

City Hall
3715 Palisade Avenue
Union City, New Jersey

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I N D E XCarlos Donaldson - 913-915 Summit Ave.WITNESSPAGE

Manuel Pereiras

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1 MS. DILLON: Okay, Carlos.

2 On the record.

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

5 Please take notice that on Tuesday, June
6 14, 2018, at six p.m., a Regular Meeting is
7 scheduled for the Union City Zoning Board of
8 Adjustment, to be held in the Municipal Chambers,
9 located on the Second Floor, 3715 Palisade
10 Avenue, Union City, New Jersey.

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

13

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

16

17 THE SECRETARY: Thank you.

18 Notice of this meeting has been provided as
19 follow:

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

1 Office of the Municipal Clerk.

2

3 **ROLL CALL:**

4

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

7 Chairman Libero Marotta?

8 Absent.

9 Vice Chairman Joseph Bonacci?

10 VICE CHAIRMAN BONACCI: Here.

11 THE SECRETARY: Mr. Grullon?

12 MR. GRULLON: Here.

13 THE SECRETARY: Ms. Gutierrez?

14 MS. GUTIERREZ: Here.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Here.

17 THE SECRETARY: Mr. Pressey?

18 Absent.

19 Mr. Medina?

20 MR. MEDINA: Here.

21 THE SECRETARY: Let the record indicate
22 there are five present, so we have a full quorum.

23 * * *

24

25

1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

2

3 (1) Regular meeting held on May 10, 2018

4

5 THE SECRETARY: Okay.

6 Approval of previous meeting minutes from
7 May 10, 2018.

8 Can I have a motion?

9 MR. GRULLON: Motion.

10 THE SECRETARY: Motion by Mr. Grullon.

11 MS. GUTIERREZ: Second.

12 THE SECRETARY: Second by Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Bonacci?

15 VICE CHAIRMAN BONACCI: Yes.

16 THE SECRETARY: Ms. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Grullon?

19 MR. GRULLON: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

ADOPTION OF RESOLUTIONS:

(1) K & J Union City, LLC, 609-611 25th Street & 608-610 24th Street. Block 136, Lots 9, 10, 21, 22. Applicants are seeking for a one year extension. Resolution was memorialized April 12, 2012 and Corrective Resolution was memorialized May 10, 2012. The first extension of the Resolution was adopted on June 9, 2016 and the second extension of the Resolution was adopted on July 13, 217 (sic). **Approved**

(2) 300-302 Bergenline Ave., Block 12, Lots 23 & 24. Applicant propose the legalization of two existing residential units to go from two one family structures to two two family structures with rear parking and garage. **Approved**

(3) Lidia Sevillano, 424 8th Street, Block 39, Lot 17. Proposed legalization of basement and rear apartment units. **Approved**

(4) MPB Hoist & Crane, LLC, 17 2306 West Street, Block 128, Lot 19.02. Applicant seeks a two family conversion with a third floor addition. **Approved**

THE SECRETARY: We have five Resolution on

1 tonight's agenda. We are going to the first four
2 Resolutions.

3 First Resolution.

4 K and J Union City, LLC, 609-611 25th
5 Street and 608-610 24th Street.

6 Second Resolution.

7 300-302 Bergenline Avenue.

8 Third Resolution.

9 Lidia Sevillano, 424 8th Street.

10 Fourth Resolution.

11 MPB Hoist and Crane, LLC, 2306 West Street.

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

14 VICE CHAIRMAN BONACCI: Make a motion.

15 THE SECRETARY: Motion by Mr. Bonacci.

16 MS. GUTIERREZ: Seconding.

17 THE SECRETARY: Second by Ms. Gutierrez.

18 Roll call on the motion to adopt these
19 Resolutions.

20 Mr. Bonacci?

21 VICE CHAIRMAN BONACCI: Yes.

22 THE SECRETARY: Ms. Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Grullon?

25 MR. GRULLON: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Mr. Ortiz?

4 MR. ORTIZ: Yes.

5 THE SECRETARY: Five in favor.

6 Motion carries.

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1 **ADOPTION OF DENIED RESOLUTION:**

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3 (5) 613 39th Street, LLC, 611-613 39th Street.

4 The construction of two new three family

5 buildings that consist of six parking spaces and

6 six three bedroom apartments. **Application was**

7 **denied on May 10, 2018**

8

9 THE SECRETARY: Next Resolution is a deny
10 Resolution. This application was denied on May
11 10, 2018.

12 613 39th Street, LLC, 611-613 39th Street.

13 Can I -- can I have a motion to adopt the
14 deny Resolution?

15 VICE CHAIRMAN BONACCI: Make a motion.

16 THE SECRETARY: Motion by --

17 MR. GRULLON: Second.

18 THE SECRETARY: -- Mr. Bonacci.

19 MR. GRULLON: Second.

20 THE SECRETARY: Second by Mr. Grullon.

21 Roll call on the motion.

22 Mr. Bonacci?

23 VICE CHAIRMAN BONACCI: Yes.

24 THE SECRETARY: Ms. Gutierrez?

25 MS. GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Grullon?

2 MR. GRULLON: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: Five in favor.

8 Motion carries.

9 * * *

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1 **1301-1303 Palisade Ave., LLC -**

2 **1301-1303 Palisade Ave.:**

3

4 THE SECRETARY: We are going to the first
5 application on tonight's agenda, 1301-1303
6 Palisade Avenue, LLC.

7 Ms. Pereiras, please?

8 MR. PANEQUE: Vice Chairman Bonacci, on
9 this application, the applicant happens to have
10 been a past client of my office, so we have a --
11 I'm recusing myself, and we have a substitute
12 attorney --

13 VICE CHAIRMAN BONACCI: Okay.

14 MR. PANEQUE: -- who's going to step in.

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

17 MR. ORTIZ: Mr. Chairman, I'm the committee
18 person in this district -- don't know if that's a
19 conflict. I'm the committee person in this
20 district.

21 MS. GUTIERREZ: You live at 13 and
22 Palisade.

23 MR. ORTIZ: I live across the way. Right,
24 in 1300.

25 MR. PANEQUE: Okay.

1 MR. MEDINA: That's 200 feet.

2 VICE CHAIRMAN BONACCI: Does that cause a
3 problem?

4 MR. PANEQUE: That does cause a problem.

5 VICE CHAIRMAN BONACCI: Okay. So, then we
6 only have --

7 MR. PANEQUE: Okay.

8 VICE CHAIRMAN BONACCI: -- one, two --

9 MS. DILLON: I'm sorry.

10 I didn't hear what Mr. Ortiz said. Could
11 you repeat it for the record?

12 MR. PANEQUE: Mr. Ortiz --

13 MR. ORTIZ: I said I'm the committee person
14 from that district, and I live right across the
15 street from 1301.

16 MR. PANEQUE: Yeah.

17 MR. ORTIZ: I live at 1300 Palisade.

18 MS. DILLON: Okay.

19 Thank you.

20 MR. PANEQUE: Ms. Pereiras, it does present
21 a problem for you.

22 MS. PEREIRAS: Are we expecting any other
23 Board members this evening?

24 MR. PANEQUE: Mr. Vallejo, are we expecting
25 any other Board member to come in this evening?

1 THE SECRETARY: I didn't get any answer
2 from Mr. Price (sic) and Mr. Marotta --

3 MR. PANEQUE: Mr. --

4 THE SECRETARY: Let me -- if you allow me,
5 I can call -- make a phone call.

6 MR. PEREIRAS: Mr. Price definitely would
7 answer you.

8 MR. SPATZ: Right. Pressey.

9 THE SECRETARY: And David didn't show up.

10 MR. SPATZ: Yeah. Yeah. We only have two
11 other members, so --

12 MS. DILLON: Do you want to go off the
13 record?

14 MR. PANEQUE: Yes.

15 Go off the record.

16

17 (Whereupon, the Board recessed from 6:29
18 p.m. to 6:39 p.m.)

19

20 THE SECRETARY: All right.

21 On his way.

22 We are going to change a little bit the
23 order.

24 Okay.

25 MR. PANEQUE: Let's go to the next one.

1 THE SECRETARY: Let me just put -- put the
2 first application on the side, please.

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

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1 **Storage Blue - 3330-3336 Hudson Avenue and**
2 **122 Peter Street:**

3

4 MS. DILLON: Which one are we doing next,
5 Carlos?

6 MR. PANEQUE: Number 2?

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

9 THE SECRETARY: All right.

10 Ready?

11 MS. DILLON: Yes.

12 THE SECRETARY: May I have your attention,
13 please?

14 We are going to change a little bit
15 tonight's order of the agenda.

16 We are going to go now to Storage Blue,
17 3330-3336 Hudson Avenue and 122 Peter Street.

18 Mr. Steinhagen, please?

19 I know you are going to replace him, sir.

20 Go ahead.

21 MR. WEINER: Good evening, everyone.

22 My name's Ira Weiner. I'm an attorney with
23 the law firm of Beattie Padovano in Montvale.
24 And I represent 122 Peter Street, LLC, which is
25 the Storage Blue.

1 Mr. Chairman, I have the -- our Affidavit
2 of Service. So I don't know who gets that.

3 MR. PANEQUE: Yes. May I see that, Mr.
4 Weiner?

5 MS. DILLON: Mr. Weiner, do you have a
6 card, by any chance?

7 MR. WEINER: I probably do.

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

10 MS. DILLON: Thank you very much.

11 MR. WEINER: No problem.

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

14 MR. PANEQUE: Mr. Weiner, do you have a
15 copy of the newspaper article? I can't make out
16 this version.

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

19 MR. WEINER: I'm looking.

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

22 MR. WEINER: I can tell you the exhibit --
23 the same language as exhibit B.

24 MS. DILLON: Can you just wait until you
25 come to the microphone, please?

1 MR. WEINER: I'm sorry.

2 I said exhibit B is the language. That's
3 the same thing we put in the paper. If you look
4 at B, it gives you exactly what we had.

5 MR. PANEQUE: Well, I -- I understand that.
6 It's just that I need to be able to read what
7 actually was published.

8 You have it, Mr. Price?

9 We have a backup safety measure.

10 VICE CHAIRMAN BONACCI: That's why --
11 that's why he comes.

12 MR. PRICE: You owe me one.

13 MS. GUTIERREZ: You owe me one.

14 MR. PRICE: Or two or three.

15 MR. WEINER: I owe Larry Price one. Oh, my
16 God.

17 VICE CHAIRMAN BONACCI: Good thing he gets
18 the paper. Imagine if they forgot to deliver it
19 to Larry that day. Good thing it wasn't raining
20 that day. Paper would have got soggy. Old
21 reliable.

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

24 MR. PANEQUE: All right.

25 Mr. Weiner, this -- it's just what I

1 | thought. I -- I was barely able to make out the
2 | -- what you have here, but this has a hearing
3 | date of April 12th, so it's not today's hearing.

4 | MR. WEINER: Right.

5 | MR. PANEQUE: Today is June 14th.

6 | MR. WEINER: Yeah. And it was on before
7 | and it was carried. It's on May 10th and there's
8 | a letter in the file asking you to carry it.

9 | MR. PANEQUE: Okay.

10 | MR. WEINER: I think that's what happened.

11 | MR. PANEQUE: Was it -- was it carried?

12 | Why didn't we establish jurisdiction at the
13 | last meeting?

14 | MR. WEINER: I -- I wasn't here. I'm
15 | covering for somebody.

16 | MR. PANEQUE: Okay. No, I --

17 | MR. WEINER: I'm sorry. I wish I could
18 | answer.

19 | MR. PANEQUE: And it -- it put you on the
20 | spot.

21 | MR. WEINER: I think it said jurisdiction
22 | only on the --

23 | MR. PANEQUE: Okay. Hold on.

24 | MR. WEINER: -- on -- on your agenda. I
25 | thought you took jurisdiction and then it got

1 carried for some reason, which --

2 MR. PANEQUE: Let's go off the record.

3 Yeah. Yeah. I just need to --

4

5 (Whereupon, the Board recessed from 6:46
6 p.m. to 6:50 p.m.)

7

8 MS. DILLON: Okay.

9 On the record.

10 MR. PANEQUE: All right.

11 For the record, ladies and gentlemen of the
12 Board, this matter was here by way of a letter
13 that was written by Mr. Steinhagen on April 12.
14 That was the original scheduled hearing date.

15 I'm reading now from the transcript of
16 April 12, specifically page 11, it says, and this
17 is me speaking:

18 "I have a letter dated April 12 from Daniel
19 Steinhagen which indicates the following:

20 "Dear Mr. Vallejo:

21 As you know, this firm represents the
22 applicant in connection with the above referenced
23 properties. I'd like to request that the hearing
24 scheduled for this evening, April 12, 2018, be
25 carried until the Board's next available date,

1 | which I understand is May 10th. Please announce
2 | that the applicant's notice is being carried to
3 | that meeting. To the extent necessary, please
4 | consider this letter as an extension of the
5 | Board's time to act. If you require anything
6 | further, please do not hesitate to contact me."

7 | It is signed by Mr. Steinhagen.

8 | That's on page 11 and 12.

9 | On page 95 of the transcript for that
10 | night's meeting, there was a public announcement
11 | made indicating that any members of the public
12 | who were here on the application for Storage
13 | Blue, the matter would be carried to the next
14 | meeting; said meeting being tonight, June 14th,
15 | 2018.

16 | Now, for purposes of establishing
17 | jurisdiction, I've been provided by -- with the
18 | following documentation by Mr. Weiner.

19 | I have an Affidavit of Public Notice, which
20 | is signed by Daniel Steinhagen, and it's
21 | notarized by a Karin Magala, indicating that
22 | notice of the meeting that was originally
23 | scheduled for April 12 was sent out to all
24 | property owners within the 200 foot radius, as
25 | well as published in the local newspaper.

1 I also have an Affidavit -- a copy of an
2 Affidavit of Publication. The actual Affidavit
3 is legible, but the notice is not, but we were
4 provided with a actual cutout of the newspaper
5 article by Mr. Larry Price. And that newspaper
6 article indicates that notice of the hearing was
7 scheduled for April 12, at 6:30 p.m.

8 Now, I recall that there was an issue with
9 the time. However, we found that that -- the
10 fact that the notice said 6:30 and not six p.m.
11 was not a fatal error. And that's why we waited
12 until the end of the meeting to announce to the
13 public, in case anybody appeared late.

14 Now, certain things are coming back. See
15 that?

16 MR. WEINER: I'm glad -- I'm glad somebody
17 can remember.

18 MR. PANEQUE: I --

19 MR. WEINER: I'm sorry.

20 MR. PANEQUE: Yes?

21 MR. WEINER: Counsel, I want -- it's
22 actually two volumes. That's --

23 MR. PANEQUE: Two volumes?

24 MR. WEINER: -- had it.

25 MR. PANEQUE: Okay.

1 MR. WEINER: That's the second volume.

2 That's why there's only one.

3 MR. PANEQUE: I -- I've also been provided
4 by Mr. Weiner with copies of all of the certified
5 mail receipts, with a postmark date of March 29th,
6 2018, as well as the green cards that have come
7 back to date, and notice and letters that have
8 come back unclaimed, in a very nice, volume I and
9 volume II bounded volume.

10 So, excellent job on that, sir.

11 MR. WEINER: Thank you.

12 MR. PANEQUE: Based on the documentation
13 that's been provided, I find that this Board has
14 jurisdiction and can proceed to hear the matter.

15 MR. WEINER: Thank you very much.

16 MR. PANEQUE: Mr. Price?

17 MR. WEINER: Appreciate your help in
18 checking the transcript.

19 MR. PANEQUE: Thank you, sir.

20 MR. WEINER: All right. Back to more
21 interesting things. Well, we hope. A little bit
22 anyway.

23 I'm just going to make a quick statement.
24 This is a very straightforward application. It's
25 a sign application.

1 I'm sure you're all familiar with the
2 Storage Blue building. There is one sign on one
3 side of the building that faces Hudson Street
4 that was formerly American Storage. There was a
5 large painted sign on the building, very large.
6 When my clients took over, in I think 2014 and
7 '15, they -- that got painted over, they removed
8 it. Instead, a much smaller Storage Blue sign
9 was put up. Storage Blue being the new company
10 that now runs the storage facility.

11 I have a planner tonight to discuss all the
12 legalities and give you testimony about it. And
13 if there are questions, we do have a
14 representative here, if necessary.

15 So, without further ado, I call Mike
16 Pessolano, who's a licensed planner.

17 Mike?

18 MS. DILLON: Hello. How are you tonight?

19 MR. PESSOLANO: Just fine. How are you?

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

22 MR. WEINER: Mr. Pess --

23 MS. DILLON: Sir, please raise your right
24 hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. PESSOLANO: I do.

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

5 MR. PESSOLANO: Michael J. Pessolano,
6 M-I-C-H-A-E-L, J, Pessolano, P-E-S-S-O-L-A-N-O.
7 Licensed professional planner in the State of New
8 Jersey.

9 MS. DILLON: Thank you, sir.

10 MR. PESSOLANO: You're welcome.

11 I testified before this Board. I'd be
12 happy to reenter my qualifications, if they're so
13 desired.

14 VICE CHAIRMAN BONACCI: You've testified
15 before our Board before?

16 MR. PESSOLANO: Yes.

17 VICE CHAIRMAN BONACCI: Okay.

18 MR. PESSOLANO: Couple months ago,
19 actually, I was here.

20 VICE CHAIRMAN BONACCI: Can you just
21 refresh us so that we can accept your
22 qualification?

23 MR. PESSOLANO: I don't remember the case.

24 MR. WEINER: No, no, no.

25 VICE CHAIRMAN BONACCI: No, no, no. Not

1 the case. Just your --

2 MR. PESSOLANO: Okay.

3 MR. WEINER: Give your qualifications.

4 MR. PESSOLANO: The qualification.

5 VICE CHAIRMAN BONACCI: Yeah.

6 Sorry about that.

7 MR. PESSOLANO: Sure.

8 Originally licensed as a professional
9 planner in 1984, thirty-plus years later, I'm
10 still at it. Half of my career has been spent as
11 a municipal planner, serving municipalities
12 directly. The other half as a consulting
13 planner, also continuing to serve municipalities.

14 I served as board planner for about half a
15 dozen municipalities in the State of New Jersey
16 in the late 2000s. And more recently, I've been
17 appearing many dozens of times as expert planning
18 witness in front of boards, just like this,
19 representing applicants and objectors.

20 VICE CHAIRMAN BONACCI: Thanks for coming
21 back.

22 We accept your qualifications.

23 MR. PESSOLANO: Thank you very much.

24 MR. WEINER: Thank you, Mr. Chairman.

25 Mr. Pessolano, you were retained by Storage

1 Blue to prepare planning testimony for this
2 evening, relative to what the -- their sign --
3 the sign issue that has come up.

4 Is that correct?

5 MR. PESSOLANO: That is correct.

6 MR. WEINER: Why don't you give the Board
7 some background about the premises and give them
8 your planning analysis and opinion?

9 MR. PESSOLANO: Okay.

10 To start things off, I'd like to enter an
11 exhibit.

12 Shall we mark this A-1?

13 MR. WEINER: Would you identify what it is?

14 MR. PESSOLANO: It is a planning exhibit
15 and it represents a location map and three ground
16 photos and a zoning map.

17 MR. WEINER: Okay.

18 MR. PESSOLANO: So --

19 MR. WEINER: Do you want to --

20 MR. PESSOLANO: I'll mark -- I have my own
21 copy.

22 MS. DILLON: Can I have the marked copy,
23 please?

24 MR. PESSOLANO: Oh, okay.

25 MS. DILLON: I'll mark it.

1 Thank you.

2 MR. PESSOLANO: You're welcome.

3 MS. DILLON: And if you have an extra, I'll
4 take that, too.

5

6 (Whereupon, Planning Exhibit (2 pages) was
7 received and marked as Exhibit A-1.)

8

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

11 MR. PANEQUE: Thank you, sir.

12 MR. PESSOLANO: You're welcome.

13 VICE CHAIRMAN BONACCI: Thank you.

14 MR. PESSOLANO: You're welcome.

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

17 MR. PESSOLANO: I think there's two there.
18 There is.

19 MS. GUTIERREZ: Thank you, sir.

20 MR. PESSOLANO: You're welcome.

21 MS. GUTIERREZ: Thank you.

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

24 MR. PESSOLANO: One for Mr. Price.

25 Okay.

1 Exhibit A-1, as marked, again, represents a
2 two page exhibit. On the front page, page one --

3 MR. PANEQUE: Mr. Pessolano, excuse me for
4 interrupting.

5 The -- the pages are marked pages 1 of 3
6 and --

7 MR. PESSOLANO: I was just coming to that.

8 MR. PANEQUE: Okay. Yeah, --

9 MR. PESSOLANO: Page --

10 MR. PANEQUE: -- we need to clarify that so
11 there is no --

12 MR. PESSOLANO: This was from a standard
13 template that had three pages in its last
14 iteration. I made a two page exhibit today. I
15 apologize for not modifying that page numbering.
16 So, it's a two page exhibit.

17 First page is labeled page 1 of 3. The
18 second page is labeled page 2 of 3.

19 The subject property, 330 to 336 Hudson
20 Avenue, is generally in the center of page 1 of
21 the exhibit, showing clearly the -- the
22 surrounding street network. It shows the -- the
23 new high rise, The Thread, to the south of
24 subject property. And it shows Hudson Avenue as
25 principal frontage going from a south to north

1 direction from the 495 area.

2 Page 2 has three ground photos. Image one
3 in the upper left corner shows the prior sign
4 that Mr. Weiner alluded to on the left side of
5 the five story section of the Storage Blue, when
6 it wasn't a blue building. You could see it was
7 white then, tracking with the color theme for
8 that owner.

9 The sign in image one on the left, on the
10 building façade, was painted over. And so, the
11 building has no sign on it, on that section.
12 Instead, down to image three, the existing and
13 proposed Storage Blue Self-Storage redefined sign
14 appears on a white background, on the three story
15 section of the building. Again, facing Hudson
16 Avenue.

17 Image two is an interesting photo because
18 it's very near the -- the beginning of Hudson
19 Avenue, just north of 495. And the -- the
20 Storage Blue building is starting to come into
21 view if you're looking for it in the upper right
22 of -- of image two, just appearing above the --
23 the terrace for The Thread property.

24 So, in my field investigation, I -- I did
25 go out and take a look at the site. I walked

1 completely around the -- the block where the
2 building is located, visited with the applicable
3 zoning regulations, your new Master Plan, Re-
4 Examination Report, zoning map, et cetera, as I
5 usually do.

6 And this site visit was illuminating for me
7 because it shows the north/south -- I'm sorry --
8 the north direction of Hudson Avenue, approaching
9 the site in the first block north of 495.

10 It is located in image four where you see
11 the yellow highlighting of the property
12 superimposed on an excerpt from the city's 2012
13 zoning map. That shows the -- the subject
14 property.

15 So, the -- this -- this photo in image two
16 is taken roughly around where the D is on the --
17 the zone to the south of the subject property,
18 the D-ST zone, roughly in the street, roughly
19 next to where the D is in image four, on page 2
20 of 3 in Exhibit A-1.

21 So, subject property is set back from
22 Hudson Avenue, which is an unusual arrangement,
23 first of all. So, that gives it a distinct
24 disadvantage of being normally visible as other
25 buildings that are right up to the street line

1 | would be -- would be expected to be. It's not
2 | the only building that's set back, but it's
3 | critically important for this particular
4 | enterprise, which does rely on being visible to
5 | its customer base.

6 | So, in the absence of ultimate visibility,
7 | the next best thing is -- is signage to identify
8 | and allow customers and users, visitors hired by
9 | customers, in other words, moving people, who are
10 | new to the area, to be able to locate the
11 | facility on the first try.

12 | If they don't locate it on the first try,
13 | there's some serious consequences. One, if you
14 | drive past the site, there may be a tendency to
15 | stop in the middle of Hudson Avenue, and say, oh,
16 | there it is, I just missed it. That's not good
17 | to -- to just stop for no apparent reason. It
18 | might also be missed without stopping because the
19 | -- the building is -- is set back.

20 | So, we think that the cure for that is to
21 | have a sign that is readily perceived, once you
22 | get past the -- the terrace of The Thread, which
23 | is on the right side of image two, you are then
24 | at Peter Street. And then you are able to see
25 | the Storage Blue facility just off to your right.

1 When you -- when your eyes naturally turn, the
2 Storage Blue sign is in view and you know you've
3 made it in time to turn your vehicle into the
4 driveway, which is on Hudson Avenue.

5 I'm impressed by this application for that
6 reason and for the reason, as stated at the
7 opening, that an existing sign, painted on the
8 wall, larger proportions, has been removed and
9 now a more modern, a more -- I think a much more
10 attractive, much -- clearly a professional modern
11 sign has been put on the building. I think that
12 is totally in keeping with the modern new
13 building across Peter Street, the residential
14 tower, because it -- it's contemporary. It says,
15 this is a vital use. This is active. This is
16 where you're headed, if you're looking for
17 Storage Blue.

18 There is existing signage on the building
19 that is -- is just that, existing signage. This
20 application came to the Board due to an issue
21 about the sign being lighted. This is fitted out
22 with lighting from the inside. Since a complaint
23 was issued, I believe, the -- the lighting has
24 remained off.

25 So, we're proposing a tasteful sign

1 package, with a total of eight signs, is what I
2 count on the building, including the proposed
3 sign shown in image three, the -- the one on the
4 -- the white background, three story portion of
5 the -- the storage facility facing Hudson.

6 The analysis goes into the positive and
7 negative criteria as follows:

8 This is, indeed, in my view, a specific
9 piece of property, principal characteristic
10 needing to -- to accrue to a property being
11 considered for a -- a bulk variance.

12 I believe that the -- the relief, the three
13 sections of the Code, the Sign Code that
14 requested for variance relief can be granted
15 under the -- the C-2 analysis. That being a bulk
16 variance, pursuant to Section C, Subsection 2, in
17 which the analysis involves weighing the benefits
18 versus the detriments.

19 I think, clearly, that the benefits of --
20 of safe site identification, that does the most
21 you can possibly do in this awkward situation, to
22 provide tasteful, effective signage, when it's
23 needed to attract customers and users of this
24 facility at the right time.

25 I think it's a good fit for the particular

1 | situation. Storage Blue provides services to the
2 | -- to the local neighborhood and beyond. It
3 | provides much needed storage of things.

4 | As more and more new housing units get
5 | built throughout the area, as I serve as a
6 | planner, I can see that they're not loaded with
7 | storage. And you probably have observed that,
8 | too, in your review of those plans here.

9 | So, I have worked on several applications
10 | involving self-storage recently. Modern, new,
11 | five story self-storage facilities, and all of
12 | them are in a similar situation where they are in
13 | tandem with a lot of residential apartment
14 | growth, in particular. Apartments being built
15 | without storage anywhere. Not in the basement,
16 | not in an attic, not in a storage facility on
17 | premises. But the -- the conflict is we're a
18 | society of collectors, still. The advertising
19 | industry is alive and well and wanting us to buy
20 | more stuff, and we do. So, stuff has to go
21 | somewhere. The self-storage industry is here to
22 | -- to meet that need.

23 | It allows people to live a lifestyle
24 | without clutter, without tripping over their
25 | belongings and so forth.

1 So, the application itself, the use itself
2 on the -- involved in the application has public
3 benefit, and I think advances Purpose A of the
4 statute, which is promoting the general welfare
5 by providing realistic, nearby storage facilities
6 for residents of the community.

7 It is sufficient use of land, which is
8 Purpose M of the statute also being advanced.
9 This has been continued on as a storage facility
10 from the American Self-Storage user before, to
11 the Storage Blue occupant today.

12 The benefits I mentioned are public, very
13 clearly. They're not just benefits that accrue
14 to this property owner. By having safe signage
15 that accommodates the users who are from the
16 public at-large, I -- I think the public
17 interests are served by -- by that safe access.

18 On the detriment side, obviously, with
19 signage, the only thing, unless it's buzzing, is
20 a visual impact. And I think we've addressed
21 that with a tasteful sign that's proportionate, I
22 think, to -- to the scale of the building facade
23 that it's mounted on and enables ready
24 identification without overkill on the Hudson
25 facing side.

1 So, putting all those together, I think
2 that the benefits of the application, as a whole,
3 substantially outweigh any detriments of a visual
4 nature. And I submit to you that the C-2
5 balancing analysis is satisfied and your approval
6 is warranted.

7 But that's my opinion. I stand ready for
8 your questions.

9 Thank you.

10 MR. WEINER: I have another question.

11 We're not asking for any more signs than
12 were traditionally on the building.

13 MR. PESSOLANO: Correct.

14 MR. WEINER: And we've erased one and put
15 this in its stead.

16 Is that correct?

17 MR. PESSOLANO: Like for like is another
18 way of putting that.

19 MR. WEINER: All right.

20 And if had we -- had we just repainted the
21 sign the way it -- and just changed it from
22 American Storage to Storage Blue, based upon what
23 was there before, we would have a right to do
24 that under the law. Changing the wording doesn't
25 cause any additional variances or things that are

1 needed.

2 MR. PESSOLANO: The constitution protects
3 the contents of signage.

4 MR. WEINER: So -- so, the reason we're
5 here is because we didn't do exactly that. We
6 are changing it somewhat. We painted the
7 building and then we put the new sign on. So,
8 we're here to ask for that approval, under the
9 circumstances.

10 Did you address the negative criterias?

11 MR. PESSOLANO: Yes.

12 MR. WEINER: Oh, you did. Okay.

13 MR. PESSOLANO: Oh, I'm sorry.

14 MR. WEINER: No.

15 MR. PESSOLANO: No. I did --

16 MR. WEINER: I don't think you did.

17 MR. PESSOLANO: I did not. I -- I did the
18 C-2 balancing.

19 The last part of that, I did say that I --
20 I reviewed the Master Plan materials for the
21 City. I could find only slight -- albeit slight,
22 but some movement towards the positive -- the
23 aspirations that the Master Plan and Zoning
24 Ordinance aspire to, in terms of doing the best
25 you can in proving nonconforming situations to

1 make them better work, where that's possible.

2 This is just that case where a larger sign
3 is replaced by a more attractive smaller sign --
4 you know, serving the same basic purpose.

5 And, of course, it supports the economic
6 development -- development objectives of the City
7 by keeping this use in place and the people who
8 work there employed and serving the tax base, as
9 a -- a nonresidential facility.

10 So, really, the negative -- the second
11 prong is addressed where the -- the proposal will
12 not undermine or significantly impair the
13 purposes and intent of the zone plan or the
14 Zoning Ordinance, of the City of Union (sic), in
15 my opinion.

16 MR. WEINER: And do you believe there's any
17 substantial detriment to the public good that
18 would be generated by the nicer, smaller sign
19 than the one that was there?

20 MR. PESSOLANO: None. Because I think it's
21 an improvement.

22 MR. WEINER: Okay.

23 Thank you very much.

24 MR. PESSOLANO: Thank you.

25 VICE CHAIRMAN BONACCI: Thank you.

1 Do you have any other testimony tonight or

2 --

3 MR. WEINER: No. I think that this is a
4 fairly straightforward case. I'm sure the Board

5 --

6 VICE CHAIRMAN BONACCI: Okay. So, just --
7 just to review.

8 You guys are just looking for three bulk
9 variances for the signage.

10 MR. WEINER: Yes. Those the -- right.

11 VICE CHAIRMAN BONACCI: Okay.

12 MR. WEINER: Again, because we moved it.
13 That's -- I think we need those.

14 VICE CHAIRMAN BONACCI: Okay.

15 And just one question for your testimony,
16 sir, is you said that you reviewed the Master
17 Plan materials. Would you be able to testify
18 that there's -- there's no materials with regards
19 to the sign that conflict or deem to be hazardous
20 materials, with regards to the Master Plan
21 materials?

22 MR. PESSOLANO: The Master Plan doesn't get
23 down to the fine level of what to do with
24 individual signs.

25 VICE CHAIRMAN BONACCI: Okay.

1 MR. PESSOLANO: Most master plans don't.
2 But what I'll say is that the Master Plan, like
3 with many communities, seeks community
4 improvement overall. And when you have an
5 existing nonconforming facility, like this is,
6 making it look better, is about as good as it's
7 going to get.

8 So, I think it's -- it's a win/win for both
9 the community and the applicant to -- to make
10 this move to the better signage.

11 VICE CHAIRMAN BONACCI: One more question.

12 You -- you wouldn't happen to have any
13 knowledge of any negative feedback from any
14 community members that may live around where the
15 storage facility is located; positive, negative?

16 MR. PESSOLANO: I'm not aware of any, but I
17 believe the matter started with just that.

18 VICE CHAIRMAN BONACCI: Oh.

19 MR. WEINER: I can -- I -- to answer your
20 question.

21 There were -- when the sign was lit, there
22 were some people that -- it was bright, it was --
23 made a noise.

24 VICE CHAIRMAN BONACCI: That's why you shut
25 it off.

1 MR. WEINER: So, we shut it off.

2 VICE CHAIRMAN BONACCI: Okay. We'll
3 probably just --

4 MR. WEINER: So --

5 VICE CHAIRMAN BONACCI: -- save that for
6 when we open it up to members of the public but
7 --

8 MR. WEINER: Right. If there's problems.
9 Yeah.

10 VICE CHAIRMAN BONACCI: I don't have any
11 more questions.

12 I don't know if any members of the Board?

13 MR. GRULLON: Yes. Yes. I have a
14 question.

15 You say you have a total of eight signs in
16 the building?

17 MR. PESSOLANO: Yes.

18 MR. GRULLON: Existing and you -- and
19 that's the way it was before. You're not looking
20 to increase the amount of signs.

21 MR. PESSOLANO: That's correct.

22 MR. GRULLON: Yeah. And -- and I don't see
23 on the application. You are on the resident --
24 in a residential zone.

25 MR. PESSOLANO: We're in a CG district,

1 | which is commercial gateway.

2 | MR. GRULLON: Okay. And --

3 | MR. PESSOLANO: The -- by the way, the
4 | Master Plan talks about merging the CG with the
5 | CC and -- and the CN districts, to make a single
6 | district because there's redundancy in the
7 | permitted uses, et cetera.

8 | MR. GRULLON: Yes. And on your testimony,
9 | you mention that you're looking to serve the
10 | community with this type of business.

11 | MR. PESSOLANO: It has been serving the
12 | community.

13 | MR. GRULLON: Serving the community with
14 | this type of business.

15 | MR. PESSOLANO: With the prior owner,
16 | through to the current owner.

17 | MR. GRULLON: Yeah. How big is the --

18 | MR. PESSOLANO: In the same capacity.

19 | MR. GRULLON: -- the storage? Do you know
20 | because --

21 | MR. PESSOLANO: I do not know the -- the
22 | total space involved.

23 | A VOICE: I'm sorry. What was the
24 | question?

25 | MR. WEINER: Excuse me. My -- my client's

1 here. If you -- let me get that information for
2 you.

3 A VOICE: What was the question?

4 MR. GRULLON: I think he has to come to --
5 to the front.

6 VICE CHAIRMAN BONACCI: He's going to make
7 a statement. Sure.

8 MR. WEINER: Well, we're not sure of the
9 square footage but my -- my client -- if you want
10 to swear him in, I can, but he's telling me
11 there's about 1500 units.

12 MR. GRULLON: No, no. My -- my question is
13 because of, let's say, if you're trying to make
14 the sign more visible from the -- from the
15 street, like for people driving by, it's going to
16 attract probably customers from other towns, from
17 other areas. And --

18 MR. PESSOLANO: I -- I would say not
19 because --

20 MR. GRULLON: And that --

21 MR. PESSOLANO: I'm sorry. I would say not
22 --

23 (Whereupon, David Pressey, Board Member,
24 arrived at 7:16 p.m.)

25 MR. PESSOLANO: -- because it's not visible

1 | beyond Peter Street still, even with this
2 | proposed new sign. It's just an approved way of
3 | attracting attention, once you get to that
4 | critical limited gap window of being able to see
5 | the facility before you pass it.

6 | MR. WEINER: The other thing to consider,
7 | too, is storage facilities tend to -- in the
8 | urban areas, tend to serve the area right around
9 | them. People aren't going to drive 20 minutes
10 | from Ridgefield to get here to store it over
11 | here. That's why -- if you go town by town
12 | around here, everybody's got their own storage.

13 | So, it tends -- tends -- and I could ask my
14 | client, but about 95 percent of the people are
15 | probably within a couple of blocks of the place
16 | or --

17 | MR. GRULLON: Yeah. I mean, my question
18 | about the size of the -- of the storage is
19 | because -- you know, the amount of clients that
20 | you're going to attract at one point. And that
21 | may -- that may impact the parking situation of
22 | the neighborhood.

23 | I believe even if that is a CG zone, it's
24 | still a neighborhood. And the parking situation
25 | around the area --

1 MR. PESSOLANO: There is onsite parking for
2 customers and for trucks to load and unload, so
3 we don't have -- that's the benefit of the
4 building being set back. The negative of the
5 building being set back is with other buildings
6 growing up around them, so to speak, it has
7 closed the window of visibility considerably on
8 this longstanding building, which was probably
9 the largest building in its day when it was first
10 built, but no longer.

11 MR. GRULLON: Thank you.

12 Thank you.

13 MR. PESSOLANO: You're welcome.

14 Good questions.

15 VICE CHAIRMAN BONACCI: Any other questions
16 --

17 MR. GRULLON: Any other questions?

18 MR. ORTIZ: No.

19 MS. GUTIERREZ: No.

20 VICE CHAIRMAN BONACCI: -- members of the
21 Board?

22 MS. GUTIERREZ: No.

23 VICE CHAIRMAN BONACCI: At this time, we
24 would like to open this up for members of the
25 public. If anybody would like to ask questions

1 or place any comments with regards to this
2 application?

3 Okay.

4 Closed to the members of the public.

5 MR. WEINER: If I could make like a one
6 minute summation?

7 VICE CHAIRMAN BONACCI: I'm sorry?

8 MR. WEINER: I'd like to make a one minute
9 summation.

10 VICE CHAIRMAN BONACCI: Yeah. Sure.

11 MR. WEINER: We have a little bit of an
12 unusual situation here. Most of the time, when
13 somebody comes before you, they're asking to do
14 something that's not there now.

15 VICE CHAIRMAN BONACCI: Right.

16 MR. WEINER: And the concern always is,
17 God, what -- what impact it's going to have? And
18 you have to rely on experts to tell you, well,
19 it's not going to be this, or not going to be
20 that, and you're obviously at the end of the day,
21 you use your own good common sense.

22 Here, you have the experience of having the
23 sign up. Maybe it wasn't done the right way.
24 But it's been up for a couple years now, and we
25 really have had no complaints from anybody, and

1 | there's nobody here tonight. And I think that's
2 | evidence of the fact that it's not really
3 | something that the community has an issue with.

4 | Other than that, I'm sure the Board
5 | understands this fully and I'll ask that you
6 | respectfully, that you adopt -- approve this.

7 | MR. PANEQUE: It's up to the Board.

8 | VICE CHAIRMAN BONACCI: Okay.

9 | Before -- counsel? Before I make a motion,
10 | I just would like to state -- testify for the
11 | record that the use seems to be beneficial to the
12 | community. No detriment is shown. And the
13 | application promotes the safety and general
14 | welfare of the public.

15 | With that, like to make a motion to approve
16 | the application.

17 | THE SECRETARY: Motion to approve the
18 | application -- application by Mr. Bonacci.

19 | Second by Margarita Gutierrez.

20 | Roll call on the motion.

21 | Mr. Bonacci?

22 | VICE CHAIRMAN BONACCI: Yes.

23 | THE SECRETARY: Ms. Gutierrez?

24 | MS. GUTIERREZ: Yes.

25 | THE SECRETARY: Mr. Grullon?

1 MR. GRULLON: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. Ortiz?

5 MR. ORTIZ: Yes.

6 THE SECRETARY: Five in favor.

7 Motion carries.

8 Thank you.

9 MR. WEINER: Thank you very much. I
10 appreciate it, counselor. Thank you so much for
11 your help on this.

12 MR. PESSOLANO: Thank you.

13 MR. WEINER: I really appreciate it.

14 MR. PANEQUE: Thank you, sir.

15 MR. WEINER: Sorry about the mix up.

16 MR. PANEQUE: No, it's -- I'm glad we were
17 able --

18 MR. WEINER: Would be a head rolling on
19 Monday.

20 MR. PANEQUE: -- to clear it up.

21 Well, I think you owe Mr. Price.

22 MR. WEINER: Oh, Mr. Price. And he knows.

23 VICE CHAIRMAN BONACCI: Mr. Vallejo, while
24 we're on the record, I just want to, for
25 timekeeping purposes, that -- for people who

1 haven't been here before, we usually take a five
2 minute break around eight or 8:30. And we close
3 up at around ten.

4 THE SECRETARY: Okay, sir.

5 VICE CHAIRMAN BONACCI: Just so that people
6 that are here for --

7 THE SECRETARY: Let the record --

8 VICE CHAIRMAN BONACCI: -- applications
9 know.

10 * * *

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1 **1301-1303 Palisade Ave., LLC -**

2 **1301-1303 Palisade Ave.:**

3

4 THE SECRETARY: Also, for the record, Mr.
5 Pressey is getting in to the building.

6 MR. PANEQUE: All right. So, if Mr.
7 Pressey is getting into the building, we're going
8 --

9 MR. SPATZ: Yeah. He's -- he's in the
10 back.

11 MR. PANEQUE: -- to take Mr. Maslo.
12 He's here?

13 MR. SPATZ: Yeah. We can get started.
14 He's here.

15 THE SECRETARY: He's here?

16 MR. SPATZ: Yeah.

17 MR. PANEQUE: Okay. Because Mr. Maslo is
18 here as a favor.

19 MR. PEREIRAS: Yes, thank you.

20 THE SECRETARY: Yes. After. Wait until he
21 get into --

22 MR. PANEQUE: He's here.

23 THE SECRETARY: He's here?

24 MR. SPATZ: Yeah.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 THE SECRETARY: For the record, Mr. -- Mr.
3 David Pressey joined the meeting. Now, we have
4 six members present.

5 Go ahead, Mr. Pereiras.

6 MS. GUTIERREZ: Wait. Wait. Wait. Wait.
7 Mr. Ortiz has to recuse himself.

8 MR. ORTIZ: So, we're going back to 1301?

9 MR. SPATZ: Miguel has to adjourn (sic).

10 MR. ORTIZ: Excuse me?

11 MR. SPATZ: Has to recuse himself.

12 THE SECRETARY: For the record, Mr. Ortiz
13 is recusing for this application.

14

15 (Whereupon, Miguel Ortiz, Board Member, was
16 recused and stepped down from the dais at 7:21
17 p.m.)

18 (Whereupon, Tomas R. Paneque, Esquire,
19 Board Attorney, was recused and stepped down from
20 the dais at 7:21 p.m.)

21

22 (Whereupon, William Maslo, Esquire acted as
23 Attorney for the Board.)

24

25 THE SECRETARY: Go ahead, Mrs. Pereiras.

1 MS. PEREIRAS: Thank you very much, Mr.
2 Vallejo.

3 Good evening, counsel, Mr. Chairman,
4 members of the Board.

5 May it please the Board, Bianca Pereiras on
6 behalf of 1301-1303 Palisade Avenue, LLC.

7 For purposes of the record, we had provided
8 our jurisdictional submissions at the May meeting
9 and jurisdiction was obtained at that time.

10 Counsel, thank you again for sticking
11 around for this application.

12 When we originally submitted this
13 application, we were proposing a six unit multi-
14 family building. After reading your Re-
15 Examination Report, that had recently come out,
16 we decided to go back to the drawing board and
17 propose something that was more inline with the
18 desires of the town and that Re-Examination
19 Report.

20 So, now, instead of a six family building,
21 we are proposing two three family homes.

22 We have two lots, Lots 1 and 2. And we are
23 proposing a three family on each of those lots.
24 We are proposing, also inline with the Re-
25 Examination Report, a four story home with three

1 residential units over one floor of parking.

2 We have one expert to testify before the
3 Board this evening, and that is our architect,
4 Mr. Manuel Pereiras.

5 MS. DILLON: Please raise your right hand.

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

8 MR. PEREIRAS: I do.

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

11 MR. PEREIRAS: Manny Pereiras,
12 P-E-R-E-I-R-A-S, with Pereiras Architects
13 Ubiquitous, 1116 Summit Avenue, Union City.

14 MS. DILLON: Thank you.

15 MS. PEREIRAS: And Mr. Pereiras has
16 testified before the Board in the past, and I ask
17 that he be accepted as an expert this evening, as
18 well.

19 VICE CHAIRMAN BONACCI: Thank you for
20 coming.

21 We accept your qualifications.

22 MR. PEREIRAS: Thank you.

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with 1301-1303 Palisade Avenue?

25 MR. PEREIRAS: I am.

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

3 MR. PEREIRAS: I have.

4 MS. PEREIRAS: And would you kindly walk us
5 through the application?

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

7 For purposes of the record, the same
8 drawings that were submitted to you are now at
9 the easel to my right, with no changes.

10 Counsel explained this perfectly. We were
11 going to provide a -- present a six -- a six unit
12 building. We heard, loud and clear, what the
13 City wants. You want three family houses. So,
14 what we did is we, basically, did exactly to the
15 T what the City is asking for.

16 And in order to make this nice and clear, I
17 created a chart with two columns. One showing
18 what the Re-Examination Report wants, looking at
19 the future of Union City. And one showing what
20 the Ordinance actually is now.

21 And what I want to point out, that this is
22 important, is that in the chart, in the column
23 where it's what the City wants in the future, in
24 the Re-Examination Report, we have zero
25 variances. We have absolutely no variances in

1 | that chart.

2 | So, in a few months, when the City goes
3 | through with the Ordinance, hopefully, this
4 | application would be an as of right.

5 | Today, we have a few variances, including
6 | the height variance, because the new Ordinance
7 | allows for 45 feet. We are at the 45 feet that
8 | it will have, but we -- that brings us before
9 | you, because it -- it triggers a D variance for
10 | height currently, even though in the future it
11 | will not.

12 | We have a 50 by 100 lot that is divided
13 | equally, 25 and 25. So, we have two 25 by 100
14 | lots. We're conforming in lot size, both in the
15 | old Ordinance and the new Ordinance.

16 | The side yard setbacks for both lots are
17 | respectively three feet and two feet.

18 | The rear yard, the current Ordinance
19 | requires 25 feet, the proposed Ordinance requires
20 | only five feet. So, we're in compliance with the
21 | future Ordinance of five feet.

22 | So, technically, we have a variance for
23 | that, a rear yard variance, but in the future, we
24 | would -- that technically would not be a
25 | variance.

1 In the front, we're keeping the ten foot
2 required front yard, based on the new front yard
3 Ordinance.

4 We also have a -- technically, we have a
5 variance, a C variance for number of stories.
6 The old Ordinance was three, the new Ordinance is
7 four.

8 We have building height, from 45 -- the old
9 Ordinance was 40 feet, the new Ordinance is 45.

10 The maximum building coverage.

11 The old Ordinance was only 60 percent. The
12 new Ordinance is 80 percent. We're in compliance
13 with the new -- the -- the future Ordinance.

14 And the maximum lot coverage.

15 The -- the former or the current Ordinance
16 is 85 percent. The future Ordinance will be
17 permitted at a hundred percent, and we're
18 actually at 92.6. So, we're below the
19 requirement there for the future.

20 And then, with -- as far as parking is
21 concerned, we need two parking spaces per each
22 unit in the future Ordinance. We're complying
23 with that, and we're providing it a little bit
24 differently in each of the two buildings.

25 In the building slightly north, the north

1 building, we have it exactly the way the
2 Ordinance is asking us to. So, we're following
3 their diagram to a T.

4 You could see the six cars. They're in
5 tandem positions, backing out onto New York
6 Avenue. However, since we are on a corner, we
7 have the unique opportunity to be able to use 13th
8 Street for access.

9 So, the previous -- the current site right
10 now is a parking lot, and there's a curb cut
11 along here and there's a curb cut along here.

12 So, we're eliminating both those curb cuts,
13 so we're bringing those back for parking and
14 we're creating a curb cut in between, so that we
15 could provide an access for five more cars
16 inside. So, in this version, we're actually
17 providing parking for seven cars, and they're
18 real good spaces for seven cars. You have two
19 that are in tandem along New York Avenue, and
20 then five more cars off of 13th Street. So, it
21 really -- it's a very good parking scenario for
22 this unit. And this one follows the City's
23 example perfectly.

24 When you go upstairs to the levels above,
25 we did a slight variance between the two floor

1 plans, as well. This one is -- maintains a three
2 foot and two foot side yard setbacks. This one,
3 since we're above, and we're at the corner, we're
4 able to cantilever 18 inches, which gives a nice
5 added look aesthetically for the building, but it
6 complies a hundred percent with the Ordinance.

7 So, changing now to the elevations. We
8 have elevations that are primarily brick. So, we
9 have brick and then siding, also in compliance
10 fully with the Master Plan and the materials that
11 the City is recommending.

12 And we're basically doing a building that,
13 in the near future, you won't even see this
14 coming before the Board. It's going to simply go
15 for -- you know, automatic approval. Not
16 automatic approval, as of right. But here we are
17 today, a little bit early, but looking at the
18 future of Union City.

19 I could go into a lot more detail. I think
20 this is kind of very self-explanatory. It's
21 exactly what the City's asking for, so I'll
22 conclude my testimony here and open for
23 questions.

24 VICE CHAIRMAN BONACCI: Ms. Pereiras, do
25 you have any other testimony tonight --

1 MS. PEREIRAS: No.

2 VICE CHAIRMAN BONACCI: -- from anybody
3 else?

4 MS. PEREIRAS: No, we do not.

5 VICE CHAIRMAN BONACCI: Just Mr. Pereiras.

6 MS. PEREIRAS: Correct.

7 VICE CHAIRMAN BONACCI: Okay.

8 Just want to open by thanking you guys for
9 paying attention to the Re-Examination Report.
10 You know, it's pretty obvious that you guys
11 followed that pretty thoroughly.

12 Also, with regards to Mr. Spatz's
13 memorandum, the three family dwellings are
14 permitted in the R zone.

15 Mr. Pereiras, you testified earlier that
16 this is not quite an as of right application,
17 right now, but it would be if you were -- if we
18 were to hear this application like a year from
19 now.

20 MR. PEREIRAS: Absolutely.

21 VICE CHAIRMAN BONACCI: Okay.

22 And the reason for that is, the Zoning
23 Ordinance that we currently have, but won't for
24 much longer, and a couple of specifics with
25 maximum lot coverage, so on and so forth.

1 As far as egress and all the safety --

2 MR. PEREIRAS: It's a hundred percent
3 compliant.

4 VICE CHAIRMAN BONACCI: -- emergency.

5 MR. PEREIRAS: And I'll walk you through
6 it, just so that you feel comfortable with it.

7 I'm going to turn now to the floor plans.

8 Of course, we took extra care and we know
9 what the -- the Master Plan really was asking
10 for. So, we -- it's very clear that you want a
11 five foot, unobstructed. So, there's no stairs
12 sticking out in the rear. It's completely
13 unobstructed, five foot rear yard.

14 What we did is we're providing two
15 stairwells within the building. So, we have
16 stairwell one and stairwell two. And these are
17 both rated. Since it's four stories, it's going
18 to be a two hour rated fire stairwell. This is
19 going to be a fully sprinklered building. It's
20 in full compliance of all requirements of the
21 Code.

22 VICE CHAIRMAN BONACCI: And Mr. Pereiras,
23 can you testify that it's handicap accessible?

24 MR. PEREIRAS: It's not, and it will not
25 be.

1 VICE CHAIRMAN BONACCI: Okay.

2 MR. PEREIRAS: It's not. That's the
3 problem with the new Ordinance.

4 VICE CHAIRMAN BONACCI: Right.

5 MR. PEREIRAS: We're not going to have any
6 handicap accessible units.

7 VICE CHAIRMAN BONACCI: Gotcha.

8 MR. PEREIRAS: And it doesn't have to be
9 from a Code standpoint.

10 VICE CHAIRMAN BONACCI: Okay.

11 But it still would match up with the Re-
12 Examination Master Plan.

13 MR. PEREIRAS: A hundred percent.

14 VICE CHAIRMAN BONACCI: Okay.

15 I don't have any more questions at this
16 moment.

17 Members of the Board?

18 MR. GRULLON: Mr. Pereira, I see that
19 you're providing elevators.

20 MR. PEREIRAS: Yes.

21 MR. GRULLON: For each -- each of the three
22 units.

23 MR. PEREIRAS: We are. So, the great thing
24 is, somebody in a wheelchair could literally get
25 into these buildings. There's an elevator. They

1 | could get into these units.

2 | We're not required by federal law to have
3 | handicap compliance. Handicap compliance is much
4 | more than just approach. You need a larger
5 | bathroom. You need a kitchen that has a 30 inch
6 | wide sink space. There's -- it needs a lot of
7 | other components to be handicap accessible, that
8 | we simply -- the law doesn't require us to do in
9 | any way whatsoever.

10 | That said, somebody in a wheelchair could
11 | absolutely get into this building. It's one of
12 | the benefits and one of those reasons we're
13 | providing elevators in this building.

14 | Elevators are very expensive and the
15 | applicant is choosing to provide an elevator for
16 | each of these. It's -- it's two elevators.
17 | They're spending over -- well over \$200,000.00
18 | just in that alone.

19 | So, the applicant's definitely putting
20 | money into this and putting a lot of thought into
21 | this.

22 | MR. GRULLON: Mr. Pereiras, I have a
23 | question.

24 | Could you go over the parking spaces?

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

1 So, we have two different parking
2 scenarios. For the north building, we have cars
3 in tandem. So, for example, parking space two
4 and four would be from the same -- same
5 apartment. Parking space one and three would be
6 from the same applicant (sic). And then, parking
7 spaces five and six will be from the -- the same
8 -- the same tenant or -- or homeowner.

9 And basically, they would all have to back
10 out towards New York Avenue. It follows the
11 diagram that the City is providing to us to a T.
12 This was a diagram that was published in the
13 proposed Master Plan layout. It -- it's exactly
14 what you guys are asking for.

15 On the south tower, we could do, and if the
16 City wants us to do it, we'll do exactly the same
17 thing. However, I think that we have a great
18 opportunity, since it's a corner, to provide more
19 comfortable, good parking for these units.

20 We'll have five spaces that back out onto
21 13th Street, which is a less busy street than New
22 York Avenue. So, I think that's a really added
23 benefit to doing that. And you're not backing up
24 85 feet to get to the street, which is a little
25 difficult. This, you're backing out straight

1 | into the street. It's a lot more comfortable.

2 | Sometimes, I would look at this and say,
3 | wait, that's a big curb cut. I don't want to
4 | take parking away from the street. However, this
5 | situation, I think, justifies it for two reasons.

6 | Number one, we already had curb cuts there.
7 | There was a curb cut here. There was a curb cut
8 | here. So, we're not really making more curb cut.
9 | The parking is the same. It's 44 feet. Street
10 | parking, you need 20 feet for parallel. That
11 | means two cars. There were two cars missing
12 | before. There's two cars missing now, along 13th
13 | Street. So, we're not making the situation any
14 | worse. However, we are making the situation a
15 | lot better because now, those two curb cuts,
16 | we're going to provide parking for five people.

17 | So, that's why we're proposing it this way.
18 | If you have a different suggestion, we're --
19 | we're open to your recommendations. However, we
20 | think that this is a really good solution for
21 | this.

22 | MR. GRULLON: I'm satisfied.

23 | Thank you, Mr. Pereiras.

24 | Any other member?

25 | VICE CHAIRMAN BONACCI: Any other questions

1 from members of the Board on this?

2 Okay. At this time --

3 MS. GUTIERREZ: About the parking.

4 VICE CHAIRMAN BONACCI: No? Okay.

5 Just want to open up for members of the
6 public.

7 If anybody has any questions, comment?

8 Mr. Price?

9 MS. DILLON: Mr. Price, please raise your
10 right hand.

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

13 MR. PRICE: I do.

14 MS. DILLON: Please state your name and
15 address for the record.

16 MR. PRICE: Larry Price, 1006 Palisade.

17 MS. DILLON: Thank you.

18 MR. PRICE: I'll make, first of all, a
19 comment.

20 The Zoning Ordinance, not the Master Plan,
21 but the Zoning Ordinance that got derived from
22 the Master Plan was printed in the new -- in The
23 Jersey Journal this week. And it is going --
24 there's going to be a hearing by the Board of
25 Commissioners on June 19th, which is next Tuesday,

1 seven o'clock, at Jose Marti School. So, they're
2 moving quite expeditiously on this.

3 So, forget -- forget a year from now, next
4 month, probably, this -- this application would
5 be shunted over to the Planning Board, because
6 it'd be an as of right.

7 I just want to make one comment about par
8 -- this -- the -- I think, by the way, that I
9 disagree -- you know, I've been in the parking
10 business a long time. And I can tell you, based
11 on that -- the City's solution to parking is not
12 going to work.

13 And because you -- you know, the diagram
14 shows six cars being parked there. But the
15 reality is --

16 MR. PEREIRAS: And you're talking about the
17 north building.

18 Right, Mr. Price?

19 MR. PRICE: Yes. The north building.

20 MR. PEREIRAS: Okay.

21 MR. PRICE: And if -- if you got the number
22 one and number two car here, you're going to have
23 to move three cars to get out, and people will
24 not do that. They do -- we have these buildings
25 existing today and they will not do it, because

1 | it's too much -- it's valet parking, basically.

2 | So, what do they do? They park three cars
3 | in that garage. Three cars. Everybody's got
4 | access to their own space. They don't have to
5 | move any cars. And -- but the average three
6 | family, with three bedrooms, it's probably going
7 | to have six to seven cars. So, they put three in
8 | the garage and three on the street.

9 | That's okay because I'm in the parking
10 | business three -- three blocks away and I'll be
11 | able to take care of them at a price.

12 | Okay. I think this only -- the -- the
13 | other parking solution only works on a corner
14 | lot. But I think that's a very ingenious way to
15 | arrange the parking.

16 | First of all, they're real parking spots.
17 | You're going to park seven -- there's spots for
18 | seven cars and there are going to be seven spaces
19 | used. That's what the house will probably
20 | generate. They'll probably have demand for six
21 | -- seven cars and they'll -- they'll supply --
22 | and I'll be bankrupt and I'll be out of business.

23 | MR. GRULLON: No good for your business.

24 | MR. PRICE: What was that?

25 | MR. GRULLON: Not be good for your

1 business.

2 MR. PRICE: It will not be good for my
3 business.

4 MR. GRULLON: No.

5 MR. PRICE: For the betterment -- you don't
6 seem distressed, Mr. Grullon. I'm distressed.

7 Okay. If I were sitting on the Board, and
8 it were a corner lot, I would insist on that kind
9 of parking solution. You know, because that one
10 provides -- that solution -- it only works on a
11 corner lot.

12 By the way, there's one additional
13 advantage to this parking. To get out of this
14 garage, you've got to back out. What are you
15 backing out on? Palisade Avenue. I live on
16 Palisade Avenue. I can tell you about Palisade
17 Avenue. It has a lot of traffic. Backing out
18 into a busy street like that is a potentially
19 unsafe condition.

20 When you shift the parking onto 13th
21 Street, 13th is not so unbusy, but it's got a lot
22 less traffic, it's a lot safer to back out onto
23 13th Street than it is to back -- back out on
24 Palisade.

25 So, it's a very good parking solution. As

1 I say, if I were on the Board, I would insist on
2 that kind of solution for any corner lot, because
3 it -- it's so much better. It works so much
4 better.

5 Thank you.

6 VICE CHAIRMAN BONACCI: Thanks, Mr. Price.

7 MR. PRICE: And --

8 MR. GRULLON: Thank you, Mr. Price.

9 MR. PRICE: What?

10 VICE CHAIRMAN BONACCI: Thanks.

11 MR. PRICE: And you're not distressed that
12 I'll be bankrupt.

13 VICE CHAIRMAN BONACCI: Okay. No more
14 testimony.

15 Any other members of the public that would
16 like to speak on this application?

17 Okay.

18 Closed to members of the public.

19 Just one last question, Mr. Pereiras.

20 Complying with the Master Plan materials,
21 you can testify that there's no hazardous or
22 prohibited materials that you foresee with this
23 --

24 MR. PEREIRAS: Correct.

25 VICE CHAIRMAN BONACCI: -- application

1 going forward.

2 MR. PEREIRAS: Correct.

3 VICE CHAIRMAN BONACCI: Okay. I just
4 wanted to --

5 MR. GRULLON: Just want to say one thing.

6 VICE CHAIRMAN BONACCI: Sure.

7 MR. GRULLON: One more thing, Mr. Pereiras.

8 Now that Mr. Price mentioned backing up to
9 Palisade Avenue, if -- if you could provide like
10 lighting when the cars --

11 MS. GUTIERREZ: Lighting.

12 MR. PEREIRAS: Absolutely.

13 MR. GRULLON: -- and backing out and
14 mirrors.

15 MS. GUTIERREZ: And then mirrors.

16 MR. PEREIRAS: Yes. Absolutely.

17 MR. GRULLON: And put it as part of the
18 application.

19 MR. PEREIRAS: We'll be happy to do that.

20 VICE CHAIRMAN BONACCI: Okay.

21 Before I make my motion, I just want to
22 state for the record that the proposal seems to
23 be consistent -- is consistent with the goals
24 and objectives of the Master Plan and the
25 Municipal Land Use Law by promoting the health,

1 safety, general welfare of the public.

2 So, with that, I'd like to make a motion to
3 approve the application with the conditions set
4 forth by Mr. Grullon for the -- the traffic and
5 the safety.

6 MS. GUTIERREZ: Um hum.

7 MR. PEREIRAS: Absolutely.

8 THE SECRETARY: Motion on the table to
9 approve this application by Mr. Bonacci.

10 MS. GUTIERREZ: Second.

11 THE SECRETARY: Any second on the motion?

12 Second by Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Bonacci?

15 VICE CHAIRMAN BONACCI: Yes.

16 THE SECRETARY: Ms. Gutierrez?

17 MS. GUTIERREZ: Yes, with all the
18 conditions.

19 THE SECRETARY: Mr. Grullon?

20 MR. GRULLON: Yes.

21 THE SECRETARY: Mr. Pressey?

22 MR. PRESSEY: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Five in favor.

1 Motion carries.

2 MS. PEREIRAS: Thank you all very much.

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

5 * * *

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1 **513 NY, LLC - 513-515 New York Avenue:**

2

3 (Whereupon, William Maslo, Esquire left the
4 meeting at 7:40 p.m.)

5

6 (Whereupon, Miguel Ortiz, Board Member,
7 returned to the dais at 7:40 p.m.)

8

9 (Whereupon, Tomas R. Paneque, Esquire,
10 Board Attorney, returned to the dais at 7:40
11 p.m.)

12

13 THE SECRETARY: Next application on
14 tonight's agenda, 513 NY, LLC, 513-515 New York
15 Avenue.

16 Mr. Ascolese, please?

17 MR. ASCOLESE: Good evening, counsel.

18 MR. PANEQUE: Good evening.

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

21 MR. ASCOLESE: I have the original if you
22 want to --

23 MR. PANEQUE: You do?

24 MR. ASCOLESE: Yeah.

25 MR. PANEQUE: I think I can make this one

1 out.

2 MR. ASCOLESE: Okay.

3 MR. PANEQUE: I guess you were here before.

4 MR. ASCOLESE: April. I was here --
5 actually hear what happened with the other
6 gentlemen, with the very dark copy of his
7 publication.

8 MR. PANEQUE: Yeah.

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

11 MR. PANEQUE: Okay.

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

14 MR. PANEQUE: Did you republish for
15 tonight? Is that what that is?

16 MR. ASCOLESE: Yeah.

17 MR. PANEQUE: And were notices sent out
18 also or just the --

19 MR. ASCOLESE: We captured jurisdiction in
20 April.

21 MR. PANEQUE: You kept the jurisdiction,
22 you just sent out a new notice.

23 MR. ASCOLESE: Just a new notice.

24 MR. PANEQUE: Okay.

25 MR. ASCOLESE: Just new publication.

1 MR. PANEQUE: All right. All right.

2 For the record, this matter is being
3 carried from the April 12th meeting, 2018, at
4 which time jurisdiction was established.

5 However, I've been provided with a
6 Affidavit of Publication from The Jersey Journal,
7 dated June 4th, 2018, in which a copy of a notice
8 for tonight's hearing, June 14, 2018, at six
9 p.m., with regards to the application for 513-515
10 New York Avenue was published on the first of
11 June.

12 Jurisdiction continues with this Board and
13 this Board may proceed to hear the matter.

14 MR. ASCOLESE: Thank you.

15 VICE CHAIRMAN BONACCI: Just before we get
16 started. Counsel, I'm sorry.

17 Mr. Medina has an issue as far as his
18 location of where his residence is in proximity
19 to this application.

20 MR. PANEQUE: Okay. Mr. Medina, where do
21 you live?

22 MR. MEDINA: 317 6.

23 MR. PANEQUE: Did you get a notice of
24 tonight's hearing?

25 MR. MEDINA: Yeah.

1 MR. PANEQUE: You did? Okay.

2 We do have six members. So, Mr. Medina you
3 could recuse yourself, please.

4 Counsel, you have a five member Board.

5 MR. ASCOLESE: Counsel, we would request
6 that this matter be carried to the next meeting
7 --

8 MR. PEREIRAS: Wait. You want to --

9 MR. PANEQUE: You want to --

10 MR. ASCOLESE: -- to allow for a six member
11 Board.

12 MR. PEREIRAS: You want to talk?

13 MR. PANEQUE: Okay.

14 MR. PEREIRAS: Let's talk for two minutes.

15 MR. ASCOLESE: I'm sorry. Can we --

16 MR. PANEQUE: Yes.

17 MR. ASCOLESE: Can we go off the record for
18 a second?

19 MR. PANEQUE: Sure.

20 MR. ASCOLESE: Sure.

21

22 (Whereupon, the Board recessed from 7:44
23 p.m. to 7:45 p.m.)

24

25 MS. DILLON: Okay.

1 On the record.

2 MR. ASCOLESE: Counsel, I apologize. After
3 having an opportunity to confer with the
4 applicant, we are willing to move forward with
5 the five member Board.

6 MR. PANEQUE: Okay. Then Mr. Medina, I'm
7 going to ask you to step off the -- step out of
8 the room and then -- okay.

9 THE SECRETARY: And come back.

10

11 (Whereupon, John Medina, Board Member, was
12 recused and stepped down from the dais at 7:45
13 p.m.)

14

15 MR. PANEQUE: Counsel, the floor is yours.

16 MR. ASCOLESE: Thank you, counsel.

17 Mr. Chairman, members of the Board, my name
18 is Patrick Ascolese.

19 I represent the applicant, 513 NY, LLC, in
20 connection with the application that's before you
21 this evening with respect to property located at
22 513-515 New York Avenue, Block 24, Lot 6 and 7.

23 The application before the Board this
24 evening is to construct a multi-unit residential
25 building, consisting of six residential units,

1 with 14 parking spaces onsite.

2 Tonight, we have two experts, as well as a
3 representative of the applicant, to testify. I'd
4 like to begin --

5 Let me back up.

6 There is -- the building is a LEED
7 certified green environmentally friend --
8 friendly building, so I think the applicant's
9 input after the testimony of the experts would be
10 helpful to the Board.

11 I'd like to begin our presentation with our
12 architect, Mr. Manuel Pereiras.

13 For purposes of the record, Mr. Pereiras,
14 obviously, has been accepted by this Board as a
15 expert in the field of architecture. I present
16 him for that purpose again.

17 MR. PEREIRAS: Manny Pereiras. I recognize
18 I am still under oath.

19 MR. PANEQUE: He's accepted as an expert.

20 MR. ASCOLESE: Mr. Pereiras, are you
21 familiar with the property located at 513-515 New
22 York Ave.?

23 MR. PEREIRAS: I am very familiar.

24 MR. ASCOLESE: Have you prepared the
25 drawings before the Board this evening?

1 MR. PEREIRAS: I have.

2 MR. ASCOLESE: Would you mind taking us
3 through the application?

4 MR. PEREIRAS: I'd be very, very happy to.

5 MR. ASCOLESE: Thank you.

6 MR. PEREIRAS: We have -- on New York
7 Avenue, we have a 50 by 95 lot.

8 Oh, let me actually -- let me set this up a
9 little bit.

10 For purposes of the presentation, I have
11 two additional exhibits. One is the same drawing
12 that we have, simply in color. And the other one
13 is an additional sheet that I have simply as a
14 diagram to -- to illustrate the parking potential
15 on the site.

16 MS. DILLON: You have it in your set there?

17 MR. PEREIRAS: It's on my set here on the
18 board. It's Sheet Z05.

19 Would you like me to mark it?

20 MS. DILLON: So, it's sheet --

21 MR. PEREIRAS: Z05.

22 MR. PANEQUE: Those were not part of your
23 packet?

24 MR. PEREIRAS: Sheet Z05 is not part of my
25 packet. It's simply -- and it's not part of the

1 drawings. We're not proposing anything. It's
2 actually showing the -- an alternate diagram for
3 parking, to explain why our proposal is better.

4 Thank you.

5
6 (Whereupon, Sheet Z05 was received and
7 marked as Exhibit A-1.)

8
9 MS. DILLON: And what's the next one?

10 MR. PEREIRAS: And the other one is just
11 the same thing in color.

12
13 (Whereupon, Color Rendering was received
14 and marked as Exhibit A-2.)

15
16 MS. DILLON: And you'll need to leave those
17 with Carlos.

18 MR. PEREIRAS: I will.

19 Thank you.

20 MS. DILLON: Okay, so sheet Z05 is A-1 and
21 the Color Rendering is A-2.

22 MR. PEREIRAS: Okay. Excellent.

23 So, we're on New York Avenue. We have a
24 frontage of 50 feet. We have a depth of the
25 building that's 95 feet.

1 So, I want to begin the presentation by
2 explaining what the future Ordinance kind of
3 wants us to do. And the future Ordinance wants
4 us to do two three family houses.

5 We've laid that out here for you, in this
6 diagram, so that we could see exactly what
7 happens there. We have the parking scenario
8 where we have the four cars tandem, the two cars
9 side-by-side here, so that all the cars are
10 backing up against New York Avenue. And we'll
11 have two curb cuts next to each other on New York
12 Avenue.

13 We saw that as -- the applicant saw that
14 and he was very worried that you would have 12
15 cars, basically, all backing up onto New York
16 Avenue, and thought that that was a dangerous
17 situation, as well as having the situation of
18 being in tandem and having cars backing up 85
19 feet.

20 So, we looked at this and we said, what
21 could make this a much better application? And
22 what we came up with was simply maintaining the
23 same two three families, the same concept that
24 it's six units, but instead of having them as two
25 separate individual pieces, they're squashed

1 together and they're one unit.

2 And we designed a building that -- and I'm
3 turning now to the parking scenario -- that from
4 a parking standpoint, we're limiting the curb cut
5 to one entrance and one exit, the same entrance
6 and exit, and we're providing 14 parking spaces
7 within the building, so that there is a surplus
8 of parking. And we have a 24 foot drive aisle,
9 so that cars are able to turn around and you have
10 no cars backing out onto New York Avenue.
11 They're basically able to drive out, safely and
12 looking at traffic, looking at pedestrians, which
13 creates a really, really safe situation.

14 So, we looked at this and particularly and
15 -- and we know that it's not exactly what the
16 City's asking for in their Master Plan, but we
17 looked at this and we understood that this is a
18 situation that's really a safety situation,
19 rather than having these two curb cuts backing
20 out onto New York Avenue. We have the
21 opportunity to create one curb cut that is not
22 backing up, that it's looking straight and
23 providing more parking spaces. So, instead of 12
24 parking spaces that all don't work, that are
25 tandem in the other space, we have a total of 14

1 parking spaces here that do work. Every
2 apartment gets more than two -- you know, every
3 apartment gets two spaces and then we have an
4 extra two spaces on top of that.

5 In addition to that, we were able to make
6 this application even better because by joining
7 the two buildings, we're able to play with the
8 massing of the building a little bit better.

9 So, whereas the applications for the five
10 families -- for the three families would only
11 require a five foot rear yard, we're doubling
12 that. We're creating a ten foot rear yard, so
13 that they could actually have a real backyard, so
14 that they have a ten by 50, 500 square feet of
15 rear yard there.

16 And then, instead of having only three feet
17 and two feet on the side yards, we're making a
18 total of 44 inches on the side yards. One side
19 yard of 44 inches and the other side yard, three
20 feet, which makes it a much -- a little -- much
21 better from a Code standpoint because 44 inches
22 triggers egress court. Which means that fire
23 fighters could get to the back of the building
24 and they could access the building.

25 So, whereas the -- the future Ordinance

1 | doesn't allow for that, this gives you the
2 | opportunity to be able to do that.

3 | So, that's our massing of the building.

4 | And then, from the interior standpoint,
5 | we're able to create really beautiful units. You
6 | walk in to a nice little lobby. That lobby has
7 | an elevator and access to a stairwell.

8 | We're making this a very green building,
9 | not just from the standpoint of construction,
10 | which we're going to talk a lot about, but we're
11 | making it a green building in the -- in the
12 | standpoint of livability.

13 | We're making a building that makes it
14 | comfortable for people and promotes the welfare
15 | of the -- of the inhabitants.

16 | For example, we're making that stairwell a
17 | beautiful feature. So, instead of hiding that
18 | stairwell in a shaft, we're making that stairwell
19 | prominent in the building. We're providing
20 | fenestration. We're providing glass in that
21 | stairwell, so it's infused with light, and it be
22 | -- and it welcomes the inhabitants to use that
23 | stairwell. A very healthy approach and we
24 | incorporate it into the front of our design for
25 | the building.

1 So, I'm going to jump a little bit from the
2 building design to the floor plan, to the site
3 plan. But what we did is, we made that stairwell
4 into a very dominant, prominent feature, make it
5 very beautiful into the symmetrical building.

6 Once you're in the apartments, because the
7 two spaces are together, you're led with very
8 nice livable space. We have full glass windows
9 facing towards the -- towards the east, New York
10 City. And we have a nice modern living room,
11 dining room, kitchen space. And then, three
12 bedrooms along the back, one of them being a
13 master suite. And it's a mirrored plan, with
14 full safety requirements.

15 We have a stairwell in the back and a
16 stairwell in the front, that's incorporated into
17 the core of the building, so that it really
18 allows the building to have beautiful windows and
19 have a lot of open air and space on the outside,
20 things that aren't -- we're not able to do in a
21 simple three family house.

22 Let me turn now and talk -- our planner's
23 going to go over all the variances that we have,
24 but let me talk about them a little bit more at
25 length.

1 So, our variances are based on the current
2 Ordinance. A lot of these actually disappear
3 when we get the new Ordinance, other than the use
4 variance.

5 We have a variance for rear yard. Twenty-
6 five percent of the lot -- 25 percent of the lot
7 is required to be a rear yard, so that would be
8 that -- mean that we would need 23.75 feet,
9 whereas we have ten feet.

10 So, even though that's a variance today, in
11 -- in theory, even though we have a use variance
12 that would be subsumed within the other one, in
13 the future, we're permitted to go up to five foot
14 of the rear yard. So, in the future Ordinance,
15 that's not even a rear yard setback. Our planner
16 will talk more about that.

17 And then, the building height. We're
18 permitted three stories today. The future
19 Ordinance allows four stories. We're providing a
20 four story building. And the reason we're doing
21 that is because we're providing parking on the
22 lower level and we have apartments above. So, we
23 have three levels of parking, which is what the
24 future Ordinance is actually requesting of us.

25 The other variance would be maximum

1 building coverage. We are at 76.6 percent. The
2 current Ordinance requires 60 percent. In the
3 future, we're allowed -- that wouldn't need a
4 variance either. So, that -- that would be
5 eliminated in the future Ordinance, as well.

6 The only thing that we would have in the
7 future Ordinance that we wouldn't be in
8 compliance here, is basically the use variance,
9 which is that only a three unit would be
10 permitted. We have six. However, we would still
11 have six permitted on the site. It's simply that
12 they would be two separate threes. This is one
13 total six unit building.

14 Talk about the façade of the building a
15 little bit. We design -- of course, every
16 building is -- it's like a child. It's a baby.
17 I think that they're all beautiful, the ones I
18 design. However, I have a particular love for
19 this one. It's a very simple symmetric building,
20 very contemporary. A lot of glass along the
21 front. It shows the views, it allows light to
22 come in. It resembles Union City in the sense
23 that we're maintaining brick. We're keeping the
24 brick on the lower level. We're maintaining the
25 scale of Union City. Instead of it looking like

1 | one massive thing, we kept it feeling like two
2 | three families, by splitting it with that
3 | vertical element in the front, so it feels and
4 | looks like two three families.

5 | So, if this Board were to approve it, they
6 | would feel comfortable that you're not saying, we
7 | want three families, but now we're doing this
8 | different thing. This still has the feel of
9 | three families. It's a unit -- it's another
10 | unit. It's simply taking advantage of them being
11 | side-by-side, by providing parking that makes
12 | sense and is safe for the neighborhood.

13 | Talk a little bit more about the green
14 | aspects of it. The applicant -- it's a pleasure
15 | to work for this applicant, because very few
16 | applicants want to actually put the money into
17 | creating a green building. Making a green
18 | building has -- means a lot more than just
19 | putting solar panels -- slapping solar panels on
20 | the roof.

21 | It's the construction of it. It is where
22 | you're sourcing your materials. The longevity of
23 | your materials, how long they're going to last
24 | for, and where the -- and how they're being
25 | produced and how much pollution they create as a

1 -- you know, it's really about reducing the
2 carbon footprint. And we have a rating system
3 available to us that's called LEED. And LEED
4 allows us to certify buildings in different
5 categories for their green adaptability.

6 And this will become a LEED certified
7 building, if this Board were to approve it, which
8 is a gorgeous, wonderful thing for the City.
9 It's a building that has a zero carbon footprint,
10 or as close to a zero carbon footprint as
11 possible.

12 And it's good not only for the -- for the
13 City, but it's great for the environment and for
14 our future generations of -- of kids.

15 So, it would be a pleasure if we were able
16 to work on a building like this, because of all
17 those green aspects of it, as well.

18 Another thing that I would like to mention
19 is that because it's six units, it triggers
20 handicap accessibility. So, not only do the
21 requirements of an elevator come in, but all
22 those other requirements that are part of it.
23 The size of the bathrooms, the -- the size and
24 the location of the kitchen appliances. All of
25 that is a part of the adaptability for -- for

1 handicap compliance that our federal guidelines
2 that the State -- that the -- that the country
3 issues out.

4 Pat, am I missing something?

5 MR. ASCOLESE: One thing I want to clarify,
6 just in terms of -- you mentioned it briefly. I
7 want to make sure that we hit all of the points.

8 Safety of this structure, relative to two
9 three families.

10 MR. PEREIRAS: So, we could definitely
11 build two three families. That's -- that's an
12 option. The applicant could come here and do
13 that.

14 We designed this building prior to the
15 Ordinance being in place. I -- I designed this
16 before the new Ordinance was even thought up.

17 However, that said, I think that this is a
18 much better application than doing two three
19 families, for several reasons. The most
20 significant of it is parking. There's a safety
21 concern when you have 12 cars backing out onto
22 New York Avenue. New York Avenue is a busy
23 street, which is -- you know, and -- which is,
24 when you compare it to having 14 cars parked
25 inside the building that have good access, that

1 | could drive out with full visibility in our
2 | alternate scheme that we're proposing here, I see
3 | that and I can't not present this building to the
4 | City. I can't say that this is not a viable
5 | option. And I hope that the Board could look at
6 | this and -- and review it.

7 | MR. ASCOLESE: You're familiar with the
8 | city. Spent a lot of time here.

9 | MR. PEREIRAS: Yeah, I'm born and raised;
10 | Union City is home. I know Union City.

11 | MR. ASCOLESE: Okay.

12 | I understand you're slightly biased with
13 | respect to the next one, but just from an
14 | aesthetic balancing perspective, this project
15 | versus two three families.

16 | MR. PEREIRAS: So, there's -- there are
17 | things that size affords us. Okay. When we're
18 | dealing with a larger -- instead of 25 frontage,
19 | instead of 50 foot frontage, it's different. You
20 | know, garage doors aren't pretty. So, I'd rather
21 | have one than two.

22 | It allows me to have a lot more landscaping
23 | in the front of this building, too, where I
24 | wouldn't have otherwise.

25 | The -- having 44 inches instead of 36

1 inches as a side yard is a huge significant
2 difference from the aesthetics, from safety
3 standpoints.

4 So, yes, I'd much rather see a single six
5 unit building than two three families.

6 MR. ASCOLESE: And last one. This is a
7 three part.

8 Relative to what currently exists versus
9 two three families, versus this, what's the
10 impact on street parking?

11 MR. PEREIRAS: So -- so, there's a huge
12 impact difference.

13 So, first of all, there's not much -- let's
14 talk about the difference between three families
15 and -- and the six unit building that we're
16 proposing.

17 On a three family building, we have six
18 cars that are, as Mr. Price explained earlier in
19 the previous application, they're very difficult
20 parking spaces to get in and out of. You need
21 cooperation from multiple tenants. That's the
22 reality of what it is.

23 Whereas, in this situation, you have 14
24 real parking spaces. Everyone gets their parking
25 space, two parking spaces.

1 So, my fear is that, as Mr. Price explained
2 before, it's good business for him. If we build
3 the two three families, you're going to have
4 three cars parked inside this garage and you're
5 going to have cars surplus out in the street.
6 Whereas in this application that we have before
7 you today, you're going to have 14 cars parked
8 inside this building, more than the demand of
9 what the building is, more than likely.

10 MR. ASCOLESE: I have nothing further.

11 VICE CHAIRMAN BONACCI: Counselor, do you
12 have any other testimonies tonight?

13 MR. ASCOLESE: We do.

14 VICE CHAIRMAN BONACCI: Okay.

15 MR. ASCOLESE: We have the planner and a --
16 and a representative from the applicant.

17 VICE CHAIRMAN BONACCI: I think maybe we'll
18 hold guys' questions until everybody gives their
19 testimony, maybe? Yeah?

20 MR. GRULLON: Yes.

21 VICE CHAIRMAN BONACCI: Okay.

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

24 MR. ASCOLESE: At this time, I would like
25 to call our professional planner, Mr. Michael

1 Kauker.

2 MS. DILLON: Mr. Kauker, you're just going
3 to go in front of that microphone for me.

4 MR. KAUKER: I won't wander.

5 MS. DILLON: You usually don't. That's
6 fine.

7 Please raise your right hand.

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

10 MR. KAUKER: I do.

11 MS. DILLON: Please state your name for the
12 record.

13 MR. KAUKER: Michael F. Kauker, that's
14 K-A-U-K-E-R.

15 Good evening.

16 MR. ASCOLESE: Mr. Kauker, you've testified
17 before this Board in the past.

18 Correct?

19 MR. KAUKER: Yes, I have.

20 MR. ASCOLESE: I'd like to present Mr.
21 Kauker as a professional planner.

22 VICE CHAIRMAN BONACCI: Yeah. Mr. Kauker,
23 we accept your qualifications. Thanks for being
24 here.

25 MR. ASCOLESE: Thank you.

1 Mr. Kauker, are you familiar with the
2 property located at 513-515 New York Avenue?

3 MR. KAUKER: Yes, I am.

4 MR. ASCOLESE: And have you reviewed the
5 drawings presented by Mr. Pereiras?

6 MR. KAUKER: I have; several occasions.

7 MR. ASCOLESE: If you would, please walk us
8 through this application, from a planning
9 perspective.

10 MR. KAUKER: This application is primarily
11 a use variance application, by virtue of the fact
12 that instead of building in accordance with the
13 requirements of the Ordinance, to have two
14 separate buildings on two lots, which could
15 legally accommodate the six units, as Manny
16 testified to, by virtue of the fact that the
17 property combined is oversized, and as related to
18 the zone requirement, 2500 square feet. We have
19 4750 square feet.

20 That gives rise, in accordance with the
21 planner's report, to a D-1 use variance, because
22 the use -- residential use that's permitted is
23 not permitted in this form.

24 There are four C variances that are
25 presented to the Board out of 12 requirements.

1 | There are 12 total requirements listed on the
2 | zoning table and we, essentially, are requesting
3 | variances for four, three of which are C
4 | variances.

5 | Those variances, in accordance with the
6 | Puleio versus South Brunswick case, can be
7 | subsumed, and/or incorporated into the D-1 major
8 | variance.

9 | This site needs to be shown as being
10 | particularly suitable to accommodate the building
11 | form that we're proposing before you tonight.

12 | One of the special reasons in support of
13 | the -- the burden of proof to show particular
14 | suitability is the fact that this is currently a
15 | developed property. It's developed with an
16 | extremely large array of two, three and one story
17 | structures, which effectively accommodate or
18 | cover well over 60 percent that's allowed in the
19 | Ordinance.

20 | Structures are aged and obsolescent. And
21 | witness to that is the fact that they are
22 | currently under a certain violation, as a matter
23 | of record.

24 | There were two scenarios presented by Manny
25 | tonight, one of which is to develop in the strict

1 | accordance with the Ordinance. The other,
2 | obviously, is to develop in accordance with the
3 | D-1 proposal we have before you.

4 | But, theoretically, there could be a third
5 | alternative. That alternative could well be to
6 | essentially correct the violations, rehabilitate
7 | the buildings on the site, which is not the
8 | subject of this application, but legally and
9 | procedurally, that is a allowable alternative.

10 | If that allowable alternative were to be
11 | pursued, by virtue of the fact that you could
12 | have at least five fully conforming residences on
13 | this site, each of which would require two
14 | parking spaces, by virtue of the fact that there
15 | are currently no parking spaces onsite. That,
16 | effectively, would create a demand for anywhere
17 | from eight to ten parking spaces demanded on the
18 | street itself.

19 | We are not proposing that alternative, but
20 | that is a -- a legal and physical and procedural
21 | possibility that I need to place on the record to
22 | put this application in proper perspective.

23 | The second special reason relates to the --
24 | the special relationship that exists between the
25 | height variance that we propose at 42 feet point

1 oh-three inches as opposed to the 40 feet that's
2 allowed.

3 The strict requirement of the Ordinance
4 effectively says you can build no higher than 40
5 feet and -- but you could only build three
6 stories.

7 The four story variance scenario that we're
8 presenting to you is enabled by adding only two
9 plus feet to the height and the massing of this
10 building. And when you look at that and look at
11 the benefits that can be produced by virtue of
12 dedicating the fourth story to parking, we can
13 understand that for a -- an extremely small
14 deviation from the height requirement, we achieve
15 substantial benefits that not only benefit the
16 neighbors, from a point of view no parking
17 impacts whatsoever, but also benefit the -- and
18 enable the redevelopment of this site as proposed
19 before you tonight.

20 And when you look at the negative criteria
21 aspect of the application, that is one of the
22 significant benefits that would accrue.

23 Very little diminution in deviation from
24 the Ordinance. Same number of units, a minimal
25 impact caused by a two foot extension from 40 to

1 42 feet. And a substantial benefit derived from
2 redevelopment.

3 MR. ASCOLESE: I don't want to interrupt.

4 MR. KAUKER: Sure.

5 MR. ASCOLESE: Can you run down the number
6 of parking spaces again, just for purposes of the
7 record, so we're clear on that?

8 MR. KAUKER: The number of parking spaces?

9 MR. ASCOLESE: In terms of what would have
10 been permitted.

11 MR. KAUKER: Relative to what's onsite now?

12 MR. ASCOLESE: Yeah.

13 MR. KAUKER: If you built five units at --
14 at an average of two bedrooms each, which indeed
15 is reasonably doable on this site, you would have
16 a -- a demand for ten parking spaces.

17 But by virtue of the fact that there is a
18 nonconforming existing condition on the site, we
19 have certainly a right to take the benefit of the
20 improved characteristic of the property and we
21 could, I believe, essentially, rehabilitate the
22 property and maintain the current parking
23 discrepancy situation, because that's an existing
24 nonconforming component of the property.

25 There's an additional special reason that

1 supports this application and that relates to
2 consistency with the requirements and purposes of
3 the Act, the Municipal Land Use Law. I won't go
4 into detail as to each and every one, but there
5 are five particular subsections and state --
6 stated purposes of the Act that would be served,
7 or sub-served by this application.

8 And under current case law, those
9 particular purposes can be submitted to the Board
10 as special reasons, they are Subsection A,
11 Subsection B, Subsection C, Subsection G and
12 Subsection I.

13 The requirements of a D-1 use variance
14 further provide, under Medici, of which this
15 application falls, that we provide enhanced
16 proofs in support of the application. Most
17 significant of those enhanced proofs are
18 consistency with the Master Plan.

19 We are, essentially, not withstanding the
20 building form which is essentially dictated by
21 the current Ordinance, generically, the Master
22 Plan says we can build, essentially, six units on
23 the site. We can build residential uses, which
24 we're building, and we can, effectively, adhere
25 to one of the basic objectives of the Master Plan

1 as to redevelopment and rehabilitation, which is
2 a significant aspect of this application.

3 In terms of the last aspect of negative
4 criteria, in terms of consistency with the
5 neighborhood development pattern, the Board is
6 aware and will be aware, when they read the
7 material that Manny has provided, that there's a
8 fairly new five story structure immediately
9 adjacent to this site, as you view it from the
10 street on the right.

11 Adjacent to the site, on the left, that
12 would be this building mass right here, and on
13 the left is two story residence.

14 The appearance of the current building,
15 from the streetscape, as it now is established on
16 the site and has been for a very long time, is
17 that -- one would characterize it as blighted.
18 It is a vestige of the old residential components
19 of the neighborhood, which is in the throes of
20 rehabilitation, modernization and change. And
21 witness the building -- relatively new building
22 on the right side of the building.

23 Most importantly, to be able to provide a
24 fully conforming RSIS parking allowance on the
25 site, with minimal impact on the streetscape, is

1 absolutely one of the cornerstones of this
2 application.

3 When you take away the 24 feet for the
4 garage entrance, you're left with a curb cut of
5 substantial number of footage. It would be --
6 we're talking 50 minus 24, --

7 MR. PANEQUE: Twenty-six.

8 MR. KAUKER: -- 28 --

9 MR. PANEQUE: Twenty-six.

10 MR. KAUKER: 28?

11 MR. PANEQUE: Six.

12 MR. KAUKER: Twenty-six feet which is -- is
13 more than enough to accommodate one parking
14 space. So, we essentially preserve the ability
15 to have one parking space on the street.
16 Essentially, obviously, we're losing one parking
17 space that it can now, in addition to that one,
18 there are two spaces that you can have in front
19 of this site because of the fact that there are
20 no parking and there are no driveways on the
21 site.

22 I think that's a minimal giveaway, not --
23 in light of the fact that we, essentially, have
24 achieved a modern, contemporary, compatible
25 building in this neighborhood, which further adds

1 to the patterning of redevelopment and
2 revitalization. That is one of the cornerstones
3 of the existing Master Plan and the proposed
4 Master Plan.

5 That, in essence, concludes my testimony.

6 I'd be happy to answer any questions you
7 may have.

8 VICE CHAIRMAN BONACCI: Thank you, Mr.
9 Kauker.

10 MR. ASCOLESE: I have one question for Mr.
11 Kauker.

12 VICE CHAIRMAN BONACCI: Sure.

13 MR. KAUKER: Sure.

14 MR. ASCOLESE: Does this proposal deviate,
15 in any significant negative way, from a proposal
16 of two three family houses?

17 MR. KAUKER: Yes, it does. It's an
18 entirely -- substantially safer development
19 proposal that essentially removes what one would
20 call unwanted lateral friction on the
21 streetscape.

22 Lateral friction is something that somebody
23 taught me years ago, who effectively was a
24 traffic expert. Lateral friction is the
25 disruption that you cause the traffic flow by

1 | having traffic backing into the street,
2 | particularly on a crowded street.

3 | Albeit New York Ave. is not as crowded as
4 | Palisade Ave., but nonetheless, it's a highly --
5 | heavily used street and one where if -- if you
6 | don't have to have or have an ability to minimize
7 | that intrusion into the traffic flow. At all
8 | costs, I think that that's a significant
9 | contribution to the neighborhood.

10 | MR. ASCOLESE: Thank you.

11 | VICE CHAIRMAN BONACCI: Thank you.

12 | Mr. Ascolese?

13 | MR. ASCOLESE: Yes.

14 | VICE CHAIRMAN BONACCI: Do you have any
15 | additional testimonies tonight?

16 | MR. ASCOLESE: One more witness, a
17 | representative from the owner of the property,
18 | Mr. Thomas Chartier.

19 | MS. DILLON: Just right in front of the
20 | microphone.

21 | Please raise your right hand.

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

24 | MR. CHARTIER: I do.

25 | MS. DILLON: Please state your name and

1 spell it for the record.

2 MR. CHARTIER: Thomas Chartier, T-H-O-M-A-S,
3 C-H-A-R-T-I-E-R.

4 MS. DILLON: Thank you.

5 MR. ASCOLESE: Mr. Chartier, are you
6 familiar with the property located at 513-515 New
7 York Ave.?

8 MR. CHARTIER: Yes.

9 MR. ASCOLESE: And in what capacity?

10 MR. CHARTIER: We are partners with the
11 current owner.

12 MR. ASCOLESE: It's your proposal to
13 develop this property pursuant to that plan.

14 Correct?

15 MR. CHARTIER: Correct.

16 MR. ASCOLESE: All right.

17 What can you --

18 MS. DILLON: Just keep your voice up for
19 me.

20 MR. ASCOLESE: What can you tell us about
21 this plan that makes this particular building
22 unique or different in some significant way, from
23 other proposed development in this area?

24 MR. CHARTIER: This -- the proposed
25 development is going to be LEED certified by the

1 U.S. Green Building Council. So, it's designed
2 and will be built to achieve one of the highest
3 levels of that rating system.

4 It's a point based system. You get points
5 for doing things like using less energy, using
6 less water, building the building with recycled
7 materials, recycling any of your waste, and
8 focusing on the -- the health and wellness of the
9 future residents.

10 So, our typical development, and we've done
11 several in Union City that have achieved LEED
12 certification, usually the highest level,
13 platinum. And they use, on average, half the
14 power of a typical building, a Code compliant
15 building; half the water of a Code complaint
16 building, which puts much less of a burden on the
17 -- on our aging infrastructure.

18 We also focus on the future, sort of
19 lifestyles of the -- of the residents. So, we're
20 putting in a fitness room in this building, which
21 is very uncommon in -- in this size building.
22 So, to encourage the residents to focus on their
23 own -- their own health.

24 We designed, as Manny said, the stairwell
25 to have light and -- and a beautiful view, to

1 | incentivize people to use the stairs, so you get
2 | extra -- extra exercise, without it feeling like
3 | exercise.

4 | And all of the materials that go into
5 | building the -- the project are nontoxic or low
6 | toxic, compared to typical Code compliant
7 | building.

8 | We duct fresh air directly into each
9 | residence. We have ventilation systems, which is
10 | not required by Code. So, again, the air quality
11 | of the residence will be much better.

12 | MR. ASCOLESE: Are there more benefits
13 | available to you, as a builder, in a structure
14 | similar to the one proposed, versus two
15 | individual three family houses?

16 | MR. CHARTIER: It allows us to put in more
17 | windows, so we typically put in windows where you
18 | -- where you typically can't put them in. We put
19 | windows in bathrooms, we put windows in kitchens.
20 | We want people to have that connection to the
21 | outdoors.

22 | So, this is -- this is different. This is
23 | -- that's something that you wouldn't be able to
24 | have if this was subdivided into two three
25 | families.

1 MR. ASCOLESE: Thank you.

2 Nothing further.

3 VICE CHAIRMAN BONACCI: Just a quick
4 question for the applicant.

5 You've testified before this Board before.
6 Right?

7 MR. CHARTIER: Yes.

8 VICE CHAIRMAN BONACCI: Okay. And you've
9 already introduced the green efficiency into our
10 community.

11 MR. CHARTIER: Correct.

12 VICE CHAIRMAN BONACCI: Okay.

13 Thank you. I just wanted to --

14 MR. CHARTIER: I'm a -- for the record, I'm
15 a licensed professional engineer, New York and
16 New Jersey. And I'm a LEED accredited
17 professional. And also a certified PASS -- PASS
18 (phonetic) consultant with are sort of the main
19 accreditations of the green building industry.

20 VICE CHAIRMAN BONACCI: Thank you for your
21 testimony --

22 MR. CHARTIER: You're welcome.

23 VICE CHAIRMAN BONACCI: -- tonight.

24 MR. CHARTIER: You're welcome.

25 VICE CHAIRMAN BONACCI: Okay.

1 Before I ask my questions, I just want to
2 see if there's any questions from other members
3 of the Board, for either Mr. Pereiras or Mr.
4 Kauker or Mr. Ascolese or the applicant?

5 MR. GRULLON: I have a question, actually,
6 I want to, for Mr. Spatz.

7 MR. SPATZ: Yes.

8 MR. GRULLON: If you can clarify the zoning
9 data that we have here?

10 The minimum requirement. I think it refers
11 to a three family lot, not to a six family. But
12 it says the minimum lot required, 2500, is that
13 for a six family or a three family?

14 MR. SPATZ: That -- that's for a three
15 family. I compared it to a three family.

16 MR. GRULLON: To a three family.

17 MR. SPATZ: Which was what is permitted in
18 -- in the zone. But because it's a use variance,
19 those bulk variances sort of would fit within the
20 use variance itself.

21 MR. GRULLON: But what should we be looking
22 at? The five -- 5,000 square foot?

23 MR. SPATZ: Well, the -- the lot size
24 that's required in that area, the only lot size
25 required is -- is 2500 square feet. If, in your

1 mind, you want to consider it as six units, and
2 as two three families, you can consider that
3 5,000 square feet -- you know, would be
4 appropriate for six units. But the zone itself
5 only requires 2500.

6 MR. GRULLON: Okay.

7 VICE CHAIRMAN BONACCI: Any --

8 MR. GRULLON: And -- and for Mr. Pereiras,
9 I have a quick question.

10 The square footage of the apartments. Do
11 you have that?

12 MR. PEREIRAS: Yes, sir.

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

15 MR. PEREIRAS: For some reason, it's not in
16 my plan.

17 Do you remember Tom? Do -- yeah. The --
18 it's plus or minus a little bit, but they're
19 right about 1500 square feet.

20 MR. GRULLON: Each apartment.

21 MR. PEREIRAS: Each apartment.

22 MR. GRULLON: Thank you.

23 Thank you, Mr. Pereiras.

24 MR. PEREIRAS: Sure.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 VICE CHAIRMAN BONACCI: Did you get those
3 dimensions?

4 MR. GRULLON: Yes. Fifteen hundred square
5 feet.

6 VICE CHAIRMAN BONACCI: For each bedroom?

7 MR. GRULLON: For each apartment.

8 VICE CHAIRMAN BONACCI: For each apartment.

9 I'm sorry. Manny, can you give us the
10 square feet for the bedrooms, too?

11 MR. PEREIRAS: Yeah, I'll be happy to.

12 VICE CHAIRMAN BONACCI: Okay.

13 MR. PEREIRAS: So, the bedroom dimensions
14 are -- the master bedroom is 15 by 12 foot nine.
15 The secondary bedrooms are both ten feet -- ten
16 foot six by 14 foot eight.

17 VICE CHAIRMAN BONACCI: Okay.

18 Thanks, because we were just looking for --
19 you know, dimension specifics.

20 But while you're up here, I just want to
21 run a couple things by you, since you're the --
22 you know, architect of this.

23 Mr. Pereira, previously tonight, we
24 discussed an application that previously, I
25 believe, was presented to us as a multi-unit

1 dwelling, as well. Kind of like this one.

2 But later, you designed it to meet the
3 requirements of the Zoning Ordinance. And also,
4 you kept in mind the Re-Examination Report.

5 MR. PEREIRAS: Yes.

6 VICE CHAIRMAN BONACCI: You did testify
7 earlier that you had designed this before the Re-
8 Examination Report.

9 So, that's where the struggle is on our end
10 of the table here tonight.

11 So, as of today's Zoning Board -- I'm sorry
12 -- as of tonight's Zoning Ordinance, the way it
13 stands today on June 14th, as well as the Re-
14 Examination Report that's coming next week, still
15 the six unit multi-family dwelling not permitted
16 in the R zone. So, that doesn't change either
17 way.

18 Now, just for the record, I wanted to say,
19 the -- the green efficiency is very commendable
20 and that's something that -- I don't know about
21 the other members of the Board, but if we were to
22 see more things come our way, that's something
23 that -- you know, I could speak for myself,
24 that's something that I would be interested in,
25 because I think that's something that's very

1 | beneficial to the community.

2 | So, with that, there was a lot of
3 | discussion also with Mr. Kauker about
4 | rehabilitation to the site, versus just following
5 | a strict accordance with the Ordinance, or the
6 | Re-Examination Report, or both.

7 | So, what I'm getting at is, Mr. Pereiras,
8 | you could have an as of right application on this
9 | one, as well.

10 | MR. PEREIRAS: Actually, this is a little
11 | bit different, for several reasons, and Mr.
12 | Grullon touched upon it.

13 | We have a site that's 95 foot deep. So, if
14 | we were to split this up, you're taking a site
15 | that is conforming, in essence, because we're
16 | greater than 2500 square feet, and creating two
17 | sites that are nonconforming.

18 | So, no, we can't actually build that as of
19 | right in the same way. And I -- but I think the
20 | question's actually much, much deeper than that.
21 | It's not whether we can, it's whether we should.
22 | And I think that when you look at the safety
23 | concerns, compared to the very clear positive
24 | effects of the proposal that we have before you
25 | today, and those effects are -- you know, the

1 additional parking, the single curb cut, the
2 green aspects, the ADA aspects, when you do that
3 comparison, I feel that the Board has a -- a
4 reason, a substantially positive reason to vote
5 in favor of a project like this.

6 It's a -- I know it's a difficult situation
7 to be put in because it's not what the Master
8 Plan envisions, but that's why we have Boards,
9 because the Master Plan can't envision every
10 single possible situation. They don't know every
11 single plot in Union City.

12 This Board is intimately familiar with it.
13 We have the ability to look at this.

14 I mean, this is -- I grew up 300 -- about
15 350 feet away from this and I spent my entire
16 life here. I know this neighborhood. I know
17 what it kind of needs. I know what -- and that's
18 why we present it to you and -- and I stand back,
19 and I listen to -- respectfully listen to any
20 comments you have.

21 VICE CHAIRMAN BONACCI: Yeah. I mean --
22 you know, there's two discussions here. It's --
23 you know, what it possibly could be and we could
24 -- you know, discuss opinions on what would be a
25 better alternative than two three families.

1 MR. PEREIRAS: Um hum.

2 VICE CHAIRMAN BONACCI: And maybe -- you
3 know, in some opinions, this is a better -- you
4 know, way of planning.

5 MR. PEREIRAS: Um hum.

6 VICE CHAIRMAN BONACCI: But we're on the
7 heels, right now, of this Re-Examination --

8 MR. PEREIRAS: Um hum.

9 VICE CHAIRMAN BONACCI: -- Report that's
10 coming on Tuesday and -- you know, to be in this
11 chair is not -- you know, an easy chair --

12 MR. PEREIRAS: Um hum.

13 VICE CHAIRMAN BONACCI: -- to be in,
14 because we have to make decisions based on -- you
15 know, these requirements.

16 And then, if we deviate from one, we got to
17 --

18 MR. PEREIRAS: Um hum.

19 VICE CHAIRMAN BONACCI: -- deviate from all
20 of them. And you know, if we bent the rules for
21 this one application, then we possibly have to
22 bend the rules for the other ones.

23 So, I just wanted to state that for the
24 record for members of the Board, and I'll let
25 them speak if they have any other comments or

1 questions before we open it up to the members of
2 the public.

3 MR. ASCOLESE: Can I just clarify one
4 thing?

5 VICE CHAIRMAN BONACCI: Sure. Go ahead.

6 MR. ASCOLESE: Sure. Based on the unique
7 nature of this property, this is somewhat
8 different from -- this isn't, if we approve this
9 project, we have to approve this project
10 elsewhere.

11 Correct?

12 MR. PEREIRAS: Correct.

13 MR. ASCOLESE: Okay.

14 Is this -- given the -- the somewhat unique
15 nature of the property, and your familiarity with
16 the neighborhood, is this the highest and best
17 use for this lot?

18 MR. PEREIRAS: It's the best planning
19 alternative for this lot. I think highest and
20 best use deals with money and economy. I think
21 that the highest and best use might be two three
22 families, because that's how the applicant's
23 going to make the most money.

24 We're not here to -- for the applicant to
25 make the most money. We're here to have an

1 application that is the best for Union City and
2 that's why we presented this, because we think
3 it's the best solution for the community.

4 MR. ASCOLESE: This proposal is a benefit
5 to the community.

6 MR. PEREIRAS: In -- in comparison to
7 what's existing there, it is. And in comparison
8 of what would be future as of right or close to
9 as of right with the proposal it is.

10 MR. ASCOLESE: Thank you.

11 VICE CHAIRMAN BONACCI: Okay.

12 Before we open it up to the members of the
13 public, we're just going to take a five minute
14 break.

15 Okay?

16 THE SECRETARY: Five minute break.

17 Thank you.

18

19 (Whereupon, the Board recessed from 8:30
20 p.m. to 8:46 p.m.)

21

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

24 THE SECRETARY: May I have your attention,
25 please?

1 Let's go back in business.

2 Thank you.

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

5 THE SECRETARY: Go ahead, Mr. Chairman.

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

8 THE SECRETARY: Mr. Paneque, we are --

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

11 MR. PANEQUE: Ready?

12 THE SECRETARY: Ready?

13 MR. PANEQUE: Okay. Restart.

14 VICE CHAIRMAN BONACCI: Okay. Just one
15 more time, if there's anybody on the Board that
16 has any questions before I open it up for members
17 of the public?

18 Okay.

19 At this time, if there's any members of the
20 public that would like to speak or comment on
21 this application?

22 Sir, just approach and then --

23 MS. DILLON: Sir, please raise --

24 MR. PANEQUE: Right by the microphone.

25 MS. DILLON: Right in front of that

1 microphone.

2 Please raise your right hand.

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

5 MR. PEREZ: I do.

6 MS. DILLON: Would you please state your
7 name and spell it for me?

8 MR. PEREZ: Rudy Perez, R-U-D-Y, P-E-R-E-Z.

9 MS. DILLON: Thank you, sir.

10 MR. PEREZ: Can I speak now?

11 MS. GUTIERREZ: Yes.

12 MR. PEREZ: Thank you for giving the
13 opportunity to -- to express my concerns.

14 I don't have any problems about the
15 building or -- or the owner. I'm not sure, I
16 never heard of him, so I don't know how they --
17 they do these kind of buildings.

18 But I'm very concerned about the safety and
19 -- during demolition and during construction of
20 the building, especially for 511 New York Avenue,
21 which is the house right next door. It's a two
22 -- two floor house, wood frame, very old.
23 Probably over a hundred years old, very fragile.

24 And I know by experience and by really
25 listening, that this type of demolition and

1 construction can damage properties next door.
2 This -- the existing building now is probably two
3 or three feet from the -- from this house, and
4 it's very close. You can't really tear it down
5 without some kind of probable damage to the -- to
6 the next building. And there's some areas in
7 this building, which I believe are cement,
8 especially the floor. I'm not sure if they have
9 a basement or not, but that -- meaning that they
10 probably need some heavy machinery to -- to take
11 care of that.

12 So, my concern is, and I hope that the
13 Board can help with that, is what kind of method
14 or how -- what kind of care they're going to take
15 during demolition so the building doesn't get
16 cracked walls or crack basement walls? It can
17 happen very easily, given this -- the condition
18 of the house next door.

19 And during construction -- so that's,
20 basically, I would like the Board to -- to come
21 up with some provisions or something in -- if
22 they approve the plan, that this would be taken
23 care of.

24 Also, I have a question.

25 I didn't hear, in the -- in the

1 presentation, how long the -- the plan is going
2 to take from -- from demolition to construction.
3 How long is -- is the -- the whole thing is going
4 to take?

5 MR. ASCOLESE: We can have --

6 MR. PANEQUE: Let's have Mr. Pereiras --

7 MR. ASCOLESE: Sure.

8 MR. PANEQUE: -- try to answer some of
9 those questions.

10 MR. PEREIRAS: I'd be happy to --

11 MR. PEREZ: Right.

12 MR. PEREIRAS: -- relieve some of your
13 concerns.

14 I do work all along the east coast, from
15 Florida, all the way up. And I could easily say
16 that Union City is probably the most thorough
17 Building Department there is along the entire
18 east coast.

19 You'll have inspectors there making sure
20 that construction is done properly. They take
21 every sort of concern.

22 So, before demolition even happens, in
23 order to pull a demolition permit, they have to
24 go through a series of things from -- from
25 baiting, so that rodents don't go onto your

1 | property, to checking for asbestos, from checking
2 | for environmental.

3 | So, all of these are checklist items that
4 | are going to happen and everything is done with
5 | the utmost care. So, you're going to rest
6 | assured that everything will be done in a safe
7 | manner for demolition and construction.

8 | And additionally, everyone is very well
9 | insured. So, the -- the builders are insured.
10 | The -- the property's insured, and everything is
11 | taken -- you know, just as an utmost caution.

12 | Union City, it takes a little bit longer to
13 | build than in normal places. But a project like
14 | this is probably a 14 month project. So, if this
15 | Board were to deem this favor -- favorably upon
16 | this project and they were to approve us, we
17 | probably wouldn't break ground until April. And
18 | then, it would be a year or hopefully less than a
19 | year, about ten to 11 months after April to
20 | actually build -- you know, to be complete with
21 | construction.

22 | MR. PEREZ: Can I ask a question?

23 | VICE CHAIRMAN BONACCI: Sure.

24 | MR. PEREZ: During -- during the --

25 | MS. DILLON: Just step closer to the

1 microphone --

2 MR. PEREZ: During the --

3 MS. DILLON: -- sir.

4 MR. PEREZ: -- demolition and the
5 construction, are -- are you planning to close
6 the sidewalk right next to the -- where the
7 building is?

8 MR. PEREIRAS: So, there are key moments
9 during demolition where sidewalks would have to
10 be closed. Simply it's the moments where you're
11 hauling things out. That's done in coordination
12 with not just the Union City Building Department,
13 but also the Union City Police Department.

14 They don't release permits to do that very
15 easily. They don't want to close Union City
16 sidewalks. So, they're very concerned with that.
17 So, it has to be structured in a way, and it has
18 to be timed in a way so it minimizes interference
19 with sidewalks and street closings. It's also
20 expensive to do.

21 So, it's -- it's definitely against the
22 interest of the developer to do that.

23 MR. PEREZ: And do you know how -- how are
24 you going to demolish the -- the existing
25 building? Are you going to use like heavy

1 machines, a backhoe, or you going to --

2 MR. PEREIRAS: There will be heavy
3 machines.

4 MR. PEREZ: Yeah.

5 MR. PEREIRAS: We're ripping out
6 foundations. There are heavy machines. This is
7 not unusual. We do this literally every day.

8 MR. PEREZ: Basically, two feet difference
9 or something like that.

10 MR. PEREIRAS: And we did a project -- last
11 week, I was in Union City on a project where we
12 had zero. We were right up against the other
13 building. And we did it and we managed to do
14 that with no problems.

15 It is something that I'm part of it, as
16 well as the architect. I supervise the work.
17 And if necessary, we do shoring plans to show how
18 it is.

19 But you could rest assured that -- you
20 know, and -- and you should be diligent and I'm
21 glad you're concerned. Every neighbor should be.
22 But it should be done in the proper method and
23 there is no reason to doubt that it will be.

24 MR. PEREZ: And just one more thing.

25 There is -- and I thank the Board for this.

1 This may be off a little bit, but there is a
2 block -- cinder block wall right in the yard,
3 which seems like it belongs to their building,
4 but it actually doesn't. It's a -- it's like a -
5 - it's like a fence.

6 So you know, I want you to take that in
7 consideration when -- before bringing that down,
8 because that actually belongs to the -- to the
9 house next door. So -- but we can discuss that
10 at another time.

11 MR. PEREIRAS: We could discuss this --

12 MR. PEREZ: Right.

13 MR. PEREIRAS: -- at length. It depends
14 where it falls.

15 MR. PEREZ: Yeah.

16 MR. PEREIRAS: Where -- what side of the
17 property line. It is what it is.

18 MR. PEREZ: It's right on the line.

19 MR. PEREIRAS: It's --

20 MR. PEREZ: Yeah.

21 MR. PEREIRAS: Literally black and white,
22 so --

23 MR. PEREZ: Okay. Well, I hope it -- it is
24 the way you say it. Yeah.

25 Thank you.

1 VICE CHAIRMAN BONACCI: Thank you.

2 MS. GUTIERREZ: Thank you, sir.

3 MR. PANEQUE: Thank you, Mr. Perez.

4 VICE CHAIRMAN BONACCI: Do we have any --
5 anybody else in the public that would like to
6 comment or has any questions regarding this
7 application?

8 MR. MEYER: Yup.

9 MS. DILLON: Sir, please raise your right
10 hand.

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

13 MR. MEYER: Yes.

14 MS. DILLON: Okay.

15 Could you state your name and spell it for
16 me?

17 MR. MEYER: Derek Meyer.

18 MS. DILLON: Spell it.

19 MR. MEYER: D-E-R-E-K, M-E-Y-E-R.

20 MS. DILLON: Thank you.

21 MR. MEYER: So, I'm a resident at 300 6th
22 Street, that's 6th and Palisade, about a block
23 away from the proposed site.

24 I think it looks great. I'd like to see
25 more development on our side of town. I've lived

1 -- I've lived in Union City now for three years,
2 but in Hudson County for 15.

3 Not really sure why it takes so long on our
4 side of town to get development, but there's a
5 number of buildings that have been abandoned,
6 blighted, however you want to say, on our end of
7 town. It just, for whatever reason -- again,
8 this is my first time at one of these Zoning
9 Board meetings, seems to take an awful lot of
10 time.

11 I sat here and listened to the same
12 information that you had from the architect and
13 the planners and the builder. It seems to make a
14 lot of sense. Cars are a real big issue in our
15 area. Routinely, in the middle of the night,
16 there's people double parked in front of our
17 house honking, because they can't get out, can't
18 get in.

19 So you know, it looks like a pretty good
20 gambit. You know, you get, I guess, a small
21 variance in the zoning today, you're going to
22 take 14 cars off the street. It's a LEED
23 certified building, which is nice, as well. You
24 know, that seems to be the trend and the way
25 things are going. We own one, too. It's nice.

1 So, again, I'm -- I'm in this community. I
2 -- I would like to see something like this. I
3 don't know where all you guys live, but for what
4 it's worth, I would like to see a variance if you
5 can get a variance for this, so we could get some
6 more construction going on on our side of town.

7 VICE CHAIRMAN BONACCI: Thank you.

8 MR. MEYER: Thank you.

9 MS. GUTIERREZ: Thank you.

10 MR. GRULLON: Thank you, Mr. Meyer.

11 MS. GUTIERREZ: And we all live in Union
12 City, sir.

13 MR. MEYER: I know. I was just -- where in
14 Union City, because it's big. 495, --

15 MS. GUTIERREZ: Yeah. I know.

16 MR. MEYER: -- uptown, downtown?

17 MS. GUTIERREZ: I live on 23rd Street. He
18 live on 46. He live on 13th Street.

19 MR. MEYER: Very good.

20 MS. GUTIERREZ: He live by -- what's your
21 address, 17?

22 MR. PRESSEY: Something like that. Yeah.

23 MS. GUTIERREZ: Yeah. Um hum. So, we all
24 around.

25 MR. MEYER: All right. Well, hopefully I

1 see you around. Nice to meet you guys.

2 VICE CHAIRMAN BONACCI: Thank you.

3 MS. GUTIERREZ: Thank you.

4 VICE CHAIRMAN BONACCI: Nice to meet you.

5 Anybody else? I know there's some other
6 people out there.

7 Okay.

8 Just before I make a motion, I just wanted
9 to state for the record that we've had, in the
10 last few months, it's come to my attention that
11 -- you know, we have some applicants and
12 architects and lawyers that are looking for some
13 sort of consistency on what it is that -- you
14 know, we're going to be approving in the future
15 and what we're not going to be approving in the
16 future.

17 And I think we're coming close, especially
18 when we discussed earlier this Re-Examination
19 Report -- you know, like I had mentioned before,
20 like we're right there on the cusp of it. So,
21 we're pretty close.

22 We already kind of set a precedent, I feel
23 tonight, in a previous application that, at one
24 point, was a multi-unit dwelling, that came back
25 to us as a two three family construction or --

1 | you know, design.

2 | So you know, as much as we would like to
3 | sort of -- you know, bend and mold on certain
4 | things, because there's a lot of great things
5 | here that we like and we all want to see more of,
6 | but at the same time, we want to give some sort
7 | of consistency and stay on the same plane so that
8 | we don't deviate that, so that everybody kind of
9 | knows where we're headed for the future so that
10 | there's not so many uncertainties.

11 | But still, maybe, able to keep some sort of
12 | variables open when it comes to certain things
13 | here and there.

14 | MR. ASCOLESE: Which it -- I -- I agree.
15 | Consistency is -- is a positive thing with
16 | respect to applications before zoning and
17 | planning boards.

18 | Isn't it specifically the role of the
19 | Zoning Board, however, to consider unique
20 | scenarios that don't fall within the parameters
21 | of -- you know, the Re-Examination Report, for
22 | instance?

23 | VICE CHAIRMAN BONACCI: Right.

24 | MR. ASCOLESE: Obviously, everyone has that
25 | as a front and center issue here.

1 Isn't it -- it's -- it's the role of the
2 Zoning Board specifically to evaluate unique
3 applications and say, yes, we understand that
4 these are the requirements. But under these
5 particular circumstances, an exception may be
6 appropriate.

7 Right?

8 VICE CHAIRMAN BONACCI: You're absolutely
9 right.

10 MR. ASCOLESE: And --

11 VICE CHAIRMAN BONACCI: And we're not --
12 we're not disagreeing with that. We're just
13 saying that from our perspective -- you know, we
14 could sit here and we could have 12 applications
15 and 12 different applicants or architects or
16 lawyers can argue with us on how unique theirs
17 is.

18 So with that -- you know, just --

19 MR. ASCOLESE: Understood. If the --

20 VICE CHAIRMAN BONACCI: -- wanted to throw
21 that out there that we're looking to provide some
22 sort of consistency going forward with what you
23 know we're kind of going to tend to approve and
24 what you kind of know we're not going to tend to
25 approve.

1 MR. ASCOLESE: So, let's deal with this one
2 specifically.

3 So, this particular project -- we had two
4 experts testify here that for this particular
5 property, the proposal is -- is in every
6 substantial respect tantamount to two three
7 families, joined by a stairwell. Okay.
8 Aesthetically, you can see the division between
9 two three families here.

10 Those experts testified that from a safety
11 perspective, this was a better alternative. They
12 testified that from a parking perspective, which
13 is a front and center issue in Union City, this
14 is a better alternative. They testified that
15 aesthetically -- and I don't think there can be
16 any debate about it -- thank you, Mr. Pereiras --
17 that this is a better alternative to adhering
18 strictly to the word of the Re-Examination.

19 Would you agree? Agree to the extent that
20 that was the testimony.

21 VICE CHAIRMAN BONACCI: I agree that that
22 was the testimony. Sure. We -- we listened to
23 all the testimony.

24 MR. ASCOLESE: And it is -- it's the role
25 of this Board to make exceptions, when it would

1 be a benefit to the community.

2 Correct?

3 And it would -- it's the role of this Board
4 to make exceptions when it would benefit the
5 residents of Union City and the constituents who
6 this Board serves.

7 Correct?

8 VICE CHAIRMAN BONACCI: You're absolutely
9 right.

10 If I may, with all due respect.

11 We're not going to issue any sort of death
12 sentence with the future of the development on
13 this site. We're just simply stating that at
14 some point, we have to make a determination
15 tonight on what we're going to do with the
16 application that was presented to us tonight.

17 Now, if you guys decided to -- you know,
18 reconfigure a couple of things and come back us
19 with something that's -- you know, a little bit
20 more up to the Code -- you know, we can -- we can
21 cross that bridge when we get there.

22 I understand that that may cause some
23 uncomfortability and time is money on your end.
24 But we have to do what we feel is within the best
25 interest of maintaining consistency going

1 forward, because it's not just one application
2 that we have to make a determination on, it's
3 many.

4 So, with that being said, I'm just going to
5 make the motion to deny this application.

6 We wish you the best of luck going forward
7 with your --

8 THE SECRETARY: Motion to --

9 VICE CHAIRMAN BONACCI: -- project.

10 THE SECRETARY: -- deny the application by
11 Mr. Bonacci.

12 MR. GRULLON: Second.

13 THE SECRETARY: Second by Mr. Grullon.

14 Roll call on the motion to deny this
15 application.

16 Mr. Bonacci?

17 VICE CHAIRMAN BONACCI: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Grullon?

21 MR. GRULLON: Yes.

22 THE SECRETARY: Mr. Pressey?

23 MR. PRESSEY: Yes.

24 THE SECRETARY: Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Five in favor.

2 Motion carries. The application has been
3 denied.

4 Thank you.

5 MR. ASCOLESE: Thank you.

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

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3 (Whereupon, John Medina, Board Member,
4 returned to the dais at 9:01 p.m.)

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6 VICE CHAIRMAN BONACCI: Mr. Vallejo?

7 THE SECRETARY: Sir.

8 VICE CHAIRMAN BONACCI: I just wanted to
9 make it a point, for the record, that we're
10 approaching nine o'clock and if there's any
11 members here from the community, or anybody here
12 that's -- you know, a little bit further down the
13 list on our agenda, we probably may only have
14 time for two -- two more applications tonight.

15 So, I just wanted to throw that out there
16 because I -- I don't want to waste any -- I don't
17 want the Board to waste anybody's time tonight.

18 So, what would we do, possibly, carry that
19 over?

20 MR. PANEQUE: Yes.

21 VICE CHAIRMAN BONACCI: Or we'll cross that
22 bridge at the -- at the ten o'clock deadline?

23 MR. PANEQUE: Well, I'm just looking at the
24 applications that we have.

25 The next application should be relatively

1 quick. That's number 4.

2 The one following that is an application to
3 legalize a second floor apartment.

4 And the -- the next one after that is to
5 propose to legalize a rear apartment.

6 So, those should be relatively quick
7 applications. So --

8 VICE CHAIRMAN BONACCI: Most -- yeah, so
9 probably two, maybe three.

10 MR. PANEQUE: We -- we should be able to
11 get to at least application number 6.

12 That being said, application 7, 8, 9 and 10
13 would probably be carried.

14 Those are Mr. Alonso's applications.

15 Mr. Alonso, you want to step up a minute?

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

18 MR. ALONSO: Good evening.

19 MS. GUTIERREZ: Hi, Mr. Alonso.

20 MR. ALONSO: How you doing?

21 MR. PANEQUE: Mr. Alonso, you have on your
22 -- on the calendar, applications number 7, 8, 9
23 and 10. Okay?

24 MR. ALONSO: You know what? I think -- oh,
25 yeah. You know what, I'm looking at the Roman

1 numerals.

2 All right.

3 MR. PANEQUE: That being said --

4 MR. ALONSO: Yes.

5 MR. PANEQUE: Based on the fact that it's
6 almost nine o'clock now and we still have three
7 other applications before we get to yours, the
8 chances are that we will not get to your
9 applications tonight, because we have a ten
10 o'clock curfew --

11 MR. ALONSO: Right.

12 MR. PANEQUE: -- that's been imposed by the
13 Board.

14 Do you want to wait until ten o'clock, or
15 do you want to put your --

16 MR. ALONSO: No. I definitely --

17 MR. PANEQUE: -- proofs --

18 MR. ALONSO: I definitely appreciate the
19 courtesy that -- that you're extending to me.
20 And I believe that even the -- the simplest cases
21 sometimes can drag out a little bit, and there's
22 three of them. So, I don't think I'm going to be
23 heard.

24 So, I would -- I think I have to provide
25 you notices on three out of the four, so I could

1 give you the notices.

2 MR. PANEQUE: All right. Why don't we
3 establish jurisdiction?

4 Starting with application number 8, Juan
5 Vizqueta.

6 THE SECRETARY: All right. Can you call
7 it?

8 Juan Vizqueta, 534 42nd Street.

9 MR. PANEQUE: Yes, Mr. Vallejo.

10 THE SECRETARY: Yes. Go ahead, Mr. Alonso.

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

13 MR. ALONSO: It's not as nice as Mr.
14 Weiner's package.

15 MR. PANEQUE: I expect it to be like that
16 next time.

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

19 I have an Affidavit indicating that notice
20 of tonight's hearing was sent out to all property
21 owners within the 200 foot radius of 534 42nd
22 Street.

23 I've also been provided with an Affidavit
24 from The Jersey Journal. Have them somewhere.

25 Said notice indicates that with respect to

1 the application at 534 42nd Street, notice was
2 given of tonight's hearing at the Municipal
3 Building, 3715 Palisade Avenue. And said notice
4 was published on June 2nd.

5 I also been provided with a certified mail
6 receipt, with a postmark date stamp of June 2nd,
7 as well as a copy of the notice that went out and
8 the property owners list, which has a date of
9 June 1st.

10 Based on the documentation that's been
11 provided, this Board has jurisdiction to hear
12 this matter.

13 Mr. Alonso, as a result of the imposed
14 curfew, this matter's going to be carried to the
15 next meeting, which will be July 12.

16 Correct, Mr. Vallejo?

17 THE SECRETARY: Yes, sir. Yes, Mr.
18 Paneque. July 12.

19 MS. GUTIERREZ: No, not that. I thought
20 that we don't have no meeting next month.

21 MR. ALONSO: Now, Mr. Paneque, we -- we
22 skipped number 7.

23 MR. PANEQUE: Yes.

24 MR. ALONSO: And that one, I do not have to
25 provide new notices. That's just --

1 MR. PANEQUE: Correct.

2 MR. ALONSO: -- to be adjourned.

3 MR. PANEQUE: That's the return on the
4 order of Judge Isabella for this Board to make
5 its determination and its findings.

6 So, that's going to be carried also to the
7 July meeting.

8 MR. ALONSO: Okay.

9 THE SECRETARY: July 12.

10 MR. ALONSO: July 12th.

11 MS. DILLON: Are you taking a vote on that?

12 MR. PANEQUE: No. Well, we -- we should
13 take a vote to carry it. Right? Yes.

14 On number -- on Vizqueta. We need a -- a
15 motion to adjourn case number 8.

16 Is there a motion on the floor?

17 MR. GRULLON: Make a motion.

18 THE SECRETARY: Motion by --

19 MS. GUTIERREZ: Second it.

20 THE SECRETARY: -- Mr. Grullon.

21 MS. GUTIERREZ: Second it.

22 THE SECRETARY: Second by Ms. Gutierrez.

23 Roll call on the motion to adjourn this
24 application for July 12, 2018. No new -- no new
25 notice required.

1 All in favor, say aye.

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3 (Whereupon, there was a chorus of ayes.)

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5 THE SECRETARY: The ayes have it.

6 Thank you.

7 (Whereupon, there was a pause in the

8 proceedings.)

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1 **541 42nd Street, LLC - 539-541 42nd Street:**

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3 MR. ALONSO: Mr. Paneque, also number 7, I
4 think we need a roll call also, only because
5 since the matter is in litigation.

6 MR. PANEQUE: Okay.

7 MR. ALONSO: And we may going back. We
8 just want to make that the record's clear.

9 MR. PANEQUE: All right. So, I'll just
10 repeat it.

11 Mr. Vallejo, we're going back to number 7,
12 application for 541 42nd Street, LLC.

13 This is a matter that was remanded back to
14 the Board by the court order of Judge Isabella.

15 Need a motion to carry this matter now to
16 the next meeting on June (sic) 12th.

17 Is there a motion on the floor?

18 MS. GUTIERREZ: July 12.

19 MR. PANEQUE: July 12.

20 MS. GUTIERREZ: July.

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

22 THE SECRETARY: July 12.

23 Motion by Mr. Pressey.

24 Any second on the motion?

25 Ms. Gutierrez.

1 Roll call on the motion.

2 Mr. Bonacci?

3 VICE CHAIRMAN BONACCI: 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: Yes.

10 THE SECRETARY: Mr. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Mr. Ortiz?

13 MR. ORTIZ: Yes.

14 THE SECRETARY: Six in favor.

15 Motion carries.

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1 **Yesenia Bonilla - 424 6th Street:**

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3 THE SECRETARY: Now, we're going to move to
4 number 9.

5 Yesenia Bonilla, 424 6th Street.

6 Mr. Alonso?

7 MR. PANEQUE: All right. Let the record
8 reflect that I've been provided with the
9 following documentation:

10 I have an Affidavit, signed by Mr. Alonso,
11 indicating that notice of tonight's hearing was
12 sent out on June 2nd to all property owners within
13 the vicinity of 424 6th Street.

14 I've also been provided with an Affidavit
15 of Publication from The Jersey Journal, which was
16 done on June 2nd. Publication on that date gives
17 notice of tonight's hearing with respect to the
18 property in question.

19 And I've also been provided with a copy of
20 the notice that went out, as well as the property
21 tax list from the Tax Assessor's Office, which
22 has a date of June 1st.

23 Based on -- I've also been provided with
24 the certified mail receipts with a postmark date
25 of June 2nd.

1 Based on the documentation, this Board has
2 jurisdiction to proceed and hear this matter.

3 Is there a motion to carry this matter?

4 MS. GUTIERREZ: Hold on. He have to say
5 something.

6 THE SECRETARY: Motion by?

7 MS. GUTIERREZ: Medina. Hold on.

8 THE SECRETARY: Mr. Grullon?

9 MR. MEDINA: That's another --

10 MR. ORTIZ: Hold on. Hold on.

11 THE SECRETARY: Okay. Hold on one second.

12 MS. GUTIERREZ: Hold on. Hold on.

13 MR. MEDINA: Excuse me. Another one at 6th
14 Street. Where I live at, 317.

15 MR. ORTIZ: He lives nearby so --

16 MR. PANEQUE: Okay.

17 MR. MEDINA: 317 6th.

18 MR. PANEQUE: So, just recuse yourself from
19 the vote.

20 Is there a motion to carry this
21 application?

22 MR. GRULLON: Motion.

23 MS. GUTIERREZ: Second.

24 THE SECRETARY: Motion by?

25 MS. GUTIERREZ: Victor Grullon.

1 THE SECRETARY: Mr. Grullon.
2 MS. GUTIERREZ: Second by me.
3 THE SECRETARY: Second by Ms. Gutierrez.
4 For July 12, 2018.
5 Roll call on the motion.
6 Mr. Bonacci?
7 VICE CHAIRMAN BONACCI: Yes.
8 THE SECRETARY: Ms. Gutierrez?
9 MS. GUTIERREZ: Yes.
10 THE SECRETARY: Mr. Grullon?
11 MR. GRULLON: Yes.
12 THE SECRETARY: Mr. Pressey?
13 MR. PRESSEY: Yes.
14 THE SECRETARY: Mr. Medina?
15 MR. PRESEY: Abstain. Abstain.
16 MR. PANEQUE: He's abstaining.
17 MR. MEDINA: Abstain.
18 MR. PANEQUE: Recuse himself.
19 THE SECRETARY: You abstain?
20 MR. MEDINA: Yeah.
21 THE SECRETARY: Mr. Ortiz?
22 MR. ORTIZ: Yes.
23 THE SECRETARY: Five in favor. One
24 abstained.
25 Motion carries.

1 MR. ALONSO: And that's to July 12th.

2 MR. GRULLON: July 12th.

3 THE SECRETARY: July 12th. Yes.

4 MS. GUTIERREZ: Um hum.

5 MS. DILLON: No new notice.

6 THE SECRETARY: Now, number 10?

7 MR. PANEQUE: No new notice.

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

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1 **Vicente & Janeth Falconi - 813 Sip Street:**

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3 THE SECRETARY: Vicente and Janeth Falconi,
4 813 Sip Street.

5 Mr. Alonso, please?

6 MR. ALONSO: Yes. I provided counsel with
7 the publication and notices.

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

10 I have an Affidavit, signed by Mr. Alonso,
11 which indicates that notice of the -- tonight's
12 hearing for the property located at 813 Sip
13 Street was sent out to all property owners on
14 June 4th. Just made the ten day deadline. And
15 that I have an Affidavit of Publication from The
16 Jersey Journal, indicating that notice of
17 tonight's hearing was published on June 2nd.

18 I also have copy of the notice that went
19 out to all property owners, as well as the tax
20 list from the Tax Assessor's Office with a date
21 of May 29.

22 I've also been provided with the certified
23 mail receipts, which have a postmark date of June
24 4.

25 Based on the documentation that's been

1 provided, this Board has jurisdiction to proceed
2 and hear this matter.

3 As it is now 9:07, is there a motion to
4 carry this application to the July 12th meeting?

5 THE SECRETARY: Motion by Mr. Ortiz.

6 MS. GUTIERREZ: Second it.

7 THE SECRETARY: Second by Ms. Gutierrez.

8 Roll call on the motion to adjourn this
9 application for July 12. No new -- no new notice
10 required.

11 Roll call on the motion.

12 Mr. Bonacci?

13 VICE CHAIRMAN BONACCI: Yes.

14 THE SECRETARY: Ms. Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Grullon?

17 MR. GRULLON: Yes.

18 THE SECRETARY: Mr. Pressey?

19 MR. PRESSEY: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Six in favor.

25 Motion carries.

1 No new notice required.

2 MR. ALONSO: Thank you very much. Have a
3 good evening.

4 VICE CHAIRMAN BONACCI: Okay. Take care.

5 MS. GUTIERREZ: Have a good evening.

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

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1 **Sip Inka, LLC - 717-719 Street (sic) and**
2 **718-720 31st Street:**

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4 MR. PANEQUE: Case number 4.

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

7 MR. PANEQUE: Case number 4, Mr. Vallejo.

8 THE SECRETARY: One second.

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

11 THE SECRETARY: Okay.

12 Next application on tonight's agenda, Sip
13 Inka, LLC, 717-719 Street (sic), 718-720 31st
14 Street.

15 Mrs. Pereiras, please?

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

17 Again, Bianca Pereiras on behalf of the
18 applicant.

19 I've been absolutely thrilled to be a part
20 of this project from the beginning. In 2015,
21 this Board may recall that we were here proposing
22 a hotel on 31st Street, that extended through Sip.

23 MS. GUTIERREZ: Yes. Yes.

24 MS. PEREIRAS: That was unanimously
25 approved at that meeting.

1 We're excited to bring a company such as
2 Wyndham Hotel Group, an international company, to
3 Union City. Finally help us make us more of a
4 destination spot, bring people to our culture, to
5 our businesses, instead of being a thoroughfare
6 into New York City and into the Meadowlands.

7 MS. GUTIERREZ: Um hum.

8 MS. PEREIRAS: So, we think this is a great
9 opportunity. And I'm sure the Board can
10 appreciate that we've taken a lot of care and a
11 lot of time to enter into a franchise agreement
12 with Wyndham; there have been many details, many
13 attorneys involved. It's been a rather extensive
14 process.

15 I am happy to report that we finally have
16 an agreement in place for the franchise, for the
17 management. So, we are before the Board this
18 evening to request a one year extension.

19 We believe that we have, with the one year
20 extension, enough time to submit for permits and
21 finally break ground on a very exciting project.

22 MR. PANEQUE: Okay.

23 VICE CHAIRMAN BONACCI: How many extensions
24 does she have?

25 MR. PANEQUE: Ladies and gentlemen of the

1 Board, this is the -- this would be the second
2 extension, if this Board deemed fit to grant it.

3 MS. GUTIERREZ: Um hum.

4 MR. PANEQUE: By right, they're entitled to
5 three extensions.

6 MS. GUTIERREZ: Three?

7 VICE CHAIRMAN BONACCI: Okay.

8 MS. GUTIERREZ: Okay.

9 MR. PANEQUE: Originally, the application
10 had been carried by the Permit Extension Act and
11 that would have carried them through, with the
12 last extension, to June 30th, which is 16 days
13 from today.

14 If we grant this extension, it would carry
15 them up to June 30th, 2019.

16 I've had conversations with Ms. Pereiras
17 over this particular application. And, in fact,
18 what -- as Ms. Pereiras stated on the record,
19 what has taken so long has been getting a
20 reputable company to back the building of this
21 hotel.

22 She stated that the company that they've
23 entered into an agreement with is Wyndham. That
24 is a very well known company in the hotel
25 industry. And she's made the representation that

1 | it would be a great asset to the City of Union
2 | City to have a company such as Wyndham --

3 | MS. GUTIERREZ: Um hum.

4 | MR. PANEQUE: -- place its mark, especially
5 | in such a visible thoroughfare as 31st Street and
6 | Sip Street are.

7 | So, this -- this Board will now have to
8 | make a determination and a vote as to whether to
9 | grant the extension.

10 | Is there a motion on the floor?

11 | VICE CHAIRMAN BONACCI: I'll make a motion
12 | to grant the extension.

13 | MR. MEDINA: Second.

14 | THE SECRETARY: Motion by --

15 | MR. MEDINA: I second.

16 | THE SECRETARY: -- Mr. Bonacci to grant the
17 | extension.

18 | VICE CHAIRMAN BONACCI: Yes.

19 | THE SECRETARY: Second by?

20 | MR. MEDINA: Yes. John Medina.

21 | THE SECRETARY: Mr. Pressey.

22 | Roll call on the motion to approve the
23 | request.

24 | Mr. Bonacci?

25 | VICE CHAIRMAN BONACCI: Yes.

1 THE SECRETARY: Ms. Gutierrez?

2 MS. GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Grullon?

4 MR. GRULLON: Yes.

5 THE SECRETARY: Mr. Pressey?

6 MR. PRESSEY: Yes, for one year.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Mr. Ortiz?

10 MR. ORTIZ: Yes.

11 THE SECRETARY: Six in favor.

12 Motion carries.

13 MS. PEREIRAS: Thank you all very much.

14 Thank you.

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

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1 **Manshen Lin - 147 37th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Manshen Lin, 147 37th Street.

5 Ms. Pereiras, please?

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

8 MR. PANEQUE: For the record, I've been
9 provided with a certification as to publication
10 and service, which is signed by Ms. Bianca
11 Pereiras, indicating that notice of tonight's
12 hearing with respect to the property in question,
13 147 37th Street, was sent out to all property
14 owners within the 200 foot radius on June 1st,
15 2018.

16 I've also been provided with an Affidavit
17 of Publication from The Jersey Journal,
18 indicating that notice of tonight's hearing for
19 the property in question, 147 37th Street was
20 published in the newspaper on June 2nd.

21 I've also been provided with copies of the
22 certified mail receipts, with a postmark date of
23 June 1st, as well as the list promulgated by the
24 Tax Assessor's Office, which has a date of May
25 29th. And the certified mails that have come back

1 unclaimed.

2 Based on the documentation that's been
3 provided, this Board has jurisdiction to proceed
4 and hear this matter.

5 MS. PEREIRAS: Thank you, counsel.

6 Again, Bianca Pereiras, on behalf of the
7 applicant, Manshen Lin, for property at 147 37th
8 Street, also known as Block 217, Lot 27.

9 The application before the Board this
10 evening is to legalize a second floor apartment.
11 It consists of one bedroom.

12 We have one expert to testify before the
13 Board, and that is our architect, Mr. Manuel
14 Pereiras.

15 MR. PEREIRAS: I recognize I am still under
16 oath, still Manuel Pereiras.

17 MS. PEREIRAS: Mr. Pereiras, are you
18 familiar with the property at 147 37th Street?

19 MR. PEREIRAS: I am.

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

22 MR. PEREIRAS: I have.

23 MS. PEREIRAS: And would you kindly
24 describe the project for the Board?

25 MR. PEREIRAS: So, to understand what we're

1 | dealing with, a couple months ago, when the
2 | applicant called me up to do this project, they
3 | told me the address. I went there. The door was
4 | open. I heard some voices. I knocked on the
5 | door. I saw some flashlights. I walked into the
6 | property. I'm saying hello. All of a sudden the
7 | police were like, put your hands up, let me see.
8 | Who are you? I'm like I'm sorry. I'm clear.

9 | Okay. So, we're dealing with a property
10 | that has a lot of problems. There's -- there
11 | were vagrants living in there. It -- a lot of
12 | bad stuff was happening here. Okay?

13 | It was also in illegal condition. They had
14 | multiple apartments. I'm not even sure how many.

15 | The applicant purchased the property.
16 | They're fixing it up. They're making it into
17 | something nice and comfortable.

18 | Technically, in the Building Department,
19 | they have it as a one family. We -- we're
20 | looking to make this into a two family house.
21 | We're restoring and correcting a lot of the
22 | issues that they have.

23 | We're making, basically, two separate
24 | apartments. One on the first floor and one on
25 | the second floor.

1 The first floor is a 1200 square foot
2 apartment. The second floor is a small
3 apartment. It's only 400 square feet. But it's
4 all there ready. And since it's only a two
5 family, it doesn't have to comply with the -- the
6 minimum area requirements for the City, either.

7 We're not proposing to make any changes to
8 this. We're not making it any bigger in any way.
9 We're just going to make this Code compliant and
10 we're going to legalize the units, as they are.

11 We're removing some of the bedrooms and
12 we're fixing it up, so that in the first floor
13 apartment, you have a two bedroom plus a study.
14 And on the second floor, you have a one bedroom
15 apartment.

16 The -- there are a series of variances that
17 we have for this. There are existing
18 nonconformities for lot area, because we have an
19 1800 foot -- 1,845 square foot lot.

20 Lot depth, because we have a 73.81 foot
21 lot.

22 We have a front yard that is close to --
23 it's about six inches. That's an existing
24 nonconformity, as well.

25 As well as rear yard. We have a 13 foot

1 six rear yard.

2 We have a nonconformity for side yard. One
3 of the side yards is zero along the -- the east
4 side.

5 The -- there is a nonconformity for -- for
6 maximum building coverage. We're at a hundred
7 percent. There's no grass on the area.

8 So, we're dealing with all these things,
9 and, of course, parking, nonconformance, as well.

10 However, we ask that the Board look at
11 this. The applicant's coming in. They're going
12 to clean up a really sore spot in Union City and
13 make this into a nice, simple, beautiful two
14 family house.

15 VICE CHAIRMAN BONACCI: All right.

16 So, Mr. Pereiras, right now, it's existing
17 as one family and you want to legalize the other
18 apartment, make it two family.

19 MR. PEREIRAS: Yes, sir.

20 VICE CHAIRMAN BONACCI: And then, all of
21 the variances that you're seeking are mostly
22 preexisting nonconforming.

23 Right?

24 MR. PEREIRAS: All existing
25 nonconformities. Technically, parking, we're

1 | expanding on a nonconformity because we're adding
2 | a unit. But --

3 | VICE CHAIRMAN BONACCI: Right.

4 | MR. PEREIRAS: But they're all existing.

5 | VICE CHAIRMAN BONACCI: All right.

6 | As it currently stands, you would -- if you
7 | kept it a one family, you require zero for the
8 | variance for the parking.

9 | Right?

10 | MR. PEREIRAS: No. We would still have a
11 | parking variance.

12 | VICE CHAIRMAN BONACCI: Okay.

13 | Do you have any other testimony or that's
14 | it?

15 | MS. PEREIRAS: No.

16 | VICE CHAIRMAN BONACCI: Just -- okay.

17 | MS. PEREIRAS: That would conclude our
18 | presentation.

19 | MR. GRULLON: Mr. Pereiras, on the second
20 | -- second floor apartment, do you know the square
21 | footage of that apartment?

22 | MR. PEREIRAS: It's 400 square feet. That
23 | includes the stairs.

24 | MS. GUTIERREZ: That's a small apartment.

25 | MR. PEREIRAS: It's a very small apartment,

1 but it's a nice efficiency apartment. It will
2 rent well. I'm sure it's going to go to someone
3 that -- you know, needs a small apartment, can't
4 afford a big rent.

5 MS. GUTIERREZ: Yeah.

6 MR. PEREIRAS: It will work.

7 VICE CHAIRMAN BONACCI: Low density
8 residential.

9 MR. PEREIRAS: Yes.

10 MS. PEREIRAS: Yes.

11 VICE CHAIRMAN BONACCI: Okay.

12 MR. PEREIRAS: This is permitted in the
13 zone.

14 VICE CHAIRMAN BONACCI: Right.

15 MR. PEREIRAS: We don't ask -- we don't ask
16 for a use variance. It's --

17 VICE CHAIRMAN BONACCI: Okay.

18 MR. GRULLON: Is the building empty right
19 now?

20 MR. PEREIRAS: Right now, it's empty. Or
21 they've been trying to keep it empty. People
22 actually have -- keep on breaking in.

23 MS. GUTIERREZ: Oh, my God.

24 MR. PEREIRAS: We can't wait to -- yeah.

25 VICE CHAIRMAN BONACCI: Yeah. You guys got

1 to do something.

2 Right?

3 MR. PEREIRAS: Yeah.

4 MR. GRULLON: Will you alleviate the --
5 better if you make that into a studio, instead of
6 a one bedroom apartment?

7 MR. PEREIRAS: I mean, it doesn't change
8 the variances at all. We don't have a variance
9 for density or area or anything.

10 It really doesn't make a difference.
11 People prefer a one bedroom to -- to a studio.
12 If you have a recommendation one way or another,
13 we'll do that. It doesn't make a difference from
14 a planning standpoint.

15 MR. GRULLON: Just seems to be a really
16 tiny space -- you know, like that bedroom, like
17 nine by nine.

18 MR. PEREIRAS: I don't think the applicant
19 has an objection and we'll make it a studio.

20 MS. LIN: Yeah, yeah. Make no difference
21 --

22 MR. PEREIRAS: So, we'll -- we'll remove
23 that wall, make it into a studio.

24 VICE CHAIRMAN BONACCI: Any questions from
25 members of the public? All two of you, three of

1 you.

2 Okay.

3 Before I make a motion, proposal is
4 consistent with the goals and objectives of the
5 Master Plan and the Municipal Land Use Law, by
6 promoting health, safety and general welfare of
7 the public.

8 With that, I'd like to make a motion to
9 approve the application.

10 THE SECRETARY: Motion to approve the
11 application by Mr. Bonacci.

12 MS. GUTIERREZ: And I'll second it.

13 THE SECRETARY: Second by Ms. Gutierrez.

14 Roll call on the motion to approve this
15 application.

16 Mr. Bonacci?

17 VICE CHAIRMAN BONACCI: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Grullon?

21 MR. GRULLON: Yes.

22 And for the record, just to make that
23 second floor apartment, to convert it into a
24 studio.

25 THE SECRETARY: Mr. Pressey?

1 MR. PRESSEY: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. Ortiz?

5 MR. ORTIZ: Yes.

6 THE SECRETARY: Six in favor.

7 Motion carries.

8 MS. PEREIRAS: Thank you all very much.

9 One more.

10 MS. GUTIERREZ: One more.

11 MS. PEREIRAS: But it's short.

12 MS. GUTIERREZ: Don't move, Mr. Pressey.

13 You already here. Just kidding.

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

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1 **Carlos Donaldson - 913-915 Summit Ave.:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Carlos Donaldson, 913-915
5 Summit Avenue.

6 Ms. Pereiras, please?

7 MR. PANEQUE: For the record, I've been
8 provided with the following documentation:

9 I have a certification as to publication
10 and service, signed by Ms. Pereiras, indicating
11 that notice of tonight's hearing, with respect to
12 the property at 913 Summit Avenue was given to
13 all property owners within a 200 foot radius on
14 June 1st.

15 I've been provided with a copy of the
16 Affidavit -- actually, the original Affidavit of
17 Publication from The Jersey Journal indicating
18 that notice for the property in question, 913
19 Summit Avenue, was published in the newspaper.
20 And it states that notice is for tonight, on June
21 14th, at six p.m., at the Municipal Court
22 Building.

23 I've also been provided with the certified
24 mail receipts, with a postmark date of June 1st,
25 as well as the Tax Assessor's list with a date of

1 May 29, for the property in question, and the
2 certified mail green cards that have come back to
3 date.

4 Based on the information provided, this
5 Board has jurisdiction to proceed and hear this
6 matter.

7 MS. PEREIRAS: Thank you very much.

8 Again, Bianca Pereiras on behalf of the
9 applicant, Carlos Donaldson.

10 We're located in the CN neighborhood
11 commercial zone, right on Summit Avenue.
12 Currently, we have a mixed use building that has
13 four residential units and one commercial.

14 We are looking to legalize a rear
15 residential unit.

16 We have one expert to testify before the
17 Board this evening, Mr. Manuel Pereiras.

18 MR. PEREIRAS: I recognize I am still under
19 oath, still Manuel Pereiras.

20 MS. PEREIRAS: Mr. Pereiras, are you
21 familiar with the property at 913 --

22 MR. PEREIRAS: I am.

23 MS. PEREIRAS: -- Summit Avenue?

24 MR. PEREIRAS: I am.

25 MS. PEREIRAS: And did you prepare the

1 drawings before the Board?

2 MR. PEREIRAS: I have.

3 MS. PEREIRAS: Can you please describe the
4 project?

5 MR. PEREIRAS: Similar to the last one,
6 this is an existing building and we're -- we're
7 legalizing existing conditions.

8 There was a problem in -- in the building
9 some type of a fire alarm, and the Building
10 Department went in there, and they recognized
11 that the unit in the rear is not -- not
12 recognized in the books.

13 However, this is a unit that -- you know,
14 it has clearly been there for a very long time.
15 I'm sure it's been part of this building,
16 probably predates our Ordinance, but we have no
17 proof of that, so that's why we're here before
18 this Board, to come before you to legalize that
19 unit.

20 Currently, Mrs. Donaldson, the -- the
21 mother of Carlos, lives in that unit in the rear.
22 She's lived there for awhile.

23 To explain the building a little bit, it's
24 -- we have a photograph of it right here.
25 There's two commercial frontage along here.

1 | There's like a Colombian lingerie place and --
2 | and another small restaurant.

3 | The entrance for the apartments is between
4 | the two. There are four apartments in the front
5 | of the building. Two on each side, on each side,
6 | flanking the -- the floor.

7 | What we're talking about is really the rear
8 | unit, which is right over here.

9 | Let me talk a little bit more in detail
10 | about that.

11 | I'm turning to page Z02.

12 | Right now, you actually come out of the
13 | building, take a couple steps down and then a few
14 | steps back up, in order to get into that
15 | apartment. It is a two level apartment. In
16 | total, both levels amount to 615 square feet.
17 | There are no like bedrooms, per se. She lives on
18 | the lower level, so she takes the stairs down to
19 | the bedroom. And then, she has her kitchen,
20 | living room, dining room on the second floor, for
21 | a total of 615 square feet.

22 | I had a conversation with the Building
23 | Department yesterday on this, because -- I mean,
24 | it's a very thorough Building Department. I
25 | wanted to make sure we didn't have any issues

1 moving forward. And they had one comment, which
2 is that they didn't want the inhabitants of this
3 building to exit and then go into another
4 building. They wanted me to provide a hallway,
5 basically, that encloses that, which actually
6 triggers another variance for us. It triggers a
7 building coverage variance.

8 So, just to walk through the variances that
9 we have. We have a series of existing
10 nonconformities. Our use is permitted. However,
11 we have a minimum lot area, de minimis. We have
12 2,452 square feet. We have -- and that's because
13 we have a lot depth of 98.59. So, that's another
14 variance for lot depth.

15 We have minimum rear yard variance. We're
16 only at two foot nine. That rear story is only
17 two foot nine from the -- from the back. But
18 it's only one story in height there, so it's
19 really a minor variance, per se.

20 And then, we're expanding the parking.
21 There's no parking here. There's no parking
22 affordable on Summit Avenue.

23 And then we would have building coverage,
24 because the added hallway that I would have to
25 do, based on Mr. Ferlise's recommendations, would

1 bring our coverage up to 82 percent. So, we're
2 asking for that additional variance, C variance,
3 as well, there.

4 And if this Board deems it acceptable, I'll
5 provide Mr. Spatz with the revised drawing,
6 simply showing that hallway connecting the two
7 spaces. All it is is, basically, a wall right
8 here, so that you're never walking outside of the
9 building, you maintain inside of the building.

10 And that concludes my presentation. I
11 could go more at length, and open to your
12 questions.

13 MR. GRULLON: Could you point again to the
14 wall that you're going to be --

15 MR. PEREIRAS: Yes. It would be this
16 portion right here.

17 MR. GRULLON: Okay. That will be enclosed.
18 Okay.

19 MR. PEREIRAS: Yes. I might even be able
20 make it a little bit smaller. I could probably
21 do this and just reconfigure the stairs so that
22 that window isn't effected. That way, people
23 aren't leaving the building to go inside another
24 building. They are going through a protected
25 corridor.

1 MR. GRULLON: And all that is existing
2 condition.

3 MR. PEREIRAS: Yes. Everything is
4 existing.

5 VICE CHAIRMAN BONACCI: Just have a
6 question, Mr. Pereiras. Maybe you can help us
7 out with this.

8 We're looking at the ground plan sketch
9 that's here, that we got from the Building
10 Department.

11 MR. PEREIRAS: Um hum.

12 VICE CHAIRMAN BONACCI: And I don't know if
13 you've seen this, but it doesn't show what you
14 have in the plans here, the existing one story
15 frame.

16 MR. PEREIRAS: What year is this one?

17 VICE CHAIRMAN BONACCI: '73 is what
18 counselor advised me.

19 MR. PEREIRAS: Okay.

20 Sometimes, I see that they'll draw the
21 front building in one page and the back building
22 in another.

23 VICE CHAIRMAN BONACCI: Yeah.

24 MR. PEREIRAS: Sometimes I've seen
25 different things. I don't know if it has

1 reference to a rear structure.

2 If you allow me two minutes --

3 VICE CHAIRMAN BONACCI: Yeah.

4 MR. PEREIRAS: -- to look at this?

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

7 MR. PEREIRAS: It doesn't look like it
8 makes any reference to a rear structure. It's
9 very possible that it was omitted and it's very
10 possible that it wasn't there in 1973. We don't
11 know.

12 It looks like it -- from my appearance, I
13 would assume that that construction predates
14 1973. But then, again, it's just an appearance.

15 VICE CHAIRMAN BONACCI: Right.

16 MR. PEREIRAS: I don't have any sound
17 testimony or sound facts to support that.

18 VICE CHAIRMAN BONACCI: And would there be
19 any way for us to get additional testimony on
20 this one, from applicant --

21 MS. PEREIRAS: From the applicant?

22 VICE CHAIRMAN BONACCI: -- or something
23 like that?

24 MS. PEREIRAS: Sure.

25 VICE CHAIRMAN BONACCI: To just maybe --

1 MS. PEREIRAS: Absolutely. If the Board
2 would like to hear from the applicant, I'm happy
3 to bring them in.

4 MR. PANEQUE: Did the applicant own this
5 property back when this tax assessment was done?

6 MS. PEREIRAS: Let me check my records as
7 far as --

8 MR. PEREIRAS: I don't think so. I think
9 he --

10 MS. PEREIRAS: -- when they purchased, but
11 I think it was --

12 MR. PEREIRAS: I think he purchased in 2000
13 or somewhere around there.

14 MS. PEREIRAS: I'll double check that.

15 VICE CHAIRMAN BONACCI: You might need some
16 kind of history on --

17 MS. PEREIRAS: I don't know if --

18 MR. PEREIRAS: Yeah.

19 VICE CHAIRMAN BONACCI: -- what the
20 exchange was and I don't know, maybe if somebody
21 lives there, somebody from the neighborhood.
22 We've had that before.

23 MR. PANEQUE: You have a copy of the survey
24 when she purchased?

25 MS. PEREIRAS: They purchased in --

1 MR. PEREIRAS: I do and it was there.

2 MS. PEREIRAS: -- 2007.

3 MR. PANEQUE: Okay.

4 Can we see that or do you have that, Ms.
5 Pereiras?

6 MS. PEREIRAS: I have an old one.

7 MR. PEREIRAS: Bianca, do you have a copy
8 of the survey?

9 MS. PEREIRAS: I don't know if this -- this
10 is a newer one. This is 2007. This is it.

11 MR. PEREIRAS: Yeah.

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

14 MS. PEREIRAS: The purchase took place in
15 2007. It was existing at that time.

16 MR. PANEQUE: So, 11 years ago.

17 All right. I'm going to pass this around,
18 but I just want to state for the record what I've
19 been provided with and maybe we could have this
20 marked as A-1?

21 MS. PEREIRAS: Absolutely.

22 MR. PANEQUE: Okay? You have an extra copy
23 or --

24 MS. PEREIRAS: I do and I submitted a copy
25 to the Board, as well.

1 MR. PANEQUE: Of the survey?

2 MS. PEREIRAS: Of the survey.

3 VICE CHAIRMAN BONACCI: Mr. Pereiras --

4 MS. PEREIRAS: The Board has an original.

5 MR. PANEQUE: Oh, we have it? Okay.

6 VICE CHAIRMAN BONACCI: Yeah. You said --
7 you said the mother lives there.

8 Right?

9 MR. PEREIRAS: The mother --

10 MS. PEREIRAS: Correct.

11 MR. PEREIRAS: -- currently lives there,
12 yes.

13 VICE CHAIRMAN BONACCI: Okay. But she's
14 only lived there since Carlos purchased it.

15 Right?

16 MR. PEREIRAS: That's correct.

17 VICE CHAIRMAN BONACCI: Okay. So it's not
18 --

19 MR. PEREIRAS: Actually, I think less. I
20 think she moved in just a few years ago.

21 VICE CHAIRMAN BONACCI: So, it's not like
22 she lived there back --

23 MR. PEREIRAS: No.

24 VICE CHAIRMAN BONACCI: -- in the day.

25 MR. PEREIRAS: No.

1 VICE CHAIRMAN BONACCI: All right.

2 MR. PANEQUE: All right.

3 Yeah, based on the survey that's been
4 provided, it seems that the structure, which
5 houses this one story frame dwelling in the rear,
6 existed at the time that they purchased this
7 property.

8 The survey is certified to Carlos
9 Donaldson. So, it -- it would have been
10 indicative of what was there when he purchased.

11 VICE CHAIRMAN BONACCI: Okay.

12 MR. PANEQUE: Now, from the time when he
13 purchased, in 2007, going backwards, the
14 structure -- it's almost a certainty that it did
15 not exist in 1973. Okay? And that's because I'm
16 going off this Tax Assessor's ground plot sketch,
17 which does not have the structure yet. It has
18 the rest of that building, even that L shape
19 addition in the back.

20 The assumption that can be drawn is that
21 sometime after 1973, but before --

22 VICE CHAIRMAN BONACCI: 2007.

23 MR. PANEQUE: -- 2007, this structure was
24 put into that location in the rear yard. And --
25 and basically, this apartment was built there.

1 There's no record from the construction
2 official's office that this structure was built
3 with any approvals of any kind whatsoever, or it
4 would have been brought to our attention by Mr.
5 Martinetti.

6 If this Board deems fit to approve it, and
7 as Mr. Pereiras has testified, it would have to
8 be brought up to Code and --

9 Correct, Mr. Pereiras?

10 MR. PEREIRAS: Absolutely correct. We
11 would --

12 MR. PANEQUE: And that would also be a
13 safety measure for the person living there now.

14 MR. PEREIRAS: Yes.

15 MR. PANEQUE: Because we really don't know,
16 since it was not built with the proper permits,
17 whether the structure is actually up to Code now.
18 But it would have to be brought up to Code at --
19 at the point when the Building Department goes
20 back in.

21 So, that's a very positive aspect to this
22 application that we're actually --

23 VICE CHAIRMAN BONACCI: Making it more
24 safe.

25 MR. PANEQUE: Making it -- yeah, a lot more

1 safe. Now --

2 VICE CHAIRMAN BONACCI: I got you.

3 MR. PANEQUE: The -- the biggest concern,
4 and I think if Mr. Pereiras can touch upon this a
5 little more, is that this property, as you can
6 see from the picture, is actually landlocked
7 between two other buildings. So, there's no side
8 yards for access from that rear property in the
9 event of a fire.

10 So, Mr. Pereiras, if you can enlighten this
11 Board a little bit more extensively as to what
12 measures will be undertaken to ascertain that the
13 person in the rear house would have enough time
14 to escape in the event there was a fire, either
15 in the rear house or in the front?

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

17 There are some serious measures that will
18 be taking place in order to make -- ensure the
19 safety of the inhabitants, of not just this unit,
20 but actually the neighbors, as well. Because any
21 condition that happens there can easily spread to
22 -- to the neighboring properties and damage the
23 welfare there.

24 So, this is really an opportunity to bring
25 everything up to Code.

1 My conversations with the -- the building
2 official are very important, because this is an
3 intricate property and we're dealing with
4 multiple Codes; Rehab Code and the International
5 Building Code.

6 One of the advantages of this project is
7 that from -- from the Board's perspective, is
8 that we're going to be dealing with the
9 International Building Code as a new structure
10 for a lot of it, because this is a new unit.

11 So, it has to comply with the standards of
12 new construction, not just something that's
13 rehabbed.

14 So, if we're talking about the building in
15 the front, there's a lot of things that -- you
16 know, it's a lot more lenient, the Rehab Code,
17 than the International Building Code and what we
18 would have to do to this.

19 So, we have to make sure that this complies
20 with everything today.

21 For example, that unit in the back is going
22 to have a sprinkler system. So, we're going to
23 bring in a domestic line water and it's going to
24 have a sprinkler system controlling that unit.

25 In addition to that, we need to have egress

1 to a public right-of-way that's direct and
2 accessible. So, what we're going to be proposing
3 is that corridor.

4 And that corridor has to comply with
5 measures of today, which means it's going to
6 become a two hour fire rated corridor, meaning
7 it's going to have two layers of sheet rock,
8 basically, on each side of it, and some
9 additional measures on the ceiling, in order so
10 that if there's ever a fire, someone will have
11 more than sufficient time to escape through that
12 corridor out to the street.

13 In addition to that, it has to have a low
14 voltage fire alarm system that's going to be
15 monitored as well. So, if an alarm is triggered,
16 not only is -- are the inhabitants alerted, but
17 also there's a -- a central station that notifies
18 the -- the Fire Department.

19 So, all these safety measures really are
20 important. They wouldn't take place if this
21 Board were to not grant this application. That
22 structure would just be made into storage or --
23 or demolished. So, there are some very definite
24 positive aspects to this application.

25 MR. PANEQUE: Will the corridor be

1 sprinkled also or --

2 MR. PEREIRAS: It would not have to be
3 sprinklered.

4 MR. PANEQUE: It would not.

5 Now, the -- in your survey, it shows that
6 one story frame rear house detached from the main
7 structure.

8 MR. PEREIRAS: Yeah.

9 MR. PANEQUE: In your plans, unless I'm --

10 MR. PEREIRAS: No.

11 MR. PANEQUE: -- interpreting them wrong --

12 MR. PEREIRAS: You are correct.

13 MR. PANEQUE: -- you have them attached.

14 MR. PEREIRAS: They are attached. It's
15 somewhat of a makeshift wall. It's not like a
16 full wall.

17 VICE CHAIRMAN BONACCI: They asked them to
18 put that in. Right? That's what the Building
19 Department requested.

20 MR. PEREIRAS: I'm not sure what happened.
21 He has been working with the Building Department
22 for the past year.

23 VICE CHAIRMAN BONACCI: Okay.

24 MR. PEREIRAS: I'm not sure what they've
25 done.

1 VICE CHAIRMAN BONACCI: You touched upon
2 that before. Yeah.

3 MR. PANEQUE: All right. One thing that
4 I'd like to bring to the attention of the Board
5 is the following:

6 If the rear unit is detached, then that
7 rear unit is not subject to the five year
8 inspection, which is conducted by the Department
9 of Inspections -- Division of Inspections,
10 Housing, Department of Community Affairs.

11 If the unit is attached to the front
12 structure, by any means, then that rear unit
13 would have to be inspected every five years, with
14 the remaining of the four families in the front.

15 So, you're showing it as an attached to the
16 front building.

17 MR. PEREIRAS: And we're going to -- and we
18 propose for it to be fully attached. There will
19 be a full hallway --

20 MR. PANEQUE: Okay.

21 MR. PEREIRAS: -- connecting the two. So,
22 it was definitely part of the entire building and
23 will definitely require green cards and State
24 inspections.

25 MR. PANEQUE: Okay.

1 And as a -- just as a -- something for the
2 Board to consider, that could be a condition that
3 it be permanently attached to the front building,
4 just for future inspections, so that in the
5 future, they cannot say to an inspector, the rear
6 house is detached. Don't come in here. You have
7 no right to come in here. Which is the case that
8 they would be able to tell the inspector if that
9 rear structure was detached.

10 Okay. And we're just looking at the safety
11 factor now.

12 VICE CHAIRMAN BONACCI: Yeah. Two things
13 for me was, number one, just to make sure that we
14 didn't need any sort of additional testimony.
15 But now that it's clear that all of the things
16 pre -- post-date 1973, but pre-date 2007, I think
17 that that gives us jurisdiction to -- you know,
18 make a determination on this.

19 And if it is going to, in fact, be enclosed
20 and that it's going to increase the safety
21 standards more than what is currently there, I'll
22 make a motion -- you know, because given the
23 criteria that it meets the safety standards for
24 adequate emergency and fire protection, I'll make
25 a motion to approve this application.

1 THE SECRETARY: Motion to approve the
2 application by Mr. Bonacci.

3 MR. ORTIZ: Second it.

4 THE SECRETARY: Any second?

5 Second by Mr. Ortiz.

6 Roll call on the motion.

7 Mr. Bonacci?

8 VICE CHAIRMAN BONACCI: Yes.

9 THE SECRETARY: Ms. Gutierrez?

10 MS. GUTIERREZ: Yes.

11 THE SECRETARY: Mr. Grullon?

12 MR. GRULLON: Yes.

13 THE SECRETARY: Mr. Pressey?

14 MR. PRESSEY: Yes.

15 THE SECRETARY: Mr. Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Mr. Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: Six in favor.

20 Motion carries.

21 MS. PEREIRAS: Thank you all very much.

22 MR. PEREIRAS: Thank you, everyone.

23 MS. PEREIRAS: Have a good night.

24 MS. GUTIERREZ: All right. Good night.

25 MR. PEREIRAS: Good night.

1 VICE CHAIRMAN BONACCI: Good night.

2 MS. PEREIRAS: We'll see you next month.

3 MS. GUTIERREZ: Good night.

4 MR. PANEQUE: Yeah. Just for the record,
5 let's just state that the matter was not open to
6 the public because other than the young man
7 sitting in the back who is here waiting for his
8 wife, there is no public to open the meeting to.

9 And -- and I should state also that Mr.
10 Price left in the middle of the hearing.

11 VICE CHAIRMAN BONACCI: Whoa.

12 MS. GUTIERREZ: Yeah.

13 MR. PANEQUE: So, there is no public left
14 for this meeting.

15 VICE CHAIRMAN BONACCI: Got a hot date
16 tonight.

17 Where's he running off to?

18 THE SECRETARY: Thank you, Mr. Paneque.

19 VICE CHAIRMAN BONACCI: Where's he running
20 off to?

21 * * *

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1 **ADJOURNMENT:**

2

3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 Motion by Ms. Gutierrez.

7 Second by?

8 Any second?

9 MR. PRESESY: Oh, yeah. Hi.

10 THE SECRETARY: Mr. Ortiz.

11 All in favor?

12

13 (Whereupon, there was a chorus of ayes.)

14

15 THE SECRETARY: The ayes have it.

16 Thank you.

17 Have a good night, everyone.

18

19 (Whereupon, the proceedings were concluded
20 at 9:48 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY ZONING BOARD OF
10 ADJUSTMENT heard on Thursday, June 14, 2018 and
11 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon