also have the Ric-Cic case, which says
9 if parking is not in a building presently, you
10 can't impose that parking on the building. And
11 that, again, goes towards the hardship aspect of
12 what's there.

13 So all said, this application advances the
14 Master Plan goal to provide for a balance of land
15 uses, and also to provide for a -- to preserve
16 the character of the overall area.

17 With that said, I believe all the statutory
18 tests are met. The use variance and the
19 associated bulk variances and the parking
20 variances, as well, I believe the Board can move
21 favorably on this application.

22 VICE CHAIRMAN BONACCI: Thank you.

23 MR. McDONOUGH: Thank you.

24 VICE CHAIRMAN BONACCI: You guys have any
25 questions for Mr. McDonough?

1 If you would like to bring your --

2 MR. PANEQUE: Mr. Spatz?

3 VICE CHAIRMAN BONACCI: Okay.

4 MR. SPATZ: I'm not sure if Mr. McDonough
5 is the one to -- to answer the question or -- or
6 perhaps, Mr. Arencibia, the signs that are
7 proposed for this, you're only permitted one
8 facade mounted sign. And the elevation sketch
9 shows the one sign that appears to conform, but
10 it also indicates that wall mounted signs are
11 going to be provided on -- on the side walls of
12 the building. They do exist. I'm not sure --

13 MR. ARENCIBIA: Yes.

14 MR. SPATZ: You know, whether they were
15 granted by variance, or what the circumstances
16 are but --

17 MR. ARENCIBIA: Yes, exactly. They do
18 exist, and that's our reason we're asking for
19 them to be approved as is.

20 MR. SPATZ: Yeah. Well, they -- they're
21 not permitted on the side. They're only on the
22 facade -- the side of the building that fronts on
23 the street. So they would not be permitted.

24 I'm not sure whether they're there by
25 variance, or --

1 MR. ALONSO: I can -- I can only assume --

2 MR. SPATZ: -- they're just there --

3 MR. ALONSO: -- that they were permitted,
4 only because there appears to be some electrical
5 components to it, which you would have had to get
6 electrical permits issued by the Building
7 Department.

8 They would have indicated, at that time, if
9 it -- if they --

10 MR. SPATZ: Yeah.

11 MR. ALONSO: -- may require a --

12 MR. SPATZ: I'm not sure -- I'm not sure
13 when they -- when they were put up.

14 MR. ALONSO: Right. Right.

15 MR. SPATZ: It could have predated the
16 current -- you know, Building Department staff.
17 You know, I don't know if you need to provide
18 some testimony as to why they should be there,
19 because typically, they would not be permitted on
20 the side; you couldn't have more than one, but
21 also on the side.

22 MR. McDONOUGH: So, again, it looks to me
23 as though there was going to be an overall
24 reduction of signage. That there are some canopy
25 signs that are associated with the property,

1 presently.

2 Those would be removed. So, to the extent
3 that the applicant is looking to preserve the
4 signage that's there on the side of the building,
5 and integrate the signage that's on the front of
6 the building, within that panel or that frame,
7 with the architecture, I would say this moves the
8 site more into conformance with the overall
9 intent of the Master Plan and the Zone Plan, to
10 provide for an attractive visual environment, to
11 avoid sign clutter.

12 And in that regard, I think the elimination
13 of those canopies, those -- those awnings, will
14 move this site towards betterment, from a zoning
15 standpoint.

16 VICE CHAIRMAN BONACCI: Just one quick
17 question --

18 MR. McDONOUGH: Yeah.

19 VICE CHAIRMAN BONACCI: -- on that.

20 So, you're seeking to do a wall mounted
21 sign, that's located on the first floor. That
22 location of the sign and the size of the sign is
23 conforming.

24 What Mr. Spatz is indicating is the side
25 signage, and there's electrical components to go

1 to that.

2 Are you testifying that that's going to be
3 removed, and you're just going to go with the
4 front signage, the façade?

5 MR. McDONOUGH: No. What I'm testifying
6 to, if you look at plan A-100, it's actually got,
7 in the upper right hand portion, the two existing
8 signs that are associated with the front. It's
9 my understanding that they would be retrofitted
10 to fit within the panel --

11 MR. ARENCIBIA: Correct.

12 MR. McDONOUGH: -- that's associated with
13 the glazing on the front of the building.

14 MR. ARENCIBIA: Building signage, roughly
15 the same size. Yes.

16 MR. McDONOUGH: As to the signage that's on
17 the side, that is -- that's not even a
18 replacement in-kind. That's to keep the signs
19 that are there on the side of the building, those
20 which are there presently.

21 VICE CHAIRMAN BONACCI: Okay. Where'd you
22 say that was? A-100?

23 MR. McDONOUGH: It's on A-100. You don't
24 see those side signs from this vantage point.

25 I'm going to go back to my photographs to

1 see if they pop up on any one of those.

2 Yes. Okay. So, if you look at --

3 VICE CHAIRMAN BONACCI: This?

4 MR. McDONOUGH: -- the frame, if you look at
5 page two and the frame in the upper left, you get
6 a sense of the sign that is on the right hand
7 side of the building.

8 And that actually shows up in the lower
9 right hand corner, as well.

10 VICE CHAIRMAN BONACCI: There's electrical
11 that goes along with that? Doesn't look like it.

12 MR. ALONSO: No, no, no. The electrical
13 that I was referring to is the signs in the front
14 of the building.

15 VICE CHAIRMAN BONACCI: The front. Got
16 you.

17 MR. ALONSO: They're -- they're existing.

18 VICE CHAIRMAN BONACCI: Okay.

19 MR. ARENCIBIA: Looks like a billboard
20 sign, is basically what it looks like. A small
21 billboard attached to the building.

22 VICE CHAIRMAN BONACCI: Okay.

23 I'm okay with that.

24 MR. ALONSO: My client is here. I didn't
25 have -- I wasn't going to call him as a witness,

1 | if the Board has any specific questions with
2 | respect to the operation.

3 | VICE CHAIRMAN BONACCI: I do have one or
4 | two questions.

5 | MR. ALONSO: Sure.

6 | VICE CHAIRMAN BONACCI: If you could bring
7 | him up.

8 | MS. DILLON: Sir, right in front of the
9 | microphone there.

10 | Please raise your right hand.

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

13 | MR. GONZALEZ: Yes, I do.

14 | MS. DILLON: Okay.

15 | Could you please state your name and spell
16 | it for me?

17 | MR. GONZALEZ: Conrado Gonzalez,
18 | G-O-N-Z-A-L-E-Z.

19 | MS. DILLON: And your first name?

20 | MR. GONZALEZ: Conrad with an O at the end.
21 | C-O-N-R-A-D-O.

22 | MR. ALONSO: Mr. Gonzalez, what is your
23 | relationship to this application?

24 | MR. GONZALEZ: I'm the CEO and the
25 | President of the company.

1 MR. ALONSO: Okay.

2 And approximately how many employees do you
3 have today?

4 MR. GONZALEZ: Very proud to say that we
5 have 31 employees as of today. When we bought
6 the place in -- in 2001, and we -- it had three
7 employees. This place, I bought it already,
8 Financial Benefits was there. And it's been
9 there since 1983. April of 1983 the company has
10 been there.

11 When I -- I bought first the company, and
12 then I bought the building. I bought the company
13 in -- in 1999. I bought 50 percent of the
14 company. Then I bought the other 50 percent from
15 the guy that retired, that owned the building, in
16 2001. And then, I bought the building in 2002.

17 By the time I bought the building in 2002,
18 the first and the second floor were commercial
19 already. The first floor was the -- we do
20 insurance, we do mortgages. I have a financial
21 planner, and I have seven other financial
22 planners that work with me.

23 And what we do is, we -- we help people
24 with the insurance, with financial plans of all
25 kinds, helping them get mortgages, getting them

1 out of debt, doing debt reduction through
2 consolidations and other types of reduction.

3 And we work with lawyers in the area, two
4 specifically that we help them, we do
5 bankruptcies.

6 So, that's what we do mostly. We do
7 accounting, we do tax work and that.

8 We are a complete financial advice firm
9 there.

10 And we have 31 employees, ten of which live
11 within five blocks of that place, and they can
12 walk to it. So, parking has never been a problem
13 for us. I'm the one that lives the furthest
14 away. Everybody else sort of lives by.

15 MR. ALONSO: And in addition, right on the
16 same block, you -- you also have a municipal
17 parking lot.

18 MR. GONZALEZ: We have two municipal
19 parking lots. Real big one on -- on the 37th.
20 And then, we have one that has three floors on
21 the 38th.

22 So, even our clients don't give us too much
23 complaint about parking. A lot of them come
24 walking. We have a lot of clients are from our
25 area. And we have a great bus service.

1 MR. ALONSO: And how many -- how many days
2 a week are you open?

3 MR. GONZALEZ: We're open six days a week.
4 Monday through Friday, nine to 6:30; Saturdays,
5 nine to one.

6 VICE CHAIRMAN BONACCI: Okay.

7 Yeah, you -- you answered the questions
8 that I was going to ask, which were how many
9 people do you currently employ? And if any of
10 your employees commute to work?

11 MR. GONZALEZ: Very -- some of them do. I
12 am one of the ones that commute. But it depends
13 on the company. With the girl that runs the --
14 lives on 37, between Bergenline and Kennedy
15 Boulevard. Two of them live across the street in
16 the building that's there.

17 And as I say, ten live within less than a
18 mile radius. So, most of the -- them walk over
19 to us.

20 VICE CHAIRMAN BONACCI: I was going to ask
21 you about the residential aspect of the building
22 that you have.

23 Do you currently rent that out to anybody
24 that --

25 MR. GONZALEZ: No.

1 VICE CHAIRMAN BONACCI: -- lives -- or you
2 just want to use the whole thing?

3 MR. GONZALEZ: We use the whole thing. And
4 -- for the -- for the people that are Spanish
5 here, they might know the company, it's called
6 Garantice Su Futuro. We have a show on
7 television and on radio, where we -- and we have
8 the studio on the third floor. And that's why --
9 where there thing was. That little studio where
10 I -- I do a one hour TV show every week, on
11 channel 47, and I do two one hour shows on Radio
12 WADO, which is one of the stations -- one of the
13 main radio stations in Spanish. And our show is
14 called Garantice Futuro, meaning, how to
15 guarantee your future.

16 VICE CHAIRMAN BONACCI: I don't have any
17 more questions.

18 Thank you so much.

19 MR. GRULLON: Thank you.

20 MR. PRICE: I have a question.

21 VICE CHAIRMAN BONACCI: Do you -- do you
22 guys have any questions?

23 Okay.

24 If anybody from the public would like to
25 speak on the application?

1 MR. PRICE: No, no, no. Just --

2 MS. DILLON: No. Stand up, Mr. Price.

3 MR. PRICE: Yeah.

4 I just have a couple questions for Mr.
5 Gonzalez.

6 Mr. Gonzalez, you testified that you bought
7 the building in March of 2002.

8 MR. GONZALEZ: Yeah.

9 MR. PRICE: You said the ground floor was
10 commercial use. You mean -- by commercial use,
11 do you mean the kind of operation you have now?

12 MR. GONZALEZ: Well, it was a lot smaller.
13 There was a life -- the life insurance part that
14 I bought, and they also had a printing shop that
15 they rented to.

16 MR. PRICE: Oh. When did the printing shop
17 disappear?

18 MR. GONZALEZ: About a year after I took
19 over, I needed space, so they started getting
20 behind in the rent, but I kept -- I kept my -- my
21 place for myself.

22 MR. PRICE: Okay.

23 So, at least from 2004 onward, it's
24 basically been an office.

25 MR. GONZALEZ: Yes.

1 MR. PRICE: The insurance office and the --

2 MS. DILLON: Just a little closer to the

3 microphone --

4 MR. GONZALEZ: Yes.

5 MS. DILLON: -- Mr. Gonzalez.

6 MR. GONZALEZ: Yes, it has.

7 MS. DILLON: Thank you.

8 MR. PRICE: From 2004 to date.

9 MR. GONZALEZ: Yes.

10 MR. PRICE: Okay.

11 Thank you.

12 MR. GONZALEZ: Anything else?

13 MR. ALONSO: That's it.

14 MR. GONZALEZ: Thank you.

15 MR. PRICE: By the way, that's Mr.

16 Gonzalez. But if I have question -- I have

17 questions of others.

18 Do I ask those now or --

19 MR. PANEQUE: Yes.

20 MR. PRICE: Okay. Mr. Arencibia?

21 Okay. The -- you're going to -- you're

22 going to bring the --

23 MR. ARENCIBIA: The upper floor facades

24 flush with the downstairs.

25 MR. PRICE: Flush with -- flush with the

1 front of the building on the first floor level.

2 MR. ARENCIBIA: That's correct.

3 MR. PRICE: Okay.

4 And it will be entirely office space on the
5 second floor and the third floor.

6 MR. ARENCIBIA: That is correct.

7 MR. PRICE: Okay.

8 Thank you.

9 MR. GONZALEZ: The third floor is going to
10 have some studio --

11 MS. DILLON: Can you just come back to the
12 microphone?

13 MR. GONZALEZ: The third floor, --

14 MS. DILLON: Back there, I can't get what
15 you say.

16 MR. GONZALEZ: -- besides office, we're
17 going to have the studio where we record and we
18 do the TV show.

19 MR. ARENCIBIA: Yeah, but it's part of the
20 office function.

21 MR. GONZALEZ: Yes. It's part of the
22 office.

23 MR. PRICE: It's an office function.

24 MR. ARENCIBIA: Right.

25 MR. PRICE: Okay.

1 In which case, I have a question to ask of
2 Mr. McDonough.

3 My real question to you -- I mean, the real
4 approval that you need here is that you've got an
5 office function on the ground floor of the
6 building, where only commercial, which means
7 retail or service establishments are permitted.

8 MR. McDONOUGH: Correct.

9 MR. PRICE: Okay. But this thing has been
10 an office since 2004, no later than, which is
11 well antedates the -- the adoption of the -- the
12 Land Development Ordinance in 2012.

13 So, yeah, it's an office, but it's a
14 preexisting nonconforming use.

15 MR. McDONOUGH: That's --

16 MR. PRICE: Why do you need an approval
17 from this Board for that? That's --

18 MR. McDONOUGH: Because I -- again, that's
19 why I call this a hybrid D-1, D-2, the fact that
20 -- I don't know if it's ever officially been
21 legalized as a preexisting nonconforming use --

22 MR. PRICE: Well, wait a minute.

23 Legalize -- legalize -- that's a
24 description in the Building Department. But the
25 fact is that the use, we know, in 2012, when we

1 | adopted the Land Development Ordinance, was as an
2 | office.

3 | MR. McDONOUGH: Right. But this is an
4 | alteration of a preexisting nonconforming use.
5 | That's a D-2 variance.

6 | MR. PRICE: Except you're not altering the
7 | first floor, you're altering the second and the
8 | third floor. And an office on the second and
9 | third floor is a permitted use.

10 | MR. McDONOUGH: I'll -- I'll run with your
11 | rationale that -- I still think the Board has
12 | proper jurisdiction here. If we have a -- I'm
13 | going to take it at a different perspective, as
14 | an analogy.

15 | If I have a site that has a --

16 | MS. DILLON: Just one step closer to the
17 | microphone.

18 | MR. PRICE: Yeah. You --

19 | MR. McDONOUGH: Sorry. I thought I had the
20 | mic on me.

21 | If I have a lot that has a nonconforming
22 | use on it, and I'm alternating another portion of
23 | the lot, that would still be a D-2 variance.
24 | That's more of a horizontal analysis. This is a
25 | vertical analysis.

1 We've got the nonconforming use on the
2 ground floor. We're not altering the
3 nonconforming use, but we are altering the
4 entirety of the site.

5 It's a technical detail. It's a soft
6 detail, I'll call it.

7 MR. PRICE: That's an expansion, you would
8 -- you would say.

9 MR. McDONOUGH: I would call it an
10 alteration. And I think the law says if there's
11 an alteration of a nonconforming use, then you
12 need a D-2.

13 MR. PRICE: Okay. Very good.

14 Thank you.

15 MR. McDONOUGH: Yup.

16 MR. PRICE: Thank you.

17 VICE CHAIRMAN BONACCI: I believe Mr.
18 Grullon --

19 MR. GRULLON: I have a -- I have a question
20 for Mr. Arencibia.

21 Mr. Arencibia, if you can -- I mean,
22 looking at the site plan, it looks like you're
23 going to do the new front façade.

24 MR. ARENCIBIA: Correct.

25 MR. GRULLON: Are you planning to demolish

1 the entire building or --

2 MR. ARENCIBIA: No. We're not planning,
3 no.

4 MR. GRULLON: You're not planning to
5 demolish --

6 MR. ARENCIBIA: No.

7 MR. GRULLON: -- the building, but you're
8 changing the façade of the building.

9 MR. ARENCIBIA: We're changing the façade
10 of the building. We'll also be doing some
11 structural work on the existing size of the
12 building, in order to accommodate the additional
13 --

14 MR. GRULLON: You will be removing the --
15 all signs, probably, then you're going to put
16 back the signs?

17 MR. ARENCIBIA: Yes. All the signs in the
18 front, of course, are to be removed, and the
19 signs on the sides will be cleaned up.

20 MR. GRULLON: Yes. And -- and -- it looks
21 like, on the picture, it looks like you only have
22 one sign -- one sign, is on the -- on the south
23 side of the building.

24 MR. ARENCIBIA: No. There are also signs
25 on the north side of the building, because

1 | actually, there's a little alleyway there.

2 | Unfortunately, I'm sorry I don't have a picture
3 | to show you that.

4 | But there's a little alleyway between that
5 | building and the adjacent structure. So, there
6 | is a sign also mounted. It's the same as the one
7 | on the -- on the south side.

8 | MR. GRULLON: I mean, for those signs, will
9 | you require to have a variance for that?

10 | MR. ALONSO: A sign variance, and I believe
11 | that was some of the testimony that was presented
12 | by Mr. McDonough, with respect to the sign
13 | variance.

14 | MR. GRULLON: No. For the -- for the
15 | signs.

16 | MR. ALONSO: Yes.

17 | VICE CHAIRMAN BONACCI: For the --

18 | MR. ARENCIBIA: Yes.

19 | VICE CHAIRMAN BONACCI: -- eight by ten
20 | ones that are on the side of the buildings. Not
21 | the ones in the front.

22 | MR. ARENCIBIA: That's correct. Yes. We
23 | do.

24 | MR. GRULLON: Yeah. Okay.

25 | Because I think the site plan is calling

1 for two signs. One on each side of the building.
2 And according to the photograph, I only see one
3 sign here.

4 MR. ARENCIBIA: No. There -- there's two
5 signs on the sides of the building. And there's
6 -- right now, there's two signs on the front of
7 the building.

8 But the front of the buildings are actually
9 illuminated like light boxes. And the ones on
10 the sides are, basically, like just applied
11 signs, like on a billboard with no -- no
12 illumination.

13 VICE CHAIRMAN BONACCI: The photos that Mr.
14 McDonough provided us with, we can see the side
15 sign here.

16 MR. ARENCIBIA: Correct.

17 VICE CHAIRMAN BONACCI: I think Mr. Grullon
18 wants to know, do you have one on the opposite of
19 the building, as well?

20 MR. ARENCIBIA: We do.

21 VICE CHAIRMAN BONACCI: And we just can't
22 see it in the photo.

23 MR. ARENCIBIA: That is correct. We do.
24 Yes.

25 MR. GRULLON: Mr. Spatz, will that be

1 | permitted? Those four signs?

2 | MR. SPATZ: They need a variance for the
3 | two on the side. They -- those are not
4 | permitted.

5 | I don't know how they got there in the
6 | first place, whether they -- I don't recall a
7 | variance for them, I'm not sure how, but if
8 | they're going to be on this building, you would
9 | need to grant a variance to allow them.

10 | The one in the front is good. The ones on
11 | the side are not.

12 | MR. GRULLON: All right. That answered my
13 | question.

14 | Thank you.

15 | MR. ARENCIBIA: Okay. Sure.

16 | MR. PANEQUE: Mr. Alonso, are you
17 | requesting that this Board give you variances for
18 | those two side signs?

19 | MR. ALONSO: We are. We are.

20 | MR. PANEQUE: All right. One of the
21 | decision this Board has to make, if it decides to
22 | approve this application, is whether this Board
23 | deems fit that those signs on the side of the
24 | building, both on the north and the south side,
25 | facing, be granted.

1 The size -- the signs in the front, those
2 are part of the application, and those are
3 permitted.

4 MR. SPATZ: Correct. Yes. They meet the
5 Ordinance, in terms of location and size.

6 The ones on the side do not. And -- and
7 the ones on the side, currently, are not lit, but
8 they are proposed to have a light on them.

9 VICE CHAIRMAN BONACCI: Okay.

10 I think that the benefit of this
11 application has a tremendous upside. And the
12 fact that Mr. Gonzalez has been in the community,
13 and providing employment to the people of our
14 community, is a wonderful thing. And if it
15 grows, then that would be even better for the
16 people living in the community.

17 So, with that being said, I would like to
18 go ahead and make a motion to grant this
19 application.

20 THE SECRETARY: Motion to grant the
21 application by --

22 MS. GUTIERREZ: I'm --

23 THE SECRETARY: -- Mr. Bonacci.

24 MS. GUTIERREZ: I'm seconding.

25 THE SECRETARY: Second by Ms. Gutierrez.

1 MR. PANEQUE: As a point of clarification,
2 Mr. Bonacci, are you also approving the request
3 for the side signs?

4 VICE CHAIRMAN BONACCI: Yes, I am.

5 MR. PANEQUE: Okay. And are those to be
6 lit or non-lit?

7 VICE CHAIRMAN BONACCI: What are they
8 currently?

9 MR. ALONSO: Are they currently lit or
10 aren't they?

11 MR. GONZALEZ: They -- one had a --

12 MS. DILLON: Just come forward.

13 MR. GONZALEZ: One of those lights that --
14 that -- what do you call those? But it's broken.
15 Somebody broke it. So, I don't have lights on
16 it.

17 VICE CHAIRMAN BONACCI: But it had like one
18 disconnected light illuminating it --

19 MR. GONZALEZ: Yes.

20 VICE CHAIRMAN BONACCI: -- from the top.

21 MR. GONZALEZ: From the top. Exactly.

22 VICE CHAIRMAN BONACCI: Gotcha.

23 MR. GONZALEZ: But it's -- it is broken
24 now. We haven't put it back on.

25 VICE CHAIRMAN BONACCI: Okay. You guys

1 plan on fix --

2 MR. ARENCIBIA: The proposal is to have a
3 little gooseneck, nice decorative fixtures along
4 the side, so make -- clean it up.

5 VICE CHAIRMAN BONACCI: Which is in the
6 plan.

7 MR. ARENCIBIA: Yes, it is.

8 MS. GUTIERREZ: Very nice.

9 VICE CHAIRMAN BONACCI: So the answer is
10 yes. We're going to grant the variance as well
11 to illuminate the sign.

12 MR. PANEQUE: So just for clarification of
13 the Board, the motion is to approve the site plan
14 with two additional signs on the south and north
15 side, to be also lit.

16 MS. GUTIERREZ: Um hum.

17 THE SECRETARY: Motion by Mr. Bonacci.

18 MS. GUTIERREZ: Second.

19 THE SECRETARY: Second by Mrs. Gutierrez.

20 Roll call on the motion.

21 Mr. Grullon?

22 MR. GRULLON: Yes.

23 THE SECRETARY: Ms. Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Mr. Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: Mr. Pressey?

3 MR. PRESSEY: Yes.

4 THE SECRETARY: Mr. Bonacci?

5 VICE CHAIRMAN BONACCI: Yes.

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

8 MR. ALONSO: Thank you very much.

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

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1 **Mt. Management, LLC - 2416 Central Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Mt. Management, LLC, 2416
5 Central Avenue.

6 Mr. Alonso, please?

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

9 MR. PANEQUE: For the record, I've been
10 provided by Mr. Alonso with an Affidavit
11 indicating that notices for tonight's hearing,
12 with respect to the property at 2416 Central
13 Avenue was sent out to all property owners within
14 the 200 foot radius.

15 I've also been provided with a newspaper
16 Affidavit from The Jersey Journal, indicating
17 that notice of tonight's hearing, with respect to
18 2416 Central Avenue, was published in the
19 newspaper on July 1st.

20 Also been provided with copy of the notices
21 that went out to all property owners, as well as
22 a tax list from the Tax Assessor's Office, with
23 Block 136, Lot 7, for property known as 2416
24 Central Avenue, with a date of May 24, 2017, as
25 well as the actual list of all property owners

1 within the 200 foot range -- radius.

2 I've also been provided with copies of the
3 certified mail receipts, with a postmark date of
4 July 1st, as well as the green cards that have
5 come back to date.

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

9 MR. ALONSO: Thank you.

10 Members of the Board, for the record,
11 Alvaro Alonso, Alonso Navarette, on behalf of the
12 applicant.

13 This is a property that's currently
14 existing. It's -- it's designated as a six
15 family in the Building Department, but it
16 actually has nine units.

17 What we're proposing to do is to clean it
18 up, add an additional unit, to make it for a
19 total of ten units.

20 With that said, I have Mr. Arencibia, who's
21 been previously sworn and qualified as an
22 architect.

23 I'm going to ask him to review the existing
24 conditions and the proposal with the Board, at
25 this time.

1 MR. ARENCIBIA: Yes.

2 Currently, there basically is the two --
3 it's railroad apartment buildings, with a center
4 hallway, and apartments on both sides.

5 So, what happens was, at one point, there
6 used to be two, two bedroom units per floor, at
7 six. And then, sometime later, apparently, it
8 was split into two. So, we're able to pickup
9 additional three other bedrooms.

10 So, basically, it was nine units right now.
11 So, we're proposing on adding an additional unit
12 in the basement, in order to make it ten.

13 And part of the things that we're doing in
14 this application, as a result of -- of legalizing
15 this application, we're going to be making some
16 changes onto the units that were split before, in
17 half, in order to make them ADA compliant.

18 So, all the units that were previously
19 split in half, illegally, will now be -- be
20 updated with handicapped accessible bathrooms,
21 and handicapped accessible kitchens.

22 So, therefore, there will be a much better
23 situation, as far as the layouts of the units.

24 These units will be sort of what they call
25 the micro-apartments. That's what they -- lately

1 these days is coming on. So they'll be small
2 units themselves, but they'll be roughly like the
3 studio apartments. So, that's what they're going
4 to be.

5 So, but they'll be handicap accessible, so
6 that's going to be a much better benefit to the
7 -- to the residents.

8 The other existing apartments that were
9 presently part of the larger unit before, those
10 are going to be cosmetically cleaned up. They're
11 going to be painted. We're going to upgrade the
12 fixtures in the bathrooms, the kitchens, and so
13 forth and so on.

14 So, all the units will be upgraded as part
15 of the application that we're proposing here.
16 And we're also be providing for the -- again, the
17 ADA accessible handicap units on the -- on the
18 upper floors.

19 The additional unit will be in the basement
20 floor. Presently, it was a large storage space
21 in there. So, we're going to have -- again, it
22 will be a ADA unit, complete -- all the brand new
23 units are going to be ADA compliant. So that
24 will also be ADA accessible.

25 So, if anybody needs to have an ADA

1 accessible apartment, they will be able to use
2 that one as well, too.

3 So, in essence, that's pretty much the
4 application. It's very straightforward.

5 Again, these are sort of -- sort of the
6 micro-units. So, that's what really is built in
7 a lot of places these days. In New York,
8 Brooklyn, actually Jersey City has a lot of them,
9 now, too.

10 So, it's going to create a new type of
11 housing stock in the area. And again, it's going
12 to be upgraded much more than what is presently
13 there.

14 MR. ALONSO: Now, in terms of the actual
15 footprint of the building, nothing is going to be
16 added.

17 Is that correct?

18 MR. ARENCIBIA: That is correct.
19 Everything is within the existing confines of the
20 -- of the perimeter of the building.

21 MR. ALONSO: Okay.

22 Now, we need a D-2 variance for the
23 expansion of the preexisting nonconforming use.
24 We also need a D-5 variance for density, because
25 of the size of the units.

1 In addition to those use variances, we also
2 require certain bulk variances.

3 I'm going to ask you to review the -- the
4 zoning analysis for the Board.

5 MR. ARENCIBIA: Okay. Sure.

6 With respect to, of course, the -- the
7 number of units, we'll need a variance for the
8 actual use, because we have more -- more
9 residential units than we're allowed.

10 Lot size.

11 The requirement is -- is 5,000, but we have
12 2125. So, we'll need a variance for that.
13 However, that is preexisting.

14 Lot width.

15 Fifty is required, 25 we have. But we need
16 a variance for that, but again, that's also
17 preexisting.

18 Lot depth.

19 A hundred foot is required. We have 85.
20 We need a variance for that, but that's
21 preexisting, as well.

22 Front yard.

23 Prevailing is zero, we have nine foot ten.
24 So, we do not need a variance for that.

25 Minimum side yard.

1 Twelve foot total, one and nine. Left is
2 zero, right is zero. So we need a variance for
3 that, and again, that's also preexisting.

4 Minimum rear yard.

5 Twenty-five is required, we have 22 foot
6 nine. We'll need a variance for that. Again,
7 that's also preexisting.

8 Maximum building coverage.

9 Forty is required. We have 64.2. So we
10 need a variance for that. Again, preexisting.

11 Minimum building floor area is 1200 square
12 feet. We're at 1294. So, no variance required
13 as far as the floor area.

14 Maximum building height.

15 Three stories, 40 feet. We're at three
16 stories and 33 feet, so we do not need a variance
17 for that.

18 And respect to parking spaces, we need
19 parking -- a variance, as we're required 19 cars,
20 based on the application we currently have.

21 MR. ALONSO: Okay.

22 Now, with respect to the -- the bulk
23 requirements, the Building Department has it as a
24 legal six unit multi-family building.

25 Correct?

1 MR. ARENCIBIA: That's correct.

2 MR. ALONSO: Okay.

3 And by going from a six unit to a nine
4 unit, we're not creating any new variances.

5 MR. ARENCIBIA: Ten.

6 MR. ALONSO: I'm sorry.

7 Ten.

8 We're not creating any new variances and
9 we're not exacerbating any of the conditions,
10 because those are all preexisting.

11 Correct?

12 MR. ARENCIBIA: With the exception of the
13 parking.

14 MR. ALONSO: Correct. I'm talking about
15 the --

16 MR. ARENCIBIA: Yeah.

17 MR. ALONSO: -- bulk requirements.

18 MR. ARENCIBIA: Yeah. Bulk, yes.

19 Absolutely not.

20 MR. ALONSO: Okay.

21 So, there's really no difference between
22 the six or the ten.

23 MR. ARENCIBIA: That's correct.

24 MR. ALONSO: Okay.

25 And currently, it can accommodate the nine,

1 | which it's been in use for quite some time.

2 | MR. ARENCIBIA: Yes. That is correct.

3 | Yes.

4 | MR. ALONSO: Okay.

5 | I have no further questions of the
6 | architect, at this time.

7 | VICE CHAIRMAN BONACCI: Mr. Arencibia, --

8 | MR. ARENCIBIA: Yes.

9 | VICE CHAIRMAN BONACCI: -- how many
10 | apartments will there be here total?

11 | MR. ARENCIBIA: Ten.

12 | VICE CHAIRMAN BONACCI: I know that it's in
13 | your plans already, but if you can walk me
14 | through it, the square footage of each one of
15 | them.

16 | MR. ARENCIBIA: Okay. The proposed new
17 | apartment on the ground floor is 378 square feet.

18 | VICE CHAIRMAN BONACCI: Okay.

19 | MR. ARENCIBIA: The proposed -- the
20 | existing apartment on the -- on the ground -- on
21 | the first floor is 423. The other one is 463.

22 | On the upper floor is 238 and 235 and 240
23 | and 237.

24 | On the upper floor, the last floor, it's
25 | 475 for the existing, then we have the studio,

1 231 and a half, and 237.

2 VICE CHAIRMAN BONACCI: These are all one
3 bedrooms?

4 MR. ARENCIBIA: No. Some are studios.

5 VICE CHAIRMAN BONACCI: The two studio --
6 how many studios?

7 MR. ARENCIBIA: We have one, two, three
8 studios.

9 VICE CHAIRMAN BONACCI: That would be the
10 smaller ones.

11 MR. ARENCIBIA: Correct.

12 VICE CHAIRMAN BONACCI: Two thirty-one,
13 237, 237.

14 MR. ARENCIBIA: Thirty-four. Yes.

15 VICE CHAIRMAN BONACCI: Okay.

16 The 238 is not a studio?

17 MR. ARENCIBIA: Two thirty-eight? Yeah,
18 238 is a studio.

19 VICE CHAIRMAN BONACCI: The 240 is a
20 studio?

21 MR. ARENCIBIA: Two forty is a studio.
22 Yes.

23 VICE CHAIRMAN BONACCI: The 235 is a
24 studio?

25 MR. ARENCIBIA: The 235 is a studio. Yes.

1 VICE CHAIRMAN BONACCI: Okay.

2 So, in actuality, we have one, two, three,
3 four, five of them are studios.

4 MR. ARENCIBIA: Yes.

5 VICE CHAIRMAN BONACCI: And then, one, two,
6 three, four, -- five studios and five one
7 bedrooms.

8 MR. ARENCIBIA: No. One is the two
9 bedroom.

10 VICE CHAIRMAN BONACCI: There's a two
11 bedroom?

12 MR. ARENCIBIA: There's a two bedroom, 475
13 is a two bedroom.

14 VICE CHAIRMAN BONACCI: Okay.

15 MR. ARENCIBIA: The 400 square foot
16 apartments are basically two bedrooms.

17 VICE CHAIRMAN BONACCI: Okay. So --

18 MR. ARENCIBIA: Those are the old railroad
19 apartment type layout. That's what they are.

20 VICE CHAIRMAN BONACCI: Mr. Spatz, I just
21 have a question for you.

22 MR. SPATZ: Certainly.

23 VICE CHAIRMAN BONACCI: I don't know if you
24 were able to catch the sizes of those apartments?

25 MR. SPATZ: Yes.

1 VICE CHAIRMAN BONACCI: And especially with
2 the smaller ones, the studios.

3 MR. SPATZ: Yes.

4 VICE CHAIRMAN BONACCI: Do those conform in
5 that area?

6 MR. SPATZ: None of -- none of the -- none
7 of the ten apartments are conforming.

8 VICE CHAIRMAN BONACCI: They're all --

9 MR. SPATZ: They are all --

10 VICE CHAIRMAN BONACCI: -- off by a
11 significant amount? Are they even close?

12 MR. SPATZ: Studios require 400 square
13 feet. So, the larger studio here is 378.

14 VICE CHAIRMAN BONACCI: And most of them
15 are in the 200s.

16 MR. SPATZ: Some of them are two-thirty --
17 you know, in the 230s.

18 The two bedroom apartments -- actually, the
19 two bedroom apartments are a little bit more than
20 what studios are required to have.

21 VICE CHAIRMAN BONACCI: And then, in
22 addition to that, you guys need parking relief,
23 too?

24 MR. ALONSO: Correct.

25 MR. ARENCIBIA: Yes.

1 MR. ALONSO: And, again, legally, it's a
2 six -- it's a six family. This is a condition
3 that's existed for quite some time. So, we're
4 not creating these small apartments, and
5 hopefully, they'll be able to be used, or they'll
6 be usable.

7 They're actually occupied and -- and
8 tenants are already living in them. So, they are
9 very practical, usable spaces.

10 In terms of the parking, the parking demand
11 is going to be there whether it's the six or the
12 ten.

13 Unfortunately, the lot cannot accommodate
14 any -- any parking whatsoever.

15 VICE CHAIRMAN BONACCI: You're saying that
16 it's currently being occupied, the way that it's
17 laid out, like this?

18 MR. ALONSO: Correct.

19 MR. ARENCIBIA: It was nine units, minus
20 the one in the basement.

21 MR. ALONSO: Correct. And it's been like
22 that --

23 MR. ARENCIBIA: But --

24 MR. ALONSO: -- for quite some time.

25 MR. ARENCIBIA: Right. But we're upgrading

1 all the apartments. So, in order -- those small
2 little studios, we're making everything ADA
3 compliant. So, that's going to be a positive.

4 VICE CHAIRMAN BONACCI: Also, too --

5 MR. PANEQUE: Mr. Spatz?

6 VICE CHAIRMAN BONACCI: -- you guys are in
7 the Low Density Residential area. Low?

8 MR. ARENCIBIA: Yes. Yes, we are.

9 VICE CHAIRMAN BONACCI: Okay.

10 Low Density -- Low Density Residential
11 area, and how many bedrooms total are we going to
12 have here?

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

15 MR. ARENCIBIA: Seven, and then the others
16 will be studios.

17 VICE CHAIRMAN BONACCI: Seven, eight, nine,
18 ten. Ten.

19 MR. ARENCIBIA: Well, there's seven
20 bedrooms total right now, plus the studios.

21 VICE CHAIRMAN BONACCI: Okay.

22 MR. ALONSO: How many -- seven --

23 MR. SPATZ: Thirteen in total.

24 MR. ALONSO: No, 12.

25 VICE CHAIRMAN BONACCI: Twelve.

1 MR. ALONSO: Total -- total number of
2 bedrooms.

3 MR. SPATZ: There's --

4 MR. ALONSO: -- I believe the --

5 MR. SPATZ: -- 13 by my count.

6 MR. ARENCIBIA: Right.

7 VICE CHAIRMAN BONACCI: Okay. Mr. --

8 MR. ARENCIBIA: But with the -- with the
9 studio.

10 MR. SPATZ: Right.

11 MR. ARENCIBIA: Correct.

12 MR. SPATZ: Right.

13 MR. ARENCIBIA: Yes.

14 MR. SPATZ: All of the apartments proposed
15 here --

16 MR. ARENCIBIA: Right.

17 MR. SPATZ: -- there are 13 bedrooms.

18 MR. ARENCIBIA: Correct.

19 VICE CHAIRMAN BONACCI: Mr. Spatz, would
20 you say that that meets the definition of Low
21 Density Residential area?

22 MR. SPATZ: No. I mean, the -- the Low
23 Density zone allows up to three units in total.

24 VICE CHAIRMAN BONACCI: So, we're ten over
25 that.

1 MR. ALONSO: No, units.

2 MR. SPATZ: Well, units. So, you're seven
3 units over what the zone would permit.

4 MR. ALONSO: Right. But in terms of the --
5 the bedroom count, if you want to compare bedroom
6 count to bedroom count, Mr. Arencibia, the
7 typical railroad apartment, if it were the six
8 legal units, how many bedrooms per railroad
9 apartment?

10 MR. ARENCIBIA: Well -- well, typically,
11 they have -- they have one bedroom between both
12 of them. So, yeah. You typically would have
13 three bedrooms in each one of these units.
14 That's the thing. So you got --

15 MR. ALONSO: Right. So --

16 MR. ARENCIBIA: -- three, six, nine --

17 MR. ALONSO: Eighteen.

18 MR. ARENCIBIA: -- 12. Yeah, basically,
19 18.

20 MR. ALONSO: So if -- if we were to go back
21 to the permitted six units, then there would be
22 18 bedrooms.

23 The way that we're proposing is 13
24 bedrooms, so it's -- so in terms of the density,
25 we're actually reducing what's actually

1 permitted.

2 In addition, you -- you know, and I'm not a
3 planner, I'm not testifying as a planner, maybe
4 Mr. McDonough could touch upon that later, but we
5 know the impacts that a three bedroom apartment
6 would have, as opposed to a one bedroom
7 apartment.

8 So, having six three bedroom apartments,
9 the impact will be substantially more than the
10 ten as we're proposing here.

11 MR. ARENCIBIA: Right. You're not going to
12 get school aged children here. So, it's not
13 going to impact the school system.

14 VICE CHAIRMAN BONACCI: I -- I can -- yeah,
15 I can understand -- you know, what you guys are
16 trying to do. It's just --

17 MR. ALONSO: And again, it's only because
18 it's existing. We're not looking -- we're not
19 looking to come in and chop it up. It's already
20 been like that for -- for quite some time. We
21 just want to legalize it.

22 MR. ARENCIBIA: And it is a -- a new type
23 of residential type, these days. You know, but
24 it is -- you know, it is taking hold in a lot of
25 areas and neighborhoods. Some people just want

1 have a small little studio. They don't want to
2 have some larger apartments. People --

3 VICE CHAIRMAN BONACCI: They're not there a
4 lot.

5 MR. ARENCIBIA: -- working many hours.

6 VICE CHAIRMAN BONACCI: They're just coming
7 back from work. They just need a bed.

8 MR. ARENCIBIA: Right.

9 VICE CHAIRMAN BONACCI: I don't have any
10 more questions at this time for you guys.

11 I don't know if you guys do?

12 MR. ALONSO: If I -- can we just take a
13 quick break, only because my -- my client is
14 indicating that he just wanted to -- had a couple
15 questions for us.

16 VICE CHAIRMAN BONACCI: Okay.

17 MR. PANEQUE: Two minute break.

18 MR. ALONSO: Two minute?
19

20 (Whereupon, the Board recessed from 9:45
21 p.m. to 9:50 p.m.)
22

23 MS. DILLON: Okay.

24 On the record.

25 VICE CHAIRMAN BONACCI: Do we have any --

1 anybody from the public that would like to speak
2 on this application?

3 MR. GRULLON: He has a planner.

4 MR. ALONSO: I have a planner.

5 MR. GRULLON: He has a --

6 VICE CHAIRMAN BONACCI: Oh, I'm so sorry.

7 MR. ALONSO: Mr. McDonough?

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

10 MS. DILLON: Mr. Arencibia, just leave it
11 there.

12 MR. McDONOUGH: I won't move.

13 MS. DILLON: Mr. McDonough continues under
14 oath.

15 MR. ALONSO: Thank you.

16 Mr. McDonough, I'm going to ask you to
17 please review your planning analysis in
18 connection with this application.

19 MR. McDONOUGH: Sure.

20 Very quickly. Then, this is a retrofit.
21 This is a what you see is what you get type of
22 application from an exterior standpoint. There's
23 not going to be an expansion of the building.
24 It's not going up, it's not going out.

25 The applicant, as part of Mr. Arencibia's

1 plans, is showing that there is going to be some
2 cleanup of the façade of the building.

3 So, what I'd like to do, Mr. Chairman, is
4 just hand out some photos similar to the last
5 application.

6 MR. PANEQUE: Marked as A-1.

7

8 (Whereupon, Planning Exhibit, Three Pages,
9 was received and marked as Exhibit A-1.)

10

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

13 MR. McDONOUGH: So, again, the key point of
14 A-1, this is an in-fill application. This is
15 interior changes, nothing external about it.

16 We start on the first page, the existing
17 building, which is not changing, and it has a
18 mass and scale compatible with that which is
19 around it.

20 On page number two are four views of the
21 building as it presently exists. That's the
22 white colored building.

23 And then, finally, on the third page, it
24 gives you a sense of the surrounding land use
25 context, again, given the sense that we do have a

1 residential area here. We're continuing that
2 overall theme, not altering that.

3 Simple modification with respect to the
4 density, and with respect to the -- the breakup
5 of the units.

6 Again, these are going to be appropriately
7 sized micro-units, which we know are very popular
8 today, in terms of an alternate form of housing.

9 We do know that they are less than the
10 sizes, as Mr. Spatz said, with respect to your --
11 your Zoning Ordinance.

12 So, the applicant is here for D-2 variance
13 relief. We have a legal use of six units in the
14 building. We're looking to change that, or
15 modify that to ten units.

16 The planning justification, the core
17 planning justification is that we're taking the
18 overall number of bedrooms that are presently
19 there. I count 15, under the tabulation in Mr.
20 Arencibia's plans. We're going down to 13
21 bedrooms total. So, that is an overall
22 de-intensification of the site, notwithstanding
23 the increase in the number of units.

24 So, on the positive side, in terms of the
25 planning justification, we see an advancement of

1 purpose A, planning -- the goal to provide for a
2 variety of housing types, according to --
3 according to need, that goes towards the public
4 welfare.

5 Purpose I. The promotion of a desirable
6 visual environment that this change could be
7 effectuated without any change to the existing
8 building.

9 And also, purpose M, the efficient use of
10 land. Again, adaptive reusing that which is
11 already there.

12 No substantial detriment to the public
13 impact or to the surrounding public, from a
14 visual standpoint, from a functional standpoint.
15 Again, in terms of the overall demand on the
16 property, or the overall activity, I see this as
17 a de-intensification, by the overall reduction of
18 bedrooms on the site.

19 All the other relief that the applicant
20 needs are existing conditions that are not being
21 worsened by the application. And for those
22 reasons, I believe the application warrants Board
23 approval.

24 MR. ALONSO: Okay. Now, Mr. McDonough, you
25 testified as to the D-2 variance.

1 Correct?

2 MR. McDONOUGH: Yes. Alternation of an
3 existing nonconforming use.

4 MR. ALONSO: Correct.

5 Now, in addition, the Zoning Board has
6 interpreted the Zoning Ordinance with respect to
7 density to mean with respect to the size of the
8 units.

9 So, when we went over the -- the numbers
10 before, in terms of the square footage, we've all
11 agreed that we need a D-5 density variance, based
12 on the -- this Board's interpretation of the
13 Ordinance, in terms of density.

14 So, I'm going to ask you just to provide
15 any testimony you can with respect to density.

16 I know you touched upon it as a D-2, but I
17 -- I want to make sure we hit the -- the D-5
18 standards.

19 MR. McDONOUGH: So, the -- the operative
20 test that is applied to the D-5 variance is the
21 Grubbs case. And that's the case which says, is
22 the site able to accommodate the density not
23 withstanding the deviation from the Ordinance?

24 For the reasons that I've given with
25 respect to the use that this site can accommodate

1 | this density without any alteration of the
2 | overall footprint of the building, I believe that
3 | that Grubbs test is met. It's not increasing the
4 | overall parking demand or traffic generation from
5 | this particular site.

6 | Again, it is going to provide units that
7 | will meet Building Code requirements, with
8 | respect to bedroom sizes, with respect to other
9 | living accommodations.

10 | So, it is not undersized from a Building
11 | Code standpoint. And in that regard, again, I
12 | believe the site can accommodate the density
13 | that's before you, and the Grubbs test is met.

14 | MR. ALONSO: Now, in terms of the
15 | intensification of -- of the use -- of the
16 | proposed use, compared to what's permitted,
17 | legally existing, which was the six units, can
18 | you provide any opinion with respect to the
19 | intensification, or de-intensification, in the
20 | event that this application is denied?

21 | MR. McDONOUGH: Again, starting with that
22 | benchmark of -- of six units and going up to ten,
23 | an overall de-intensification of the number of
24 | bedrooms, the physical space is not changing.
25 | It's just the way it's utilized.

1 MR. ALONSO: Okay.

2 I have no further questions.

3 VICE CHAIRMAN BONACCI: You guys have
4 anything?

5 Do we have anybody from the public that
6 would like to --

7 Mr. Price?

8 MR. PRICE: Larry Price, 1006 Palisade.

9 Still under oath.

10 Mr. McDonough, let's go through the bedroom
11 count.

12 The -- the legal -- according to the
13 Building Department, there are six legal two
14 bedroom apartments.

15 Correct?

16 MR. McDONOUGH: There are six legal
17 apartments in the building. Yes. I wasn't sure
18 the total bedroom count, but if it is at two
19 units, if that -- if that's what it stands at
20 then, this would be a slight increase going from
21 the 12 to the 13.

22 MR. PRICE: Okay. Well, okay.

23 So, then the 13, we have -- we have --
24 we're building a studio apartment in the
25 basement.

1 MR. McDONOUGH: That's right.

2 MR. PRICE: So that counts as a one
3 bedroom.

4 MR. McDONOUGH: I have a total of, on the
5 one level, three one bedrooms; on the next, four
6 one bedrooms; and then, three two bedrooms, and
7 that's how I get to my aggregate of 13.

8 MR. PRICE: Wait a minute. Try that one
9 again.

10 MR. McDONOUGH: Sure.

11 MR. PRICE: Wait a minute. On one level.

12 MR. McDONOUGH: Maybe I broke it up
13 differently.

14 I have a total of three two bedrooms. I
15 have four one bedrooms on -- I don't know if it
16 was on a level, I can't remember how I broke up
17 the calculation, and then three one bedrooms.

18 So, the three times two is six. The four
19 times one is four. And the three times one is
20 three. That's a total of 13.

21 MR. PRICE: Seven -- okay.

22 MR. ALONSO: Is there 11 units?

23 MR. McDONOUGH: I'm sorry?

24 MR. ALONSO: Is that 11 units?

25 MR. McDONOUGH: No. That's four, plus

1 three, plus three is --

2 MR. ALONSO: Okay.

3 MR. PRICE: Ten.

4 MR. McDONOUGH: Is ten.

5 MR. PRICE: Okay. The four that you're
6 referring to, are those the one bedroom -- that's
7 really the studio apartments.

8 Correct?

9 MR. McDONOUGH: I believe so. Yes. I see
10 Mr. Arencibia nodding yes.

11 MR. PRICE: Okay. Very good.

12 And the parking requirement. I heard the
13 number 19 thrown out earlier. That --

14 MR. ARENCIBIA: Yes.

15 MR. McDONOUGH: I believe that is the
16 requirement that we're asking relief for. Yes.

17 MR. PRICE: Okay. Okay. Very good.

18 Thank you.

19 MR. McDONOUGH: Thank you.

20 VICE CHAIRMAN BONACCI: Do we have any
21 other questions?

22 Okay.

23 MR. ALONSO: Mr. Aren -- Mr. McDonough,
24 just for comparison purposes, assuming these were
25 six two bedrooms, what would the parking

1 requirement be?

2 MR. McDONOUGH: Under the RSIS, six two
3 bedrooms would be two spaces per unit.

4 MR. ALONSO: So, two --

5 MR. McDONOUGH: So, 12.

6 MR. ALONSO: So, 12 total. And if they
7 were three bedrooms?

8 MR. McDONOUGH: It would be even higher.
9 It would be -- it would be even higher.

10 MR. PRICE: Two point one times six.

11 MR. McDONOUGH: Yes.

12 MR. PRICE: Twelve.

13 MR. McDONOUGH: Kicks it up one.

14 MR. ALONSO: Okay.

15 VICE CHAIRMAN BONACCI: I -- I understand
16 what you guys are trying to do with the building.
17 I understand what you guys are trying to do with
18 the plan.

19 But looking at the -- the number of
20 bedrooms, looking at the sizes, the square
21 footage, I just -- I see it as a -- I see it as a
22 -- I -- I understand here, from the plans, that
23 you're trying to help with the -- the handicap --
24 you know, make it more accessible to people with
25 disabilities.

1 But I don't even know how people would get
2 up there. It seems as though it's a -- seems as
3 though it's like a -- like a -- it would be more
4 of a hazard than anything else, in the event of a
5 fire or an emergency, or something like that.

6 I'm going to make a motion to deny this
7 application.

8 THE SECRETARY: Motion to deny the
9 application by Mr. Bonacci.

10 MR. ORTIZ: I second.

11 THE SECRETARY: Second by?

12 Mr. Ortiz.

13 Roll call on the motion to deny the
14 application.

15 Mr. Grullon?

16 MR. GRULLON: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Mr. Pressey?

22 MR. PRESSEY: Yes.

23 THE SECRETARY: Mr. Bonacci?

24 VICE CHAIRMAN BONACCI: Yes.

25 THE SECRETARY: Five in favor, motion

1 carries.

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

4 * * *

5

6

7

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1 **Ashraf Soliman - 3200 Kennedy Boulevard:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Ashraf Soliman, 3200 Kennedy
5 Boulevard.

6 Mr. Alonso, please?

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

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

12 An Affidavit indicating the notices went
13 out to all property owners within the 200 foot
14 radius of 3200 Kennedy Boulevard.

15 I've been provided with an Affidavit from
16 The Jersey Journal, indicating that notice of
17 tonight's hearing was published in The Journal on
18 July 1st, 2017, for the property located at 3200
19 Kennedy Boulevard.

20 Been provided with a copy of the notice
21 that went out to all property owners within the
22 200 foot radius, as well as a tax list from the
23 Union City Tax Assessors for Block 204, Lot 1, 34
24 through 38, located at 3200 Kennedy Boulevard, as
25 well as the tax list for said 200 foot radius.

1 I've also been provided with the certified
2 mail receipts, with a postmark date of July 1st,
3 as well as the envelopes and return receipts that
4 have come back to date.

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

8 MR. ALONSO: Thank you.

9 Mr. Chairman, members of the Board, for the
10 record, Alvaro Alonso, Alonso Navarette, on
11 behalf of the applicant.

12 This -- this property was actually recently
13 approved for the development, virtually almost as
14 it's depicted today. Approved by Union City and
15 we went out to the County. County Planning Board
16 also approved it.

17 Since then, my client has requested that we
18 make some modifications to those plans.

19 I have one witness this evening, Mr.
20 Bertin, who is the site engineer, and he will
21 testify as to those -- those changes.

22 And I ask that he be sworn in.

23 MS. DILLON: Mr. Bertin, please raise your
24 right hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. BERTIN: Yes, I do.

3 MS. DILLON: If you could please state your
4 name, and spell it for the record?

5 MR. BERTIN: Yes.

6 It's Calisto Bertin, C-A-L-I-S-T-O,
7 B-E-R-T-I-N.

8 MS. DILLON: Thank you.

9 MR. BERTIN: I'm a licensed professional
10 engineer in the State of New Jersey, and five
11 other states. I've been so since the early
12 1980s. My office is at 66 Glen Avenue in Glen
13 Rock.

14 VICE CHAIRMAN BONACCI: We accept your
15 qualifications.

16 MR. BERTIN: Thank you.

17 VICE CHAIRMAN BONACCI: Thank you.

18 MR. ALONSO: Thank you.

19 Mr. Bertin, as I indicated before, you were
20 the engineer, in terms of the original
21 application, both before Union City and -- and
22 the County Planning Board.

23 Correct?

24 MR. BERTIN: Correct.

25 MR. ALONSO: Okay.

1 And we're basically here to make some
2 modifications to -- to those prior approvals.

3 MR. BERTIN: Right. So, let me just
4 refresh your memory.

5 There is an existing -- this is at the
6 corner of 32nd Street and Kennedy Boulevard, on
7 the northbound side.

8 There's an existing three bay repair
9 garage. There's three repair bays and then an
10 office space.

11 That portion of the building is going to be
12 converted pretty much into a convenience store.
13 Then, we're going to add an addition, towards 32nd
14 Street, of two repair bays.

15 And in those repair bays, it will be
16 limited -- it's not going to be major repairs,
17 it's going to be limited, oil changes and that
18 sort of thing, brakes, light bulbs.

19 Our applicant has another store on 86th
20 Street or 87th Street in North Bergen, where major
21 repairs are done.

22 This was all part of our original approval
23 and was already approved.

24 We also -- now, I have on a board, which is
25 just a colored version of drawing C-2.3, the

1 Landscape Plan. So, we've colored it up for this
2 presentation.

3 The tan colors, maybe pinkish-tan, on the
4 right side are the buildings. I'll walk over to
5 the board.

6 Here's Kennedy Boulevard. Here's 32nd
7 Street. So, the existing building is the larger
8 of the two triangles, in the beige color. And
9 then the --

10 MR. ALONSO: Rectangles.

11 MR. BERTIN: Rectangles. What did I say?

12 MR. ALONSO: Triangles.

13 MR. BERTIN: Triangles.

14 Well, the property is triangularly shaped.
15 It's getting late.

16 Okay. And so -- thank you, though.

17 And then we going to add a two bay repair
18 garage, next to it along 32nd Street.

19 There is a canopy shown and two islands.
20 That was previously approved.

21 So, one of the changes we're going to make
22 is to make an extension of that canopy to the
23 building. Just a roof for the customers.

24 After we got approval, site plan approval,
25 here, we did go to the County Planning Board.

1 One of the features of the prior approval was
2 that we had the handicap parking space right in
3 front of the building. The County would not
4 allow that, and so we had to move the handicap
5 parking space along the side of the building, the
6 32nd Street side of the building.

7 What that did is, it caused us to lose two
8 parking spaces. So, originally we had nine
9 parking spaces, now we have seven parking spaces.
10 Again, because the County required that we move
11 that parking space, the handicap space, from the
12 front to the side. So, we lost two parking
13 spaces.

14 So, that's one change that was required by
15 the County.

16 The second change, as I mentioned, the
17 canopy extension.

18 The third change, and during the
19 development of the plans, it became clear that
20 the applicant and -- and operator didn't really
21 have room for storage, nor did he have room for a
22 desk for himself.

23 Floor plans are in the set. The
24 architect's here, if we like to talk about it.

25 Anyway, it's the client always wanted to

1 have a -- a space in the -- well, attic for his
2 desk and office, and we wound up -- we're
3 replacing the roof on the building anyway. We
4 made it a floor. So, we actually are adding a
5 second floor over the existing repair garages,
6 which would be limited to his -- his desk and
7 storage for the operation.

8 To get up there, we wound up putting a
9 little spiral staircase in the -- in the store
10 area, plus a staircase along the south side of
11 the building, to get to the second floor. We
12 need two means of egress.

13 What that did is actually reduce the size
14 of the convenience store. Let me get the
15 numbers, because -- we went from approximately
16 1400 square foot to 1200 square feet. So, we
17 lost 200 square feet in the convenience store, to
18 get upstairs and put his office upstairs, and
19 storage.

20 So, that's the bulk of it. Then, there's
21 some sign issues.

22 MR. ALONSO: Right. So, in terms of -- so
23 far, what we have is we're -- we're expanding --
24 extending the canopy, we're adding a second
25 floor, and making the convenience store smaller.

1 MR. BERTIN: Yeah. Two hundred square feet
2 smaller.

3 MR. ALONSO: Right.

4 MR. BERTIN: And the second floor is just
5 for the applicant, and it's just for storage, and
6 his -- and his desk.

7 MR. ALONSO: Right.

8 Now, we also have some signage you
9 indicated.

10 MR. BERTIN: Yes. We have several
11 variances.

12 Let me go --

13 Before we get to signs, we have several
14 existing variances, bulk variances, as opposed to
15 setbacks and that sort of stuff. Nothing changes
16 as a result of our application, of the -- the
17 changes from the prior approval.

18 So, the -- there is a freestanding sign,
19 which is actually shown on this plan, in the
20 upper right corner. The freestanding sign was
21 approved at 72 square feet, but we -- we didn't
22 prepare the initial plans, and the applicant
23 didn't know who the -- what kind of gas they were
24 going to sell. It's going to be Sunoco. He's
25 now entered into agreement with them.

1 But the I.D. portion of the sign is
2 generally six by six. They're all six by six.
3 So, the original sign was four by six, and now
4 we're going to six by six, plus the price sign,
5 plus the little banner that says food mart. So,
6 the freestanding sign went from 72 square feet to
7 84 square feet.

8 We adjusted the height. We raised it up a
9 little bit. But that doesn't create a variance.
10 And we increased the clearance underneath the
11 sign.

12 But again, none of that requires a
13 variance. We increased the size.

14 Now, we always had three canopy signs on
15 the -- on the canopy, and they would be the logo
16 of the gas. Delta, maybe it was at the time, but
17 now, again, it's going to be Sunoco.

18 So, we had three signs at 12 square feet
19 each. Now, we have three signs at 24 square feet
20 each. Sunoco's a bigger word than Delta, so it's
21 a bigger sign.

22 And there -- it's indicated that there'll
23 be sign on each end of the canopy, and one on the
24 side of the canopy facing Kennedy Boulevard.

25 The number and location are the same, it's

1 just they're bigger.

2 Okay?

3 Now, we have some building signs. We
4 previously had four building signs. Now, we're
5 asking for six building signs. And they're --
6 they're -- actually, it's on the elevation, isn't
7 it?

8 I'm just going to flip to the building
9 elevation.

10 There's -- each -- each of the signs I'm
11 going to mention are 16 square feet.

12 So, and let me just cut myself off again.

13 If you've been to the station and you see
14 it -- there's a red panel. I don't know, there's
15 got to be about 20 signs on there, you know;
16 brakes, lube, all that stuff.

17 So, to bring order to that, and reduce the
18 amount of signs, over each garage there will be a
19 sign -- you know, oil change, that sort of thing
20 to address the services in the repair garage.
21 So, those are two.

22 Then, over the -- the windows of the
23 building, there'll be three signs. Again, it
24 will be convenience store, coffee, that kind of
25 stuff.

1 Then there's one larger sign, up on top of
2 the building, which will be the name of the
3 facility. Right now, we show it as Hudson Gas.

4 That sign's 42 square feet. Each of the
5 other five signs is 16 square feet.

6 As I said before, we had four signs of
7 various sizes. I can tell you what they were. I
8 mean, it was 13, 17, 22 and 20.

9 So, we're increasing the total square
10 footage, plus the number of signs.

11 MR. ALONSO: Okay.

12 VICE CHAIRMAN BONACCI: A question.

13 The canopy. Do you have the height of the
14 canopy?

15 MR. BERTIN: Yes. Is it on that?

16 Okay. Yes, we have 15 and a half foot of
17 clearance. Now -- yeah. And this is a change in
18 the style of the canopy.

19 The prior canopy was a typical flat canopy,
20 where from -- you could see the structure, if you
21 were higher.

22 This -- the applicant wants to make a nicer
23 canopy, so we're going to the ridge roof with the
24 gable ends. They're much more expensive, but he
25 wants a nicer canopy. And it'll have a standing

1 | seam metal roof.

2 | So, anyway, the underside is 15 and a half
3 | feet. We usually do that because a truck could
4 | come in, with ladders and things like that, and
5 | it could hit the canopy. So, we go 15 and a half
6 | feet.

7 | And then, the façade -- Chas (phonetic),
8 | help me out here -- is four feet.

9 | No. This is one. Oh, okay. I'm sorry.
10 | It's up here.

11 | So, from the bottom of the canopy to the
12 | ridge is seven feet. And again, it's a -- a
13 | gabled canopy.

14 | So, the top, adding all that together, is
15 | 16, 22 and a half feet to the top.

16 | VICE CHAIRMAN BONACCI: You had touched on
17 | this before. So you already know that the County
18 | roadway, you need to go through them, even if we
19 | grant the application. That's still another
20 | hurdle for you.

21 | Right?

22 | MR. BERTIN: Yes. We -- we have County
23 | approval, and County is required if we increase
24 | the size of the building by 20 percent, which I
25 | guess the storage room does do that, so we

1 | probably have to go back to the County.

2 | VICE CHAIRMAN BONACCI: Okay.

3 | MR. BERTIN: But we don't see that as an
4 | issue, because we already worked out all the
5 | access with them.

6 | VICE CHAIRMAN BONACCI: Mr. Alonso, do you
7 | have -- because it's going to be a gas station,
8 | and cars are going to be coming in and out and
9 | stuff like that, you -- you wouldn't happen to
10 | have a testimony from a traffic consultant, would
11 | you?

12 | MR. BERTIN: Well, I did that on the -- I
13 | was the traffic consultant --

14 | VICE CHAIRMAN BONACCI: Okay.

15 | MR. BERTIN: -- on the original
16 | application.

17 | VICE CHAIRMAN BONACCI: Would you be able
18 | to give us any sort of update on -- you know --

19 | MR. BERTIN: Yes. As a matter of fact, one
20 | of the sheets in the set -- ah, someone's got it
21 | right there. Whatever drawing that number is,
22 | shows the traffic pattern. And -- and we did
23 | work this out with Hudson County. From --

24 | MR. GRULLON: That's number C -- C2-4.

25 | VICE CHAIRMAN BONACCI: Okay.

1 MR. BERTIN: Okay.

2 So, from Kennedy Boulevard, we really have
3 one way traffic, because there's an island. This
4 is a busy intersection from here to 495.

5 So, all access from Kennedy Boulevard will
6 be a right turn in. And the way we worked it out
7 with the County is that actually -- and there's
8 room here, and that's what the plans show, is
9 that cars would turn in and head south towards
10 32nd Street, where they would fuel and then, at
11 32nd Street, they would make a right turn out, and
12 continue.

13 They can come in from 32nd Street, go
14 through the site, and make a right turn out. So,
15 we're restricted to right turn in and out. And
16 we have it signed that way.

17 VICE CHAIRMAN BONACCI: Okay.

18 MR. BERTIN: That plan that we referred to
19 before also shows the truck path. That's the
20 most important thing. If you can't get the truck
21 on, you can't get fuel in.

22 So, we're coming from 32nd Street, heading
23 towards Kennedy Boulevard, making a right into
24 the site. You see the tanks are shown in gray.
25 Same as what we had before, in the prior

1 application. And it would continue out.

2 We did submit a traffic study to the
3 County, reviewed it with them. And again, we had
4 to work out the -- the access with the County,
5 including the width of the driveways.

6 VICE CHAIRMAN BONACCI: It's a really busy
7 intersection. Is there like a time that the gas
8 trucks would deliver the gas? Like late at
9 night, when there's hardly anybody driving? Like
10 three o'clock in the morning sort of deal, or
11 that's not --

12 MR. BERTIN: It -- yes. Yeah, the truck
13 will not be here during rush hours.

14 What happens is the -- in a prior life, I
15 used to actually work for Exxon -- we do so many
16 stations. And one of my roles was at the
17 terminal, where we -- where we scheduled the
18 truck deliveries.

19 They don't want to be stuck in traffic, and
20 they don't want to be anywhere near Hudson County
21 at rush hour. So --

22 VICE CHAIRMAN BONACCI: Yeah. You guys --
23 yeah.

24 MR. BERTIN: You know, so -- so they'll be
25 at night, like this time. Right now will be a

1 great time to make a delivery. You know?

2 MR. PRESSEY: Yes. The second floor will
3 be office space --

4 MR. BERTIN: Yeah.

5 MR. PRESSEY: -- and storage.

6 MR. BERTIN: Yeah. It'll be mostly storage
7 and -- and his office.

8 MR. PRESSEY: Okay.

9 And just for my -- what kind of storage? I
10 mean, what would be placed up there?

11 MR. BERTIN: Well, he's -- he's doing --
12 you know, it would be like -- like brakes, and
13 the minor repairs. Maybe batteries, that sort of
14 thing, you know.

15 And then there could be -- you know, stuff
16 for the store. You know -- you know, if he's
17 going to have soda or coffee cups? You know,
18 that kind of stuff up there.

19 MR. PRESSEY: Okay.

20 MR. BERTIN: Usually, we have a hard time
21 finding storage. We usually -- actually, we were
22 going to have a little loft, when the building
23 was initially designed, and then it just wasn't
24 enough. So, we --

25 MR. PRESSEY: Okay.

1 MR. BERTIN: Okay.

2 VICE CHAIRMAN BONACCI: Thank you so much.

3 Do you, Mr. Alonso, have any other --

4 MR. ALONSO: I do. I have -- well, the
5 architect is here, if it's -- if the Board
6 requires testimony from the architect.

7 VICE CHAIRMAN BONACCI: I think we're okay.

8 MR. ALONSO: And I have Mr. McDonough, in
9 terms of the planning.

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

12 MS. DILLON: Mr. Bertin? Mr. Bertin, keep
13 the mic on, but it's live, so just don't talk.

14 Mr. McDonough continues under oath.

15 MR. McDONOUGH: Thank you.

16 MR. ALONSO: Thank you, Mr. McDonough.

17 Can you please provide your planning
18 analysis, in connection with this application?

19 MR. McDONOUGH: Sure.

20 This is a relatively modest alteration or
21 amendment to a previously granted use variance.
22 So, we're just going to hit on those changes.

23 We are in the CG, Commercial Gateway
24 District. Gas station not being a permitted use.
25 We're here for an alteration of that previously

1 granted use variance.

2 Looking at that, in terms of the use
3 criteria, again, on the positive side, this is
4 reflective of an industry trend. We're seeing
5 that 80 percent of the gas sold here in the
6 United States today, comes from gas and
7 convenience combinations. Eighty percent is sold
8 from convenience stores. So, certainly
9 reflective of -- of an industry trend.

10 Excuse me.

11 On the negative side, this is going to be a
12 cleaner, neater land use than that which is
13 presently there. Lesser banging, clanging that's
14 associated -- associated with an auto repair use,
15 to go to a convenience use.

16 And then, we've just heard that the number
17 of stories is going from two to one. The height
18 is going from 28 to 17.25. It's actually less
19 than the Ordinance requirement of four stories,
20 but again, it is moving closer towards
21 conformance.

22 MR. BERTIN: But we're going up a story.

23 MR. McDONOUGH: That's what I said. You're
24 going from --

25 I'm sorry.

1 You're going from one --

2 I had it backwards.

3 You're going from one story to two stories,
4 so you're going up a level. You're moving closer
5 to conformance.

6 And that's also reflective of what we see
7 in an industry trend, as well. I'm seeing more
8 and more convenience stores where we're actually
9 seeing an office component above.

10 We heard that there's relief related to the
11 wall signs. And I think that was picked out very
12 well on the easel that I just broke.

13 MS. DILLON: Just go back to my microphone.

14 Thank you.

15 MR. McDONOUGH: You're -- you're actually
16 looking at a building that I think is nicely
17 compartmentalized into five compartments. That's
18 where those building signs fall nicely into play.
19 So, that's the justification for the five minor
20 signs. And then, the major sign, the major
21 accent sign, which announces the brand. Six
22 signs total, whereas three would be allowed.

23 I think it makes very good sense, with the
24 way the building is broken up vertically here.

25 And then, lastly, that freestanding sign,

1 we're going up very slightly from what was
2 previously approved. We're at 84 square feet.
3 Seventy-two square feet was what was previously
4 granted by the Board. Twenty-four square feet is
5 the threshold. But bear in mind we're dealing
6 with a special land use here. Those price
7 indicators for gas are something that is required
8 by law. Those signs, those price indicators need
9 to be prominent, so they need to be on the sign.
10 And then, just above that, we have the branding.

11 So, I think there's a reasonableness to the
12 relief that the applicant needs. The size of the
13 sign is typical for the industry.

14 And for all of those reasons, I think the
15 basis and special reasons that the Board
16 previously found were appropriate, carry forth
17 with the amendments here.

18 MR. BERTIN: If I may, since you said it
19 was the gateway, and I thought the architect
20 might be testifying -- they spent time, the owner
21 and the architect, on working out a building that
22 was attractive. It's going to have the same
23 color brick as the Walgreen's application, which
24 we happened to work on.

25 So, to create some continuity in the area,

1 | because this is the gateway and we wanted to --
2 | again, a more attractive building.

3 | VICE CHAIRMAN BONACCI: Thank you.

4 | Is there anybody -- it's open to the public
5 | now.

6 | Okay. Closed to the public.

7 | Being as that the application had been
8 | previously approved, and I see all the upgrades
9 | as positive to the area and the use, as a needed
10 | use for the community, I'm going to make a motion
11 | to approve the application.

12 | MR. GRULLON: Second.

13 | THE SECRETARY: Motion to approve the
14 | application by Mr. Bonacci.

15 | Second by Mr. Grullon.

16 | Roll call on the motion to approve this
17 | application.

18 | Mr. Grullon?

19 | MR. GRULLON: Yes.

20 | THE SECRETARY: Ms. Gutierrez?

21 | MS. GUTIERREZ: Yes.

22 | THE SECRETARY: Mr. Ortiz?

23 | MR. ORTIZ: Yes.

24 | THE SECRETARY: Mr. Pressey?

25 | MR. PRESSEY: Yes.

1 THE SECRETARY: Mr. Bonacci?

2 VICE CHAIRMAN BONACCI: Yes.

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

5 MR. ALONSO: Thank you very much.

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

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1 **Nasa Realty, LLC - 4614 Kennedy Boulevard:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Nasa Realty, LLC, 4614 Kennedy
5 Boulevard.

6 Mr. Alonso, one more time.

7 MR. ALONSO: One more time.

8 VICE CHAIRMAN BONACCI: One more time.
9 This one's for the road.

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

12 MR. PANEQUE: Let the record reflect that
13 I've been provided with the following
14 documentation:

15 I have an Affidavit from Mr. Alonso,
16 indicating notices went out to all property
17 owners within the 200 foot radius.

18 I have a copy of the Affidavit of
19 Publication from The Jersey Journal, indicating
20 that notices were given and published on July 1st,
21 with respect to the property at 4614 Kennedy
22 Boulevard.

23 I have a copy of the notice that went out
24 to all property owners within the 200 foot
25 radius, a copy of the tax list from the Union

1 City Tax Assessor's Office, with a date of June
2 26, 2017, as well as a copy of the notice that
3 went out to all property owners.

4 I've also been provided with the certified
5 receipts with a date of July 1st, as well as the
6 green cards and envelopes that have come back to
7 date.

8 Based on the documentation that's been
9 provided, this Board has jurisdiction to proceed
10 and hear this matter.

11 MR. ALONSO: Thank you, Mr. Paneque.

12 Mr. Chairman, members of the Board, still
13 Alvaro Alonso, Alonso Navarette, on behalf of the
14 applicant.

15 I have Mr. Arencibia, who will be
16 testifying as to the proposed application.

17 Mr. Arencibia was previously sworn in --

18 VICE CHAIRMAN BONACCI: Yup.

19 MR. ALONSO: -- and qualified earlier this
20 evening.

21 VICE CHAIRMAN BONACCI: He's still under
22 oath.

23 We accept your qualifications.

24 MR. ARENCIBIA: Thank you very much, again.

25 Okay. No more from me after this.

1 MR. ALONSO: Mr. Arencibia, can you please
2 indicate, what is the existing condition on the
3 property, and how do we intend to -- to develop
4 it?

5 MR. ARENCIBIA: Yes.

6 On the property, currently, there is a two
7 and a half story frame dwelling building. It's
8 an old residential structure.

9 Right now, it's being used sort of like a
10 -- for commercial purposes. And there's a large
11 stone wall around the entire property. The
12 property is actually -- is raised up almost about
13 -- I would say like a half a floor in order to
14 reach the elevation where this property is at.

15 In the rear of the property, there's a
16 little detached garage, which has access off of
17 47th Street. And there's a concrete patio between
18 the actual residential structure and the detached
19 garage.

20 There's also access to the 47th Street,
21 through a little stone wall and a stairs that
22 bring you down to the elevation of the actual
23 sidewalk on 47th Street.

24 So, it's accessed from the front, on
25 Kennedy Boulevard, and there's access from the

1 side, on 42nd Street -- 47th Street.

2 The proposal here is to take down that
3 existing structure, take -- bring down that --
4 that wall, right now, which creates almost like a
5 -- like a closed corner -- you know, almost a
6 fortress kind of a look to it, and to bring it
7 all down, and propose to build a five story,
8 multi-family building with a little commercial
9 establishment on the corner, with ground floor
10 parking, and access to the residential portion of
11 the building, from Kennedy Boulevard, and access
12 to the parking area from 47th Street itself.

13 What we -- we have -- I could just pass
14 around here, this -- (indiscernible) -- a
15 rendering of the proposed building.

16 MR. ALONSO: We can mark this as A-1.

17

18 (Whereupon, Rendering was received and
19 marked as Exhibit A-1.)

20

21 MR. ARENCIBIA: And what it -- we looked
22 at.

23 One of the things we tried to do is the --
24 there's a lot of high rise or mid-rise buildings
25 in the area. So, we're trying to keep a

1 connection between those buildings, there's also
2 a lot of like red brick buildings in the area, as
3 well. So, we tried to design the building that
4 we're doing to work in harmony with the existing
5 structures of the -- of the area itself.

6 As you could tell, the other -- the other
7 buildings in the area are basically down to the
8 sidewalk level. This is going to -- this is
9 going to match that, whereas the existing
10 structure was elevated behind this big stone
11 wall.

12 Excuse me.

13 Well, the site -- the site itself is
14 roughly 125 feet by 50 feet. It's on the corner
15 of 47th Street and Kennedy Boulevard. So, it's
16 almost immediately right adjacent to where the
17 light rail is at.

18 So, that is one of the purposes of the
19 application we have here. We're trying to do 16
20 units on four floors above.

21 The front of the building, on Kennedy
22 Boulevard, will have access to the residential
23 portion of the building, and on -- and also for
24 the commercial space.

25 There's also an access on the rear portion

1 of the building that will have access from the --
2 for the trash, or taking the trash out from the
3 rear, and also as a secondary means of egress
4 from the -- from the actual building itself.

5 The -- if you go to sheet A-100, you could
6 see the corner of the building, where we have the
7 entrance to the lobby, we have stairs in the
8 front. We have the location for the water
9 sprinkler meters. And then, we also have the
10 elevator, as well.

11 You have completely -- if you walk through
12 the back there, you'll have access then to the
13 ground floor parking area, where we have 12
14 ground floor parking, nine of them within the
15 existing ground floor access from the -- the gate
16 on 47th Street. And we also have three separate
17 parking spaces, which are individual parking
18 spaces, which are loaded -- front loaded right
19 from the street, so we have -- so we have three
20 more parking spaces there. So, we'll have a
21 total of 12 parking spaces.

22 We set back the building three feet off of
23 47th Street, and also three feet minimum off of
24 Kennedy Boulevard, up to seven and a half feet,
25 in order to provide a nice landscape buffer along

1 both sides of the -- on both sides of the street,
2 on 47th Street, as well as on Kennedy Boulevard,
3 as well.

4 The corner commercial space is going to be
5 a small space for a convenience store, something
6 like that. Roughly 600 square feet. And that's
7 going to have a storefront and a door, accessed
8 from the Kennedy Boulevard space, and a small
9 little bathroom. So, it's a very small little
10 space.

11 In the rear of the building itself, on the
12 ground floor, we're going to have a little area
13 for -- for refuse, so people will be able to take
14 their trash out here. You can actually wheel the
15 containers out to a -- to a sidewalk at the rear
16 of the building. And that's where they'll be
17 able to dispose of the -- the trash there.

18 We're proposing on having electrical meter
19 rooms in the back of the building, they are
20 accessed there. And the other utilities will be
21 in the front of the building on Kennedy
22 Boulevard.

23 If you go up to the typical floor plan --

24 MR. ALONSO: Now, before you leave that --
25 that sheet, there's some trees that I notice.

1 Are there any proposed new trees?

2 MR. ARENCIBIA: Yes. We're proposing on
3 having six new trees. Two on Kennedy Boulevard
4 and four along 47th Street, as well.

5 MR. ALONSO: Okay.

6 And that's part of what you indicated
7 before, in terms of softening the -- that corner,
8 because that corner has that stone wall.

9 MR. ARENCIBIA: Correct.

10 MR. ALONSO: Which is kind of imposing.

11 MR. ARENCIBIA: Very much so.

12 MR. ALONSO: So, in addition to the -- to
13 that, there's also the additional landscaping,
14 which is the -- the shrubs.

15 MR. ARENCIBIA: Correct. Landscaping right
16 against the building, plus we're going to have
17 the tree grates and the trees along the -- on the
18 sidewalk itself.

19 MR. ALONSO: Right. So, that corner is
20 actually softened in two ways. Number one, the
21 building is set back, where right now there is no
22 setback. And number two, you're introducing the
23 landscaping.

24 Correct?

25 MR. ARENCIBIA: That is correct.

1 MR. ALONSO: Now, in terms of the
2 convenience, this -- in that area, there really
3 isn't any convenience store within a block or
4 two.

5 MR. ARENCIBIA: Not at all.

6 MR. ALONSO: Is that correct?

7 MR. ARENCIBIA: That is -- that is correct.
8 Yes.

9 MR. ALONSO: So, that's kind of an amenity
10 for the -- for the neighborhood.

11 MR. ARENCIBIA: That's -- um hum.

12 MR. ALONSO: Okay.

13 MR. ARENCIBIA: And the -- the four floors
14 above, basically it's the same -- the same
15 footprint.

16 We have two, two bedroom units. We have
17 one, two bedroom unit that basically anchors the
18 corner, along Kennedy and 47th Street.

19 We have another two bedroom unit that
20 basically goes from the middle of the building,
21 on 47th Street, all the way to the rear. And
22 then, we have two interior one bedroom units.

23 The one bedroom units are 776 square feet,
24 770 square feet. And the two bedroom units are
25 1150 square feet and 1172 square feet.

1 All of the apartments will have a two
2 bedrooms and two baths, will be the two bedrooms.
3 And of course, the one bedroom will be -- one --
4 one bath.

5 Everything's going to be ADA compliant.
6 They're all going to have their own hot water
7 heaters, laundry in each one of the units
8 themselves.

9 Again, state-of-the-art building, fully
10 sprinklered, fully suppressed, walk-in closets in
11 master bedrooms. Just -- you know, up-to-date
12 buildings.

13 If you look at A-200, we basically show you
14 the elevations of the actual building, which I
15 think our rendering gives you a good idea of it.

16 Again, on the corner, facing Kennedy
17 Boulevard, you have the store, right on the
18 corner. And what we try to do, we try to soften
19 up the entrance into the actual residential
20 portion of -- of the building itself, so there's
21 actually -- there's a curving wall that goes into
22 the residential lobby itself.

23 Again, the idea is to soften that corner
24 that's really -- it's a very, like a hard corner
25 right now, the way it's designed, with the large

1 stone and elevated off the -- off the ground.

2 So, it's very -- going from a very imposing
3 corner to a very inviting corner, because we're
4 going to have storefront on the front, on Kennedy
5 Boulevard; we're also going to have the
6 storefront along 47th Street, which will really
7 open up that whole corner, make it very
8 transparent.

9 We have, along 47th Street, we show the
10 location of the roll-up grill for access to the
11 -- for the parking. The parking will be
12 mechanically ventilated, so there will be
13 motorized louvers that will be actuated in case a
14 sensor goes off.

15 So -- but that will be completely like --
16 parking will be -- the parking -- cars you will
17 not see from the street. So, it will be sort of
18 concealed.

19 And along the rear, the three individual
20 parking spaces, we'll also have grills on those,
21 roll-up grills in the back, and we'll have, of
22 course, building lighting along the perimeter of
23 the actual building on the ground floor, in order
24 to create a nice even illumination along the side
25 of the building itself.

1 Again, I'd like to show you the corner. We
2 wanted to do something interesting in materials.
3 We want to do -- it's like -- sort of like a
4 metal cladding corrugated panels, and some very
5 large, expansive windows, so that created a nice
6 modern look to the building.

7 We also have, on the Kennedy Boulevard
8 side, part of the windows in the living room, in
9 the front are popping out. So, there's like
10 section cubes, popping up through the actual
11 façade of the building, creating a nice three
12 dimensional effect, nice -- nice shadow effect on
13 the whole thing, again making it a nice clean
14 modern building.

15 The brick's going to be nice clean modern
16 brick. Some of the windows that we have in the
17 front will be like small little like limestone
18 lintels in the bottom, and the windows will be
19 set in the bathrooms. Again, have a nice -- give
20 it a nice depth, and a nice modern look to it.

21 That look of the corrugated metal carries
22 across from Kennedy Boulevard, up to 47th Street,
23 and then the rest of the façade on 47th Street is
24 all going to continue that same large open
25 expanse windows, the pop out windows along the

1 rear, on the 47th Street side, again to
2 reintroduce that detail on the 47th Street side,
3 that we have on Kennedy Boulevard street side.

4 And again, nice clean modern brick façade
5 along the entire façade of that building, as
6 well.

7 As you turn the back, on the back
8 elevation, on 47th Street, the brick façade
9 continues for quite a distance, and then where we
10 run into the staircase at the rear, that whole
11 staircase will be finished off in a smooth face
12 block.

13 And then, the interior back side of the --
14 of the building, facing the adjacent neighbor,
15 that's all going to be finished off with stucco.
16 But again, even that section's going to have all
17 the large windows, and the little windows, with
18 the actual limestone sills, in order to maintain
19 continuity on all sides of the building itself.

20 We wanted to create a building that had a
21 really beautiful look from the actual corner,
22 that would also fit into the neighborhood, by
23 using the same colored brick that we have on
24 adjacent structures. And also, by sort of tying
25 into the heights of the adjacent structures,

1 across the street, and actually one house removed
2 from this building. Basically this building is
3 in the same height as the other buildings in the
4 area.

5 MR. ALONSO: You have nothing further?

6 MR. ARENCIBIA: I just think that this is a
7 great site. To me, it's been underdeveloped for
8 a long time, with this large single family
9 dwelling, with this -- behind this stone wall.

10 The fact that you have a light rail right
11 at -- right there, makes this a perfect location
12 for someone that wants to have access in and out
13 of the city.

14 That's one of the reasons why we have the
15 -- the 16 units, because we feel that this is
16 going to be a very viable location. And we still
17 have -- you know, a good number of parking
18 spaces, and 12 parking spaces for the actual
19 building.

20 MR. ALONSO: Does the Board have any
21 questions of Mr. Arencibia?

22 MR. PRESSEY: You mentioned something about
23 stucco.

24 MR. ARENCIBIA: Only on the back side of
25 the building. Nothing -- you're not going to see

1 | it on the -- on the front of the building.

2 | The front, on Kennedy Boulevard, all on
3 | 47th Street, all returning back, all of that's
4 | going to be all brick. And that modern clean
5 | corrugated metal façade.

6 | Large big metal windows, so it's going to
7 | be a nice modern look to the whole building.

8 | So, only on the rear interior of the site
9 | are you going to be able to see that stucco. So,
10 | you won't see it from the street.

11 | MR. PRESSEY: Okay.

12 | VICE CHAIRMAN BONACCI: I don't have any
13 | questions for Mr. Arencibia.

14 | Do you guys have any questions?

15 | Oh, maybe I do have one or two questions.

16 | The height of the building.

17 | MR. ARENCIBIA: Yes.

18 | VICE CHAIRMAN BONACCI: You're going to go
19 | from -- from three stories, which is what it is
20 | now, right, to -- to five? We're going to add
21 | two stories onto this?

22 | MR. ARENCIBIA: Yes. But it -- I would say
23 | that the actual structure, right now, is almost
24 | elevated almost a full story, the way it is right
25 | now, because the whole -- that whole wall,

1 | there's a large stone wall along -- on the -- on
2 | the side, that's actually up.

3 | So, I would say it's probably going to be
4 | about from three and a half to five.

5 | VICE CHAIRMAN BONACCI: Okay.

6 | MR. ARENCIBIA: I would say.

7 | And again, that's sort of in keeping with
8 | the other buildings right adjacent in the area.

9 | VICE CHAIRMAN BONACCI: Correct me if I'm
10 | wrong. So, this went -- according to the
11 | Building Department, this was originally a two
12 | unit structure.

13 | MR. ARENCIBIA: The existing structure.
14 | Yes. Um hum.

15 | VICE CHAIRMAN BONACCI: So, it's going to
16 | go from two to 16?

17 | MR. ALONSO: No, no. That structure's
18 | going to be demolished.

19 | VICE CHAIRMAN BONACCI: Oh, you're going to
20 | knock it down completely.

21 | MR. ALONSO: Yes.

22 | MR. ARENCIBIA: Completely, yes.

23 | VICE CHAIRMAN BONACCI: And build this --

24 | MR. ARENCIBIA: Brand new building.

25 | MR. ALONSO: Yeah.

1 VICE CHAIRMAN BONACCI: -- new structure.

2 MR. ALONSO: And then, that -- that stone
3 -- if you're familiar with that corner, that
4 stone wall, it's very imposing, that stone wall
5 is coming down.

6 VICE CHAIRMAN BONACCI: Right.

7 MR. ALONSO: All that dirt, coming down,
8 and we're bringing it down to a --

9 MR. ARENCIBIA: We're bringing it down so
10 --

11 MR. ALONSO: Pedestrian level.

12 MR. ARENCIBIA: Pedestrian level. So
13 you'll actually able to see and use the corner,
14 make it --

15 VICE CHAIRMAN BONACCI: Sixteen units, 24
16 bedrooms. And this is in the R zone.

17 Mr. Spatz, maybe you --

18 MR. SPATZ: Yes.

19 VICE CHAIRMAN BONACCI: -- can help me out
20 with this?

21 MR. SPATZ: Yes.

22 VICE CHAIRMAN BONACCI: This type of
23 project, is this permitted in the R zone?

24 MR. SPATZ: It's not. They're here for the
25 use variance. Yes.

1 VICE CHAIRMAN BONACCI: Okay.

2 You guys need 30 parking spaces. You're
3 providing some, but you need 30.

4 MR. ARENCIBIA: I think it's 31, I think
5 was the number.

6 VICE CHAIRMAN BONACCI: And you're going to
7 provide how many?

8 MR. ARENCIBIA: Twelve.

9 VICE CHAIRMAN BONACCI: So, you're off by
10 18.

11 MR. ARENCIBIA: Correct.

12 VICE CHAIRMAN BONACCI: On Kennedy.

13 MR. ARENCIBIA: Right. But I think the key
14 thing here is where it's located, right by the
15 light rail. That's really one of the -- the main
16 things that we really should look at, because you
17 have the community college right one block away,
18 too. That's right by the light rail. So, this
19 is perfect for even people that might even go
20 into Hudson County, be able to -- be able to rent
21 some of the apartments in here, in the area, too.
22 Make it easy for them to walk to -- to school and
23 everything. So --

24 VICE CHAIRMAN BONACCI: There's commercial
25 space here, as well.

1 MR. ARENCIBIA: Yes. Small.

2 VICE CHAIRMAN BONACCI: But there's no
3 parking for the commercial space, only for the --
4 for the units.

5 MR. ARENCIBIA: That is correct.

6 MR. ALONSO: The commercial space is more
7 of a convenience store, which will basically
8 service the -- the neighborhood.

9 VICE CHAIRMAN BONACCI: Okay.

10 Mr. Spatz?

11 MR. SPATZ: Yes.

12 VICE CHAIRMAN BONACCI: The size of the --
13 of the spaces, do they conform?

14 MR. SPATZ: The parking spaces or the
15 units?

16 VICE CHAIRMAN BONACCI: The parking spaces.
17 I'm sorry.

18 MR. ARENCIBIA: Well, we have a couple
19 compacts.

20 MR. SPATZ: Yeah. The -- well, I think the
21 outdoor spaces are conforming. The ones that are
22 within the building are smaller than what would
23 be permitted by the Residential Site Improvement
24 Standards.

25 VICE CHAIRMAN BONACCI: How many are

1 smaller? Of -- of all of them?

2 MR. SPATZ: By my count, nine were
3 undersized and the three, as he said, the three
4 outdoor spaces were conforming. So, the ones
5 that were within the building are smaller than
6 what would be required.

7 VICE CHAIRMAN BONACCI: So --

8 MR. SPATZ: So, that's nine of them.

9 VICE CHAIRMAN BONACCI: Three are okay, and
10 nine are not.

11 MR. SPATZ: Correct.

12 MR. ARENCIBIA: The -- I mean we have a
13 traffic consultant that will be speaking, as far
14 as that, for the parking and all that.

15 But what we have is, basically, have 18
16 foot spaces by eight foot wide. And what happens
17 in a lot -- a lot of these projects that we've
18 done, since -- since the residents are going to
19 be assigned a spot, they'll -- they'll know how
20 to get into their spots and they'll know exactly
21 which is the adjacent car that's parked next to
22 them.

23 So, we've done this layout in many, many
24 buildings and we've never had any issues at all.

25 The -- we have eight foot width. The depth

1 | complies, but the width is what's a little bit
2 | tighter. But again, it's not like where you go
3 | to a commercial establishment, and you -- nine by
4 | 18, because -- but people are moving in and out
5 | all the time. You're basically moving out once,
6 | twice a day out of the -- out of your parking
7 | space. The rest of the time you're there.

8 | VICE CHAIRMAN BONACCI: Coming home.

9 | MR. ARENCIBIA: Right.

10 | VICE CHAIRMAN BONACCI: Leaving.

11 | MR. ARENCIBIA: And leaving in the morning.
12 | That's pretty much it.

13 | But we'll have traffic testimony for that,
14 | as well.

15 | MR. ALONSO: And that's assuming you use
16 | your car, too, to go to work. If you use mass
17 | transit or walk then --

18 | MR. ARENCIBIA: Right.

19 | MR. ALONSO: -- you're never going to use
20 | it, you might not even have a car.

21 | MR. ARENCIBIA: Correct.

22 | And -- and the thing is, a lot of the
23 | buildings being done in the area, like this, they
24 | don't -- they don't even one to one. It's --
25 | it's never in use.

1 VICE CHAIRMAN BONACCI: Okay.

2 Thank you.

3 Do you guys have any for Mr. Arencibia?

4 MR. PRESSEY: I was just wondering, has
5 anyone gone out to the neighborhood, and spoke to
6 the residents?

7 MR. ALONSO: No. They were provided
8 notices. And as you know --

9 MR. PRESSEY: Yeah.

10 MR. ALONSO: -- if they don't like it,
11 they'll -- they'll be here.

12 MR. PRESSEY: Yeah.

13 MR. ALONSO: And no one's come out.

14 MS. GUTIERREZ: Nobody show.

15 MR. ARENCIBIA: I think if you look at the
16 rendering, I think it gives you a really good
17 idea of how it really fits. You know, look at
18 the adjacent building, and look at the size of
19 that, it's basically right --

20 MR. PRESSEY: Yeah.

21 MR. ARENCIBIA: -- and conforming with it.

22 It's a really, really nice -- will really
23 clean up that corner significantly, I believe.

24 VICE CHAIRMAN BONACCI: Do you have anybody
25 -- anybody else to testify?

1 MR. ALONSO: I do. I have Mr. Peregoy, who
2 has been waiting patiently.

3 VICE CHAIRMAN BONACCI: There he is.

4 MR. ALONSO: This is your time to shine.

5 VICE CHAIRMAN BONACCI: Come on down.

6 MR. PEREGOY: I was asleep back there.
7 What did he say?

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

10 MS. DILLON: Mr. Peregoy, please raise your
11 right hand.

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

14 MR. PEREGOY: Yes, I do.

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

17 MR. PEREGOY: Sure.

18 My name is Craig Peregoy, P-E-R-E-G-O-Y.

19 MR. ALONSO: Mr. Chairman, Mr. Peregoy's
20 been before the Board in the past, and qualified
21 as a traffic engineer. I would ask that his
22 qualifications be accepted.

23 VICE CHAIRMAN BONACCI: Yes. I'm so sorry.
24 It's after ten o'clock. I'm a little fried. You
25 were waiting longer than I was. I'm sorry. Yes.

1 MR. ALONSO: Thank you.

2 MR. PEREGOY: Quite all right.

3 MR. ALONSO: Mr. Peregoy, what was the
4 scope of the work that you performed on this
5 application?

6 MR. PEREGOY: We took a look at the traffic
7 impact, the parking supply, parking dimensions,
8 and the site circulation.

9 MR. ALONSO: I'm going to ask you to please
10 provide the benefit of your analysis.

11 MR. PEREGOY: Sure. I'll just touch --
12 touch briefly on the traffic.

13 Obviously, we're talking about 16 units,
14 generates very minimal amount of traffic.

15 If I use the ITE trip generation data, it
16 tells me it will be about eight to ten trips.
17 And that's based on apartments throughout the
18 country, where everybody drives, where actually
19 86 percent of the people drive.

20 In this particular census tract, where this
21 site's located, only 33 percent of people use a
22 vehicle to commute to work. The rest take mass
23 transit or -- or walk. So, obviously, a lot
24 lower.

25 That drops those numbers down to about four

1 | trips per hour. So, one car every 15 minutes.
2 | Certainly not something that you'd notice if you
3 | were standing on the street corner.

4 | That also relates to the -- to the parking.
5 | Obviously, the light rail is very close by.
6 | That's going to limit not only the traffic, but
7 | also the parking.

8 | Technically, we are, based on the RSIS,
9 | require 30 parking spaces.

10 | We're under attack.

11 | Thirty parking spaces. That's for --
12 | that's a blanket requirement for any apartment
13 | throughout New Jersey, including garden
14 | apartments out in the middle of the woods in
15 | Hunterdon County.

16 | The RSIS also has a high rise requirement,
17 | that I always like to look at, for this area,
18 | because I think that makes more sense. It -- it
19 | only counts if the building's ten stories high,
20 | but I think it really speaks to the mass transit.

21 | And that -- based on that, we only require
22 | 17 spaces. So, we'd be five short of the high
23 | rise standard, if this was a ten story building.

24 | But again, we're close to the light rail.
25 | That's the attractive feature. That's what's

1 going to drive tenants to this building. I don't
2 need a car, because I can walk to the light rail,
3 there's bus service and up and down Kennedy
4 Boulevard, too.

5 And that bears out. If you look at the
6 census data for this tract, the vehicle ownership
7 is .5 vehicles per unit. So, you translate that
8 to the 16 here, you're talking about eight or
9 nine cars. We have 12 spaces proposed.

10 And again, it's the light rail that's
11 really driving the -- the tenancy here. You
12 don't have to have a car. We have 12 spaces.
13 Again, we'd be five short of that high rise
14 requirement. This close to the light rail, I
15 think that certainly is -- is justifiable.

16 MR. ALONSO: Now, one of the questions that
17 the Chairman -- Chairman had was with respect to
18 the size of the units. And he's questioning the
19 -- the parking spaces being --

20 MR. PEREGOY: Parking space.

21 MR. ALONSO: -- undersized.

22 MR. PEREGOY: Yes.

23 MR. ALONSO: Can you address that?

24 MR. PEREGOY: Actually, four of them are --
25 are correct. The three on the street are nine by

1 18. The ADA space is eight by 18, which is -- is
2 correct size for ADA space.

3 Six of the spaces inside are eight by 18,
4 which is the typical size that you see in a
5 residential garage. In fact, even in a
6 commercial garage. Often, when you park in a
7 parking garage, they're eight -- eight feet wide.

8 We do have two compact spaces, which works
9 in this environment, because you're assigning the
10 space to a tenant. So you know what size vehicle
11 they have, and you can assign the spaces
12 accordingly, and -- and stagger smaller and
13 larger vehicles. So, it works out.

14 And the 24 foot drive aisle is actually
15 larger than you'd typically see. So, it's a
16 little bit more luxurious in this garage than you
17 -- you see in residential spaces. Usually,
18 you're about 20, 22 feet.

19 So, the drive aisle does meet the -- the
20 requirements, and the parking spaces are
21 certainly typical for a residential garage
22 environment.

23 MR. ALONSO: Mr. Chairman, I have no
24 further questions of Mr. Peregoy.

25 VICE CHAIRMAN BONACCI: We don't have any

1 questions, unless you guys do?

2 Do you have any questions?

3 MR. ORTIZ: (Indiscernible).

4 VICE CHAIRMAN BONACCI: You do?

5 MR. ORTIZ: Yeah.

6 VICE CHAIRMAN BONACCI: Okay. I'm sorry.

7 MR. ORTIZ: When did you perform the test,
8 the analysis?

9 MR. PEREGOY: I'm sorry?

10 MR. ORTIZ: When did you perform your
11 analysis on your traffic?

12 MR. PEREGOY: We didn't take traffic counts
13 for this one. It's only 16 units. Like I said,
14 one car every 15 minutes. It's -- it's not going
15 to have any effect.

16 If I went out and took traffic counts
17 today, and then went out the next day, there'd be
18 the difference, just from variation, would be way
19 more than this generates. It's not going to have
20 any noticeable impact. This is a small building.

21 MR. GRULLON: Your -- your calculation were
22 based on 12 spaces or 30 space -- 31 spaces?

23 MR. PEREGOY: Based on the units. It's
24 based on 16 units.

25 MR. GRULLON: Thirty-one space.

1 MR. PEREGOY: Yeah. Yeah. Well, it's not
2 really based on the parking spaces, it's based on
3 the number of units. That's what the ITE
4 publishes. And like I said, it's -- it's
5 suburban apartments, typically, that are -- are
6 researched.

7 So, if you look at the characteristics of
8 this particular census tract -- not Union City,
9 this particular tract, it -- it knocks it down to
10 about four trips per hour.

11 And it's a one way street, too. So, keep
12 in mind, it's -- everybody's going away from
13 Kennedy Boulevard and coming in via Kennedy
14 Boulevard, as 47th is one way away from it.

15 VICE CHAIRMAN BONACCI: I don't have any
16 more questions.

17 Do you guys have any more questions for the
18 --

19 MR. GRULLON: Do you have another witness?

20 MR. ALONSO: Our planner.

21 VICE CHAIRMAN BONACCI: Oh.

22 MR. ALONSO: Mr. McDonough?

23 VICE CHAIRMAN BONACCI: Here he is again.

24 MR. ALONSO: Here he is again.

25 MR. McDONOUGH: Here we go again.

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

3 MR. McDONOUGH: This is an accident.

4 One of the first applications got stuck to
5 the second.

6 Disregard the last few pages.

7 MR. PANEQUE: A-1?

8 MR. McDONOUGH: And for the record, John
9 McDonough.

10 I acknowledge I'm still under oath.

11 MS. DILLON: Did you rip them off?

12 MR. McDONOUGH: Maybe on one of them, I
13 did. I don't know.

14 MS. DILLON: I mean, is this correct?

15 MR. McDONOUGH: If that one only has three,
16 you're -- you're good there.

17 MS. DILLON: Okay.

18 But you'll see, there's six pages. It's
19 actually three that count.

20

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

23

24 MR. McDONOUGH: So, as A-1 (sic) is being
25 handed out, again, it's the familiar aerial

1 photograph of the subject property.

2 This is a corner location on 47th and JFK
3 Boulevard, in close proximity to the light rail.
4 So, we are looking at some transit oriented, or
5 targeted development here, which, from a planning
6 standpoint, implies a higher intensity of use.

7 Again, the fact that we're at a corner
8 location offers the advantage of accessibility
9 that we may not see on some of the interior
10 blocks as well.

11 To the extent that the applicant does need
12 use relief here, we're in your R, Low Density
13 Residential zone, and we know that the applicant
14 is proposing a multi-family building.

15 The planning justification would look at
16 the existing condition of the property and the
17 fact that this is now a commercial use.

18 Our applicant here is Nasa Realty, who
19 actually does a lot of development in the -- in
20 the area.

21 That is a non-residential use. So, this is
22 an opportunity to move the site into more
23 conformance with the residential character or
24 intent of the zoning district, taking a
25 commercial use, eliminating a -- eliminating it,

1 and going with a predominantly residential use,
2 or emphasis with the particular development
3 coming before you.

4 There's a very modest commercial component
5 that's associated with this development, but I
6 see that as a support land use for the residents
7 that would be here, a convenience type of use,
8 and the like.

9 Key points with these photographs is that
10 we are looking at an area that does have mass.
11 This is not an area of smaller single family
12 buildings. It is associated with that JFK
13 corridor, which is a main artery, as we know.

14 We do have a number, as Mr. Arencibia
15 testified to, a number of mid-rise buildings in
16 the area. So, this is going to be compatible
17 with the mass and scale. A nice in-fill, if you
18 can envision a five story building, dropped on
19 what we see in that aerial photograph, again
20 being compatible with some of those taller
21 buildings in the area, as well.

22 Flipping over to the next page are just
23 four views of the subject property. And you
24 heard how it is sort of perched up on the hill.
25 So, even though it's only three stories, it does

1 have a -- a four story feel to it.

2 This is essentially going to slice into
3 that landscape, drop the building at level grade
4 with the street, and then go up five stories.

5 So, really, from a visual standpoint, a
6 story above that which presently exists. We do
7 need height relief, and we'll talk about that.

8 But the land form gives justification for
9 the relief that the applicant seeks here.

10 And then, finally, the last page, page
11 number three just shows the surrounding land use
12 context, that we not only have a variety of land
13 uses in the area, but a variety of land forms, as
14 well, with some mid-rise buildings, some smaller
15 buildings. We've got an automotive use across
16 the street. We've got a cemetery across the
17 street. So, this is not a pure residential area
18 but, in fact, does have some non-residential
19 influences, as well.

20 With that backdrop, again, we are looking
21 at a use variance for multi-family in the R Low
22 Density District. We run this through the four
23 parts of the Medici test, and find that all four
24 parts pass.

25 First, the site suitability aspect or

1 component. This site is particularly suitable
2 for this development and for this use being a
3 corner location that has the advantage of
4 accessibility. We can get a driveway in off of
5 JFK, so there is not a direct connection or
6 conflict with JFK.

7 Also, the fact that we are in close
8 proximity to the light rail gives the benefit, or
9 the planning benefit of suitability as a transit
10 oriented development.

11 Second part of the test under Medici, we
12 look at the special reasons aspect, and we see
13 the promotion of several purposes of zoning,
14 including purpose A, the promotion of the public
15 welfare with new housing stock.

16 Your own Master Plan acknowledges that a
17 lot of the housing stock here is older, and this
18 is an opportunity to -- for fresh new housing
19 product.

20 Additionally, the advancement of purpose I,
21 the planning goal of aesthetics. To take that
22 corner, again as Mr. Arencibia said, cleaning it
23 up, fixing it up, and freshening it up, and
24 creating what would really be a signature
25 building on the corridor here.

1 Corner locations are where planners like to
2 see accentuation of -- of building types, without
3 being overbearing. We think this provides a nice
4 balance, to create that signature building with,
5 again, being out of scale with the surrounding
6 land use context.

7 And then, finally, the advancement of
8 purpose M, the planning goal for efficient use of
9 land. Redevelopment, taking disturbed land,
10 taking previous developed land and re-purposing
11 it.

12 Third part of the test, the public impact.
13 We look at the testimony that's gone before me.
14 Most importantly, the traffic testimony. We do
15 need a parking variance here of nine spaces,
16 where 12 would be required. And you heard that
17 -- I'm sorry -- 12 parking spaces, where 31 would
18 be required, under the Ordinance.

19 And you heard about the dimensional
20 standards that are not being met, as well. Three
21 are okay from a dimensional standpoint, nine are
22 not. But we have credible traffic testimony on
23 the record that this site will function safely,
24 and efficient -- efficiently. That those smaller
25 sizes are appropriate for -- for parking

1 structures. And that given the other influences
2 and modes of transportation in the area, we have
3 a relief valve for relaxation of reliance on the
4 automobile, and alternate means of getting
5 around, including the transit, the bus stops, and
6 the walkability of the area, as well.

7 Finally, the last part of the test looks at
8 the zone impact. And again, this is an area that
9 contemplates smaller massing. But the
10 established pattern is that we do have higher
11 massing in the area, and this is compatible with
12 what we see around it.

13 This is certainly going to advance the 2009
14 Master Plan goal to provide for a balance of land
15 uses, including residential.

16 This is a very, very popular housing
17 product, as we know here in the community.
18 There's a high demand for it. So, we see that as
19 advancing that goal for a balance of land uses.

20 And then, finally, with respect to the zone
21 plan, from a planning standpoint, this is going
22 to move the site closer into conformance with the
23 residential intent of the district, taking what
24 is now a non-residential use, with that Nasa
25 Realty building, and converting it to

1 | predominantly residential use.

2 | We do have a parking variance, which is
3 | justifiable under the C-2 balancing test. And
4 | I'll simply fall back on the professional
5 | testimony that's gone before me, that the
6 | benefits will substantially outweigh the
7 | detriments, and the actual supply will meet the
8 | actual demand.

9 | There were several design exceptions for
10 | the aisle dimensions and the parking dimensions,
11 | which the Board also has testimony on the record
12 | to support, as well.

13 | The height of the building is at 53 feet
14 | six inches, whereas 45 feet is the maximum
15 | allowed. That's justifiable under the Grasso
16 | test, whereby we look at the purposes of height
17 | control not being violated. This is not going to
18 | create any negative shadow effects on adjacent
19 | properties. This is not going to block any
20 | scenic views.

21 | Not being completely out of scale with the
22 | surrounding land use context, again, where we do
23 | see other similar massing in the area.

24 | With that, I know we have some bulk
25 | deviations that were noted in Mr. Arencibia's

1 plan. They are subsumed within the C. They're
2 simply offered for comparison.

3 This is not going to be overbearing, from a
4 bulk standpoint. You can see from his plans that
5 we have preserved a nice green edge around the
6 perimeter of the property. We do meet the
7 planning goal in that regard for adequate light,
8 air and open space.

9 And then, finally, we've given the
10 streetscape a nice clean look, with street trees
11 and pavement and the like, all going towards the
12 promotion of a desirable visual environment.

13 Taking all of that together, I see
14 justification for the use variance being passed
15 here, and also the associated subsidiary relief,
16 as well.

17 MR. ALONSO: I have no further questions.

18 MR. PRESSEY: I -- I must have messed up
19 before.

20 In reference to the parking, is this where
21 the cars are coming out of?

22 MR. McDONOUGH: Cars are coming out of the
23 side street.

24 MR. PRESSEY: The side street?

25 MR. McDONOUGH: Yes.

1 MR. PRESSEY: And they'll be heading
2 towards Bergenline Avenue?

3 MR. McDONOUGH: That's correct.

4 MR. PRESSEY: Okay.

5 And just because I'm looking at people walk
6 through here, so I imagine there will be like a
7 strobe light or something?

8 MR. McDONOUGH: There will be some form of
9 warning indicator. I don't know if it's --

10 MR. PRESSEY: Now --

11 I'm sorry?

12 MR. ARENCIBIA: Yes. We typically would
13 put a strobe light --

14 MS. DILLON: Step forward, Mr. Arencibia.

15 I'm sorry.

16 MR. ALONSO: It's his -- it's his first
17 time.

18 MR. ARENCIBIA: Sorry.

19 Typic -- yes. Typically, we put a strobe
20 light whenever we have like an internal parking
21 structure like that --

22 MR. PRESSEY: I was just --

23 MR. ARENCIBIA: So people would actually
24 hear --

25 MR. PRESSEY: I was just thinking --

1 Oh, they'll be able to hear?

2 MR. ARENCIBIA: Yes.

3 MR. PRESSEY: You'll be able to hear
4 something?

5 MR. ARENCIBIA: Abso -- yes. There will be
6 a --

7 MR. PRESSEY: Okay.

8 MR. ARENCIBIA: -- chirping sound, like
9 when --

10 MR. PRESSEY: All right.

11 MR. ARENCIBIA: -- in a crosswalk.

12 MS. GUTIERREZ: And Mr. Arencibia, --

13 MR. PRESSEY: Because I was just thinking
14 --

15 MS. GUTIERREZ: -- what about the mirror?

16 MR. ARENCIBIA: Well, there'll be a mirror
17 in the garage so you'll be able to see the
18 traffic --

19 MS. GUTIERREZ: Yeah.

20 MR. ARENCIBIA: -- coming across.

21 MS. GUTIERREZ: Yeah. Exactly.

22 MR. ARENCIBIA: Again, it's a -- it's a one
23 way, so it's fairly safe, as far as coming out of
24 there.

25 MR. PRESSEY: Okay.

1 MS. GUTIERREZ: Yeah.

2 MR. PRESSEY: I was just thinking, because
3 if you're visually impaired, you have --

4 MS. GUTIERREZ: Yeah. Because --

5 MR. PRESSEY: -- to hear something.

6 MS. GUTIERREZ: -- they're coming down --

7 MR. ARENCIBIA: Yes.

8 MS. GUTIERREZ: -- from Bergenline.

9 MR. ARENCIBIA: Well, and this is going to
10 be nice, too, because it's going to be lower to
11 the ground, too, so it will be a nice -- you
12 know, because the stone wall before was very
13 imposing.

14 MR. PRESSEY: Thank you.

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

17 MR. GRULLON: Mr. McDonough, the height of
18 the building, on this -- so on the 200 feet --
19 foot radius, are there any other buildings that
20 are going to be at 50 feet high?

21 I don't see anything on your testimony --
22 you know, mention the height of the building on
23 the surrounding area.

24 MR. McDONOUGH: If you go down 47th Street,
25 if you look two lots down, that building that we

1 put the label of residential, that's a comparable
2 height. I don't have an actual measurement of
3 that, but I think you can see.

4 MR. GRULLON: Is that a four floor
5 building, like --

6 MR. McDONOUGH: It looks to me like it is a
7 four story building, if I look at the windows.
8 Yes.

9 MR. GRULLON: Yes.

10 MS. GUTIERREZ: Um hum.

11 MR. ARENCIBIA: I think it's a four and a
12 half story, because I notice the elevator.

13 MR. GRULLON: Because according to the
14 rendering, the building next to the property,
15 according to the rendering, is going to be the
16 same height as your building? But as I can see
17 here on the photograph, that building is about
18 the same height as the -- as the existing
19 structure.

20 MR. McDONOUGH: That -- that may -- that
21 maybe accurate. Yes.

22 MR. GRULLON: It's on page two. One of the
23 pictures that you have.

24 MR. PRESSEY: Um hum.

25 MR. McDONOUGH: On page two, if --

1 MR. GRULLON: The bottom picture.

2 MR. McDONOUGH: Yes. Yes. And you -- are
3 you talking about the building to the right, in
4 the lower right hand corner?

5 MR. GRULLON: Yes. Yes.

6 MR. McDONOUGH: I believe that building is
7 actually slightly -- slightly higher. That's a
8 four story building, as well, to the north.

9 MR. ARENCIBIA: That's got an elevator,
10 though, too.

11 MR. McDONOUGH: Yes.

12 MR. ARENCIBIA: And you have a higher roof
13 on it, too.

14 MR. GRULLON: And the proposed building is
15 going to be five -- five story high?

16 MR. McDONOUGH: It is a five story
17 building. Yes.

18 MR. ARENCIBIA: You can -- in the
19 rendering, you can see the other building. That
20 is actually to scale. So you could actually see
21 the relationship of that new structure with the
22 adjacent building.

23 You can get a good feel of that there. And
24 that is drawn to scale.

25 So, you'll see it's a little larger, a

1 | little higher. But you know, it fits in -- it
2 | blends in pretty closely with that.

3 | MR. GRULLON: Okay.

4 | There's 16 -- 16 apartments proposed, with
5 | 12 parking spaces.

6 | MR. ALONSO: Correct.

7 | MR. GRULLON: Thank you, Mr. McDonough.

8 | MR. McDONOUGH: Thank you.

9 | VICE CHAIRMAN BONACCI: Do you guys have
10 | any more questions?

11 | MR. GRULLON: No.

12 | To the public.

13 | VICE CHAIRMAN BONACCI: Mr. Price?

14 | MR. PRICE: This is going to be quick.

15 | Okay. First, Mr. Arencibia?

16 | MR. ARENCIBIA: Yes.

17 | MR. PRICE: Okay. The building is five
18 | stories, 53 and a half feet tall.

19 | MR. ARENCIBIA: I believe so, yes.
20 | Correct.

21 | MR. McDONOUGH: Yes.

22 | MR. PRICE: Okay. Okay. That's -- okay.
23 | Mr. McDonough?

24 | MR. McDONOUGH: Yes.

25 | MR. PRICE: You testified that there were

1 similar buildings in the neigh -- how many five
2 story buildings are within the 200 foot zone, in
3 Union City?

4 MR. McDONOUGH: Within the 200 foot zone, I
5 don't see any. I see --

6 Five story buildings?

7 MR. PRICE: Five story buildings.

8 MR. McDONOUGH: No. I see several four and
9 a half and four story.

10 MR. PRICE: How many four story buildings?

11 MR. McDONOUGH: I'd say three to four.

12 MR. PRICE: Three to four. No fives.

13 Okay. Very good.

14 And Mr. Perego, you stated that the
15 parking requirement was 31 units.

16 MR. PEREGOY: Thirty spaces, per RSIS.

17 MR. PRICE: It's 30?

18 MR. PEREGOY: Thirty -- 30 spaces required
19 per RSIS. Yes. Thirty point four is the
20 maximum.

21 MR. PRICE: Okay. Okay.

22 MR. PEREGOY: Round down on it.

23 MR. PRICE: But there are eight -- there
24 are 16 apartments. There are eight two bedrooms
25 and eight one bedrooms.

1 Correct?

2 MR. ARENCIBIA: Yes.

3 MR. PRICE: Okay.

4 So, the two bedrooms require two parking
5 spots each.

6 MR. PEREGOY: Two.

7 MR. PRICE: Eight times two is 16.

8 MR. PEREGOY: Yes.

9 MR. PRICE: Okay.

10 The one bedroom apartments require 1.8.

11 MR. PEREGOY: Right.

12 MR. PRICE: That's 14.4.

13 MR. PEREGOY: Right. So, 30.4.

14 MR. PRICE: Okay. That 30.4, which rounds
15 to 31.

16 MR. PEREGOY: No. Your RSIS, if it's .5 or
17 less, you round down, so it's 30.

18 MR. PRICE: I'll debate that at some later
19 date.

20 Okay. Now, in addition to which we have
21 600 square feet of -- of commercial space.

22 MR. PEREGOY: Yes.

23 MR. PRICE: We require one parking spot for
24 every --

25 MR. PEREGOY: Three hundred.

1 MR. PRICE: -- 300 square feet.

2 MR. PEREGOY: So, that'd be two for that.

3 MR. PRICE: Two -- two more. So, we're at
4 33, or 32 --

5 MR. PEREGOY: Thirty-two.

6 MR. PRICE: -- if you --

7 MR. PEREGOY: Fine. Thirty-two or 33.

8 MR. PRICE: Thirty-two or 33.

9 Okay.

10 Thank you very much.

11 I said it would be quick.

12 MR. ALONSO: Just to follow up.

13 Mr. McDonough, in terms of the -- the
14 question with respect to the number of five story
15 buildings within 200 feet, is there any legal
16 requirement that we measure the height of the
17 building to other properties within 200 feet?

18 MR. McDONOUGH: No, there's not. There's
19 no legal standard for justification of a height
20 variance under Grasso.

21 And I also used, as a special reason, that
22 this is an opportunity to create what I consider
23 a -- a signature building, without being
24 overbearing.

25 If it's a half a story or a story above

1 | some of those other buildings, this is a
2 | perfectly appropriate location to do that. It's
3 | a corner. We do that in buildings. Right? We
4 | put the tower elements on the corner of
5 | buildings. We're doing the same thing here, on
6 | the corner of the block.

7 | MR. ALONSO: Now, you also said that
8 | there's about three or four other buildings in
9 | the neighborhood that are four and a half or four
10 | stories.

11 | Correct?

12 | MR. McDONOUGH: Yes.

13 | MR. ALONSO: Okay.

14 | And one of the buildings is actually two
15 | doors to the south.

16 | Correct?

17 | MR. McDONOUGH: Correct.

18 | MR. ALONSO: And if you -- if you look at
19 | it from the street side, it appears to be two
20 | separate buildings, because they're pieced like a
21 | little courtyard in between, but the overview --
22 | overhead view shows that in the back they're
23 | actually connected, just by one U shaped
24 | building.

25 | Correct?

1 MR. McDONOUGH: That is -- that is correct.

2 In fact, that jumps out at you on page --
3 page three in the upper left hand corner, you can
4 see both of -- you can see those structures.

5 MR. ALONSO: Right. So, it appears to be
6 two separate buildings. And that -- that
7 structure, is that four and a half stories?

8 MR. McDONOUGH: That reaches four and a
9 half stories. Correct. You can see the
10 exaggerated parapet on the top.

11 MR. ALONSO: Okay. And -- and that
12 actually has a -- a curb cut in the front,
13 because they took out the landscaping to create a
14 couple of parking spaces.

15 Correct?

16 MR. McDONOUGH: That is correct. Yes.

17 MR. ALONSO: Okay.

18 So, there's no landscaping, and it's four
19 and a half stories, but there's no parking below.
20 And there is --

21 MR. McDONOUGH: It's one of the
22 justifications for the added height here, of
23 course, is that we are providing a parking
24 supply, where many of these buildings do not.

25 MR. ALONSO: So, we -- if you want to

1 | compare apples to apples, we are proposing a four
2 | story residential building, with parking below,
3 | which creates the fifth story.

4 | MR. McDONOUGH: That is correct.

5 | The Board can find that the benefit of that
6 | additional story is that it provides for a
7 | parking amenity, an off-street parking amenity
8 | that we don't see in the area.

9 | MR. ALONSO: Right. So, it's exactly what
10 | -- what's around Union City, with the benefit of
11 | parking.

12 | MR. McDONOUGH: Four living levels, in this
13 | case, above parking. Those buildings have four
14 | living levels, no parking. That's the
15 | difference.

16 | VICE CHAIRMAN BONACCI: Okay.

17 | You guys did a really nice job. This is
18 | beautiful. It really is.

19 | I just don't know if the people who live in
20 | Union City are ready for something like this
21 | right now. I feel like this is the kind of --
22 | this is a game changer.

23 | It's almost 11 o'clock. We're real tired.
24 | We could just say, yes, and go home.

25 | But this is -- that would be very

1 irresponsible of us. And I don't -- I'm not
2 going to say that I'm speaking on behalf of
3 everybody that's here on the Board, but I feel
4 like this is the kind of project, although it's
5 beautiful, it's the kind of project that we have
6 a lot of low income families that will be priced
7 out.

8 Besides that, because I don't even know if
9 I'm supposed to be the judge of something like
10 that.

11 If I'm going to go by the book on this, the
12 permitted use in the zone is one, two, and three
13 family.

14 Mr. Spatz, am I correct when I say --

15 MR. SPATZ: Yes.

16 VICE CHAIRMAN BONACCI: -- that?

17 MR. SPATZ: It is a Low Density Residential
18 zone.

19 VICE CHAIRMAN BONACCI: And if we're going
20 to say low density residential, and -- and stick
21 with that, would you consider this project to be
22 low density residential?

23 MR. SPATZ: No. This would -- is a multi-
24 family proposal.

25 VICE CHAIRMAN BONACCI: So, as much as this

1 is a wonderful project, I just don't think that
2 this is something that -- I know it's not
3 something that fits the zoning map.

4 And even though we say the light rail is
5 there, so most likely people are not going to be
6 using their cars. Every time we put something
7 up, it's like there's a billion cars in the
8 street, and it never ends. And I wonder if it
9 ever will.

10 So, with that, although this is -- you
11 know, I want to take my hats off to you guys,
12 this is a fantastic project, but I'm going to
13 make a motion to deny the application.

14 THE SECRETARY: Motion to deny the
15 application by Mr. Bonacci.

16 MR. GRULLON: Second the motion.

17 THE SECRETARY: Second the motion by Mr.
18 Grullon to deny the application.

19 Mr. Grullon?

20 MR. GRULLON: Yes.

21 THE SECRETARY: Roll call, yes.

22 Ms. Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Mr. Pressey?

2 MR. PRESSEY: Yes.

3 THE SECRETARY: Mr. Bonacci?

4 VICE CHAIRMAN BONACCI: Yes.

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

7 MR. ALONSO: Very good. Have a good
8 evening.

9 VICE CHAIRMAN BONACCI: Thanks guys.

10 MS. GUTIERREZ: Thank you.

11 Thank you.

12 VICE CHAIRMAN BONACCI: Thank you.

13 THE SECRETARY: Don't -- wait for me, guys.
14 Have to do something else.

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1 **ADOPTION OF MINUTES:**

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3 (1) Approval of previous special (sic) meeting
4 minutes from 06/08/2017.

5

6 THE SECRETARY: Approval of previous
7 minutes.

8 Approval of previous minutes of Regular
9 Meeting minutes from June 8, 2017.

10 Can I have a motion to adopt those minutes?

11 By Mr. Ortiz, motion.

12 MS. GUTIERREZ: Second it.

13 THE SECRETARY: Second by Mrs. Margarita
14 Gutierrez.

15 Roll call on the motion.

16 Mr. Grullon?

17 MR. GRULLON: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Mr. Pressey?

23 MR. PRESSEY: Yes.

24 THE SECRETARY: Mr. Bonacci?

25 VICE CHAIRMAN BONACCI: Yes.

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

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1 **RESOLUTIONS:**

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3 (1) K & J Union City, LLC, 609-611 25th Street &
4 608-610 24th Street, Block 136, Lots 9, 10, 21,
5 22. Applicants are seeking for a one year
6 extension. Resolution was memorialized April 12,
7 2012 and Corrective Resolution was memorialized
8 May 10, 2012. The first extension of the
9 Resolution was adopted on June 9, 2016. Approved
10 6/08/17.

11

12 THE SECRETARY: We have Resolutions.

13 MS. GUTIERREZ: Okay.

14 THE SECRETARY: Okay.

15 First Resolution on tonight's agenda was
16 approved on June 8, K and J -- K and J Union
17 City, LLC, 609-611 25th Street.

18 The members present at that meeting was Mr.
19 Ortiz, Ms. Gutierrez, Mr. Grullon, Mr. Medina who
20 is absent today, and Mr. Doumas who is absent
21 today.

22 The only Board members can vote on this
23 Resolution is Mr. Ortiz, Ms. Gutierrez, and Mr.
24 Grullon.

25 Can I have a motion to adopt this

1 application -- this Resolution?

2 I'm sorry.

3 MS. GUTIERREZ: I make a motion.

4 THE SECRETARY: Motion by Ms. Gutierrez.

5 MR. ORTIZ: Second.

6 THE SECRETARY: Second by?

7 Mr. Ortiz.

8 Roll call on the motion.

9 Mr. Bonacci?

10 VICE CHAIRMAN BONACCI: Yes.

11 THE SECRETARY: You abstain?

12 VICE CHAIRMAN BONACCI: Yeah. I wasn't
13 here for that day.

14 THE SECRETARY: Yes.

15 Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Grullon?

20 MR. GRULLON: Yes.

21 THE SECRETARY: Mr. Pressey?

22 MR. PRESSEY: Abstain.

23 THE SECRETARY: Three in favor, two
24 abstained. Motion carries.

25 * * *

1 **RESOLUTIONS:**

2

3 (2) Leon De La Vega, 3305 Pleasant Avenue, Block
4 201, Lot 5. Resolution was memorialized July 27,
5 2006. Applicants are seeking for one (1) year
6 extension. Approved 6/08/17.

7 (3) HIMEJI, LLC, 1410-1418 Palisade Avenue,
8 Block 181, Lots 12, 13, 14 & 15. Resolution was
9 memorialized September 10th, 2009. First
10 extension Resolution was memorialized January 14,
11 2016. Applicants seeking one year extension.
12 Approved 6/08/17.

13 (4) GBTC Properties, LLC, 1412-1414 New York
14 Avenue, Block 74, Lot 14. Resolution was
15 memorialized September 13, 2012. Applicants
16 seeking one year extension. Approved 6/08/17.

17 (5) 701 30th Street, LLC, 701-707 30th Street,
18 Block 162, Lots 20-23. Resolution was
19 memorialized August 9, 2007. Applicants seeking
20 one year extension. Approved 6/08/17.

21

22 THE SECRETARY: Now we are going to go to
23 Resolutions 2, 3, 4, and 5.

24 Leon De La Vega, 3305 Pleasant Avenue.

25 Next Resolution, HIMEJI, LLC, 1410-1418

1 Palisade Avenue.

2 Next Resolution, GBTC Properties, LLC,
3 1412-1414 New York Avenue.

4 Next Resolution, 701 30th Street, LLC, 701-
5 707 30th Street.

6 In this meeting was present Mr. Bonacci,
7 Mr. Ortiz was absent, Ms. Gutierrez was present,
8 Mr. Gullon was present, Mr. Pressey was absent.

9 Can I have a motion to adopt these
10 Resolutions --

11 MS. GUTIERREZ: I make a motion.

12 THE SECRETARY: -- 2, 3, 4, and 5?

13 MS. GUTIERREZ: I make a motion.

14 THE SECRETARY: Motion by Mrs. Gutierrez.

15 Second by?

16 Second by Mr. Bonacci.

17 Roll call on the motion to adopt these
18 Resolutions.

19 Mr. Bonacci?

20 VICE CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Abstain.

23 THE SECRETARY: Ms. Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Mr. Gullon?

1 MR. GRULLON: Yes.

2 THE SECRETARY: Mr. Pressey?

3 MR. PRESSEY: Abstain.

4 THE SECRETARY: Three in favor, two
5 abstained. Motion carries.

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1 RESOLUTIONS:

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3 (6) 3900 LLC, 545-547 39th Street, Block 224,
4 Lots 53-56. Mixed use mid-rise 23 unit apartment
5 building and law firm office on fourth floor.
6 Approved 6/08/17.

7 (7) DDIS Union City, LLC, 717-719 Bergenline
8 Avenue, Block 35, Lot 7.01 & 8.01. Application
9 for Certificate of Prior Nonconforming Status
10 pursuant to N.J.S.A. 40:55D-68. Approved
11 6/08/17.

12 (8) Palisade Emergency Residence Corporation,
13 113 37th Street, Block 217, Lots 20, 21, 44 & 45.
14 Proposed to subdivide existing Lot 44 to be
15 subdivided into proposed Lot 44.01 and remainder
16 of Lot 44 to merge with existing Lot 45 to create
17 proposed Lot 44.02. *Subdivision approved
18 6/08/17.

19 (9) Palisade Emergency Residence Corporation,
20 113 37th Street, Block 217, Lots 20, 21, 44 & 45.
21 Proposed the change of use rehabilitation of the
22 first floor from business (thrift shop) to
23 residential apartments and renovation of an
24 existing second floor residential apartment and
25 the basement will be renovated and used as

1 storage. * Site plan approved 6/08/17.

2

3 THE SECRETARY: Now we are going to
4 Resolutions 6, 7, 8, 9.

5 Number 6, 3900 LLC, 545-547 39th Street.

6 Next Resolution, DDIS Union City, LLC, 717-
7 719 Bergenline Avenue.

8 Next Resolution, Palisade Emergency
9 Residential Corporation, 113 37th Street.

10 Next Resolution, Palisade Emergency
11 Residential Corporation, 113 37th Street.

12 It was -- one was a subdivision and the
13 other one is site plans.

14 Members present at that hearing was Mr.
15 Bonacci, Mr. Ortiz, Ms. Gutierrez and Mr.
16 Grullon.

17 Mr. Pressey was absent.

18 Can I have a motion to adopt these
19 Resolution?

20 MS. GUTIERREZ: I make a motion.

21 THE SECRETARY: Motion by Mr. Bonacci.

22 MS. GUTIERREZ: Second.

23 THE SECRETARY: Second by Ms. Gutierrez.

24 Roll call on the motion.

25 Mr. Bonacci?

1 VICE CHAIRMAN BONACCI: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Ms. Gutierrez?

5 MS. GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Grullon?

7 MR. GRULLON: Yes.

8 THE SECRETARY: Mr. Pressey?

9 MR. PRESSEY: Abstain.

10 THE SECRETARY: Four in favor, one
11 abstained. Motion carries.

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1 **RESOLUTIONS:**

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3 (10) New Cingular Wireless PCS, LLC (AT&T), 3911
4 Kennedy Boulevard, Block 262, Lot 1. Place 20
5 antennas and related equipment on the roof of the
6 above property. No housing units are proposed.
7 Approved 6/08/17.

8

9 THE SECRETARY: All right.

10 Resolution number 10.

11 New Cingular Wireless, PCS, LLC, 3911
12 Kennedy Boulevard.

13 Member present at this meeting was Mr.
14 Ortiz, Mr. Grullon, Mr. John Medina who is absent
15 today, Mr. Peter Doumas who is absent tonight,
16 and Ms. Ydalia Genao who is absent tonight from
17 the Planning Board.

18 Now, the only two -- two Board members can
19 vote is Mr. Ortiz and Mr. Grullon.

20 Can I have a motion to adopt this
21 Resolution?

22 MR. GRULLON: Motion.

23 THE SECRETARY: By Mr. Grullon, motion.

24 MR. ORTIZ: Second.

25 THE SECRETARY: Second by Mr. Ortiz.

1 Roll call on the motion.

2 Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Mr. Grullon?

5 MR. GRULLON: Yes.

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

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1 **OTHER BUSINESS:**

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3 MR. PANEQUE: Mr. Vallejo?

4 THE SECRETARY: Yes, sir?

5 MR. PANEQUE: Before we adjourn the
6 meeting, we did touch upon changing the November
7 meeting date, but there was no motion made by any
8 Board member.

9 THE SECRETARY: Sure.

10 MR. PANEQUE: Can we get that motion,
11 please?

12 THE SECRETARY: Can we have a motion to
13 reschedule November 9 meeting to November 2nd?

14 Motion by Mr. Bonacci.

15 MS. GUTIERREZ: Second.

16 THE SECRETARY: Second by Mrs. Gutierrez.

17 Mr. --

18 Roll call on the motion.

19 Mr. Grullon?

20 MR. GRULLON: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Mr. Pressey?

1 MR. PRESSEY: Yes.

2 THE SECRETARY: Mr. Bonacci?

3 VICE CHAIRMAN BONACCI: Yes.

4 THE SECRETARY: Motion carries. Six --

5 five in favor.

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1 **ADJOURNMENT:**

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3 THE SECRETARY: There -- there being no
4 other application tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 Motion by Mr. Pressey.

7 MS. GUTIERREZ: Second.

8 MR. GRULLON: All in favor.

9 VICE CHAIRMAN BONACCI: Aye.

10 THE SECRETARY: Second by Mrs. Gutierrez.
11 All in favor?

12

13 (Whereupon, there was a chorus of ayes.)

14

15 THE SECRETARY: The ayes have it.

16 VICE CHAIRMAN BONACCI: See you later.

17 THE SECRETARY: Let the record show up that
18 the meeting has ended.

19 Thank you and good night, everyone.

20 Now I have to keep working.

21

22 (Whereupon, the proceedings were concluded
23 at 11:16 p.m.)

24

25

1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

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6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of REGULAR
9 MEETING of the UNION CITY ZONING BOARD OF
10 ADJUSTMENT heard on Thursday, July 13, 2017 and
11 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon