

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, July 12, 2018
Commencing at 6:31 p.m.

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

VICTOR M. GRULLON
MARGARITA GUTIERREZ
MIGUEL ORTIZ
DAVID W. PRESSEY
JOSEPH D. BONACCI, Vice Chairman

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

JOHN MEDINA
LIBERO MAROTTA, Chairman

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant, (Left at 7:30 p.m.)
Community Housing and Planning Associates

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

ANTHONY F. SARSANO, ESQ.,
Attorney for Applicant, Basad Kennedy, LLC

STEVEN R. TOMBALAKIAN, ESQ.,
Attorney for Applicant, 720 8th Street
Union City Renewal Associates, LP

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 541 42nd Street, LLC

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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Yesenia Bonilla

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Vicente & Janeth Falconi

ARISTIDES F. HERNANDEZ, ESQ.,
Attorney for Applicant, 3329 Hudson Avenue, LLC

ALAIN MULKAY, ESQ.,
Attorney for Applicant, Farouk Sheikh

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 813 10th Street, LLC

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

3 Please take notice that on Thursday, July
4 12, 2018, at six p.m., Regular Meeting is
5 scheduled for the Union City Zoning Board of
6 Adjustment, to be held in the Municipal Chambers,
7 located on the Second Floor, 3715 Palisade
8 Avenue, Union City, New Jersey.

9 Notice of this meeting has been provided as
10 follow:

11 Notice of this meeting setting forth the
12 time, date, location, and the agenda, to the
13 extent known, was forwarded to The Jersey
14 Journal, The Record, and The Hudson Reporter, has
15 been posted on the bulletin board in City Hall,
16 and has been made available to the public in the
17 Office of the Municipal Clerk.

18 Can everybody kindly rise to salute the
19 flag, please?

20

21 (Whereupon, the Pledge of Allegiance was
22 said by all.)

23

24 THE SECRETARY: Thank you.

25

1 **ROLL CALL:**

2

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

5 Mr. Marotta? Absent.

6 Mr. Bonacci?

7 VICE CHAIRMAN BONACCI: Yes.

8 THE SECRETARY: Mr. Grullon?

9 MR. GRULLON: Here.

10 THE SECRETARY: Ms. Gutierrez?

11 MS. GUTIERREZ: Here.

12 THE SECRETARY: Mr. Pressey?

13 MR. PRESSEY: Here.

14 THE SECRETARY: Mr. Ortiz?

15 MR. ORTIZ: Here.

16 THE SECRETARY: Let the record indicate
17 there are five present.

18 Those absent tonight are Mr. Marotta and
19 Mr. Medina.

20 So we have a full quorum, five members
21 present.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

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3 (1) Regular meeting held on June 14, 2018

4

5 THE SECRETARY: Approval of previous meeting
6 minutes from June 14, 2018.

7 Can I have a motion?

8 MR. GRULLON: Motion.

9 THE SECRETARY: Motion by Mr. --

10 MS. GUTIERREZ: I'm second.

11 THE SECRETARY: -- Grullon.

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.

18 THE SECRETARY: Mr. Grullon?

19 MR. GRULLON: Yes.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Six in -- five in favor.

25 Motion carries.

1 **ADOPTION OF RESOLUTIONS:**

2

3 (1) 1301-1303 Palisade Ave., LLC, 1301-1303
4 Palisade Ave., Block 63, Lots 1, 2.

5 Applicant proposes the construction of two
6 new three family buildings. Adjourned May 10,
7 2018. **Approved**

8

9 THE SECRETARY: Resolutions.

10 First Resolution on tonight's agenda, 1301-
11 1303 Palisade Avenue.

12 Can I have a motion to adopt this
13 Resolution?

14 MS. GUTIERREZ: I'll make --

15 THE SECRETARY: Motion --

16 MS. GUTIERREZ: -- a motion.

17 THE SECRETARY: -- by Mr. Bonacci.

18 Second by Ms. Gutierrez.

19 Mr. Bonacci?

20 VICE CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Grullon?

24 MR. GRULLON: Yes.

25 THE SECRETARY: Mr. Pressey?

1 MR. PRESSEY: Yes.

2 THE SECRETARY: Four in favor.

3 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (2) Storage Blue, 3330-3336 Hudson Avenue and
4 122 Peter Street, Block 203, Lots 1-4.

5 The applicant seeks variance approval for
6 signage for the existing self-storage business.

7 **Approved**

8

9 THE SECRETARY: Second Resolution.

10 Storage Blue, 3330-3336 Hudson Avenue and
11 122 Peter Street.

12 Can I have a motion to adopt this
13 Resolution?

14 MR. GRULLON: Motion.

15 THE SECRETARY: Motion by Mr. Grullon.

16 MR. ORTIZ: Second.

17 THE SECRETARY: Second by Mr. Ortiz.

18 Roll call on the motion.

19 Mr. Bonacci?

20 VICE CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Grullon?

24 MR. GRULLON: Yes.

25 THE SECRETARY: Mr. Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: Four in favor.

3 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (3) 513 NY, LLC, 513-515 New York Avenue, Block
4 24, Lots 6 and 7.

5 Applicant proposes the construction of a
6 new six family with ground floor parking garage.

7 **Denied**

8

9 THE SECRETARY: Resolution number 3.

10 513 New York --

11 I'm sorry.

12 -- 513 NY, LLC, 513-515 New York Avenue.

13 Can I have a motion?

14 MS. GUTIERREZ: I'll make a motion.

15 THE SECRETARY: Motion by Ms. Gutierrez.

16 Any second on the motion?

17 Mr. Ortiz.

18 Roll call on the motion.

19 Mr. Bonacci?

20 VICE CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Grullon?

24 MR. GRULLON: Yes.

25 THE SECRETARY: Mr. Pressey?

1 MR. PRESSEY: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Five in favor.

5 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (4) Sip Inka, LLC, 717-719 Street and 718-720
4 31st Street, Block 171, Lots 13, 14, 33 and 34.

5 Resolution was memorialized January 15, 2015.

6 Applicants are seeking a one year
7 extension. The first extension was memorialized
8 on Feb 16, 2017. Applicants are seeking a second
9 extension for one year. **Approved**

10 (5) Manshen Lin, 147 37th Street, Block 217,
11 Lot 27. Applicant seeks to legalize a second
12 floor apartment. **Approved**

13 (6) Carlos Donaldson, 913-915 Summit Ave.,
14 Block 43, Lot 19. Applicant proposes to legalize
15 rear apartment. **Approved**

16

17 THE SECRETARY: Adopt -- adoption of
18 Resolution 4, 5, and 6.

19 Number 4.

20 Sip Inka, LLC, 717-719 Street and 718-720
21 31st Street.

22 Resolution number 5.

23 Manshen Lin, 147 37th Street.

24 Number 6.

25 Carlos Donaldson, 913-915 Summit Avenue.

1 Can I have a motion to adopt these
2 Resolutions?

3 MR. GRULLON: Motion.

4 THE SECRETARY: Motion by --

5 MS. GUTIERREZ: Second.

6 THE SECRETARY: -- Mr. Grullon.

7 Second by Ms. Gutierrez.

8 Roll call on the motion.

9 Mr. Bonacci?

10 VICE CHAIRMAN BONACCI: Yes.

11 THE SECRETARY: Ms. Gutierrez?

12 MS. GUTIERREZ: Yes.

13 THE SECRETARY: Mr. Grullon?

14 MR. GRULLON: Yes.

15 THE SECRETARY: Mr. Pressey?

16 MR. PRESSEY: Yes.

17 THE SECRETARY: Mr. Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: Five in favor.

20 Motion carries.

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1 **CORRECTIVE RESOLUTION:**

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3 (1) Navin Joshi - 520 New York Avenue, Amending
4 original application reducing it to three
5 stories, four residential units. Resolution was
6 memorialized on March 19, 2015.

7

8 THE SECRETARY: We have one Corrective
9 Resolution.

10 Navin Joshi, 520 New York Avenue.

11 Can I have a motion to adopt this
12 Resolution?

13 Mr. Bonacci.

14 Motion by Mr. Bonacci.

15 MS. GUTIERREZ: Second.

16 THE SECRETARY: Second by Gutierrez.

17 Roll call on the motion.

18 Mr. Bonacci?

19 VICE CHAIRMAN BONACCI: Yes.

20 THE SECRETARY: Ms. Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Grullon?

23 MR. GRULLON: Yes.

24 THE SECRETARY: Mr. Pressey?

25 MR. PRESSEY: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Five in favor.

4 Motion carries.

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1 **Basad Kennedy, LLC - 1916 Kennedy Blvd:**

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3 THE SECRETARY: Hearings and applications.

4 First application on tonight's agenda,

5 Basad Kennedy, LLC, 1916 Kennedy Boulevard.

6 Mr. Sarsano, please?

7 MR. SARSANO: Good evening, members of the

8 Board, counsel.

9 My name is Anthony Sarsano. I represent
10 the applicant in this matter.

11 At this time, I'm going to present my
12 documentation to Mr. Paneque, to make certain
13 that we have standing with the Board.

14 Here I have date of publication in there,
15 as well, Tomas.

16 MR. PANEQUE: Thank you, sir.

17 MR. SARSANO: You're welcome.

18 MR. PANEQUE: You have the return green
19 cards?

20 MR. SARSANO: I do.

21 MR. PANEQUE: May I have those, also,
22 please?

23 MR. SARSANO: Sure.

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

1 MR. PANEQUE: Thank you.

2 MR. SARSANO: You're welcome.

3 MR. PANEQUE: Let the record reflect I've
4 been provided with the following documentation by
5 Mr. Sarsano.

6 I have an Affidavit of Publication from The
7 Jersey Journal, indicating that notice of
8 tonight's meeting, with respect to the property
9 at 1916 Kennedy Boulevard, Block 105, Lot 21, was
10 published in The Jersey Journal on June 27, 2018,
11 indicating a meeting on the evening of July 12,
12 at six p.m., at the location of 3715 Palisade
13 Avenue. The notice appears to be proper.

14 I also been provided with a certification
15 of mailing, which has been signed by Connie
16 Savino, indicating that she's a member of the
17 staff of Anthony Sarsano and that she, on June
18 27, personally delivered all certified mails to
19 the Post Office.

20 I've also been provided with the return --
21 Strike that.

22 -- with the certified mail receipts with a
23 postmark date of June 27.

24 I've also been provided with a list,
25 promulgated from the Tax Assessor's Office,

1 consisting of two pages, with a date of June 22nd,
2 of all property owners within the subject site.

3 And I've also been provided with a copy of
4 the notice that was sent out to all property
5 owners, as well as the certified green cards that
6 have come back and the envelopes that have come
7 back, either unclaimed or return to sender.

8 Based on the documentation that's been
9 provided by Mr. Sarsano, this Board has the
10 jurisdiction to hear this matter.

11 MR. SARSANO: Thank you, Mr. Paneque.

12 MS. DILLON: Just in front of the
13 microphone, Mr. Sarsano --

14 MR. SARSANO: Yes.

15 MS. DILLON: -- please.

16 Thank you.

17 MR. SARSANO: My presentation is going to
18 be through one witness, my expert witness.

19 Just an overview of the application.

20 We have an existing unit, which is not
21 being changed in any way. We want to legalize it
22 this evening.

23 And I have my architect here and I want to
24 present some additional documentation after he
25 testifies.

1 Mr. Feld, come on. Swear in.

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

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

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

8 MR. FELD: Yes.

9 MS. DILLON: If you would please state your
10 name for the record?

11 MR. FELD: Alan Feld.

12 MS. DILLON: Thank you.

13 MR. SARSANO: And you're testifying as an
14 expert?

15 MR. FELD: Yes. As an architect.

16 MR. SARSANO: Can I get a stipulation as to
17 his qualifications?

18 MR. PANEQUE: Yes. We have had Mr. Feld
19 testify before this Board.

20 Mr. Vice Chairman, I would recommend that
21 Mr. Feld be recognized as an expert in the field
22 of architect.

23 VICE CHAIRMAN BONACCI: Thank you.

24 Mr. Feld, we accept your qualifications.

25 MR. FELD: Thank you.

1 VICE CHAIRMAN BONACCI: Thanks for being
2 here.

3 MR. SARSANO: Mr. Feld, were you asked to
4 present -- to draft some drawings with respect to
5 the application that's currently before the
6 Board?

7 MR. FELD: Yes.

8 MR. SARSANO: Would you please tell the
9 Board just an overview of exactly what you did?

10 MR. FELD: Yes.

11 Basically, this is an existing building
12 that has 22 -- 22 dwelling units. We're talking
13 about legalizing the 23rd unit, which is located
14 in the basement area of the building, towards the
15 rear of the -- of the property.

16 Presently, there is an existing -- there
17 was an existing apartment there now. It has four
18 bedrooms, a kitchen and a bathroom.

19 We're before the Board to -- again, to
20 legalize this 23rd unit. And in the meantime,
21 we're going to make improvements to the apartment
22 itself by renovating the entire apartment, if --
23 if permitted.

24 MR. SARSANO: Did you make any changes, any
25 physical changes in the unit, Mr. --

1 MR. FELD: The -- the size of the apartment
2 is going to stay the same. We're just renovating
3 the bathrooms, the kitchen and adding another
4 master bathroom.

5 MR. SARSANO: And that's going to remain
6 the same?

7 MR. FELD: It would remain the same. We
8 would apply for building permits to do this
9 construction work, again, if granted.

10 MR. SARSANO: To the best of your
11 knowledge, how long has this unit been in
12 existence?

13 MR. FELD: It appeared it's been there for
14 at least 30 years. It's -- it's almost at least
15 30 years old.

16 MR. SARSANO: All right.

17 Thank you.

18 I have nothing further of this witness.

19 VICE CHAIRMAN BONACCI: I just have one
20 question for your --

21 MR. SARSANO: Okay.

22 VICE CHAIRMAN BONACCI: -- your architect.

23 Okay.

24 Your testimony is 22 units are currently
25 there.

1 MR. FELD: Correct.

2 VICE CHAIRMAN BONACCI: Legal apartments.

3 MR. FELD: Yes.

4 VICE CHAIRMAN BONACCI: The 23rd that you
5 guys are seeking to legalize would be a basement
6 apartment.

7 MR. FELD: Correct.

8 VICE CHAIRMAN BONACCI: So, 22 to 23.

9 MR. FELD: Correct.

10 VICE CHAIRMAN BONACCI: We just have a
11 little issue here, because on the application
12 that we're looking at, it says that there's 23
13 existing and that you're looking to legalize a
14 24th.

15 MR. SARSANO: Let me clarify that.

16 VICE CHAIRMAN BONACCI: Yeah.

17 MR. SARSANO: We had filed amended -- there
18 had been a mistake previously. We had filed
19 amended plans in April, which reflected 22 into
20 23.

21 I'm sure Mr. Vallejo has them.

22 VICE CHAIRMAN BONACCI: So, your testimony
23 is that that was an error?

24 MR. SARSANO: Yes.

25 VICE CHAIRMAN BONACCI: And it's been --

1 MR. SARSANO: Yeah, it's been --

2 VICE CHAIRMAN BONACCI: -- updated.

3 MR. SARSANO: It has definitely been
4 updated.

5 VICE CHAIRMAN BONACCI: We just need your
6 okay on that.

7 MR. PANEQUE: We'll wait for Mr. Vallejo.

8 Mr. Vallejo, do we have an amended
9 application?

10 THE SECRETARY: I don't have it with me at
11 this time. I -- that's what I have.

12 MR. PANEQUE: Mr. Sarsano, the notice that
13 was published, and I'll revert back to it.

14 MR. SARSANO: Um hum.

15 MR. PANEQUE: Mr. Vallejo, do you have --
16 may I see the notice or --

17 I just want to make sure that we have the
18 right --

19 MR. SARSANO: Twenty-two into 23.

20 MR. PANEQUE: The one from The Jersey
21 Journal.

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

24 MR. PANEQUE: All right.

25 For the record, the notice that was

1 published indicates that the applicant is seeking
2 to go from an existing 22 residential units to 23
3 residential units.

4 So, the notice is on par with the testimony
5 that's been given by Mr. Feld.

6 MR. SARSANO: Okay.

7 MR. PANEQUE: And just so that we have a
8 clear record, Mr. Sarsano, the application that
9 we have indicates that it's going from 23 to 24,
10 but it's -- it's your motion to amend that
11 application so that it reads 23?

12 MR. SARSANO: Twenty-two.

13 MR. PANEQUE: Twenty-two to 23.

14 MR. SARSANO: Twenty-three.

15 MR. PANEQUE: Okay.

16 MR. SARSANO: And I have -- I have some
17 additional documentation I'd like to just
18 introduce.

19 MR. PANEQUE: Yes. We'll mark those
20 exhibits, please.

21 If you would give them to our --

22 MR. SARSANO: Yes.

23 I have the DCA -- DCA document, which
24 reflects a 23.

25 MR. PANEQUE: Okay.

1 VICE CHAIRMAN BONACCI: Okay.

2 MS. DILLON: So, that's A-1.

3

4 (Whereupon, Certificate of Registration for
5 09/03/99 from DCA was received and marked as
6 Exhibit A-1.)

7

8 MS. DILLON: What is A-2?

9 MR. SARSANO: Tax Assessment document,
10 which reflects 23.

11 MS. DILLON: So, tax assessment record is
12 A-2.

13

14 (Whereupon, Tax Assessor Record was
15 received and marked as Exhibit A-2.)

16

17 MR. SARSANO: Rent Registration Roll
18 Statement, which reflects 23.

19 MS. DILLON: That will be A-3, the Rent
20 Registration.

21 Carlos, do you have a stapler for this?

22 And A-3 is three pages.

23

24 (Whereupon, Rent Registration Statement
25 Dated 7/2018, Three Pages, 23 Units, was received

1 and marked as Exhibit A-3.)

2

3 MR. PANEQUE: Okay. This is for the
4 Board's edification.

5 A-1, which is the Certificate of
6 Registration, does indicate that the number of
7 apartments is listed as 23 units.

8 I also would like to point out the fact
9 that this Certificate of Registration has a date
10 of September 3rd, 1999. So, it's 19 years old, if
11 my math is correct?

12 MR. FELD: Yeah.

13 MR. PANEQUE: Okay.

14 MR. SARSANO: Yes.

15 MS. GUTIERREZ: It's going to be 19.
16 Actually, it's going to be -- on September 3rd,
17 it's going to be 19.

18 MR. PANEQUE: It will be 19.

19 Also, the printout from the tax record
20 indicates 23 units, as Mr. Sarsano indicated.
21 And then, I also have the Rent Annual
22 Registration Statement from the Rent Leveling
23 Board. This has a date of July of 2018. And
24 it's - well I'd have to count the number of
25 units, but -- which is the basement apartment, on

1 | this Rent Registration? Do we know?

2 | MR. SARSANO: I don't know.

3 | MR. PANEQUE: Okay. Bear with me a second,
4 | then.

5 | I just did a quick count and it's -- it has
6 | 23 units listed in the Rent Registration.

7 | So, all of the documents that have been
8 | provided by Mr. Sarsano, which are listed as A-1,
9 | A-2 and A-3 for identification, do seem to
10 | indicate that 23 units is what's there in the
11 | building. And at least one of them goes as far
12 | back as 1999.

13 | Mr. Sarsano, we'll keep this --

14 | MR. SARSANO: Okay.

15 | MR. PANEQUE: -- for the file. Okay.

16 | VICE CHAIRMAN BONACCI: (Indiscernible).

17 | MR. PANEQUE: No, they - they've amended it
18 | on the record.

19 | VICE CHAIRMAN BONACCI: Okay.

20 | MR. SARSANO: That's the end of my
21 | presentation.

22 | MR. PANEQUE: Okay.

23 | VICE CHAIRMAN BONACCI: Just have a couple
24 | of quick questions.

25 | Just for clarification, for members of the

1 Board and myself, can you just give us a quick
2 list of the variances that you seek on this
3 application?

4 MR. SARSANO: I'll defer to --

5 VICE CHAIRMAN BONACCI: Okay.

6 MR. SARSANO: -- the expert.

7 MR. FELD: The variance that concerns this
8 particular unit is the occupancy going from 22 to
9 23 units. It's actually a preexisting,
10 nonconforming use, but we're increasing the
11 variance for that.

12 The building itself has variances, such as
13 side yard and rear yard and lot coverage and
14 building coverage. But, again, those are
15 preexisting, nonconforming conditions to the
16 building.

17 And the other variance would be for a
18 parking variance. Parking is required for this
19 unit and there's no additional parking being
20 provided.

21 VICE CHAIRMAN BONACCI: So, you're not
22 seeking, with this application, any additional
23 off-street parking spaces.

24 MR. SARSANO: No.

25 MR. FELD: No.

1 MR. SARSANO: No.

2 VICE CHAIRMAN BONACCI: Okay.

3 Can you just -- this, again, for the
4 architect, square footage total of the basement
5 apartment that you're seeking to legalize with
6 this --

7 MR. FELD: Yes.

8 VICE CHAIRMAN BONACCI: -- application.

9 MR. FELD: This space is 1630 square feet,
10 1,630 square feet.

11 VICE CHAIRMAN BONACCI: And that's of the
12 total apartment in the basement.

13 MR. FELD: That's the total apartment,
14 basement --

15 VICE CHAIRMAN BONACCI: Okay.

16 How about --

17 MR. FELD: -- space.

18 VICE CHAIRMAN BONACCI: -- just the
19 bedroom?

20 MR. FELD: Well, there are four bedrooms.
21 One's -- the master bedroom is 19 by 11. Bedroom
22 number two is -- is ten by 14. Bedroom number
23 three is 13 by nine and a half. And bedroom
24 number four is 11 by 11.

25 VICE CHAIRMAN BONACCI: So, it's one

1 apartment in the basement that would have four
2 bedrooms.

3 MR. FELD: Four bedrooms, two bathrooms,
4 kitchen, living room.

5 VICE CHAIRMAN BONACCI: Mr. Spatz?

6 MR. SPATZ: Yes.

7 VICE CHAIRMAN BONACCI: Just a quick
8 question for you.

9 The total square footage of the basement
10 apartment that the applicant seeks, 1,630. Does
11 that meet the requirements?

12 MR. SPATZ: It -- it does. The max -- the
13 -- our Ordinance requires 950 for a three
14 bedroom, and this far exceeds that. So, it would
15 satisfy the Ordinance, in terms of its size.

16 VICE CHAIRMAN BONACCI: Okay.

17 Thanks, Mr. Spatz.

18 Just one last question from me. Would you
19 testify that the application meets the safety
20 standards and -- you know adequate for emergency,
21 fire, police?

22 MR. FELD: Yes. And again, we'd be
23 submitting for building permits, which would have
24 to be reviewed by the Construction Office. So,
25 we would comply with any Fire Code or Building

1 Code requirements.

2 VICE CHAIRMAN BONACCI: Okay.

3 Thanks.

4 I don't have any more questions.

5 Any questions, members of the Board?

6 Are there any questions from any members of
7 the public?

8 Okay.

9 Closed to members of the public.

10 Okay, I'm going to make a motion to approve
11 this application.

12 And for the record, I just want to say that
13 it meets the current need of the neighborhood,
14 which we find beneficial, I find beneficial. And
15 it meets the safety standards for adequate
16 emergency, fire, police protection.

17 So with that, make a motion to grant the
18 application.

19 THE SECRETARY: Motion to grant the
20 application by Mr. Bonacci.

21 Second by Ms. Gutierrez.

22 Roll call on the motion to approve this
23 application.

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.

7 THE SECRETARY: Mr. Ortiz?

8 MR. ORTIZ: Yes.

9 THE SECRETARY: Five in favor.

10 Motion carries.

11 For the record, it's going from 22 to 23
12 apartments.

13 MR. PANEQUE: Yes. And just so that the
14 record is clear, Mr. Vallejo, on the -- the
15 calendar for tonight, had it going from 23 to 24.
16 So, that's been amended by Mr. Sarsano. So, the
17 application clearly is from 22 to 23.

18 THE SECRETARY: Thank you.

19 MR. SARSANO: Thank you.

20 MR. FELD: Thank you.

21 MR. PANEQUE: Thank you, --

22 MS. GUTIERREZ: You're welcome.

23 MR. PANEQUE: -- Mr. Sarsano.

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

1 MR. PANEQUE: Off the record.

2 MS. DILLON: Okay.

3

4 (Whereupon, the Board recessed from 6:53
5 p.m. to 6:54 p.m.)

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1 **720 8th Street Union City Renewal Associates, LP -**

2 **720 8th Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, 720 8th Street Union City
6 Renewal Association LP, 720 8th Street.

7 Mr. Kienz, please?

8 MR. TOMBALAKIAN: Yes. Thank you, members
9 of the Board.

10 My name is Steven Tombalakian. I work with
11 Glenn Kienz. Mr. Kienz was unavailable to attend
12 this evening and I am filling in for him.

13 I am from Weiner Law Group and we are here
14 tonight on behalf of 720 8th Street Urban Renewal
15 on a project to build a mixed use, primarily
16 residential apartment building on a property
17 that's now a surface parking lot, owned by the
18 Parking Authority of the City, that, just to give
19 some context, about three years ago, the City
20 adopted an Ordinance that encouraged
21 redevelopment of surface parking lots that were
22 owned either by, or public properties owned by
23 the City, by the Housing Authority, or the Board
24 of Education, or the Parking Authority. Sorry.

25 MS. GUTIERREZ: Hold on. Hold on.

1 MR. PANEQUE: We --

2 MS. GUTIERREZ: I can't be on this one. I
3 have to excuse myself.

4 MR. PANEQUE: No, but the Housing Authority
5 has nothing to do with this --

6 VICE CHAIRMAN BONACCI: Nothing to do with
7 this.

8 MR. PANEQUE: -- application.

9 MS. GUTIERREZ: Yeah. Housing Authority
10 has reviewed this application.

11 MR. PANEQUE: Okay.

12 MS. GUTIERREZ: Yeah.

13 MR. PANEQUE: You -- you --

14 MS. GUTIERREZ: (Indiscernible) -- the
15 parking lot.

16 MR. TOMBALAKIAN: The parking lot is owned
17 the Parking Authority.

18 MS. GUTIERREZ: Yeah. I know.

19 MR. TOMBALAKIAN: Yeah.

20 MS. GUTIERREZ: I know.

21 MR. TOMBALAKIAN: Are you on the Parking
22 Authority?

23 MS. GUTIERREZ: Um hum. Housing.

24 THE SECRETARY: She's not on the Parking
25 Authority.

1 MR. TOMBALAKIAN: Not on the --

2 MS. GUTIERREZ: On the Housing.

3 MR. TOMBALAKIAN: But the Housing is not
4 part of this. It's public property that the --
5 just let me give you some context.

6 The City entered into an RFP process,
7 encouraging developers to submit proposals to put
8 affordable housing on City owned properties. Our
9 client, RPM Development, won that process and was
10 selected to proceed.

11 So, RPM entered into a contract to purchase
12 this property from the Parking Authority, but
13 under the Ordinance, the way it works is, to --
14 to allow this Ordinance to be implemented, all
15 the parking that's public parking that's
16 provided, has to be replaced. It's going to be
17 in a parking lot, available for public use. But
18 then, on top of that, will be apartments and
19 then, there will be a small Post Office, small
20 retail.

21 So, doesn't involve the Housing. I don't
22 believe there's a conflict.

23 MS. GUTIERREZ: Because we were talking
24 about this project in Housing Authority.

25 MR. TOMBALAKIAN: Oh. Yeah, --

1 MS. GUTIERREZ: That's why --

2 MR. TOMBALAKIAN: You're not in the
3 contract and there's -- I don't believe there's
4 any intention to convey it to the Parking
5 Authority, because -- I know because the City has
6 been entertaining entering into a long term
7 P.I.L.O.T., long term tax exemption with -- so
8 the property, once it's approved, it will be --
9 the title will be transferred to a private
10 entity, which is the Urban Renewal Entity. And
11 then, it will be privately owned and operated,
12 but with the public parking component maintained.

13 MS. GUTIERREZ: The Housing Authority not
14 going to do the maintenance to that building?

15 MR. TOMBALAKIAN: Excuse me?

16 MS. GUTIERREZ: Housing Authority not going
17 to do the maintenance to that building?

18 MR. TOMBALAKIAN: Amenities?

19 MS. GUTIERREZ: The maintenance.

20 MR. PANEQUE: Maintenance.

21 MR. TOMBALAKIAN: Maintenance? No. No.

22 MS. GUTIERREZ: Are you sure?

23 MR. TOMBALAKIAN: Private. Private.

24 Positive. Positive.

25 So, I believe you're -- you're good.

1 MS. GUTIERREZ: Because I know about this
2 project.

3 MR. TOMBALAKIAN: Yeah. Good project.

4 MS. GUTIERREZ: That's why.

5 MR. TOMBALAKIAN: So, but I understand the
6 Board's busy tonight and -- and there's a lot of
7 good applications following us, so if I may
8 proceed, I would like to just give a brief
9 summary, and then introduce my -- my witnesses.

10 MR. PANEQUE: Before we do that, Mr.
11 Tombalakian, I need to take jurisdiction.

12 MR. TOMBALAKIAN: Yes.

13 MR. PANEQUE: So, you have your
14 jurisdictional --

15 MR. TOMBALAKIAN: Yes.

16 MR. PANEQUE: -- proofs?

17 MR. TOMBALAKIAN: We submitted a copy of
18 Affidavit of Proof of Service.

19 MR. PANEQUE: Okay.

20 MR. TOMBALAKIAN: And an Affidavit of
21 Publication.

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

24 MR. PANEQUE: Okay, you said you submitted
25 the Affidavit of Publication.

1 MR. TOMBALAKIAN: Yes. It was -- because
2 it came in a couple of days ago, but it was
3 submitted -- I believe there's a copy of it. The
4 Press Association, Proof of Publication is
5 usually the last exhibit in our -- in our
6 package.

7 MR. PANEQUE: Yeah. I just need to see --

8 MR. TOMBALAKIAN: That was published in The
9 Jersey Journal.

10 MR. PANEQUE: -- the actual Affidavit.

11 MR. TOMBALAKIAN: Yeah. I believe it was
12 mailed in.

13 MR. PANEQUE: Mr. Vallejo?

14 MR. TOMBALAKIAN: So, hopefully, you have
15 it.

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

18 MR. TOMBALAKIAN: Oh, I have a photocopy --

19 MR. PANEQUE: Is that it?

20 MR. TOMBALAKIAN: -- of the Affidavit.

21 MR. PANEQUE: Yeah. That will work.

22 MR. TOMBALAKIAN: Yeah. Sorry. Forgot
23 about that.

24 MR. PANEQUE: Yeah. Okay.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. PANEQUE: Let the record reflect the
3 following:

4 I've been provided by Mr. Tombalakian with
5 the following documentation:

6 I have an Affidavit of Publication and
7 service indicating that notice of tonight's
8 hearing on July 12 was served to all property
9 owners within the 200 foot radius. And it's
10 signed by Mr. Glenn Kienz.

11 I've also been provided with a list of all
12 property owners within the 200 foot radius of 720
13 8th Street, promulgated by the Tax Assessor's
14 Office, with a date of June 19, 2018.

15 I've been provided with a copy of the
16 notice that was sent to all property owners.

17 I've been provided with copies of the
18 certified mail receipts, which have a postmark
19 date of June 28, 2018.

20 And I've been provided with a copy of the
21 Affidavit of Publication from The Jersey Journal,
22 with a date of June 28th, 2018.

23 That notice indicates that notice was
24 published, giving notice of tonight's hearing for
25 July 12, with respect to the property at 720 8th

1 Street, meeting to take place at the location of
2 3715 Palisade Avenue.

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

6 Thank you, sir.

7 MR. TOMBALAKIAN: Thank you, Mr. Paneque.

8 MR. PANEQUE: You can have this one back
9 because we found the other one. Yeah.

10 MR. TOMBALAKIAN: Thank you very much.

11 Appreciate it.

12 So, tonight, our client is appearing before
13 this Board seeking preliminary and final site
14 plan approval, as well as bulk variances, and the
15 kicker is there is a D variance involved because
16 for a D-6 for height, because we're asking for a
17 six story, 68 feet, when only 66 would be a C
18 variance. So, therefore, the application is
19 perfect before the -- the Zoning Board.

20 Tonight, we're going to try to make our
21 application as comprehensive, but as brief as
22 possible, given the time constraints.

23 We have four potential witnesses, but three
24 anticipated witnesses.

25 We have the applicant's representative,

1 Michael Hong. We have Jak Inglese, the architect
2 who designed the project. We have, potentially,
3 a traffic engineer. I have Matthew Seckler here,
4 who's available to provide proofs on the parking
5 variance that we're seeking.

6 If the Board is not interested in hearing
7 that -- well, he's available if the Board is
8 interested.

9 And last but not least, John McDonough, our
10 planner, to wrap it all up, give the planning
11 rationales for the approvals that we're seeking.

12 So, without further ado, I'd like to call
13 my first witness, Michael Hong, from RFP
14 Development.

15 MS. DILLON: Hi. Do you have a business
16 card?

17 MR. HONG: Yes, I do.

18 MS. DILLON: Thank you.

19 This can go into a pocket.

20 Please raise your right hand.

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

23 MR. HONG: Yes, I affirm.

24 MS. DILLON: You have to keep your voice
25 up.

1 MR. HONG: I affirm.

2 MS. DILLON: And please state your name and
3 spell it for the record.

4 MR. HONG: I'm Michael Hong, M-I-C-H-A-E-L,
5 and last name Hong, H-O-N-G.

6 MS. DILLON: Thank you.

7 MR. TOMBALAKIAN: Mr. Hong, for the Board's
8 edification, can you please describe who you are,
9 the -- the company you work for, describe the
10 project, how the company came into this project,
11 and what the company wants to do with this
12 project.

13 MR. HONG: Hi. Good evening.

14 My name is Michael Hong, as he mentioned.

15 I'm here to represent RPM Development and
16 this Union City senior project.

17 Just an overview of who we are. We've been
18 in the affordable housing development business
19 for the past 30 years. We were founded in 1986.
20 And one of the sole remaining founders is still
21 with us today, Ed Martoglio, and he has a
22 personal hand in all the projects that come
23 through our pipeline.

24 Affordable housing is our bread and butter.
25 This is what we believe in, and is a core part of

1 | our mission.

2 | And we -- what makes us a little bit more
3 | unique than other developers is that we have a
4 | hand in every step -- step of the process,
5 | because we have development, construction,
6 | property management, leasing, in-house legal, in-
7 | house accounting all under one roof.

8 | And so, unlike other developers that might
9 | hand it off after they're done building it, we
10 | are not that. We are long term owners and we
11 | work hard with development, with government
12 | officials, partners, across local, state and
13 | federal levels. And we have a strong network of
14 | funding sources, whether it's public or private.

15 | And so, we have a strong network of
16 | resources that we bring together to make these
17 | projects happen.

18 | And so, what brings us here today about the
19 | project, this came -- came to fruition through an
20 | RFP, as was mentioned. And we were of three
21 | finalists. We work with -- we were ultimately
22 | selected and we work with Inglese, that will be
23 | presenting the concept shortly. We work with him
24 | to come up with a vision that really matched the
25 | vision of the Mayor and his office, which was to

1 develop a hundred units of senior affordable
2 housing on this lot.

3 And when we saw the RFP, it was something
4 that we were really excited about, to be able to
5 take a public parking slot -- parking space and
6 not only replace all the spots, but also add a
7 new retail space for the Postal Service, add
8 another retail space for a future business, and
9 also build affordable housing above for senior
10 residents was something that we were real excited
11 about.

12 So, we worked closely, once we were
13 selected, with the Mayor's Office to take their
14 vision and put it together, put pen to paper, and
15 develop the concept that we have today.

16 So, it's a product of collaboration and our
17 relationship with Inglese goes back decades. I
18 believe that all of the projects that are award
19 winning within our communities, they've been a
20 part of.

21 So, we have a really strong working
22 relationship and it speaks to the talent that
23 they have at their company. And so, real excited
24 to be here with him today to present this.

25 MR. TOMBALAKIAN: Very good.

1 Thank you.

2 I have no further questions for Mr. Hong.

3 VICE CHAIRMAN BONACCI: Thank you, Mr.

4 Hong.

5 MR. PRICE: Mr. Hong, don't walk.

6 MR. HONG: Okay. Oh, sorry.

7 MR. TOMBALAKIAN: You're wired.

8 MS. DILLON: Well, wait, wait, wait.

9 MR. TOMBALAKIAN: You're wearing a wire.

10 MS. DILLON: Let's see if they have --

11 MR. TOMBALAKIAN: Oh.

12 MR. HONG: Oh, sorry.

13 MS. DILLON: -- questions first.

14 VICE CHAIRMAN BONACCI: I don't know if
15 this is okay with you guys, but I was thinking,
16 we'll hear all the testimony, and then ask the
17 questions once everybody finishes.

18 MS. GUTIERREZ: Um hum.

19 MR. GRULLON: Yes.

20 VICE CHAIRMAN BONACCI: So, we'll save the
21 questions until you get all your witnesses --

22 MR. TOMBALAKIAN: Thank you, sir.

23 VICE CHAIRMAN BONACCI: -- to testify.

24 MR. TOMBALAKIAN: Sorry.

25 Hand that over to Jak.

1 MS. DILLON: How are you?

2 MR. INGLESE: Hi.

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

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. INGLESE: I do.

9 MS. DILLON: If you would please state your
10 name and spell it for the record?

11 MR. INGLESE: My name is John, J-O-H-N,
12 last name is Inglese, I-N-G-L-E-S-E. Most people
13 call me Jak.

14 MS. DILLON: Thank you.

15 MR. TOMBALAKIAN: Okay.

16 Jak, the -- the Board may not recall, but
17 Mr. Inglese has been qualified as an expert
18 before the Board, but it was many years ago.

19 If the Board would like to hear a statement
20 of his qualifications, he'd be happy to provide
21 that.

22 VICE CHAIRMAN BONACCI: Let's just do it,
23 just to get it on the record.

24 MR. TOMBALAKIAN: Okay.

25 Jak, can you give the Board an overview --

1 MR. INGLESE: Certainly.

2 MR. TOMBALAKIAN: -- of your expertise,
3 because we're going to ask that you be qualified.

4 MR. INGLESE: Certainly.

5 I have a bachelor of architecture degree
6 from the New Jersey Institute of Technology. I
7 have a bachelor of science in civil engineering
8 from the same institution, and a master of
9 science in structural engineering from the same
10 institution.

11 I've been a registered architect in the
12 State of New Jersey since 1983, and a licensed
13 professional engineer in the State of New Jersey
14 since 1984.

15 I've been in private practice since 1988
16 and that was actually the same -- that was the
17 first year we started doing affordable housing.
18 So, we've been doing affordable housing. We're
19 now a firm of 27 people, with full service
20 architecture and engineering, and our -- our
21 bread and butter, really, is multi-family and
22 mixed use residential and primarily affordable.

23 MR. TOMBALAKIAN: Great.

24 And have you been qualified as an expert in
25 both engineering and architecture before a

1 | variety of boards throughout the State of New
2 | Jersey?

3 | MR. INGLESE: Probably in excess of 75
4 | towns in the State of New Jersey.

5 | MR. TOMBALAKIAN: And your license is
6 | currently in good standing?

7 | MR. INGLESE: Yes.

8 | MR. TOMBALAKIAN: Okay. I would ask that
9 | he be qualified.

10 | VICE CHAIRMAN BONACCI: Thank you.

11 | MR. TOMBALAKIAN: Thank you.

12 | VICE CHAIRMAN BONACCI: We accept your
13 | qualifications. Mr. --

14 | MR. INGLESE: Thank you.

15 | VICE CHAIRMAN BONACCI: -- Inglese, sir?
16 | Right?

17 | MR. INGLESE: Close enough.

18 | VICE CHAIRMAN BONACCI: Okay.

19 | MR. TOMBALAKIAN: Okay.

20 | Jak, you heard Mr. Hong give you the
21 | glowing praise, so you designed a beautiful
22 | project. Why don't you work through, show the
23 | Board exactly what you designed, talk about the
24 | site --

25 | MR. INGLESE: Sure.

1 MR. TOMBALAKIAN: -- constraints, talk
2 about -- Mr. McDonough is going to be really
3 getting into the variances --

4 MR. INGLESE: Um hum.

5 MR. TOMBALAKIAN: -- but if you want to
6 highlight the height issue and the entrances,
7 that would be great.

8 And also, if you have any exhibits that
9 haven't been submitted to the Board, we'd like to
10 mark those.

11 MR. INGLESE: Okay. I think we do have
12 one, and that's that colored elevation board you
13 see here.

14 So, you want to mark -- want me to mark
15 this one?

16 MR. TOMBALAKIAN: You can mark it as
17 Exhibit A-1.

18 MR. INGLESE: A-1?

19 MR. PANEQUE: A-1.

20 MR. INGLESE: Okay.

21 MR. TOMBALAKIAN: With today's date,
22 please, which is July 12.

23

24 (Whereupon, Colored Elevation was received
25 and marked as Exhibit A-1.)

1

2 MR. TOMBALAKIAN: And just for purposes of
3 the record, can you describe what Exhibit A-1 is?

4 MR. INGLESE: Exhibit A-1 is a blown up
5 version of the 8th Street and 10th Street
6 elevations of the building, with color added to
7 the -- to the basic drawing, to give you a sense
8 of materials.

9 The only other exhibits that I'm going to
10 be referring to is a copy of the set of -- of
11 drawings that were the submitted set of drawings.

12 MR. TOMBALAKIAN: Okay.

13 And what is the -- the last revision date
14 on those, so at least the Board has --

15 MR. INGLESE: The last --

16 MR. TOMBALAKIAN: -- a good record?

17 MR. INGLESE: -- revision date on these was
18 June 11th, 2018.

19 MR. TOMBALAKIAN: Thank you.

20 MR. INGLESE: So, the -- the site we're
21 talking about here is an existing single tax lot
22 that extends from 8th Street through to 10th
23 Street, in the -- what I'll call the super block
24 between Summit Avenue, Central, 8th and 10th
25 Street. It's a -- right now, it's a public

1 surface parking lot, mainly behind the commercial
2 stores on the Summit Avenue commercial strip,
3 owned by the Parking Authority. As Michael
4 described before, we were -- we were -- we came
5 in as submitters to an RFP, from the Parking
6 Authority, to develop this property as a mixed
7 use development that, essentially, replaced the
8 existing surface parking that's there now, inside
9 a parking structure, with affordable dwelling
10 units above.

11 It's a -- it's a highly irregular piece of
12 property. It's not small. It's 29,000 plus
13 square feet piece of property. It's 381 feet
14 long, because it goes from 8th Street to 10th
15 Street. It -- it has a -- one of the variances
16 on our list is actually lot width, because at its
17 narrowest, it's 73.5 feet wide, where a hundred
18 feet would be normally the minimum lot width for
19 this kind of mixed use.

20 It's in the P zone, which as I think was
21 discussed -- discussed a little bit before, is
22 relatively recent and it's public property and it
23 really sort of describes, when you look on the --
24 on the zoning map, it kind of describes most of
25 the public parking lots in this area. But that

1 zone permits further development of those public
2 parcels into mixed use developments for
3 affordable housing.

4 So, as a -- as a use, we're a permitted use
5 and what we were tasked with doing was designing
6 a building that stretched from one block to the
7 other, delivered the hundred units of affordable
8 housing that they were looking for.

9 The proposal we have before you tonight is
10 actually for 101 units, because there's a two
11 bedroom super's unit that's included in the
12 building as well, and two levels of parking.

13 What you see on --

14 Excuse me.

15 -- what you see on 8th Street is six
16 stories. There's a driveway entrance in the
17 center of the -- of the building. On the left is
18 a small retail space, 700 square feet. On the
19 right is twelve hundred and -- 1272 square foot
20 commercial space that is intended to be the
21 replacement space for the small Post -- Satellite
22 Post Office that's there right now. There is a
23 single story Post Office right where this new
24 retail space is designed to be. And they will be
25 reoccupying that, if this is approved.

1 There's a driveway, in and out entrance on
2 this side. As I'll show you in the plans in a --
3 in a few minutes, there's two entrances to a
4 garage. One on 8th Street goes to the lower level
5 -- the lower level of the garage, and the
6 entrance on 10th Street goes to the upper level of
7 the garage. And that's because this property is
8 so long that it's, essentially, a ten foot
9 elevation difference between 8th and 10th Street.

10 So, if you come in on 8th Street, you're a
11 full story below where you would be if you came
12 in on -- on 10th Street.

13 So, we've done that in order to maximize
14 the parking, not have to eat up a lot of space
15 with ramps, in a traditional parking deck, in a
16 narrow site.

17 And then, above, you have office space.
18 There's a management office. There's a
19 management office and a super's unit above the
20 entrance on -- on 8th Street.

21 Above the entrance on 10th Street is, for
22 the whole width of the building, it's one of the
23 -- one of the community spaces. There's a
24 community room here. And then, it's residential
25 units above.

1 The building's been designed with a brick
2 base and these brick vertical elements, which are
3 stairs and elevator shafts. And then, the upper
4 portion of the building is a mix of siding
5 materials, again to sort of break up the -- the
6 mass of the building and the length of the
7 building.

8 I'm going to go to the site plan for a
9 second here. I'm going to go right to the floor
10 plans, actually.

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

13 MR. INGLESE: I'm really just going to
14 start with the -- the first floor plan.

15 Excuse me.

16 First floor plan, which has the entrance on
17 8th Street, retail space. There's a residential
18 -- a smaller residential entrance here to an
19 elevator core. And then, the Post Office space.
20 It's essentially a double row of -- of parking
21 spaces throughout this parking level, another
22 elevator core at the other end and stair.

23 So, this level of parking is a hundred
24 percent public parking. So, this door is open
25 all day long. There's a pedestrian path in here.

1 And this is -- the bulk of the replacement spaces
2 for the surface parking.

3 So, this does essentially what the parking
4 lot did before, with the exception of the -- the
5 additional retail space and some of these core
6 elements that gets you up above.

7 Above this, the second level of parking
8 comes in at 10th Street. There are -- at this
9 level, there are six spaces right off the
10 entrance that are public parking. And we needed
11 to do that in order to exactly match the 71
12 spaces that were here before. So, we get 67
13 spaces in the lower level. We get -- no. Did
14 that wrong. Sixty-five spaces, and then six
15 spaces up here to match the public parking.

16 At the end of the public parking, there is
17 a controlled overhead gate for the residential
18 parking. So, you go through this gate here, if
19 you're a resident, and inside here, there are 56
20 parking spaces solely for residents of the age
21 restricted, income restricted units above.

22 They have a pedestrian entrance off the
23 10th Street side, so there's a residential lobby
24 here that's separate, has its own separate stair
25 to above and its own elevator, mailroom, package

1 room, and then access from their garage into the
2 lobby.

3 There's also an elevator lobby at the other
4 end, because while that number of -- of units
5 could probably work with one elevator, it's a
6 long building. So, when you get up above, you
7 would be -- if you're parking in the garage,
8 you're going to go to the residential lobby and
9 the elevator that's closest to your unit, so that
10 you don't have to walk as far when you go into
11 the units above.

12 Oh, I forgot to mention.

13 At the second floor, at this end, was the
14 super's unit and the management office.

15 Now, when you get to the third floor, it's
16 essentially units on either side of a corridor.
17 The bulk of the units here are single bedroom.
18 There are a total of 90 -- I had this -- I did
19 have it -- 96 one bedrooms and five two bedrooms.
20 One of those is a super's unit.

21 On the third floor, the north end of the --
22 of the building has the community room, right off
23 the elevator lobby.

24 At the south end, this corner space here is
25 designed to be a wellness center for the seniors.

1 Excuse me.

2 There's a center trash chute and a central
3 laundry room on each floor, so they're -- instead
4 of having one communal laundry room in the
5 ground, there's a common laundry room at each one
6 of the floors, so you're not having to take your
7 laundry up and down in the elevator.

8 On the fourth floor, it's all units, with
9 the exception of a carve out at the south side
10 where there's -- there's a small outdoor roof
11 terrace for sitting.

12 Then, when you get to the fifth floor, it's
13 all units in the same configuration. And at the
14 sixth floor, it's all units, same configuration,
15 except one more carve out of a corner for a roof
16 terrace. So, there's two outdoor roof terraces
17 on the third floor and on the -- and on the sixth
18 floor.

19 Just a quick rundown of -- of our
20 variances. I noted before that the property is
21 73.5 feet wide in one spot, which is below the
22 hundred feet that's required for this -- this
23 use.

24 There's a front yard requirement of -- of
25 ten feet or prevailing. This -- this building is

1 designed with a -- a zero foot front yard
2 setback, which matches the prevailing setback on
3 8th Street. It matches our existing neighbor to -
4 - no, it -- it doesn't match our neighbors
5 exactly on 10th Street. So, there's a variance
6 for front yard setback on 10th Street.

7 And then, side yard setback, the
8 requirements are five foot on one side, 15 feet
9 on both. Essentially, we've got a five foot
10 setback, except there are a couple of places,
11 because of the angle of the property lines where
12 it goes down to 4.41. So, we have a variance for
13 the one side yard setback and we also have a
14 variance for the total, because the total -- the
15 smallest total is 8.89 feet, where 15 feet would
16 be required.

17 We mentioned the height before. What we
18 have really is a six story building that's 68
19 feet high. The Ordinance permits -- permits mid-
20 rise buildings, which the Ordinance definition
21 describes as up to six stories, but the
22 particular height requirement in this zone was
23 five stories.

24 So, we're a story higher and eight feet
25 taller on -- on the 8th Street side. You don't

1 get that on the 10th Street side because of the
2 topography. One of the stories is actually
3 completely out of the ground on 8th Street, the
4 garage, where it's completely below the ground on
5 10th Street. So -- but that's our other variance,
6 is height, and because that's more than ten
7 percent, that is a D variance. And John will go
8 into that in more detail.

9 As far as parking, where our -- our goal
10 here was to clearly provide enough public
11 parking, delineated public parking to replace the
12 71 spaces. That was one of the -- that was one
13 of the basic requirements of the RFP was to
14 replace the public parking. That leaves us with
15 the ability to provide 56 spaces for 101
16 affordable units. So, a little bit more than a
17 ratio of half a space to one.

18 For an urban, low income, senior project,
19 that's a very doable number. We've done -- for
20 this client alone, we've done eight senior
21 buildings and our ratios tend to be anywhere from
22 a third to a half a space per unit on senior
23 projects. And even in some of the suburban
24 projects, at a half a space per unit, the parking
25 lots work and -- and they're not -- and they're

1 not fighting for spaces, so --

2 And I think --

3 MR. TOMBALAKIAN: Do you have anything
4 else?

5 MR. INGLESE: -- that's it.

6 MR. TOMBALAKIAN: All right.

7 If the Board doesn't have any questions for
8 Mr. Inglese, I'd like to call my next witness.

9 VICE CHAIRMAN BONACCI: We're going to save
10 the questions --

11 MR. TOMBALAKIAN: Very good.

12 MR. INGLESE: Yeah.

13 VICE CHAIRMAN BONACCI: -- after all the
14 testimony.

15 MR. INGLESE: I want to add -- I want to
16 add.

17 MR. TOMBALAKIAN: Oh, one last thing.
18 Yeah, go ahead.

19 MR. INGLESE: I can't -- I can't help but
20 add, the -- the RFP requirements were one thing.
21 My client's requirements are -- are another.

22 This building will be participating in the
23 LEED certification process. Every one of their
24 buildings aims to be platinum and we've hit that
25 almost consistently, the last five years, on

1 every multi-family building. I think we have one
2 that's hovering at gold, but that's their own
3 internal goal.

4 And it will -- it will clearly be an Energy
5 Star building. All of our units are designed
6 with hardwood floors, central -- not central,
7 individual heating and cooling systems. We use
8 high efficiency gas furnaces and -- so every --
9 every individual apartment has their own ducted
10 air conditioning system and heating system.

11 And we like to think that our affordable
12 units show as well, and sometimes better, than
13 market rate units in the same area.

14 MR. TOMBALAKIAN: Very good.

15 Thank you, Mr. Inglese.

16 MR. INGLESE: Okay.

17 MS. DILLON: Let me take the microphone.

18 (Whereupon, David Spatz left the meeting.)

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

21 MS. DILLON: Mr. McDonough, please raise
22 your right hand.

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

25 MR. McDONOUGH: Yes, I do.

1 MS. DILLON: Please state your name for the
2 record.

3 MR. McDONOUGH: Sure.

4 Hello, everyone.

5 My name is John McDonough. That's spelled
6 M-C capital D-O-N-O-U-G-H.

7 MS. DILLON: Thank you.

8 MR. McDONOUGH: Thank you.

9 MR. TOMBALAKIAN: Mr. McDonough's a
10 professional planner. He's testified before this
11 Board countless times.

12 If the Board wants to hear his
13 qualifications, but we'd ask that he be qualified
14 as an expert in professional planning.

15 VICE CHAIRMAN BONACCI: Mr. McDonough, we
16 accept your qualifications.

17 You've testified before this Board before.
18 Right?

19 MR. McDONOUGH: Yes.

20 And I am licensed as a planner, New Jersey,
21 current, in good standing.

22 MR. TOMBALAKIAN: Thank you very much.

23 VICE CHAIRMAN BONACCI: No problem.

24 MR. TOMBALAKIAN: All right.

25 John, you heard the witnesses that

1 proceeded you. You've been working on this
2 project pretty much since the beginning, so why
3 don't you give an explanation as to the reliefs
4 that the applicant is seeking and justifications
5 for the few variances that we're asking for.

6 MR. McDONOUGH: Sure.

7 This is a -- a very, very straightforward
8 application before the Board. Very
9 straightforward planning analysis. I think we
10 know if we boil our typical planning analysis
11 down to its simplest form, we're looking at a
12 balancing of the pros on one side, and the cons
13 on the other.

14 For this particular application, the pros
15 are as high as it gets. We're dealing with an
16 inherently beneficial use on the positive side.
17 The provision of affordable housing, as you've
18 heard, is a paramount public interest.

19 The provision of senior housing is also a
20 paramount public interest. That goes right
21 towards the Municipal Land Use Law. Purpose L is
22 a specific purpose that actually talks to the
23 provision of senior housing. That's exactly what
24 the applicant is doing here.

25 So, we have a nice, I'll say, one-two

1 punch, in terms of the positive criteria.

2 And of course, in terms of the thousands of
3 land use categories that we have, an inherently
4 beneficial use is a -- is a top tier land use.
5 Churches, schools, hospitals, affordable housing
6 are -- are the highest order of land use
7 categories that we have.

8 So, we start, right off the bat, with
9 extreme weight on the positive side. We
10 counterbalance that with the weight on the
11 negative side.

12 Now, neighborhood compatibility is always a
13 key part of the planning analysis with respect to
14 the negative criteria. And that goes towards
15 what we've put forth for you with respect to
16 Exhibit -- was it A-2?

17 MR. TOMBALAKIAN: A-2.

18

19 (Whereupon, Planning Exhibit, (5 pages),
20 was received and marked as Exhibit A-2.)

21

22 MR. McDONOUGH: Okay. So --

23 MR. TOMBALAKIAN: And could you describe
24 what A-2 is?

25 MR. McDONOUGH: A-2, for the record, is

1 going to be a four or five page exhibit. Takes
2 you through a couple of planning layers to show
3 the site in the surrounding context.

4 On the first page of A-2, we see the
5 subject property. As you just heard through
6 Jak's testimony, we're dealing with a single lot
7 here. Somewhat of a unique lot in the community.
8 It is a large lot. It is much larger than the
9 lots that are around it. It's a quarter acre in
10 size. It's a through lot, so we have the
11 advantage here of excellent accessibility to the
12 site, both from 8th Street and from 10th Street.

13 Generally rectangular in shape, and then,
14 if we flip over to the second page, you can see
15 that this is a parcel that is entirely built out.
16 It is a hundred percent covered over. It is an
17 open air, surface parking lot. And one of the
18 positives about this application is we are taking
19 that active, open air land use and enclosing it.
20 We're capsulating it and that's what Jak's firm
21 has done so well, taking this active land use,
22 what is now an external land use, and
23 internalizing it within the building. And that
24 lessens or mitigates the neighborhood impact.

25 The applicant does need relief for setbacks

1 on all four sides. But again, as you can see
2 here, the property is developed, again, with an
3 open air parking lot on all sides. So, again, we
4 see a planning benefit, in terms of enclosing
5 that land use.

6 This is a public parking lot. The
7 applicant is proposing to maintain this site for
8 public parking as well. That's built into the
9 equation.

10 So, the applicant is not only providing for
11 public parking, but it is also meeting the actual
12 demand, and we'll go through that parking
13 analysis as we go through the other variance
14 relief that the applicant needs.

15 But relief needed for coverage that exceeds
16 the Ordinance maximum and setbacks on all four
17 sides being justifiable as either an improvement
18 or a continuation over the existing condition, as
19 you can see in page number two.

20 Page number three, looking at the
21 surrounding land use context, we've put in some
22 color coding here to help the Board understand
23 what's happening.

24 I think we can clearly see, this is a
25 transition from what we're showing as red land

1 | uses, which are commercial land uses, and then
2 | transitioning to residential uses, or the orange
3 | color coding that you see.

4 | This site is right at the junction there.
5 | And what's nice about that is we're providing for
6 | mixed use. It's a blend of the land uses that
7 | are around it. We've got some commercial
8 | component. We've got some residential component,
9 | as well.

10 | And, of course, this is a site that has a
11 | public amenity on it, as well, in the form of a
12 | post office, which is going to be preserved as --
13 | as part of the application before you.

14 | Fourth page just shows your zoning. We are
15 | here in a unique zone that pertains only to this
16 | particular piece of property. This is the P,
17 | public zone. Again, the applicant is maintaining
18 | the public parking here. But this is also a zone
19 | that specifically allows for the land use that's
20 | before you.

21 | And interestingly, not only do we look at
22 | purposes of zoning under the Land Use Law that
23 | are advanced, we look at the goals of the Master
24 | Plan that are also advanced.

25 | Your Master Plan specifically calls out

1 | this site for affordable senior housing for
2 | approximately a hundred units, which is exactly
3 | what the applicant is doing here. So, from a
4 | planning standpoint, it's rare that we actually
5 | see a master plan that specifically talks to a
6 | land use that -- that the applicant is doing.

7 | So, no use variance relief needed here.
8 | There are those bulk variances that I spoke
9 | about. And then, as you heard through -- through
10 | Jak and through counsel, we need a variance to
11 | exceed the height by two feet, that would trip us
12 | into a D variance. So, two feet above the
13 | maximum allowance for a D variance.

14 | That only pertains to the 8th Street side.
15 | We're conforming on the 10th Street side, where we
16 | do have some other mid-rise buildings, as well.
17 | It's only on the 8th Street side, and the
18 | applicant has provided a step back. So, from the
19 | street, that additional height will not be
20 | perceivable, because there is a terrace. The
21 | building will appear as a five story building,
22 | not a six story building, when we look at the
23 | site from 8th Street.

24 | So, we think the applicant has mitigated
25 | the impact of that additional two feet of height

1 | that would trip the D variance.

2 | Then, finally, on the last page, we just
3 | try to provide some sample representative photos
4 | of the physical condition of the parking lot, the
5 | condition of the property and the surrounding
6 | land use context, as well.

7 | Importantly, the provision of public
8 | parking is going to be maintained here. The Post
9 | Office use will be maintained and we're looking
10 | at a structure that's going to be compatible with
11 | this surrounding land use context.

12 | In terms of the variance test and the
13 | relief that the applicant needs, we think your --
14 | your planner, Mr. Spatz, has laid out a good
15 | framework or -- or roadmap for the Board here to
16 | follow along, in terms of the relief that the
17 | applicant needs.

18 | There's actually 13 specific findings in
19 | Mr. Spatz's June 29th report. And we'll just pop
20 | through all -- all 13 of those.

21 | Number one.

22 | The age restricted, mid-rise, multi-family
23 | building is a permitted use in the P zone. So,
24 | we're not here for a use variance.

25 | Number two.

1 The lot area conforms to the minimum lot
2 size requirement.

3 Number three.

4 The lot width is deficient, but that's an
5 existing condition and there's no additional land
6 available around the subject property to cure
7 that deficiency.

8 Number four.

9 The lot depth conforms.

10 Number five.

11 The front yard setback, as you heard
12 through Jak's testimony, is required to be ten
13 feet. The applicant is proposing zero feet, but
14 that continues that which is there now and
15 maintains overall flexible C balancing, whereby
16 the benefits of the application as a whole
17 outweigh the detriments.

18 Likewise, number six.

19 A minimum rear yard of 25 feet is required.
20 We have a property that really doesn't have a
21 rear yard. It's a rectangular piece of property.
22 We have two fronts and two sides, so we see that
23 as a practical difficulty in terms of meeting
24 that standard.

25 Number seven.

1 We talked about the justification for the
2 side yard deviations and the fact that we are
3 built out now to the sides, and improving the
4 condition by enclosing that which is presently
5 there.

6 Likewise, number eight.

7 The same thing. The overall building
8 coverage is increasing above the Ordinance
9 maximum.

10 But in number nine, the overall impervious
11 coverage on the property is actually decreasing.
12 So, the applicant is making the site greener than
13 it presently is.

14 Number ten.

15 The variance related to the 68 feet of
16 height, whereas 60 feet is the maximum allowed.
17 This is justifiable under the Grasso standard.
18 And that's the case which says, look at the
19 purposes of height control.

20 Here, we see no blocking of scenic views,
21 no casting of negative shadow effects on
22 surrounding properties, not giving one particular
23 property an unfair height advantage over the
24 other properties.

25 And again, the mitigation, by stepping back

1 that top level of the building so that it will
2 appear as a -- as a five story building.

3 Number 11 just talks about the conformance,
4 in terms of the overall unit sizes, meeting both
5 the requirements for the one and for the two
6 family units. I'm sorry. The one and the two
7 bedroom units.

8 That will also go towards the justification
9 of the parking relief that the applicant needs.
10 These are going to be predominantly one bedroom
11 units. I think 96 or 97 or so of the units are
12 one bedrooms. Only five are two bedrooms.

13 Twelve talks about the relief needed from
14 the Residential Site Improvement Standards. And
15 as you heard through Jak's testimony, the actual
16 supply is going to meet the actual demand here.
17 Taking the public parking, and not even counting
18 that at all, and counting the parking supply that
19 is specifically allocated for the use that's
20 before you, we're looking at a ratio of
21 approximately 0.5 spaces per unit, which is right
22 on point with what we would see for this land
23 use.

24 That's in the range of what ITE, the
25 Institute of Transportation Engineer recommends

1 | for this land use category. I can tell you, when
2 | I write ordinances for this land use, 0.5 is --
3 | is the mark that we hit. And that is probably
4 | conservative, because we do see some ordinances
5 | that go down to 0.3.

6 | So, we see the justification there, under
7 | efficient use of land. We think more parking
8 | would be wasteful.

9 | And then, finally, number 13.

10 | The applicant was required to replace the
11 | 71 spaces on the site that were available for the
12 | public. And the applicant has done that, so we
13 | conform in that regard.

14 | All said, this is an extremely positive
15 | application. Very little weight on the negative
16 | side. The applicant has certainly mitigated
17 | those adverse impacts.

18 | And I would offer that, from a planning
19 | standpoint, approval is warranted here.

20 | MR. TOMBALAKIAN: Thank you, John.

21 | Mr. Chairman, as I noted, that we have
22 | Matthew Seckler here. He's a qualified traffic
23 | engineer, who can provide all the statistics and
24 | data, if the Board wants to hear that about the
25 | justification for the reduced amount of parking

1 for the affordable senior units, but that's only
2 if there's questions on that issue. We --

3 VICE CHAIRMAN BONACCI: You know what? I
4 think that -- yeah. I think that that's
5 important --

6 MR. TOMBALAKIAN: Okay.

7 VICE CHAIRMAN BONACCI: -- that we hear
8 that testimony, too.

9 MR. TOMBALAKIAN: Okay.

10 Thank you, John.

11 Wire him up.

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

14 MS. DILLON: Please raise your right hand.

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

17 MR. SECKLER: Yes, I do.

18 MS. DILLON: Please state your name and
19 spell it for the record.

20 MR. SECKLER: My name is Matthew Seckler.
21 That is S-E-C-K-L-E-R. I'm a principal with
22 Stonefield Engineering Design.

23 MS. DILLON: Thank you.

24 MR. TOMBALAKIAN: Matthew, could you give
25 the Board the benefit of -- or overview of your

1 | qualifications in professional engineering and
2 | traffic testimony?

3 | MR. SECKLER: Sure.

4 | I have a bachelor of science in civil
5 | engineering from Union College in Schenectady,
6 | New York. Masters in city and regional planning
7 | from Rutgers University. I'm a licensed
8 | professional engineer in the State of New Jersey
9 | and recognized professional traffic operations
10 | engineer, Institute of Transportation Engineers,
11 | been accepted as an expert in the field of
12 | traffic engineering in front of over 80 boards in
13 | the State of New Jersey.

14 | VICE CHAIRMAN BONACCI: Mr. Seckler, we
15 | accept your qualifications.

16 | Thank you.

17 | MR. SECKLER: Thank you.

18 | VICE CHAIRMAN BONACCI: Thank you.

19 | MR. TOMBALAKIAN: Thank you.

20 | All right. Mr. Seckler, you heard all the
21 | testimony this evening. You heard Jak and -- and
22 | John McDonough kind of explain the rationales for
23 | the parking.

24 | But you've taken a good look at the traffic
25 | and the parking issues related to this site. And

1 | so, you've studied it and you're -- please give
2 | the Board a benefit of what you've learned and
3 | why you believe that the parking that's being
4 | proposed for the apartments is -- is
5 | satisfactory.

6 | MR. SECKLER: Absolutely. And as we've
7 | heard from the number of witnesses before me, a
8 | portion of the trip generation or the parking
9 | generation from this site is what exists today.
10 | We're just replacing it in-kind.

11 | So, whatever the public spaces generate in
12 | terms of being used by those shoppers, they're
13 | using a retail corridor on Summit, using the Post
14 | Office; all that will be unchanged with this
15 | development here.

16 | What we are adding is those affordable
17 | senior housing units. And when you look at the
18 | trip generation rates of residential buildings,
19 | when you combine senior units with -- with
20 | affordable units, you basically bring down the
21 | car ownership levels to basically the minimum
22 | that you could have.

23 | Add in the fact this is obviously an urban
24 | environment, with mass transportation, a retail
25 | corridor nearby, it again decreases the need for

1 parking and -- and trips being generated via --
2 via vehicles, because of this unique location.

3 I also liken to look at the RSIS standards,
4 which is what your Ordinance bases your parking
5 standards on. And in Section 4.14C, it basically
6 spells out the reasons why boards can relax their
7 standards.

8 And some of the reasons are household
9 characteristics, which I think we meet here.
10 This being affordable and senior. These are the
11 people least likely to own vehicles and to own
12 multiple vehicles. These are not large families,
13 where you're going to have two or three cars in a
14 household.

15 The availability of mass transit.

16 Obviously, we have bus service all around
17 here, besides other jitney service that is in the
18 area. And then, the urban/suburban context. I
19 would definitely state, when you look at the
20 statewide standards, Union City would be on the
21 urban scale, in terms of the rest of New Jersey.

22 And these, again, are standard parking
23 rates that you guys have adopted here that really
24 apply to residential buildings all throughout New
25 Jersey. And I think that this is obviously

1 unique, when you compare this to residential
2 development in Somerset County or even Warren
3 County, which would be required to have the same
4 parking rates that your Ordinance requires.

5 The Institute of Transportation Engineers
6 also publishes journals and -- and reference
7 manuals related to parking standards, or parking
8 demand for senior housing. And what they found
9 is typically they range anywhere between .21
10 parking spaces per unit, to .58. The lower
11 numbers being more the urban sites. The .58
12 being those suburban sites. So, I think again,
13 looking at this site here, where we're about, I
14 think, .55 per unit in clearly an urban
15 environment, I think we could justify the parking
16 variance that we're seeking here tonight.

17 MR. TOMBALAKIAN: Thank you.

18 Thank you, Mr. Seckler.

19 I have no further witnesses and I don't
20 believe there's any further testimony. So, if
21 the Board has questions or the public.

22 VICE CHAIRMAN BONACCI: Okay.

23 Thank you.

24 I think my first question would be for Mr.
25 Hong.

1 MR. TOMBALAKIAN: Okay. Michael?

2 MS. DILLON: You can give that back.

3 MR. TOMBALAKIAN: I think if all the
4 witnesses --

5 MS. DILLON: Just --

6 MR. TOMBALAKIAN: -- come up, so that the
7 Board can ask questions of -- of everybody.

8 MS. DILLON: But let's do this orderly,
9 please.

10 MR. TOMBALAKIAN: Sure.

11 MS. DILLON: Just right in front of here is
12 fine.

13 Go ahead.

14 VICE CHAIRMAN BONACCI: Mr. -- Mr. Hong,
15 you testified earlier about the relationship
16 between RPM Development and working with state,
17 local, I don't even know if you said national --

18 MR. HONG: Yes. Some federal.

19 VICE CHAIRMAN BONACCI: -- groups. Okay.

20 My question for you, and I'm hoping that
21 you can answer this question. I don't know if I
22 picked the right guy, but my question is about
23 funding for this --

24 MR. HONG: Yes.

25 VICE CHAIRMAN BONACCI: -- proposal, this

1 application.

2 MR. HONG: So --

3 VICE CHAIRMAN BONACCI: But I guess my
4 question is, who's paying for all this?

5 MR. HONG: So, that was a critical piece
6 that I wanted to mention; did not mention.

7 So, tax credit applications, the nine
8 percent tax credit application deadline is coming
9 up on the 24th. And as part of that, we already
10 have an executed redevelopment agreement with the
11 City and we -- the City owns the lot already.
12 And so, those are key components, as part of that
13 application. But when we go in on July 24th, to H
14 -- New Jersey Housing and Mortgage Finance
15 Agency, it goes through a competitive process.
16 And they have different buckets.

17 And senior buckets is one. And they pick
18 the most competitive projects, and they also have
19 a special -- you know, Chuck Richman, the head of
20 HMFA, he also has a special bucket, too, for
21 projects that he deems very unique and special.

22 And so, that's going to be a key component
23 of our funding mechanism. So, tax credits, nine
24 percent tax credits. And that's going to be --
25 that's why our relationships with some of the

1 major banks that have community reinvestment
2 need, they -- they would be the key mechanism to
3 funding this. They would purchase those tax
4 credits at a certain rate, and that would be a
5 majority of the funding. And then, we would have
6 to seek other funding sources from public
7 sources, and try to fill the gap.

8 But we are working through different --
9 we're working through the financial structure.
10 But the key component is this tax credit deadline
11 that's coming up on the 24th. And so, this
12 approval is a key part of that process.

13 VICE CHAIRMAN BONACCI: Okay. So, I'm not
14 trying to put words in your mouth.

15 MR. HONG: Yes.

16 VICE CHAIRMAN BONACCI: But in other words,
17 the majority of the funding would be private, a
18 company, based on the tax credits that you're
19 seeking at this meeting coming up.

20 MR. HONG: Yes. So, when we're -- what
21 would happen is, they are expected to announce
22 winners in November, from what I hear. And when
23 they announce those winners, they award tax
24 credits.

25 And so, for this project, we are maxing out

1 at \$1.4 million in tax credits. And what happens
2 is that these banks purchase these tax credits at
3 a certain rate and they have their own
4 calculation, because the federal -- the federal
5 reserve won't even -- I heard it goes down to
6 which neighborhoods they can open ATMs in, based
7 on how much CRA, community reinvestment, that
8 they do. And so, they purchase these tax credits
9 and they have their own process of quantifying
10 that.

11 But they -- we work with a lot of funders
12 and we work to get the best pricing on tax
13 credits. And when we sell those, that's what
14 generates the equity.

15 VICE CHAIRMAN BONACCI: Okay. So, Mr.
16 Hong, so if you're saying that the majority would
17 be private --

18 MR. HONG: Um hum.

19 VICE CHAIRMAN BONACCI: -- how much of a
20 percentage would you say would be public funding?
21 Like tax dollars?

22 MR. HONG: It depends, because some of it
23 comes from -- we've worked with funding sources
24 like the Federal Home Loan Bank of New York. And
25 that's a nonprofit bank. And we've been able to

1 get funding from them in the past.

2 We've also sought HOME funds, Hudson
3 County. We have a relationship with them.

4 We are not at a place where we can seek
5 those HOME funds yet, because tax credits are
6 usually -- they want to see that first, because
7 they don't want to be first in.

8 So, those are going to be some of the
9 sources that we will be seeking. It really
10 depends on how the tax credit situation fills
11 out.

12 So, depending on, they might pay more than
13 what we're projecting, but we try to project
14 pretty conservatively.

15 VICE CHAIRMAN BONACCI: Would -- would you
16 be able to project like what kind of an effect it
17 would have on the taxpayers of Union City?

18 MR. HONG: I -- I can't right now. I don't
19 --

20 VICE CHAIRMAN BONACCI: But it would have
21 some impact.

22 MR. HONG: Yes. In terms of, there is a --
23 there's a P.I.L.O.T., a five percent P.I.L.O.T.
24 that we are working with the Mayor's Office on.
25 And so, there is that aspect. But this is a --

1 | this is a building that's a hundred percent
2 | affordable for seniors.

3 | And so, that P.I.L.O.T. is something that
4 | we do need to seek as part of the requirement
5 | from HMFA.

6 | VICE CHAIRMAN BONACCI: Okay.

7 | So, estimate right now, you said the
8 | P.I.L.O.T. is five percent of the funding for
9 | this project would be taxpayers.

10 | MR. HONG: No. It would be a five percent
11 | P.I.L.O.T. of tax -- of revenues. It would be
12 | five percent of the rents.

13 | VICE CHAIRMAN BONACCI: Okay.

14 | MR. TOMBALAKIAN: (Indiscernible) -- any
15 | taxes.

16 | MR. INGLESE: That's Payment -- that's
17 | Payment in Lieu of Taxes.

18 | MR. HONG: Yeah.

19 | MS. DILLON: You need to go --

20 | MR. HONG: It's payment --
21 | Sorry.

22 | MS. DILLON: -- in front of the microphone,
23 | please.

24 | MR. HONG: Payment in Lieu of Taxes.
25 | Sorry. I didn't explain P.I.L.O.T.

1 VICE CHAIRMAN BONACCI: Okay.

2 MR. HONG: Payment in Lieu of Taxes.

3 So, it goes to the City. So --

4 MR. TOMBALAKIAN: Mr. Hong, maybe it's
5 worth --

6 MR. HONG: Sorry.

7 MR. TOMBALAKIAN: -- mentioning that since
8 it's public property now, it's not generating any
9 real --

10 MR. HONG: Yes.

11 MR. TOMBALAKIAN: -- real estate taxes.
12 But you will be generating going forward.

13 MR. HONG: Yes. We will be generating
14 taxes on a lot that's publicly owned.

15 VICE CHAIRMAN BONACCI: Okay.

16 Now, my next question is that you have the
17 Post Office that's going to remain --

18 MR. HONG: Yes.

19 VICE CHAIRMAN BONACCI: -- there. How does
20 that relationship work? Does the U.S. Postal
21 Service become a tenant of this --

22 MR. HONG: Retail space.

23 VICE CHAIRMAN BONACCI: -- project?

24 MR. HONG: Yes.

25 VICE CHAIRMAN BONACCI: Okay.

1 MR. HONG: And that's something that the
2 City wants to continue and they said that they
3 would work out -- that they've worked out -- at
4 least talked about how to temporarily relocate
5 them into, I believe, it's a trailer. I don't
6 know for sure. That's something that they've
7 been handling. But they want to make sure that
8 there is a Post Office there through the duration
9 of construction and they would eventually move
10 into that space.

11 VICE CHAIRMAN BONACCI: Okay.

12 Thank you, Mr. Hong.

13 I don't know if any other members of the
14 Board have any questions for Mr. Hong?

15 MR. GRULLON: No, not for Mr. Hong.

16 VICE CHAIRMAN BONACCI: No? Okay.

17 I'll just go with members of the Board, and
18 then I'll open it up for the members that might
19 be here from the public who might want to ask
20 questions from anybody who provided testimony.

21 Okay. Let me see here. Trying to see if I
22 have any questions for Mr. -- Mr. Jak, because I
23 don't want to mess up your last name.

24 No. Mr. Jak, I think we're good for now
25 with you, at least I am.

1 Mr. McDonough?

2 MR. PRESSEY: Well, I have one.

3 VICE CHAIRMAN BONACCI: Oh, go ahead.

4 MR. PRESSEY: I just want, in reference to
5 the materials.

6 MR. INGLESE: Yes.

7 MR. PRESSEY: The materials for the
8 building.

9 MR. INGLESE: Yes.

10 MR. PRESSEY: Could you go over it for me?

11 MR. INGLESE: Okay.

12 MS. DILLON: All right, wait. I'm going to
13 connect you if you're going to move.

14 MR. INGLESE: Yeah.

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

17 MR. INGLESE: The base of the building, the
18 first two floors is -- is brick with metal trim
19 and a metal cornice.

20 And the upper floors of the building are a
21 mixture of fiber cement siding, fiber cement
22 panels, metal accent panels and metal cornices.
23 And the mix of siding wraps around the sides of
24 the building, as well. And it's a -- it's
25 similar materials on both street frontages.

1 And metal -- and metal railings where you
2 see the -- the two terraces.

3 MR. PRESSEY: Yeah. I saw that.

4 VICE CHAIRMAN BONACCI: Could you briefly
5 tell us about the sizes of the units? Just so
6 that we know --

7 MR. INGLESE: Sure.

8 VICE CHAIRMAN BONACCI: -- that they
9 conform?

10 MR. INGLESE: Yes.

11 So, as we stated before, there's 97 one
12 bedrooms. So, that's the bulk of the -- of the
13 building. And the smallest of those is 651
14 square feet and they go up to, I believe, 728 is
15 the largest single bedroom unit.

16 The two bedroom units are all 880. And
17 then, there's the super's unit, which I think is
18 a little bit bigger than that. That's also a two
19 bedroom. And the super's unit is -- is actually
20 1,088 square feet.

21 VICE CHAIRMAN BONACCI: Okay. Great.

22 Thank you so much.

23 Now, it says here on Mr. Spatz's memo that
24 the units provide a conforming density on the
25 site. So thank you for giving us that testimony

1 for the record.

2 Let me see here. Mr. Seckler. Traffic,
3 right?

4 Okay.

5 MS. DILLON: Just right in front of there.
6 Hang on to that, please.

7 VICE CHAIRMAN BONACCI: You told us about
8 the traffic patterns that currently exist because
9 right now, it's currently a public parking lot.
10 So, it's still going to be what it is now,
11 basically. But what my question is, is what's
12 the additional impact to the traffic conditions
13 or patterns that we may have to -- you know,
14 anticipate?

15 MR. SECKLER: Right. So, I would say one
16 of the changes is that the majority of the public
17 users of this lot are only able to go out of one
18 driveway. They can only go out, basically, the
19 8th Street driveway. Right now, you obviously
20 could drive straight through. Like I said, there
21 are six public spaces on the 10th Street area, but
22 obviously, the public usage of this lot will
23 mainly be using 8th Street.

24 In terms of what traffic this type of use
25 would generate, basically, the Institute of

1 Transportation Engineers Trip Generation Manual,
2 and again a lot of those sites are suburban
3 sites, they would project something of this size
4 to generate, at peak hours, about 20 trips. But
5 again, these are senior affordable housing units.
6 You typically don't see those trips all occurring
7 in the morning rush hour, in the evening rush
8 hour. You know, they tend to occur throughout
9 the day. So, it's a little less than you would
10 expect from -- you know, those surges you get
11 when everyone leaves for work in the morning or
12 returns. It's not that same type of housing.

13 So, that 20 or so trips during the busiest
14 hour occurs more likely off peak, from what the
15 roadway network kind of functions. It tends to
16 be people leaving in the middle of the day.

17 VICE CHAIRMAN BONACCI: You testified
18 earlier about the household characteristics.

19 MR. SECKLER: Yes.

20 VICE CHAIRMAN BONACCI: And being that this
21 is going to be a senior living, would you be able
22 to testify that the traffic patterns would be
23 lessened so now, because it would be a senior
24 facility rather than if it was --

25 MR. SECKLER: Yeah.

1 VICE CHAIRMAN BONACCI: -- regular living
2 space?

3 MR. SECKLER: Yeah. If this was not senior
4 and not affordable, I would probably assume that
5 the trip generation would be somewhere between
6 two or three times that of what we're proposing
7 here today.

8 VICE CHAIRMAN BONACCI: Okay.

9 I don't know if this question is for you,
10 but would you be able to testify that the parking
11 meets the RSIS standards?

12 MR. SECKLER: It does not meet the State
13 RSIS standards, but the RSIS provides boards to
14 -- you know, adjust that per those conditions,
15 such as household characteristics, availability
16 of mass transit, urban versus suburban. Again,
17 that's a New Jersey statewide number and this is
18 clearly a unique development in a unique
19 location, compared to some other places in New
20 Jersey.

21 VICE CHAIRMAN BONACCI: Okay. Great.

22 Thank you so much.

23 Does anybody else have questions for Mr. --

24 MR. GRULLON: I have a question. It's
25 regarding the parking. I don't know if it's for

1 Mr. Inglese or for the traffic expert.

2 The size of the parking spaces. Could you
3 go over those?

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

6 MR. INGLESE: One of the -- one of the
7 waivers that we were looking for in the -- in the
8 parking was for an eight foot by 18 foot space.
9 You have -- RSIS would be a nine foot by 18 foot
10 space.

11 MR. GRULLON: Okay. They are eight by 18.

12 MR. INGLESE: It's eight by 18. So, it's
13 the width of the space, not the length.

14 MR. GRULLON: Yes. And the -- the
15 residential use, the entrance for the parking
16 area is only on 10th Street?

17 MS. GUTIERREZ: Tenth Street.

18 MR. INGLESE: Yes.

19 MS. GUTIERREZ: Yes.

20 MR. INGLESE: The residential entrance is
21 only on 10th Street and you would come in the
22 entrance on 10th Street and about 60 feet in,
23 there's a gate that separates the lot into --

24 MR. GRULLON: Sure.

25 MR. INGLESE: -- the public spaces and the

1 residential spaces. So they would be able to
2 pull in off the street, up to the gate, use their
3 controller, like a garage door opener --

4 MR. GRULLON: Sure.

5 MS. GUTIERREZ: Um hum.

6 MR. INGLESE: -- to let themselves into the
7 secured residential parking and cross it.

8 MR. GRULLON: This is going to have access
9 control for the residents.

10 MR. INGLESE: Yes.

11 MS. GUTIERREZ: The resident.

12 MR. GRULLON: Are you providing any type of
13 safety, security device? I mean, like cameras?

14 MR. INGLESE: Yes.

15 MS. GUTIERREZ: Mirrors.

16 MR. INGLESE: We put -- there are -- there
17 are cameras in every one of our buildings. So,
18 there will be cameras on all -- both of the
19 parking levels.

20 MR. GRULLON: Sure.

21 MR. INGLESE: There will be cameras in the
22 residential lobbies. There will be cameras in
23 the -- in the laundry rooms.

24 MR. GRULLON: Yes.

25 MR. INGLESE: And at -- on both street

1 frontages and the sidewalks.

2 MR. GRULLON: And the 71 spaces for the
3 public, are they going to be -- you know,
4 restricted somehow, or are these -- how -- how
5 are those spaces going to be secured?

6 MR. SECKLER: I believe they're going to be
7 managed the same way they are today, so in terms
8 of I think they're metered, three hours, right
9 now, during the -- those certain middle of the
10 day, and then it's residential permit in the
11 overnight hours. I -- I believe that the Parking
12 Authority will be managing them the exact same
13 way that they are today. So whatever the
14 regulations are, will continue.

15 Again, it's up to the Parking -- if they
16 want to change it in the future, that's their --
17 that's their prerogative.

18 MR. GRULLON: Okay.

19 VICE CHAIRMAN BONACCI: Mr. Seckler?

20 MR. SECKLER: Yes.

21 VICE CHAIRMAN BONACCI: Just real quick,
22 going back to the in and out of the parking,
23 right now, on 8th Street, right now, currently,
24 people can go into that parking lot and out on 8th
25 Street.

1 Now, you can't go in from 8th anymore, you
2 could only come out.

3 Is that --

4 MR. SECKLER: No.

5 VICE CHAIRMAN BONACCI: -- correct?

6 MR. SECKLER: No.

7 MR. INGLESE: No.

8 MR. SECKLER: In the future condition,
9 anyone using the lower public portion has to
10 enter and exit 8th Street. Anyone using the upper
11 portion, which is the small amount of public and
12 then the residential, will go in and out on 10th.

13 So, both of them, you could still go in and
14 out. It's just as opposed to being able to drive
15 -- cut through the street.

16 VICE CHAIRMAN BONACCI: Right.

17 MR. SECKLER: Or cut through the parking
18 lot to get from 8th to 10th --

19 VICE CHAIRMAN BONACCI: Right.

20 MR. SECKLER: -- can't happen in the
21 future.

22 VICE CHAIRMAN BONACCI: So, it's not going
23 to be through traffic anymore.

24 MR. SECKLER: Correct.

25 VICE CHAIRMAN BONACCI: It's only going to

1 go in or come out.

2 MR. SECKLER: Right.

3 VICE CHAIRMAN BONACCI: But you can't go
4 through.

5 MR. SECKLER: So, people are cutting
6 through now to avoid the lights.

7 VICE CHAIRMAN BONACCI: Got you.

8 MR. SECKLER: Not going to happen in the
9 future.

10 MR. TOMBALAKIAN: Lots -- the garages
11 aren't connected.

12 MR. SECKLER: Correct. The two levels are
13 not connected. This is not like one of those
14 public garages where you go round and round.

15 VICE CHAIRMAN BONACCI: Okay, just trying
16 to get a --

17 MR. SECKLER: Yup.

18 VICE CHAIRMAN BONACCI: -- better --

19 MR. SECKLER: A vision.

20 VICE CHAIRMAN BONACCI: -- understanding of
21 what it's going to be like.

22 MR. SECKLER: Yup.

23 VICE CHAIRMAN BONACCI: Let me see here.

24 MR. PRESSEY: The -- the entrance and
25 exits, you're going to have like a bell or a

1 light or something like that?

2 MR. INGLESE: Because the building has a
3 zero setback, there would be a -- excuse me --
4 there would be a red strobe light on the wall
5 next to the garage door, so that vehicles
6 entering -- I mean, vehicles exiting the garage
7 would set that light off before they exit, yeah.

8 MR. SECKLER: And I would say one of the
9 benefits is that that control gate is inset to
10 the garage, so you don't have people basically
11 waiting on the sidewalk for the gate to move up
12 and down.

13 MR. PRESSEY: Right.

14 MR. SECKLER: It's inset. So that
15 condition for coming into the site, I think, is
16 -- is much better than you see some other garages
17 where they basically have to sit there, on the
18 sidewalk, while people are trying to walk by, for
19 the garage to go up.

20 MR. PRESSEY: I believe you did answer, but
21 I'm not sure if I heard it correctly.

22 You will have some sort of mechanism, like
23 a camera on the outside --

24 MR. INGLESE: Yes.

25 MR. PRESSEY: -- of the property, as well.

1 MR. INGLESE: Yes. There will be security
2 cameras on the outside of the building on both
3 streets, as well.

4 MR. PRESSEY: All right.

5 Thank you.

6 MR. INGLESE: To see what's going on at the
7 front door, at the garage door.

8 MR. PRESSEY: Right.

9 Thank you.

10 MR. INGLESE: Yeah, and in the -- and in
11 the alleys.

12 MR. PRESSEY: Right.

13 MR. INGLESE: There's a -- there's a narrow
14 alley on 10th Street, between our garage and the
15 property line here. That's being left because
16 there's a back building next to us here, that
17 right now uses the parking lot as their entrance.
18 So, we're -- we set our building back far enough
19 so that that alley can still exist, so they can
20 enter their building. So, that -- that alley
21 will also have a control gate at the front for
22 them, and cameras in the alley, to see what's
23 going on outside the building.

24 MR. PRESSEY: Thank you.

25 VICE CHAIRMAN BONACCI: Okay.

1 Allow me if I may? Now, this question is
2 going to be for Mr. McDonough.

3 Okay. So, now, I'm looking at one of your
4 planning exhibits here, and I'm taking a look at
5 the parking lot in the middle.

6 I'm on page three.

7 MR. McDONOUGH: Yes.

8 VICE CHAIRMAN BONACCI: Now, if I'm
9 visualizing this correctly, we're going to have
10 to draw an imaginary line right through the
11 middle of that parking lot, because it's going to
12 be closed off.

13 MR. McDONOUGH: Not entirely. It will be a
14 -- it will be one complete plane of parking that
15 goes from end to end, but it is blocked off, so
16 we don't have that cut through effect.

17 And then, we have another layer on top of
18 that, so we have two planes that run from 8th to
19 10th Street, we just don't have the connection
20 through.

21 So, I -- I like the layering effect here.
22 We've essentially got public parking on one
23 level, and then we've got the -- I'll call it the
24 private parking on the -- on the next level.

25 VICE CHAIRMAN BONACCI: But for, let's say,

1 people who live in the area, who might live on 8th
2 Street or 10th Street, that have vehicles, they
3 don't have that through parking anymore. So,
4 wouldn't that double the traffic on 8th Street and
5 10th Street for the residents who currently reside
6 there, if they have a car?

7 MR. McDONOUGH: Well, I don't think it -- I
8 don't think it adds another trip. It may take
9 the people who would ordinarily come in from the
10 10th Street side and -- and route them over to 8th
11 Street.

12 VICE CHAIRMAN BONACCI: Okay.

13 I guess we can save that for if we have any
14 members of the public who may want to comment on
15 that.

16 MR. McDONOUGH: Sure.

17 VICE CHAIRMAN BONACCI: Because that's
18 going to basically impact people who live on 8th
19 and 10th Street right now.

20 MS. GUTIERREZ: Exactly.

21 VICE CHAIRMAN BONACCI: Anybody have any
22 questions for Mr. McDonough?

23 Oh, Mr. McDonough, one more thing.

24 Oh, you do?

25 MR. GRULLON: No, no.

1 VICE CHAIRMAN BONACCI: Oh. You testified
2 before about the lot coverage.

3 MR. McDONOUGH: Yes.

4 VICE CHAIRMAN BONACCI: The maximum
5 coverage.

6 MR. McDONOUGH: Yes.

7 VICE CHAIRMAN BONACCI: Ninety percent is
8 allowed and the building would provide 87.61.

9 MR. McDONOUGH: I'll get you the -- it
10 comes right from Mr. Spatz's report; 86.16 is
11 what the building coverage is going to be; 70
12 percent is what's permitted, yes.

13 VICE CHAIRMAN BONACCI: My -- my question
14 is, you testified that it would be greener than
15 it currently is.

16 How's it going to be greener than it
17 currently is?

18 MR. McDONOUGH: I think we're -- we're
19 counting the -- the terrace space on the top.

20 MR. INGLESE: It's the roof terraces.

21 MR. McDONOUGH: Yeah. The --

22 VICE CHAIRMAN BONACCI: Okay.

23 Because that leads me into another question
24 that, right now, there's -- there's street trees
25 that are located all up 8th Street and 10th

1 Street. So, now, with your proposal, we got to
2 cut down all those trees on 8th and 10th Street,
3 no?

4 MR. INGLESE: No. You do -- you have that
5 same -- you have driveways on 8th and 10th Street
6 for that current parking lot. So, this -- this
7 proposal maintains -- there's -- there's one
8 street tree on the 8th Street side that's been
9 maintained. There's four on the 10th Street side,
10 because they tend to be closer together on 10th
11 Street.

12 And actually, in front of the Post Office,
13 there's probably the opportunity to do another
14 street tree. We didn't do it, but we certainly
15 could have done another one here.

16 VICE CHAIRMAN BONACCI: Okay.

17 MR. INGLESE: Yeah.

18 VICE CHAIRMAN BONACCI: So, we're not
19 losing any trees is what you're saying.

20 MR. INGLESE: Yeah. I don't think you lose
21 a tree. Yeah.

22 VICE CHAIRMAN BONACCI: Okay.

23 The other thing about cutting the parking
24 in half there, or dividing it, or whatever it is,
25 is that there's a TD Bank on one corner, there's

1 a CVS on the other, the Post Office which you
2 guys are keeping and stuff. There's just a
3 little bit of a concern as to how that's all
4 going to play out, but --

5 MR. SECKLER: So I guess --

6 MR. INGLESE: You take that one.

7 MR. SECKLER: Yeah. I don't know --

8 MR. INGLESE: We were just talking about
9 that.

10 VICE CHAIRMAN BONACCI: Okay. Yeah.

11 MR. INGLESE: Yeah.

12 MR. SECKLER: So, I would say, although you
13 can't drive from 8th to 10th anymore, if you
14 parked near the 10th Street side, you would walk
15 up the stairs and be able to exit 10th Street
16 still. So, if you parked in, let's say, the dead
17 end portion, as far from the entrance on 8th
18 Street, you don't have to walk out to 8th, up
19 around the block and over. You still could walk
20 out either direction.

21 So, in terms of any shoppers or residents
22 that may be living on 10th Street that are using
23 this lot, they basically would walk up a
24 staircase and then exit the -- the structure that
25 way. So, you still have pedestrian access to

1 both sides. So, I don't see that being a -- a
2 deterrent for those commercial properties.

3 VICE CHAIRMAN BONACCI: I understand that,
4 but just to play devil's advocate for a minute.

5 If I go to that parking lot now, I can see
6 the parking spots that are taken and I can see
7 the ones that are free. Now, I'm not going to be
8 able to see through this divider, so I'll have to
9 swing around to the other street to see if
10 there's any parking on that side.

11 Right?

12 MR. INGLESE: No.

13 MR. SECKLER: Well --

14 MR. INGLESE: No.

15 MR. SECKLER: Well --

16 MR. INGLESE: No. It's still one --

17 MS. DILLON: Can you just --

18 MR. INGLESE: It's still one long --

19 VICE CHAIRMAN BONACCI: Okay.

20 MR. INGLESE: It's still one long parking
21 lot.

22 VICE CHAIRMAN BONACCI: On one deck.

23 MR. INGLESE: On one deck, all the way to
24 the end, actually. So the --

25 VICE CHAIRMAN BONACCI: You would still be

1 able to --

2 MR. INGLESE: The visibility --

3 VICE CHAIRMAN BONACCI: -- see it.

4 MR. INGLESE: -- is still pretty much the
5 same. The Post Office is where it is. You come
6 in a double lane here and it's just parking on
7 either side, all the way down to the end.

8 And it's different from what's there now
9 only because of the elevation, where this is sort
10 of flatter and it becomes underground at this
11 level.

12 VICE CHAIRMAN BONACCI: Yeah.

13 MR. INGLESE: That's all. Yeah.

14 VICE CHAIRMAN BONACCI: Just trying to
15 visualize what it would be --

16 MR. INGLESE: Yeah.

17 VICE CHAIRMAN BONACCI: -- as opposed to
18 what it currently is.

19 You guys have any questions?

20 MR. GRULLON: Mr. McDonough, you mentioned
21 -- you testified about the shadow effects on the
22 other -- on the adjacent properties. You have
23 properties on the west and the east of the
24 construction, but right now, it's only a parking
25 lot.

1 Could you -- you know, go over which
2 properties you have on the west and the east?

3 MR. McDONOUGH: Well --

4 MR. GRULLON: How -- how tall are they and
5 is there going to be any impact on the -- with
6 shadow effects?

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

9 MR. McDONOUGH: So -- I'll hold it. It's
10 just easier.

11 Okay. Can you hear me okay?

12 MS. DILLON: Yes.

13 MR. McDONOUGH: Okay.

14 So, in -- in response to the question, I
15 just want to underscore for the Board -- I'm
16 referring to Exhibit sheet A-2.00, the bottom
17 elevation, the one to the -- the lower portion of
18 the sheet, the northwest elevation, all the way
19 to the right would be 8th Street. The height is
20 measured from the extreme peak of the roof to the
21 8th Street street elevation, which is where we get
22 that 68 foot mark from.

23 But you can see that there's actually a
24 step back, so the perception from the street
25 doesn't even see the 68 foot mark. The sky plane

1 is cut off by the lower level, so we have a
2 clearer sky plane that is less than the Ordinance
3 requirement. And so, we're not exceeding the
4 height limitation, in terms of the view from the
5 public -- public street.

6 The applicant has maintained a nice angle
7 for a sky plane, as opposed to taking that
8 building right to the edge. So, that step back
9 provision mitigates the impact of that additional
10 two feet of height above the -- the 66 foot that
11 would trigger a D variance.

12 In terms of the impact on the surrounding
13 land uses, again, we're looking at a height
14 that's only two feet above what could be
15 contemplated and still be a C variance.

16 So, in terms of shadow effect, I tried to
17 give you some -- some pictures. There are mid-
18 rise buildings in the area, four story buildings.
19 We're allowed to have a five story building here.

20 And the perception from every street is
21 going to be a five story building. It's only for
22 that one extreme measurement, from the step back
23 to the street, where that 68 foot comes into
24 play.

25 MR. GRULLON: But that's on 10th Street.

1 But my question is, are those properties looking
2 to Summit Avenue, that are in the middle of the
3 block, are they adjacent to your property for the
4 construction?

5 MR. McDONOUGH: Yes. There are -- there
6 are a mix of -- of building types that are
7 adjacent to the subject property, in variable
8 sizes. Yes. Some -- some lower. Some two story
9 buildings.

10 MS. GUTIERREZ: Um hum.

11 MR. GRULLON: Any setbacks on those
12 property?

13 MR. McDONOUGH: The aerial will help in
14 that regard. You can see that there are
15 buildings that are right up against the property
16 line. There are some buildings that are -- are
17 set back.

18 And again, just to provide the balancing
19 here for the Board. We have to take the negative
20 impacts and what I would consider to be the
21 mitigated negative impacts, that's really what
22 the balancing test said on the positive side.
23 Just to put the numbers in perspective for the
24 Board, this comes right out of your two -- 2016
25 Housing Element, your Fair Share Plan, and your

1 2018 Master Plan. These are new, fresh
2 documents.

3 I think we know that the numbers, in terms
4 of what a town has to provide for affordable
5 housing, is presently a range that's being
6 debated in the courts.

7 Here, in Union City, the range on the
8 housing advocate side called out for a need of a
9 thousand affordable housing units. The advocate
10 on the Fair Housing side said the need here in
11 Union City is 2,000 housing units. You,
12 actually, according to your 2018 Master Plan,
13 reached a settlement of 1400 housing units,
14 affordable housing units. This applicant is one
15 of the identified sites that will help you meet
16 that 1400 housing unit perspective need.

17 So, again, we have an applicant here that
18 is ready, willing and able to contribute to what
19 is really the town's obligation. It's not the --
20 it's not the applicant's obligation, it's the
21 town's obligation. So, somewhere, Union City has
22 to get there and -- and that, I think, is sort of
23 an exclamation point on the -- on the positive
24 side here that -- that counts a lot towards the
25 balancing.

1 VICE CHAIRMAN BONACCI: Mr. McDonough,
2 would you be able to explain how -- like how the
3 garbage is going to work out with this
4 application?

5 MR. McDONOUGH: I think that might better
6 be --

7 VICE CHAIRMAN BONACCI: Okay.

8 MR. McDONOUGH: -- with our architect here
9 who designed the floor plan.

10 And you're going to need the microphone.

11 MR. INGLESE: Yes.

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

14 MR. INGLESE: Okay. So, as I mentioned
15 before in the upper floor plans, there's a trash
16 chute room at each one of the upper floor plans
17 that has a trash chute and collection for
18 recyclables.

19 That comes down to this corner inside the
20 upper portion of the garage. In the residential
21 garage, there is a ground floor trash room with a
22 compactor and rolling two yard containers.

23 From here, the super would be taking these
24 containers out to the 10th Street frontage into a
25 garbage truck.

1 So, that's how it works.

2 VICE CHAIRMAN BONACCI: The super would
3 take the garbage into a garbage truck.

4 MR. INGLESE: Will take it out to -- out to
5 the curb.

6 VICE CHAIRMAN BONACCI: So --

7 MR. INGLESE: For pickup.

8 VICE CHAIRMAN BONACCI: Right.

9 MR. INGLESE: Yeah.

10 VICE CHAIRMAN BONACCI: Okay.

11 MR. INGLESE: And we generally do that with
12 two yard containers that attach to the compactor,
13 because they're smaller, they're more manageable,
14 and he can actually -- he can actually roll them.
15 We used to do it with bags that came off the
16 compactor and then, they had to be put in other
17 dumpsters. More complicated.

18 VICE CHAIRMAN BONACCI: So, this is not
19 like a private company that's going to be
20 servicing the garbage needs of this particular
21 application. It's going to be the DPW that's
22 picking up the trash for people who live in this.

23 MR. INGLESE: It's -- it's going to be the
24 DPW, if the DPW decides they'll pickup this
25 building. We get this on many of these projects,

1 | where they -- sometimes they feel it's too --
2 | it's too much for them.

3 | VICE CHAIRMAN BONACCI: Right.

4 | MR. INGLESE: And then we have to go to
5 | private carting. But if the City -- if the DPW
6 | decides they'll pickup publicly here, we'll work
7 | with them and they'll get picked up publicly. If
8 | not, it's going to be private carting.

9 | VICE CHAIRMAN BONACCI: Okay.

10 | What would you say your experiences are
11 | with these sort of applications, when it comes to
12 | something like that? Does it generally --

13 | MR. INGLESE: I would say they're --
14 | they're general -- they're generally willing to
15 | work with us. We've done a lot of work in -- in
16 | Jersey City, for example. And Jersey City will
17 | generally -- as long as you give them the
18 | physical space to be able to pick something up,
19 | they'll pick something up from residential uses
20 | of all sizes.

21 | But it varies. We've been in some suburban
22 | towns where they said anything more than a single
23 | family dwelling, you're paying for a private
24 | carter.

25 | VICE CHAIRMAN BONACCI: Okay.

1 MR. INGLESE: So --

2 VICE CHAIRMAN BONACCI: So, that's kind of
3 like a work in progress --

4 MR. INGLESE: Yeah.

5 VICE CHAIRMAN BONACCI: -- sort of thing.

6 MR. INGLESE: Um hum.

7 VICE CHAIRMAN BONACCI: Okay.

8 We don't have any more questions.

9 MR. PANEQUE: I have a question, Mr. Vice
10 Chairman.

11 This is for Mr. Seckler.

12 Mr. Seckler, on the 8th Street garage,
13 okay, can you tell us what the turning radius is
14 there for the aisle? Because cars are going to
15 be coming in. There are 65 spaces there. Say,
16 you have a car who comes in and does not find a
17 free space. How do they turn around and come
18 out?

19 MR. SECKLER: So, the aisle is generally 24
20 feet or slightly larger, as you come through the
21 area. So, it's enough for two cars to pass side-
22 by-side, enough for someone to back out.

23 We do have an area near the back here that
24 is striped out that a vehicle, if they needed to,
25 would be able to basically pull in and basically

1 K turn and then exit, should there be no parking
2 at the end of the garage.

3 MR. PANEQUE: Okay.

4 MR. SECKLER: So, we do have an area that's
5 striped out. It's actually right near the
6 stairwell that would -- that would allow you to
7 make that maneuver and exit back out that
8 direction.

9 MR. PANEQUE: And that area was set aside
10 for that.

11 MR. SECKLER: That area -- I mean, it's
12 part a function of the overall design of the
13 building. But yes, that's area set aside for
14 that.

15 MR. PANEQUE: How wide is the aisle between
16 the two cars that are parked?

17 MR. SECKLER: This is 24 feet.

18 MR. PANEQUE: Twenty-four feet?

19 MR. SECKLER: Yes.

20 MR. PANEQUE: Okay. So --

21 MR. SECKLER: At minimum. I think the --
22 again, as you work your way through here,
23 sometimes it's 24.3 feet, 24.6. But generally,
24 24 feet as you drive through here. And again,
25 you have this area to basically pull forward.

1 It's slightly wider than a typical space, not as
2 deep, but you don't need to pull all the way
3 forward in order to make that K turn maneuver.

4 MR. PANEQUE: All right.

5 So, any vehicle that would enter that
6 bottom parking area and would not find a parking
7 space would have to go to the end, make the K
8 turn and come out on 8th Street again.

9 MR. SECKLER: Yes. If -- if -- yeah. I
10 mean, if they wanted to, we have a slightly wider
11 section, as you go, basically, there's a little
12 jog in the site. If, for some reason, someone
13 drives halfway in and decides, you know what?
14 I'm just going to go find a different spot. You
15 could also utilize this area where it's larger.
16 It's about 36 feet in width in this one -- in
17 this one spot in the halfway mark. But then, you
18 do have this other area, if you made it all the
19 way to the end.

20 MR. PANEQUE: All right.

21 Thank you.

22 VICE CHAIRMAN BONACCI: We don't have any
23 other questions from the Board.

24 I think it's a good time to open it up for
25 members of the public that might have been here

1 pacing that might want to come forward.

2 And Mr. Price, we'll start with you.

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

5 MS. DILLON: Mr. Price, please raise your
6 right hand.

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

9 MR. PRICE: Yes.

10 MS. DILLON: Name and address for the
11 record.

12 MR. PRICE: Larry Price, 1006 Palisade
13 Avenue.

14 I have a question for -- actually, prompted
15 by Mr. Bonacci's question.

16 You said there's a competition, or
17 whatever, on I assume it's July 24th.

18 MR. HONG: That's when, the deadline. Yes.
19 That's the deadline for the application.

20 MR. PRICE: Okay. For the --

21 MS. DILLON: Just keep your voice up, Mr.
22 Hong.

23 MR. HONG: Yes.

24 MR. PRICE: For the New Jersey Mortgage
25 Agency.

1 MR. HONG: Yes.

2 MR. PRICE: Okay.

3 My question, assuming you get approval
4 tonight, you're the only people who have
5 approval. So I mean, what kind of competition is
6 it going to be when you're the only one who's got
7 approval? I don't understand.

8 MR. HONG: No. So, this is -- this is our
9 application, but there's applications all across
10 the state. So, there's developers all over the
11 state that are going to be submitting for this
12 competition.

13 So, it's not just us on this one site, but
14 it's projects all over the state.

15 MR. PRICE: Oh, but in terms of this site,
16 you're the only applicant who would have approval
17 if you got approval tonight.

18 MR. HONG: Then, what they would do is they
19 would take it and score each project. And then,
20 they would make their decision on the highest
21 scoring project. Not just in Union City, but
22 across the state.

23 MR. PRICE: Oh, I see.

24 MR. HONG: Yes.

25 MR. PRICE: It's a statewide --

1 MR. HONG: Yes.

2 MR. PRICE: -- show up. So, in fact,
3 approval here is no guarantee that the approval
4 might be done.

5 It could be Camden gets scored higher and
6 this never happens.

7 MR. HONG: Well, just -- just like in any
8 -- any competitive funding application, there's
9 no guarantee of winning. But the zoning approval
10 is critical to being in this -- being in this
11 round.

12 MR. PRICE: To -- to get --

13 MR. HONG: So without it --

14 MR. PRICE: To get in the round --

15 MR. HONG: Yeah. Yeah.

16 MR. PRICE: -- you got to have zoning
17 approval.

18 MR. HONG: Yes.

19 MR. PRICE: But being in the round is no
20 guarantee of success.

21 MR. HONG: Yes. Being in the round is no
22 guarantee of success.

23 MR. PRICE: Oh, okay. Fine.

24 And you're not just competing -- it's
25 really this project competing against projects

1 all across the -- it's not just other -- okay.

2 I'm with you now.

3 Okay. Just moving --

4 MS. DILLON: You have to answer verbally,
5 Mr. Hong.

6 MR. HONG: Yes. Okay. Yes.

7 MS. DILLON: Answer him verbally.

8 MR. HONG: Yes.

9 MS. DILLON: You were shaking your head.

10 MR. HONG: I'm sorry.

11 Apologize.

12 MR. PRICE: Okay.

13 Next, this building is approximately
14 150,000 square feet, and I'm assuming costs
15 roughly \$25 million.

16 You mentioned a million and a quarter, in
17 terms of the tax -- million and a quarter is a
18 very small portion of the total cost of this
19 building. And I guess, I'd ask Mr. Bonacci's
20 question again, which is where's the rest of the
21 money coming from?

22 MR. HONG: So, the million and a quarter,
23 without getting too into the technical details of
24 tax credit financing, that's what -- that's the
25 amount of tax credit award that we receive per

1 year. And then, we sell that to a bank that has
2 need. And we'll purchase those tax credits and
3 they will pay us for it, and that will generate
4 the equity for this.

5 For them, in exchange, they get that 1.4
6 and apply it to their tax debt, to the tax
7 liability to the federal government. So it's --

8 MR. PRICE: Okay.

9 MR. HONG: It's part of the low income
10 housing tax credit program. And just -- that's
11 just a brief overview of how it works.

12 So, it -- that's why I was trying to stay
13 away from that figure, because it's a little
14 misleading. But that is the maximum that a
15 senior housing development can get, per year, for
16 --

17 MR. PRICE: Oh, per year.

18 MR. HONG: Yes. For a --

19 MR. PRICE: A million.

20 MR. HONG: So that -- that generates the
21 tax credit equity, when a bank purchases those
22 tax credits, and they can apply it to their --

23 MR. PRICE: You need 25 million. That's my
24 number, not yours, but you need 25 million to
25 build this building. Where's the 25 million --

1 MR. HONG: Well --

2 MR. PRICE: -- coming from?

3 MR. HONG: The rest -- the way I'm -- I'm
4 trying to explain it is that each -- they pay --
5 you know, up to -- let's say a dollar per dollar
6 tax credit. And so, that generates equity for
7 the project. And they purchase those tax credits
8 for a period of nine years, so that we get it in
9 a lump sum and during construction. They might
10 break it up in installments. But that's what
11 generates the equity.

12 MR. PRICE: Nine times a million and a
13 quarter is roughly \$12 million. That's half the
14 cost.

15 MR. HONG: So, depending on how much we get
16 per -- per tax credit, that's what generates
17 equity. And I said that's not going to get us
18 all the way there, but that is going to be a big
19 part of it. And so, that's why I said we're
20 going to seek out HOME funding, whether it's
21 Federal Home Loan Bank, other funding sources to
22 close it.

23 VICE CHAIRMAN BONACCI: Mr. Hong?

24 MR. HONG: Yes.

25 VICE CHAIRMAN BONACCI: How much of a

1 percentage of funding the cost of this project
2 would fall on Union City to foot the bill, for
3 this project?

4 MR. HONG: The only -- the only funding
5 cost would be if they had affordable housing
6 trust funds. And so, that's the --

7 VICE CHAIRMAN BONACCI: Let's stay on the
8 point.

9 MR. HONG: Yes.

10 VICE CHAIRMAN BONACCI: Because we're
11 dancing around in circles, and we're looking for
12 like a specific percentage estimate.

13 If you can generate 50 percent of the money
14 for this project, it's possible Union City would
15 have to foot the other 50 percent for the
16 project.

17 MR. HONG: No. Just -- it's a project that
18 wouldn't -- it's -- it's not feasible. So, we
19 would have to go out and seek more funding to
20 fill it. We've talked to Union City and they
21 said that affordable -- the -- the affordable
22 housing trust --

23 VICE CHAIRMAN BONACCI: We're Union City,
24 though. Talk to us.

25 MR. HONG: Yes. So, the affordable --

1 VICE CHAIRMAN BONACCI: We want to know the
2 number.

3 MR. HONG: -- housing trust funds that the
4 City does have, they've already allocated to
5 other projects. So, we're assuming that we're
6 not going to get any of it.

7 So, there really is no cost. And as I
8 mentioned, the five percent P.I.L.O.T. is payment
9 in lieu of taxes on a lot that's not generating
10 tax revenue. So, we will be generating tax
11 revenues for the City.

12 We are not asking the City for additional
13 money at this point. And our aim is to fill
14 whatever gap we have through other sources.

15 VICE CHAIRMAN BONACCI: Okay.

16 You say, you're not asking the town for
17 additional money, but how much money are we
18 talking about that you are asking for?

19 MR. HONG: We --

20 MR. TOMBALAKIAN: Zero.

21 MR. HONG: We haven't had -- we haven't
22 asked for any --

23 VICE CHAIRMAN BONACCI: You haven't --

24 MR. HONG: -- money.

25 VICE CHAIRMAN BONACCI: -- spoken about the

1 costs yet. You're just looking for the approval.

2 MR. HONG: No. We haven't asked the -- we
3 -- we have not -- we don't have Union City as a
4 funding source.

5 VICE CHAIRMAN BONACCI: Okay.

6 MR. HONG: There's no -- or we're not
7 asking for money from the City.

8 VICE CHAIRMAN BONACCI: Would it -- would
9 it be safe to imply that you're just looking to
10 get the project approved at this point, and then
11 you're going to worry about the funding for it
12 later on down the road?

13 MR. HONG: Well, the --

14 VICE CHAIRMAN BONACCI: Initial phase
15 approval. Phase B, how do we get this thing
16 funded?

17 MR. HONG: So that's -- that's why the key
18 component is tax credits. And that's, like I
19 said --

20 VICE CHAIRMAN BONACCI: But -- but would
21 that --

22 MR. HONG: Yes.

23 VICE CHAIRMAN BONACCI: -- for that
24 question, would that be yes or no?

25 MR. HONG: Yes.

1 VICE CHAIRMAN BONACCI: Okay.

2 MR. HONG: Um hum.

3 VICE CHAIRMAN BONACCI: Okay.

4 MR. PRICE: Very good.

5 VICE CHAIRMAN BONACCI: Anything else, Mr.
6 Price?

7 MR. PRICE: No.

8 VICE CHAIRMAN BONACCI: I didn't want to
9 jump in --

10 MR. PRICE: No, no. That's --

11 VICE CHAIRMAN BONACCI: Okay.

12 Just looking to see how much of the project
13 are the people who live here going to be
14 responsible for. That's a safe question,
15 especially when we have people -- I don't want to
16 stop anybody else from coming up.

17 MR. INGLESE: Another thing -- another
18 thing to remember, this whole payment in lieu of
19 taxes, is based on a percentage of income that
20 this project generates.

21 This is -- this is an affordable project,
22 but that doesn't mean that everyone here is
23 paying no rent. It means they're paying rent
24 that's proportionate to their income.

25 So, if they're paying up to, perhaps, 30

1 percent of their -- of their income, this project
2 generates 101 -- well, a hundred units of rent
3 every year. And a percentage of that goes
4 straight to the City, in terms of payment in lieu
5 of taxes. So, that's the contribution to the
6 City. And that's also a funding source.

7 VICE CHAIRMAN BONACCI: Would you say that
8 the funding source that you're looking for would
9 be more state, federal, or local?

10 MR. INGLESE: I think it's every one.
11 Every project --

12 VICE CHAIRMAN BONACCI: Okay.

13 How much of it are we saying would be
14 local?

15 MR. HONG: We're not --

16 MR. INGLESE: Local -- local at the city
17 level?

18 None.

19 MR. HONG: We're not asking anything from
20 the City.

21 MR. INGLESE: None.

22 VICE CHAIRMAN BONACCI: State, federal?

23 MR. HONG: Yes.

24 VICE CHAIRMAN BONACCI: Okay.

25 MR. INGLESE: You could say the -- you

1 | could say that tax credits are federal, because
2 | they're federal tax credits.

3 | VICE CHAIRMAN BONACCI: Right.

4 | MR. INGLESE: You could -- there's HOME
5 | loan fund is a federal program. There's some
6 | state affordable housing money, but that's not a
7 | lot. And bank financing.

8 | VICE CHAIRMAN BONACCI: Yeah.

9 | MR. INGLESE: So --

10 | VICE CHAIRMAN BONACCI: You know, these
11 | questions --

12 | MR. INGLESE: Yeah.

13 | VICE CHAIRMAN BONACCI: -- may seem -- you
14 | know, redundant to you guys --

15 | MR. INGLESE: Yeah.

16 | VICE CHAIRMAN BONACCI: -- but for us,
17 | we're just trying to break it down and see --

18 | MR. INGLESE: I know.

19 | VICE CHAIRMAN BONACCI: -- a dollar cost on
20 | this.

21 | MR. INGLESE: Yeah. I understand.

22 | VICE CHAIRMAN BONACCI: Is there any other
23 | members of the public that would like to ask any
24 | questions?

25 | You're just going to --

1 MS. DILLON: Sir, right in front of the
2 microphone.

3 I'm going to ask you to please raise your
4 right hand.

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

7 MR. GONZALEZ: Yes.

8 MS. DILLON: Would you please state your
9 name and spell it for me, and give your address?

10 MR. GONZALEZ: Antonio Gonzalez,
11 A-N-T-O-N-I-O, G-O-N-Z-A-L-E-Z.

12 MS. DILLON: And your address?

13 MR. GONZALEZ: 726 8th Street.

14 And I'm here representing my parents. I'm
15 their power of attorney.

16 MS. DILLON: Okay.

17 MR. GONZALEZ: Jose and Rosa Gonzalez.

18 MS. DILLON: All right. You're standing in
19 front of a microphone, so I need you to keep your
20 voice up.

21 MR. GONZALEZ: Okay.

22 I did a statement here. I'll just read
23 from it.

24 My name is Antonio Gonzalez and I am the
25 POA for my parents, Jose and Rosa Gonzalez, who

1 own --

2 MS. DILLON: A little slower.

3 MR. GONZALEZ: -- and reside at 726 8th
4 Street.

5 We have seen the proposition being
6 presented tonight and there are many concerns
7 that we have in regards to what is being built.

8 Let me begin by saying our property is
9 unique, and it has two houses on one property.
10 The reason my parents initially bought this home
11 was because no other structure was attached and
12 it allowed lots of natural light to come in. It
13 has plenty of land, where my father took pleasure
14 in planting his garden.

15 Our concerns are as follows:

16 The structure is too large for the
17 neighborhood and does not meet Code. All the
18 surrounding homes are either two or three family
19 homes. The structure will be as high as six
20 stories, with the possibility of maybe seven.
21 Sixty-eight feet is being requested instead of
22 60. The openness of the property will disappear,
23 as the new structure will cast a shadow on our
24 property and severely restrict the natural light.

25 Number two.

1 It appears the structure will be within 2.6
2 feet of our property. This means that our
3 tenants who reside in the back will have a narrow
4 walkway. Our concern is 2.6 feet is too narrow
5 and will not allow for the ability of furniture
6 or appliances to be moved through the limited
7 space.

8 In the event of an emergency, we are afraid
9 that the police, fire, or EMT personnel will not
10 be able to access the back in case of an
11 emergency. The narrow walkway, once constructed,
12 will be surrounded by two structures that will
13 make snow removal difficult and the safety of our
14 tenants who reside in the back.

15 Essentially, the back house will become
16 unlivable due to the constraints of the narrow
17 walkway.

18 We are also concerned with the construction
19 that will take place. Our building is over a
20 hundred years old. When construction begins and
21 the large equipment begins hammering steel beams
22 into the ground, what assurance do we have our
23 property foundations or other structures will not
24 be damaged? Who will be responsible for the
25 damages, if something was to happen?

1 As landlords, we are concerned about the
2 noise and the dust will be created. We are
3 afraid the tenants may leave and no one will want
4 to move in while noisy construction is going on.
5 This will be lost income for us and who will be
6 responsible?

7 Number five.

8 The current parking lot affords plenty of
9 parking for all who live in the neighborhood.
10 The parking that will be created will not be
11 enough for the new residents, as well as the
12 local residents.

13 This building is a monstrosity that will
14 dwarf our property. It is too large and none of
15 what is being proposed will meet standard Code.
16 We believe our property value will drop, as it
17 takes away the character of the property.
18 Therefore, we vehemently oppose and are not in
19 favor of any plan to move forward with this
20 construction project.

21 VICE CHAIRMAN BONACCI: Thank you.

22 Do you have any questions for any of the
23 people who testified tonight?

24 MR. GONZALEZ: How far away are you going
25 to actually be from 726, because it seems like,

1 | in the plan, you're taking away the fence and the
2 | building will be right on top of that, and
3 | actually be taking space away.

4 | MS. DILLON: Here you go. You're going to
5 | have to --

6 | MR. INGLESE: The -- the current survey
7 | shows the front building, which I'm assuming this
8 | is the building just to the right of the Post
9 | Office.

10 | MR. GONZALEZ: No. To the -- when you're
11 | standing --

12 | MR. INGLESE: When you're --

13 | MR. GONZALEZ: -- in front, it's the
14 | building to the left.

15 | MR. INGLESE: Oh, the building to the left.
16 | Oh, I'm sorry.

17 | Yes, there is a 2.6 foot setback right now
18 | to the property line on the front and the back of
19 | that front building. And we're showing our
20 | building on the property line. So, that distance
21 | would be the same, but it's 2.6 feet.

22 | MR. GONZALEZ: Right. So, it's actually
23 | going to be smaller than what's currently there
24 | as a walkway.

25 | See, I have a picture here of the property.

1 MR. INGLESE: Um hum.

2 MR. GONZALEZ: Two point six feet is right
3 here, right on the cement sidewalk.

4 MR. INGLESE: Right. So, you get the width
5 of the curb --

6 MR. GONZALEZ: Right.

7 MR. INGLESE: -- to the fence right now.

8 MR. GONZALEZ: So that's not enough room to
9 move furniture or appliances or --

10 MS. DILLON: To the microphone.

11 MR. GONZALEZ: -- even --

12 I'm sorry.

13 -- snow removal. I can show you guys a
14 picture.

15 VICE CHAIRMAN BONACCI: We may have to --
16 like, that has to be marked as evidence.

17 MR. GONZALEZ: Okay.

18 VICE CHAIRMAN BONACCI: I don't know what
19 the --

20 MR. GONZALEZ: I don't know. This is the
21 first time I'm doing something like this.

22 VICE CHAIRMAN BONACCI: Give us a second
23 with that.

24 MR. GONZALEZ: Sure.

25 MR. McDONOUGH: Mr. Chairman, I don't want

1 to interrupt, but I think this applicant, maybe
2 this -- or this witness can testify.

3 Is this a view of -- is the frame in the
4 upper left the one that you're talking about?

5 MR. GONZALEZ: It's this property here.

6 MR. McDONOUGH: So --

7 MR. GONZALEZ: This is our property.

8 MR. McDONOUGH: If it -- if it helps the
9 Board, my page five, John McDonough for the
10 record, my page five upper left photograph shows
11 the -- the property in question.

12 MR. INGLESE: I under -- I understood the
13 photo that he showed me and I could see that on
14 the survey.

15 So, right now, there's an alley next to his
16 house. That alley then has a curb and then
17 there's a fence on it.

18 So, he actually has -- he actually has use
19 of the space between the building and the fence.
20 And the fence is actually slightly eastward of
21 the property line.

22 I would -- my response to that would be we
23 could certainly adjust where that -- where the
24 building -- where our building line is to
25 maintain three foot clear between our building

1 and his building, even if that means moving our
2 building further onto our lot. I understand
3 about access from here to the back, and I think
4 we could accommodate that. I don't think that's
5 a terrible imposition for us to, essentially,
6 lose four to six inches in an area where we could
7 afford it. So --

8 VICE CHAIRMAN BONACCI: So, you're saying
9 that you're willing to --

10 MR. INGLESE: We're willing to tweak our --
11 our plan to --

12 VICE CHAIRMAN BONACCI: Meet the needs --

13 MR. INGLESE: -- maintain a minimum of
14 three feet between our building and his building.

15 MR. PANEQUE: I don't know if this is the
16 proper question for you, Mr. Inglese, but from a
17 safety perspective, is a three foot alleyway
18 sufficient for the safety of those residents
19 living in the back house?

20 MR. INGLESE: Well, I think it's -- I think
21 it's the minimum that you'd have to have for a
22 fire egress.

23 If their only way of getting out of that
24 back building is through this 2.6 foot alley, we
25 would -- we would certainly want to maintain

1 | that. I think that's three feet. If the Code
2 | official says that's three feet six inches, we
3 | could probably do that, as well. But I think
4 | three feet is what Code would require for egress
5 | through there. But --

6 | MR. GONZALEZ: Currently, if there's a
7 | fire, the Fire Department has the ability to go
8 | in through the parking lot to get to the
9 | structure. But if it didn't, it would only have
10 | that narrow three -- three foot walkway to the
11 | back.

12 | MR. PANEQUE: The problem that you have,
13 | Mr. Gonzalez, or that your parents have is that
14 | you're utilizing your neighbor's property for the
15 | -- for your benefit. So --

16 | MR. GONZALEZ: But it's tough to say --

17 | MR. PANEQUE: I understand --

18 | MR. GONZALEZ: -- yeah, because the City --

19 | MR. PANEQUE: -- it's a -- it's a use by --

20 | MS. DILLON: You have to --

21 | MR. PANEQUE: -- prescription.

22 | MS. DILLON: -- speak one at a time.

23 | MR. GONZALEZ: I'm sorry.

24 | MR. PANEQUE: Okay.

25 | It's been a use by prescription for I don't

1 know how many years that back property has been
2 there. But we have to try to accommodate --

3 MR. GONZALEZ: Um hum.

4 MR. PANEQUE: -- you know, the property
5 owner's rights. In this case, it's the Parking
6 Authority.

7 You've been using their property to your
8 benefit, or to your parents' benefit. But as Mr.
9 Inglese says, if -- if the developer is willing
10 to accommodate -- maintain that alleyway, that
11 might be a solution to the problem.

12 I'm -- I'm just not sure whether it's three
13 feet or -- or something slightly bigger because
14 there has to be enough room in the event of a
15 fire for the fire personnel to get back there
16 with all their equipment and so forth.

17 MR. INGLESE: Yes, I agree with that. And
18 I would -- I would say that's something that we
19 should leave up to the determination of the -- of
20 the Fire Sub-Code Official. And if he requires
21 more than that, we'll have to accommodate that.

22 MR. GONZALEZ: Right.

23 And as far as casting shadows, it will
24 definitely cast shadows. This is a taller
25 structure. And this area is quite open, so it

1 will cast shadows. And our tenants, all on the
2 side, whenever they look out the window, they're
3 no longer going to see out and you know, just to
4 see the light. They're going to see a building
5 that's in front of them.

6 MR. INGLESE: Yeah.

7 MR. PANEQUE: Your concerns are noted and
8 -- and they've been very eloquently presented to
9 the Board.

10 I should note, for your edification, that
11 there is no right to light and air when an
12 adjacent property owner wants to develop their
13 property. So, your parents have benefited from
14 the fact that they've had an empty parking lot
15 for umpteen years that they've had that property.

16 MR. GONZALEZ: Um hum.

17 MR. PANEQUE: But that doesn't take away
18 the right of the adjacent property owner now to
19 develop their property.

20 MR. GONZALEZ: Okay.

21 MR. PANEQUE: And if that development means
22 -- you know, 60 plus foot structure, which will
23 cast a shadow, that's been already decided by
24 case law, all the way up to the Supreme Court.

25 MR. GONZALEZ: Okay.

1 MR. PANEQUE: Otherwise, we would just stop
2 development throughout -- everybody would come in
3 and say you can't build, because you're going to
4 cast a shadow on my property.

5 MR. GONZALEZ: Right.

6 VICE CHAIRMAN BONACCI: But we do take the
7 safety standards very seriously.

8 MR. PANEQUE: Yeah. Safety is a big
9 concern for this Board and you've raised an issue
10 here with that back property that you have. And
11 -- and it's of concern basically if they -- they
12 build a building as they've presented it, a two
13 foot six alleyway is just not conducive to having
14 anybody living in that back house.

15 It would basically just take away the right
16 from your parents to have somebody living back
17 there.

18 MR. GONZALEZ: Um hum.

19 MR. PANEQUE: Yeah. And I think Mr.
20 Inglese recognizes this and -- and is
21 accommodating by saying that they can shift over
22 that building.

23 MR. INGLESE: Yes. I think we've -- we've
24 already acknowledged that there was a -- there's
25 an issue with a back building on the 10th Street

1 side. And we accommodated it with the -- the
2 width of the -- the setback of the building over
3 there. And I think we could do the same thing
4 over here without -- you know, real detriment to
5 our plan.

6 MR. PANEQUE: Okay.

7 MR. GONZALEZ: And I just have one more
8 thing about the parking. There's currently about
9 77 spaces available.

10 MR. INGLESE: Seventy-one.

11 MR. GONZALEZ: Seventy-one. There's going
12 to be 50 private.

13 MR. INGLESE: Fifty-six private.

14 MR. GONZALEZ: Fifty-six --

15 MR. INGLESE: And --

16 MR. GONZALEZ: -- private.

17 MR. INGLESE: And 71 public.

18 VICE CHAIRMAN BONACCI: You're not going to
19 lose any.

20 MR. GONZALEZ: And 71 public.

21 VICE CHAIRMAN BONACCI: They're going --

22 MS. GUTIERREZ: You're not going to lose
23 anything.

24 MR. GONZALEZ: We're not going to be losing
25 any.

1 VICE CHAIRMAN BONACCI: No.

2 MR. GONZALEZ: Now, these residents, they

3 --

4 MS. GUTIERREZ: We're going to have more
5 parking.

6 MR. GONZALEZ: I understand they're going
7 to be older. They may not all have cars, but
8 they do have family members, when they come to
9 visit, where are they going to park?

10 MR. INGLESE: They have the ability to park
11 in their -- in the resident's parking. But they
12 also have the ability to park in public parking,
13 like everyone else. So --

14 MR. GONZALEZ: Well, there's no parking
15 available right now. I would invite you to come
16 over to 8th Street and find a parking spot.
17 You're not going to find one.

18 MR. INGLESE: Understood.

19 MR. GONZALEZ: So, by creating a hundred
20 apartments, if we get 50 visitors, that's 50
21 cars. Where are they going to find parking?

22 VICE CHAIRMAN BONACCI: Well, I mean, right
23 now, there's 77. Right? And you guys are
24 proposing --

25 MR. INGLESE: Seven --

1 VICE CHAIRMAN BONACCI: -- a hundred.

2 MS. GUTIERREZ: Seventy-one.

3 MR. INGLESE: No, there's 71.

4 MS. GUTIERREZ: Seventy-one.

5 VICE CHAIRMAN BONACCI: Yeah.

6 MR. INGLESE: There's 71 existing spaces,
7 in that lot.

8 VICE CHAIRMAN BONACCI: Seventy-one and how
9 many spaces, though --

10 MS. GUTIERREZ: Fifty-six.

11 VICE CHAIRMAN BONACCI: -- in total you
12 got?

13 MR. INGLESE: Seventy-one plus 56.

14 VICE CHAIRMAN BONACCI: Right.

15 MR. INGLESE: A hundred and twenty-seven.

16 VICE CHAIRMAN BONACCI: So, I mean at least
17 --

18 MR. GRULLON: One twenty-seven.

19 VICE CHAIRMAN BONACCI: -- with respect to
20 the applicant, they're providing 56 for the
21 people who are living there, not to impede on the
22 71.

23 MR. GONZALEZ: Correct. But we're assuming
24 they are going to be owning cars.

25 Correct?

1 VICE CHAIRMAN BONACCI: That's -- that's to
2 be determined.

3 MR. GONZALEZ: Right.

4 VICE CHAIRMAN BONACCI: Maybe they won't,
5 but maybe they'll have a spot for their daughter
6 or their son, or something like that. You know,
7 that's like a variable right now.

8 MR. GONZALEZ: Right.

9 MR. INGLESE: And the whole idea with
10 trying to create senior housing, one property
11 away from Summit Avenue is that's a good place to
12 put senior housing, because you can walk to
13 stores. You know, you're not forcing people to
14 use cars. That's the idea, basically.

15 MR. GONZALEZ: It just seems that this --
16 it's not right for the neighborhood, because it's
17 too tall. Everything around there is a three
18 family. Seems like a good location for this
19 would be the -- the bus garage that's falling
20 apart, on 25th and New York Avenue.

21 VICE CHAIRMAN BONACCI: Duly noting, all of
22 your concerns.

23 MR. GONZALEZ: Okay.

24 VICE CHAIRMAN BONACCI: And with respect to
25 the safety issue, that's something that now is

1 well documented.

2 MR. GONZALEZ: All right.

3 VICE CHAIRMAN BONACCI: Thank you so much.

4 MR. GONZALEZ: Thank you very much.

5 VICE CHAIRMAN BONACCI: All right.

6 MS. GUTIERREZ: Thank you.

7 MS. DILLON: Mr. Gonzalez, can I get a copy
8 of your statement?

9 MR. GONZALEZ: Oh, sure.

10 MS. DILLON: Thank you.

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

13 MR. WALLEN: Hi.

14 VICE CHAIRMAN BONACCI: Hi. How you doing?

15 MR. WALLEN: Good. I'm David Wallen and I

16 --

17 MS. DILLON: Please raise your right hand.

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

20 MR. WALLEN: Yes.

21 MS. DILLON: And spell your name for me,
22 Mr. Wallen.

23 MR. WALLEN: David, and the last name is
24 Wallen, W-A-L-L-E-N.

25 MS. DILLON: And your address.

1 MR. WALLEN: 718 8th Street.

2 MS. DILLON: Thank you.

3 MR. WALLEN: Door to the right of the Post
4 Office.

5 My first question, I'm glad you're here,
6 how much space will be between my building and
7 the Post -- and the new structure?

8 MR. INGLESE: So, right -- right now, this
9 --

10 MR. WALLEN: This is the Post Office?

11 MR. INGLESE: This is the Post Office.

12 MR. WALLEN: Oh, yeah. Okay.

13 MR. INGLESE: Yeah. So, the Post Office
14 actually has no setback at the front, but then it
15 jogs in.

16 MR. WALLEN: Um hum. Yeah.

17 MR. INGLESE: So it was 2.7 feet for the
18 back half of it.

19 MR. WALLEN: Um hum.

20 MR. INGLESE: The proposed building does
21 something similar. It stays, essentially, on the
22 property line. It's a few inches off for that
23 same distance. And then it jogs in 4.42 feet.
24 So, we've made this -- the alley that's there
25 right now about a foot and a half wider than it

1 is now.

2 MR. WALLEN: Um hum.

3 MR. INGLESE: So -- and then it's the wall
4 -- but then it becomes the wall of the garage,
5 which continues. So --

6 MR. WALLEN: Okay.

7 MR. INGLESE: So, it's longer than the Post
8 Office is today, but it's wider.

9 MR. WALLEN: How high is this wall?

10 MR. INGLESE: This wall is, essentially,
11 the height of the building.

12 MR. WALLEN: Okay.

13 MR. INGLESE: Because well, it goes up --
14 it goes up two stories for the parking garage.

15 MR. WALLEN: Um hum.

16 MR. INGLESE: And then --

17 MR. WALLEN: And there will be no windows
18 there on the two stories? Or no openings?

19 MR. INGLESE: Not -- not on the two
20 stories, no. And then, when you get to --

21 MR. WALLEN: Is there another one?

22 MR. INGLESE: What are you looking for?

23 MR. WALLEN: Floor?

24 MR. INGLESE: Right up here. First
25 residential floor.

1 So, then, the first residential floor
2 actually sets back from that.

3 MR. WALLEN: Um hum.

4 MR. INGLESE: In order to have windows.
5 So, essentially, the third to the sixth floor has
6 windows, but they're five feet off the property
7 line. And then, this jogs in again another two
8 and a half feet. So, these are probably seven
9 feet off the property line, but this is the wall
10 that goes up the full height.

11 MR. WALLEN: Okay.

12 MR. INGLESE: And there are windows on that
13 side elevation.

14 MR. WALLEN: Okay.

15 Because I have windows over here, too, as
16 you probably know.

17 MR. INGLESE: At the -- at the third floor?

18 MR. WALLEN: All -- all three floors have
19 two windows facing the --

20 MR. INGLESE: Oh.

21 MR. WALLEN: -- parking lot.

22 MR. INGLESE: But --

23 MS. DILLON: You have to keep your voice
24 up, Mr. Wallen.

25 MR. WALLEN: Oh, I'm sorry.

1 MR. INGLESE: I'm sorry. So he's --

2 MS. DILLON: Because he's got a mic there
3 and --

4 MR. INGLESE: Yeah. I think you said --

5 MS. DILLON: -- that's not going to pick
6 you up.

7 MR. WALLEN: Oh, I see. I'm talk --

8 MR. INGLESE: Yeah.

9 MR. WALLEN: Okay.

10 MR. INGLESE: So, do you want to restate
11 what you said?

12 MR. WALLEN: I have six windows facing the
13 parking lot, two on each floor. And I'm
14 concerned about the light, of course, and the
15 security, as well.

16 I guess, bars will have to go up on the
17 window after this is done, for my building, on
18 the first floor because presently, there's a
19 security gate that keeps anybody from getting
20 into that passageways, if you've been over there.

21 MR. INGLESE: Yes. And I think we've
22 actually got our -- our wall pulled back from the
23 property line, so there is a space between the
24 property line and our building. And then,
25 there's a wall there. So, you can't walk from

1 the garage up to the property line.

2 MR. WALLEN: Okay.

3 MR. INGLESE: So, there is some security
4 there.

5 MR. WALLER: Okay.

6 MR. INGLESE: I guess we'd have to talk
7 about who has access to that space.

8 MR. WALLEN: Yeah.

9 MR. INGLESE: If you want to have access to
10 that space. It's essentially dead space between
11 the wall of the garage and the property line,
12 because we didn't want to put the garage right on
13 the property line. But at the same time, that
14 becomes kind of a no man's land, I guess.

15 MR. WALLEN: It is kind of --

16 MR. INGLESE: Yeah.

17 MR. WALLEN: -- a no man's land. There's
18 this space we're talking about --

19 MS. DILLON: Back to the microphone,
20 please.

21 MR. WALLEN: Oh.

22 MS. DILLON: Okay?

23 MR. WALLEN: There's a space we're talking
24 about that is -- has a security gate, so nobody
25 can get to those first floor windows now. And

1 I'm concerned for my tenant that that would
2 continue to be secure.

3 MR. INGLESE: And I -- I think we could
4 guarantee that that's the case.

5 MR. WALLEN: Okay.

6 MR. INGLESE: We'd probably have to have
7 some kind of a door into that space in order to
8 maintain it and clean it, but we -- we certainly
9 don't want people from the public parking lot
10 wandering into there.

11 MR. WALLEN: Yeah.

12 MR. INGLESE: Yeah.

13 MR. WALLEN: Yeah.

14 Thank you.

15 Other concerns that have come up this
16 evening, the traffic on 8th Street. It's a very
17 busy street. Nobody's mentioned the bowling
18 alley across the street from this development.
19 It generates a lot of traffic.

20 During the day, we get a lot of school
21 buses, the yellow school buses, sometimes four
22 and five at a time. They kind of stop in the
23 street, drop the kids off, zoom around, and then
24 park in this parking lot. They're not going to
25 be able to do that anymore, I don't believe.

1 And then, there's the nighttime traffic,
2 which is kind of annoying, because there's a lot
3 of drinking going on. And it's really noisy.
4 And I don't want it to be more noisy, more
5 traffic than we've already got. It's really a
6 lot. With the CVS and then, the bowling alley, it
7 just gets very busy there during the evenings.
8 It's a big concern.

9 Also, a mention of a trailer to replace the
10 parking -- the Post Office temporarily. I don't
11 know where that's going to go, but I hope it's
12 not on the street, because we don't have enough
13 parking as it is.

14 I took the bus here. I'm going to take a
15 cab home, but I do have a vehicle. It's in the
16 parking lot now, because if I drove here tonight,
17 and tried to get home, I wouldn't have a place to
18 park.

19 VICE CHAIRMAN BONACCI: I'm glad that you
20 brought that up. Do you have any neighbors that
21 you know of, like offhand, that do the same
22 thing? They just leave their car in the spot?

23 MR. WALLEN: Yes. Yes.

24 VICE CHAIRMAN BONACCI: So, like after, you
25 don't have to pay for the meter anymore.

1 MR. WALLEN: Exactly.

2 VICE CHAIRMAN BONACCI: You park your car
3 there. That's your spot.

4 MR. WALLEN: That's your spot. Yeah.

5 VICE CHAIRMAN BONACCI: And you're probably
6 not the only one. There's probably half the
7 neighborhood does the same thing.

8 MR. WALLEN: Yeah. I don't know everybody
9 else. I know a few -- I know one other person
10 that does that. It's just what you got to do.

11 VICE CHAIRMAN BONACCI: Yeah.

12 MR. WALLEN: When I come over this area,
13 like for dinner, to Weehawken, I just take the
14 jitney over.

15 VICE CHAIRMAN BONACCI: Yeah.

16 MR. WALLEN: Because it's too hard to park.

17 VICE CHAIRMAN BONACCI: These are some of
18 the same issues that -- you know, we're grappling
19 with, too.

20 MR. WALLEN: Yeah.

21 VICE CHAIRMAN BONACCI: So, I don't know if
22 that gives you any sort of comfort, but these are
23 all -- this is all why we're asking these
24 questions.

25 MR. WALLEN: Right.

1 VICE CHAIRMAN BONACCI: We're not just
2 saying yes to stuff.

3 MR. WALLEN: Right.

4 And then, there's -- another thing I
5 noticed, came up tonight, is the noise from the
6 garbage collection.

7 The bowling alley has their own garbage
8 collection and they come about 11 at night. The
9 rest of us have the City collection, and it comes
10 like one, two in the morning. It would be a lot
11 of extra noise to have those kind of dumpster
12 things lifted up and all that going on.

13 VICE CHAIRMAN BONACCI: Right. Yeah.

14 MR. WALLEN: So that --

15 VICE CHAIRMAN BONACCI: That was -- that
16 was why I raise -- I raised that question before
17 is, who's going to pickup the garbage?

18 MR. WALLEN: Yeah.

19 VICE CHAIRMAN BONACCI: And how much of it
20 is there really going to be with a hundred more
21 people living there?

22 MR. WALLEN: It's -- it's going to be
23 really -- people really go in that parking lot a
24 lot. It's a well used parking lot. And the
25 thing about not being able to drive out easily to

1 have to turn around all the time, I -- I'm
2 uncomfortable with that. You know, I haven't
3 seen it. I'm the kind of -- I'm a very visual
4 person and somebody would have to almost mark
5 that off out there for me right now, to see if
6 this -- is this really going to work?

7 VICE CHAIRMAN BONACCI: Right.

8 MR. WALLEN: So, that's a big concern.

9 And then, there is the issue of when they
10 build this, the damage to my building. It's a
11 hundred years old.

12 Are the walls going to crack? What's going
13 to go on? Will the tenants be upset? I have
14 pretty long term tenants. But you know, they
15 might get tired of it. I don't know. They are
16 going to be disappointed, I know, to have a wall
17 -- a building blocking their windows. That's
18 going to be a big concern to them.

19 VICE CHAIRMAN BONACCI: Yeah. We're
20 looking to see if we can gauge what the impact is
21 going to be on the community, with this project.

22 But at the same time, like Mr. Paneque had
23 said earlier, we can't deprive the applicant of
24 their rights, as land owners.

25 MR. WALLEN: Right.

1 VICE CHAIRMAN BONACCI: And who even knows
2 if they would be able to secure the funding, if
3 they did get approval tonight, to go forward with
4 this. There's a lot of question marks with that,
5 as well.

6 MR. WALLEN: Yeah.

7 VICE CHAIRMAN BONACCI: But we don't take
8 any of these concerns of yours, or anybody
9 else's, lightly.

10 MR. WALLEN: Uh huh.

11 And one thing that this does not show is
12 the height of the neighboring buildings. It's a
13 nice drawing. It looks nice, but it doesn't show
14 -- you know, the rest of us down in here.

15 I think I've said everything I --

16 VICE CHAIRMAN BONACCI: Thank you.

17 MR. WALLEN: -- have to say at the moment.
18 Thank you all.

19 VICE CHAIRMAN BONACCI: Thank you so much.

20 MS. GUTIERREZ: Thank you, sir.

21 VICE CHAIRMAN BONACCI: Do we have any
22 other members from the public that have any
23 questions or concerns on this application?

24 MR. PRICE: Can I ask another --

25 VICE CHAIRMAN BONACCI: Yeah.

1 He's still under --

2 MS. DILLON: Yes.

3 MR. PRICE: I am still --

4 MS. DILLON: Just state your name for the
5 record.

6 MR. PRICE: Yes. Larry Price. Still at
7 1006.

8 MS. DILLON: Okay.

9 MR. PRICE: Okay. I think this question
10 goes to Mr. McDonough, but maybe it goes to the
11 -- to Jak -- to the architect.

12 This is a public district.

13 MR. McDONOUGH: Yes.

14 MR. PRICE: Okay. And a statement was made
15 before that the side yard requirements are five
16 feet on one side, 15 feet in total.

17 MR. McDONOUGH: Yes.

18 MR. PRICE: And so, I'm looking at my
19 rather well used copy of the Union -- and it says
20 in the P district, that the minimum -- whatever -
21 - on the side are ten feet on one side, 20 feet
22 in total. And I just heard a lot of concerns
23 voiced about side yards and the impact. And so,
24 I'm saying, well -- you know --

25 MR. McDONOUGH: That might be -- Mr. Price,

1 | that might be an older Ordinance that you're
2 | referring to.

3 | Yes. In the 2015 Ordinance, there was a
4 | modification to that, that kicks over to the P
5 | zone, for this particular district to the RM
6 | medium density residential requirements.

7 | MR. PRICE: Yeah.

8 | MR. McDONOUGH: And I will just say for the
9 | Board, again, if it helps the Board, if it helps
10 | our interested party, one of the neighbors that
11 | came up is actually located in the CN district
12 | and was concerned about the setback.

13 | In your CN district, the setback
14 | requirement is zero feet. The applicant is
15 | proposing three feet.

16 | In the R district, which is on the other
17 | side of the site, the setback requirement is two
18 | feet. The applicant is proposing three feet.

19 | So, the point is, in the CN district, you
20 | generally have buildings that can, I'll say, kiss
21 | up right against each other, without the alley in
22 | between. The applicant is providing that -- that
23 | separation. Likewise, you have two feet as a
24 | requirement in -- in the R zone.

25 | So, we think we're meeting the -- the

1 spirit of the Ordinance, in terms of what could
2 be realized in those zone districts.

3 MR. PANEQUE: Mr. McDonough and -- and Mr.
4 Price, I'm going to read off the memo from Mr.
5 Spatz. Maybe that will answer your question.

6 I don't know if you have another version of
7 -- of the Ordinance, but as per Mr. Spatz's memo,
8 minimum side yards on this project are five or 15
9 feet combined are required. So, where you're
10 coming up with that ten and --

11 MR. PRICE: This --

12 MR. PANEQUE: -- 20, you said?

13 MR. PRICE: Ten and -- basically, it's ten
14 and ten.

15 MR. PANEQUE: Ten and ten.

16 MR. PRICE: And that was the --

17 MR. PANEQUE: Twenty combined.

18 MR. PRICE: -- for the P -- P district for
19 the -- it's actually the original Land
20 Development Ordinance adopted in 2012. So, they
21 seem to have a change there that I was not aware
22 of. But, it answers my question.

23 MR. PANEQUE: In any case, they're still
24 seeking a side yard variance.

25 MR. PRICE: Correct.

1 Because --

2 MR. PANEQUE: So --

3 MR. PRICE: -- I understood the five and
4 five versus the five and ten required. But yes,
5 they are. Okay. I realize that. But it was
6 from what level are they seeking a variance.

7 MR. PANEQUE: Um hum.

8 MR. PRICE: And it's from five and 15, not
9 ten and --

10 MR. PANEQUE: Twenty.

11 MR. PRICE: Ten and 20. Okay.

12 Thank you.

13 MR. PANEQUE: See if anybody else wants --

14 VICE CHAIRMAN BONACCI: Do we have any
15 other members of the public that would like to
16 ask any questions or have any comments on this
17 application?

18 Okay. I'm going to close comments from the
19 public at this time.

20 We're just going to -- we heard a lot of
21 testimony. We're going to take a five minute
22 break and come back in like five minutes.

23 Okay?

24 THE SECRETARY: Five minute break.

25

1 (Whereupon, the Board recessed from 8:45
2 p.m. to 9:00 p.m.)

3

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

6 Mr. Bonacci?

7 VICE CHAIRMAN BONACCI: Okay. Just want to
8 first -- housekeeping and for people who are here
9 that have been waiting for other applications.

10 We have a ten o'clock -- ten p.m. curfew.
11 So, if there's anybody who's here for another
12 application, or there's other -- and any other
13 applicants for tonight, we're going to give you a
14 chance, if you would like to adjourn your
15 application for the next meeting.

16 THE SECRETARY: The applicants are outside.

17 MS. GUTIERREZ: Oh, they out.

18 VICE CHAIRMAN BONACCI: September 13th.

19 MS. GUTIERREZ: They outside. Wait until
20 they come in.

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

23 VICE CHAIRMAN BONACCI: We're on the
24 record?

25 MS. DILLON: Yes, you are.

1 VICE CHAIRMAN BONACCI: Okay. Just for
2 purposes of -- of housekeeping here and keeping
3 the agenda in order, we have a ten p.m. curfew
4 for the Zoning Board, for this meeting.

5 So, if there's any other applications or
6 anybody who's here for another application at
7 this time, we'd like to make it available if
8 you'd like to adjourn any applications for the
9 next meeting, which would be September 13th?

10 THE SECRETARY: Yes.

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1 **3329 Hudson Avenue, LLC - 3329 Hudson Avenue:**

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3 MR. HERNANDEZ: Good evening.

4 MS. DILLON: Right here, please.

5 VICE CHAIRMAN BONACCI: Good evening.

6 MR. HERNANDEZ: Yes.

7 My name is Aristides Hernandez.

8 I'm here on behalf of 3329 Hudson Avenue,
9 LLC. I am an attorney. I represent them in my
10 capacity as such.

11 I have my planner and architect here, Mr.
12 Izquierdo and one of the members of the
13 applicant. We're number eight on the list.

14 Do you see any possibility that perhaps we
15 might be reached? Or I think it's -- it's a
16 forgone conclusion that we're not?

17 VICE CHAIRMAN BONACCI: To be honest with
18 you, it doesn't look like we're going to get that
19 far. We have an hour left.

20 MR. HERNANDEZ: Yes, sir.

21 VICE CHAIRMAN BONACCI: So, are you seeking
22 to be adjourned for the next meeting?

23 MR. HERNANDEZ: Yes, sir. In that event, I
24 am.

25 VICE CHAIRMAN BONACCI: Okay. And the next

1 meeting would be September --

2 MS. GUTIERREZ: Thirteen.

3 THE SECRETARY: Thirteen.

4 VICE CHAIRMAN BONACCI: -- 13th.

5 MR. HERNANDEZ: Thirteen, sir.

6 MR. PRESSEY: I'm sorry.

7 How many do we have so far for September?

8 VICE CHAIRMAN BONACCI: Have a motion?

9 THE SECRETARY: No, we -- we need --

10 MS. GUTIERREZ: How -- how many?

11 THE SECRETARY: -- obtain --

12 MR. PRESSEY: Already?

13 THE SECRETARY: -- jurisdiction first.

14 VICE CHAIRMAN BONACCI: Oh.

15 MS. GUTIERREZ: Mr. Paneque, how many --

16 THE SECRETARY: One second. One second.

17 MS. GUTIERREZ: -- applications we have so
18 far for September?

19 MR. PANEQUE: For September, Mr. Vallejo?

20 THE SECRETARY: These are going to be on
21 the -- on the first.

22 MR. PANEQUE: Yeah.

23 THE SECRETARY: You know, on the top.

24 MR. PANEQUE: The ones that are adjourned
25 tonight will take the first positions on the 10th.

1 MS. GUTIERREZ: Okay.

2 MR. PANEQUE: So, everything gets pushed.

3 MS. GUTIERREZ: All right.

4 MR. PANEQUE: All right.

5 Mr. Hernandez?

6 MR. HERNANDEZ: Yes, sir.

7 MR. PANEQUE: On -- on our calendar, you're
8 case number seven. So, the likelihood of getting
9 to you, we're on case number two now.

10 MR. HERNANDEZ: Yes, sir.

11 MR. PANEQUE: Just so that we have some
12 perspective.

13 MR. HERNANDEZ: Yes, sir.

14 MR. PANEQUE: So, if we're on two and we
15 haven't finished, the likelihood of getting to
16 number seven, in -- in about another 61 minutes,
17 is -- it's very unlikely.

18 That being said, we'll accept your request
19 for an adjournment.

20 MR. HERNANDEZ: Yes, sir.

21 MR. PANEQUE: Let's establish jurisdiction,
22 please.

23 MR. HERNANDEZ: Yes, sir.

24 I'd just like to first hand you my
25 Affidavit and publication and a copy of the

1 notice. Also attached is a copy of the 200 foot
2 radius list that was supplied by the Tax
3 Assessor's Office.

4 MR. PANEQUE: Okay.

5 And you have your certified mail receipts?

6 MR. HERNANDEZ: I do, sir.

7 MR. PANEQUE: Let me have those please.

8 MR. HERNANDEZ: I do have a voluminous
9 amount for you.

10 MR. PANEQUE: Okay.

11 MR. HERNANDEZ: Together with the -- with
12 some return envelopes sir, and some green cards
13 for you. And I have an envelope, if you'd like
14 to keep it in such.

15 MR. PANEQUE: Thank you, sir.

16 For the record, I've been provided by Mr.
17 Hernandez with the following:

18 I have an Affidavit of Publication
19 indicating that notice of tonight's hearing, with
20 respect to the property in question, was sent out
21 to all property owners within the 200 foot
22 radius. Property in question is 3329 Hudson
23 Avenue. This Affidavit is signed by Mr.
24 Hernandez.

25 I've also been provided with an Affidavit

1 of Publication from The Jersey Journal,
2 indicating that notice was published on the June
3 27th paper, giving notice of this application,
4 indicating that the meeting is scheduled for
5 tonight, July 12, at six p.m., at 3715 Palisade
6 Avenue, and the property in question is 3329.

7 I've also been provided with a copy of the
8 notice that Mr. Hernandez served, as well as the
9 Assessor's tax list, with a date of June 20th,
10 2018, that tax list consists of 11 pages.

11 I've also been provided with the certified
12 mail receipts, with a postmark date of June 26,
13 as well as the cards that have come back to date
14 and envelopes that have been returned unclaimed
15 and not deliverable.

16 Mr. Hernandez, you do have jurisdiction to
17 proceed. It's your request that this matter be
18 adjourned?

19 MR. HERNANDEZ: It is, sir.

20 VICE CHAIRMAN BONACCI: And that would be
21 with the condition that no further notices are
22 required to be sent out.

23 MR. HERNANDEZ: Yes, sir. That would be
24 very important. Mailing was very voluminous in
25 this case.

1 MR. PANEQUE: Okay.

2 So, the request, members of the Board, is
3 to adjourn this matter to the September 13th
4 meeting.

5 Is there a motion?

6 VICE CHAIRMAN BONACCI: I'll make a motion
7 to adjourn.

8 THE SECRETARY: Motion by Mr. Bonacci.

9 MS. GUTIERREZ: I'm seconding.

10 THE SECRETARY: Second by Ms. Gutierrez.

11 Roll call on the motion to adjourn this
12 application for September 13, 2018.

13 No new notice required.

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. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

1 MR. PANEQUE: All right. For purposes of
2 the public, anyone who's here on the application
3 for 3329 Hudson Avenue, this application is being
4 adjourned until September 13th meeting, six p.m.
5 here.

6 No further notices will go out.

7 Thank you, Mr. Hernandez.

8 MR. HERNANDEZ: Thank you --

9 MS. GUTIERREZ: Thank you.

10 MR. HERNANDEZ: -- members of the Board, --

11 MS. GUTIERREZ: Thank you.

12 MR. HERNANDEZ: -- Counsel.

13 Mr. Vallejo, thank you.

14 MS. GUTIERREZ: Okay.

15 THE SECRETARY: Thank you, sir.

16 MR. PANEQUE: Okay.

17 Anybody else is seeking an adjournment at
18 this time? Otherwise, we will continue with our
19 hearings, and then at ten o'clock, we'll see
20 where we are.

21 No?

22 Okay.

23 * * *

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1 **720 8th Street Union City Renewal Associates, LP -**

2 **720 8th Street:**

3

4 THE SECRETARY: Let's go back at the
5 previous application.

6 MR. PANEQUE: Mr. Tombalakian?

7 MR. TOMBALAKIAN: Yes.

8 MR. PANEQUE: Oh, there you are. I'm
9 sorry. I saw right through and that's --

10 MR. TOMBALAKIAN: Again, just in closing, I
11 just want to thank the Board for the time -- the
12 time and the attention you spent on our
13 application.

14 I do believe what you've heard tonight
15 confirms that this is a great project. It's
16 consistent with the City's vision for this
17 particular property. It's consistent with all
18 the affordable housing litigations and
19 settlements that have occurred to date. The City
20 has focused on this property, among others, but
21 this property in particular to provide a hundred
22 units.

23 As the testimony confirmed, this is --
24 other than providing the property, which is being
25 sold to my client, it's not going -- not costing

1 the City anything, but the City is getting a
2 hundred affordable units. It's going to be done
3 through a lot of creative tax credit financing,
4 which is the -- which is what RPM really excels
5 at.

6 We understand the neighbors' concerns.
7 We're going to do our best to provide Code
8 compliant, as much access as possible, that it's
9 doable, as our architect confirmed. But it is a
10 large building. There's no -- there's no denying
11 that it's a large building, but to replace the 71
12 parking spaces, to provide a hundred units of
13 senior -- affordable senior housing, there's only
14 so much you could squeeze and I think the
15 applicant, in large, did a tremendous job making
16 it fit as best as it could.

17 So, given everything the Board's heard
18 tonight, given the -- you know, the benefits of
19 this application, we ask that the Board approve
20 it.

21 And by -- by approving it tonight, that
22 will allow this -- this process to go forward
23 with the affordable housing grant application and
24 all that funding mechanism, again, to allow this
25 project to move forward. And we ask that the

1 Board approve it.

2 Thank you.

3 VICE CHAIRMAN BONACCI: Thanks, counselor.

4 I just want to thank everybody for their
5 testimony. And also, I want to thank the public
6 for all of their input.

7 As you guys can see, who are still here --
8 you know, we spent a lot of time asking some
9 questions that we felt were very important, not
10 only for the project, but for the members of the
11 community.

12 And you know, at the end of all of this, we
13 have to come to a decision and we have to look at
14 the good and the bad and see -- you know, what
15 outweighs the other.

16 I feel that the application does a great
17 job in replacing the public parking that
18 currently is there, while adding on some new
19 elements to this, as well, and preserving some of
20 the things that are there now, such as the Post
21 Office.

22 And overall, it's a beneficial use to the
23 community, giving that it's going to give
24 affordable housing to maybe a hundred senior
25 citizens. So, we take that in -- in high regard.

1 And also, if, counselor, I can just add
2 this. Going forward with the project, if you can
3 stay in touch with the people who live on 8th and
4 10th Street, and work in conjunction with them, to
5 make sure that they're as comfortable as they can
6 be. That would mean a lot to us, because we're
7 all members of the community here, as well.

8 MR. TOMBALAKIAN: We can represent that.
9 We'll absolutely work with our neighbors.

10 VICE CHAIRMAN BONACCI: Great. And I
11 already heard some testimony -- you know, that
12 there was wiggle room with certain things in
13 regards to how many feet for the community's
14 needs, for your neighbors' needs, in the event of
15 a fire or an emergency.

16 With that, the use is very beneficial to
17 the community. The detriment shown is minimal,
18 if -- at best, if there's any, and the
19 application does promote a safety and general
20 welfare to the public.

21 So, with that, I'd like to make a motion.

22 Also, with the conditions that the side
23 yard for the neighbor, as testified previously by
24 Mr. Jak, if we can keep that intact for the
25 neighbor there who testified earlier.

1 With that, I'd like to make a motion to
2 grant the application, with just that one
3 condition of the side rear setback for your
4 neighbor there.

5 THE SECRETARY: Motion on the table to --

6 MR. GRULLON: Second.

7 THE SECRETARY: -- grant this application
8 by Mr. Bonacci.

9 MR. GRULLON: Second.

10 THE SECRETARY: Second by Mr. Grullon.

11 Roll call on the motion to approve this
12 application.

13 Mr. Bonacci?

14 VICE CHAIRMAN BONACCI: Yes.

15 THE SECRETARY: Ms. Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Grullon?

18 MR. GRULLON: Yes.

19 THE SECRETARY: Mr. Pressey?

20 MR. PRESSEY: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes, with the stated condition.

23 THE SECRETARY: Five in favor.

24 Motion carries.

25 MR. TOMBALAKIAN: Thank you very much.

1 We really appreciate the Board's --

2 THE SECRETARY: Thank you.

3 MR. TOMBALAKIAN: -- approval.

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

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1 **541 42nd Street, LLC - 539-541 42nd Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 541 42nd Street, LLC.

5 Mr. Alonso, please?

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

8 MS. GUTIERREZ: Mr. Alonso? On that
9 application, you have four.

10 MR. ALONSO: Four. He said five minutes,
11 I'll do it in three.

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

14 THE SECRETARY: Go ahead, Mr. Alonso.

15 MR. GRULLON: Mr. Alonso?

16 MR. ALONSO: Thank you, Mr. Chairman,
17 members of the Board.

18 For the record, Alvaro Alonso, Alonso
19 Navarette on behalf of the applicant.

20 The Board may recall that this matter was
21 approved quite some time ago. It was appealed.
22 It went up to the -- to the Law Division and
23 Superior Court. And it was remanded back for one
24 reason. The Resolution was -- was not
25 sufficient, in the opinion of the court.

1 So, basically, it's remanded back for the
2 purpose of putting forth the -- the factual
3 findings and justifications for the granting of
4 the -- of the approvals. And then, having a vote
5 and then, adopting a new Resolution.

6 So, I believe everybody read the
7 transcripts.

8 MS. GUTIERREZ: Um hum.

9 MR. ALONSO: And all we need now is the
10 factual findings and -- and a new vote.

11 MR. GRULLON: Mr. Chairman, if I may, with
12 your permission, I happen to be the Acting
13 Chairman for that application. And if I may, I
14 want to state the reasons -- you know --

15 VICE CHAIRMAN BONACCI: Absolutely. Sure.

16 MR. GRULLON: -- if I recall it -- you
17 know, that application, you had an approval for a
18 six unit building, very large units.

19 I don't know if that approval is still --
20 you know, is still active. You came in front of
21 the Board asking to do some changes.

22 MR. ALONSO: Correct.

23 MR. GRULLON: The changes that you
24 requested at that time was to bring your -- you
25 had a proposal for two apartment in each floor.

1 MR. ALONSO: To nine -- and going from six
2 units to nine units.

3 MR. GRULLON: Could you just -- you know,
4 refresh my memory?

5 I know I read the transcript. I know there
6 was six units going into nine -- into nine units.

7 MR. ALONSO: Correct.

8 MR. GRULLON: And you have 11 apartments
9 (sic). I believe you have two floor of parking
10 or one floor of parking.

11 MR. ALONSO: One floor.

12 MR. GRULLON: One floor with 11 parking
13 spaces.

14 MR. ALONSO: Correct.

15 MR. GRULLON: The structure was going to
16 remain the same with 11 parking spaces; height
17 was going to remain the same. Only the size of
18 the units was going to -- that was what you were
19 going -- requesting the changes.

20 MR. ALONSO: Yeah. What -- you know, what
21 happened, if I could just interpret real quick
22 what happened was --

23 MR. GRULLON: Sure.

24 MR. ALONSO: -- it was approved prior to
25 2008. Construction started. At that time, they

1 | were building much larger units because it was a
2 | condominium market and -- and the larger units
3 | really was what were selling.

4 | Because of the downturn in the market in
5 | 2008, construction stopped. The building -- the
6 | actual structure was -- was constructed all the
7 | way up to the roof. And they actually were
8 | already installing the sheetrock. So, it was
9 | really in an advance stage.

10 | The -- ultimately, my -- the developer went
11 | into foreclosure. It was taken over by the bank
12 | and it sat there empty for years, almost like ten
13 | years.

14 | Because of the damage to it, from the --
15 | from the elements, a lot of water got in. It
16 | made the -- the sheetrock wet, the floors, which
17 | were the hardwood floors, there was a lot of mold
18 | conditions.

19 | So, my client then purchased the --
20 | purchased the units. The units were just too
21 | large to be rented or sold in -- in today's
22 | market, so we asked to change it from six units
23 | to nine units. And then we put all the proofs
24 | in, because there was a substantial amount of
25 | money that had been put into -- into the

1 building.

2 So, we presented the proofs and then that's
3 what we have. The building was already
4 constructed. It's just a matter of the interior
5 partition walls being changed to go from six
6 units to nine units so we can complete it.

7 MS. GUTIERREZ: Nine units.

8 MR. GRULLON: Yes. And -- and the
9 application that was approved previously in 2008,
10 they were very large apartments. I remember
11 there they were like two units per floor.

12 MR. ALONSO: Correct.

13 MR. GRULLON: Three bedrooms, per unit.
14 And they were like 1700 square feet apartments.

15 MR. ALONSO: That's correct.

16 MR. GRULLON: Then you came back and
17 revised it to be the same amount of bedrooms, six
18 bedrooms per floor, three apartment per floor.
19 And we -- the size of the apartment were in
20 compliance with -- with the Ordinance that we
21 have.

22 MR. ALONSO: That's correct.

23 MR. GRULLON: The existing Ordinance.

24 And at that time, I -- we took in
25 consideration the -- you know, the market value

1 of the -- of the apartment at that time. And
2 they were good units -- you know, good size and
3 the amount of parking spaces were -- were the
4 same, instead of -- of six three bedroom units,
5 which require 18 parking spaces, I believe, if
6 I'm not mistaken.

7 MR. ALONSO: Correct.

8 MR. GRULLON: And you brought it down to --
9 I mean, you actually had the same variance.
10 That's what I'm trying to say. Your variance
11 remained the same. The only -- the only
12 difference that you have on the two application
13 was the amount of -- of apartments.

14 MR. ALONSO: Correct.

15 MR. GRULLON: From six to nine, but could
16 you -- Mr. Spatz is not here, but on the nine two
17 bedroom apartments, or maybe Mr. Price could help
18 me with this, on the nine two bedroom apartments,
19 the requirement for parking spaces is 18 spaces.

20 MR. ALONSO: Correct.

21 MR. GRULLON: And on the -- on the six
22 three bedroom apartment, did that change?

23 MR. ALONSO: Yeah. Six two bedrooms -- six
24 three bedrooms --

25 MR. GRULLON: Six three bedrooms.

1 MR. ALONSO: -- was -- I'm trying to think.
2 I don't recall off the top of my head --

3 MR. GRULLON: Yeah, don't recall that
4 either.

5 MR. ALONSO: -- what the requirements were.

6 MR. GRULLON: At that time, I -- I made the
7 motion to approve the application, at that time.
8 And Judge Isabella, from the Superior Court, sent
9 it back to us because she wanted to hear from the
10 other members of the public. Actually, from the
11 other members of the Board and -- and submit it
12 out to vote again.

13 VICE CHAIRMAN BONACCI: Yeah. If I may?

14 You know, due to the nature of the history
15 that this application has -- has gone through, I
16 see the progress of this dwelling and this -- you
17 know, project as paramount in order to meet any
18 kind of positive needs of our neighborhood at
19 this time.

20 That's -- you know, the way that I see it.
21 That's -- I just want to put that testimony on
22 the record.

23 If there's any other Board members that see
24 this approval and would like to -- you know,
25 stand behind it, does anybody have any other

1 | comments to strengthen the test --

2 | MR. ORTIZ: I agree with what you just
3 | said.

4 | VICE CHAIRMAN BONACCI: You agree?

5 | MR. ORTIZ: Yes.

6 | MS. GUTIERREZ: Um hum. Yes.

7 | VICE CHAIRMAN BONACCI: Ms. Gutierrez, you
8 | agree?

9 | MS. GUTIERREZ: Yes.

10 | VICE CHAIRMAN BONACCI: Mr. Pressey?

11 | MR. PRESSEY: Yes.

12 | VICE CHAIRMAN BONACCI: Okay.

13 | So, with that --

14 | MR. PRICE: Wait a minute. I --

15 | MR. PANEQUE: Open to the --

16 | VICE CHAIRMAN BONACCI: Oh, I'm so sorry.
17 | I'm so sorry.

18 | Open to the public.

19 | Yes, Mr. Price?

20 | MR. PRICE: Yes. Actually, I'm -- by the
21 | way, I think you have to move a little bit.

22 | MS. DILLON: I can't hear you, Mr. Price.

23 | MR. PRICE: I know.

24 | MS. DILLON: You have to speak up.

25 | MR. PRICE: He -- Mr. Alonso won't move.

1 MR. ALONSO: No. You were -- you were
2 mumbling. I wasn't -- because I was in the way.

3 MR. PRICE: Okay.

4 First, as to Mr. Grullon's, a couple of --
5 some things you were right on, some things,
6 whatever.

7 There were two -- the original approvals
8 were for two apartments per floor. One was 1600
9 square feet, three bedrooms.

10 By the way, three bedrooms, two bathrooms,
11 two parking spots.

12 The other one on the other side of the
13 building was 1400 square feet, two bedrooms, two
14 bathrooms, and two parking spots.

15 They're going to change and one of the
16 things that happens, according to Mr. Fernandez's
17 testimony was they now have to create -- because
18 they're putting a one bedroom, 570 square foot
19 apartment in the back of the building, they have
20 to create a corridor. So, it will be two
21 apartments in the front, a thousand square feet
22 each, two bedrooms, only one bathroom and one
23 parking spot. That's on both sides.

24 And then, in the back, there's a one
25 bedroom, 570 square --

1 So, you made the comment, the number of
2 bedrooms stay the same, but you said at seven.
3 The number of bedrooms on each floor do stay the
4 same, but it's -- before it was three and two,
5 for five, now it will be two, two and one, for
6 five, so --

7 By the way, the parking requirement
8 increases. It goes from 12 to 15 because you're
9 adding three apartments. And the --

10 MS. DILLON: Twelve to what, Mr. Price?

11 MR. PRICE: What?

12 MS. DILLON: I didn't -- I couldn't
13 understand you. Twelve to --

14 MR. PRICE: Twelve to 17.

15 MS. DILLON: Okay.

16 MR. PRICE: Because each -- you're adding a
17 one bedroom apartment, which is 1.8 parking spots
18 for each -- each apartment. So, five in total.

19 So, the parking requirement increases by
20 five. The number of parking spots does not
21 increase, of course, because they're built
22 already. They'll -- they remain at 11. So,
23 there isn't a net parking requirement.

24 MR. ALONSO: Right, but Judge Isabella
25 addressed that issue in court and indicated that

1 he agreed with our planner, with respect to the
2 availability of mass transit, as well as the fact
3 that there's a municipal parking lot on the same
4 block. So, he felt that the deviation on the
5 parking was met.

6 VICE CHAIRMAN BONACCI: Mr. Alonso, what's
7 going on over there right now?

8 MR. ALONSO: My client is still proceeding
9 with the construction. There are permits that
10 were issued for the six units. He's working in
11 such a fashion, hoping that this matter will be
12 resolved favorably, in which case, then, he can
13 just finish it as the nine units. But he's doing
14 whatever work he can.

15 VICE CHAIRMAN BONACCI: Right.

16 MR. ALONSO: One of the things that we
17 presented to the Board was because it was vacant
18 for ten years, there was --

19 Okay -- (indiscernible).

20 -- because it was vacant for ten years,
21 there was a number of homeless people that were
22 going in there, people were doing drugs in there,
23 there was -- you know, there were mice and rats
24 in there. So my -- and plus, all the mold. So,
25 it was a health hazard.

1 So, my client wants, at the very least,
2 secure the building and start improving it. He
3 pulled the permits. And he has been spending
4 money and working on it. This is the only thing
5 that's -- that's stopping him from finishing it
6 off.

7 VICE CHAIRMAN BONACCI: So, you would
8 testify, Mr. Alonso, that nobody legally lives
9 there.

10 MR. ALONSO: Nobody lives there.

11 VICE CHAIRMAN BONACCI: But it has been
12 occupied by homeless people.

13 MR. ALONSO: Correct.

14 VICE CHAIRMAN BONACCI: And there's no --

15 MR. ALONSO: Prior -- prior to my client
16 purchasing it.

17 VICE CHAIRMAN BONACCI: And there's on
18 security of the building.

19 MR. ALONSO: Correct.

20 VICE CHAIRMAN BONACCI: Unless there's some
21 sort of approval that gets met.

22 MR. ALONSO: Correct. And that way, he can
23 finish the construction, can obtain the CO and
24 start renting them out.

25 VICE CHAIRMAN BONACCI: Yeah. I would most

1 | likely see that as more of a detriment to the
2 | public good than an inherent benefit.

3 | MR. PRICE: But the building is going to be
4 | finished in any case -- or should be finished.
5 | It will either be finished as six units, with --
6 | which was the original approval, and which
7 | approval still -- still exists today, or as nine
8 | units.

9 | So, it will be -- the homeless people will
10 | disappear in any case.

11 | MR. ALONSO: Well, the nine -- the nine
12 | unit approval is still valid, also, because it
13 | hasn't been overturned.

14 | VICE CHAIRMAN BONACCI: Yeah.

15 | MR. PRICE: It was vacated --

16 | VICE CHAIRMAN BONACCI: That's --

17 | MR. PRICE: -- by Judge Isabella. Come on
18 | now.

19 | VICE CHAIRMAN BONACCI: That's -- that's
20 | where I was going to go with this is this -- this
21 | Board already approved the use of the nine unit
22 | structure.

23 | Is -- is that right?

24 | MR. ALONSO: That's correct.

25 | VICE CHAIRMAN BONACCI: Okay.

1 MR. PRICE: And that -- and that approval
2 was vacated by Judge Isabella.

3 VICE CHAIRMAN BONACCI: On the grounds that
4 this Board do what?

5 MR. ALONSO: A Resolution.

6 MR. PRICE: It doesn't matter. Those
7 approvals were vacated so --

8 MR. ALONSO: All it is is the Resolution.

9 MR. PRICE: So, the only approval that
10 exists today is for the six units. And it will
11 only exist for nine.

12 Now, the thing I want to emphasize, you
13 keep talking about the new approval. You
14 shouldn't presume that --

15 VICE CHAIRMAN BONACCI: I don't keep
16 talking about it, I just mentioned it because I
17 see that it's here.

18 MR. PRICE: Well --

19 VICE CHAIRMAN BONACCI: It exists.

20 MR. PRICE: But the point, I read from the
21 -- the order back to the Board, which says, you
22 know, is -- matters -- this matter's remanded to
23 the Union City Zoning Board for new deliberations
24 and new vote.

25 Okay. So, the old approval has been

1 vacated. You have to decide again. Now --

2 MR. ALONSO: Even if -- even if you're
3 correct, the Board approves this -- assuming the
4 Board approves this tonight, we haven't gotten
5 approval yet.

6 MR. PRICE: You have --

7 MR. ALONSO: If you want -- if you want to
8 appeal, you're free to appeal it again.

9 MR. PRICE: Well, but first it has to be --
10 now, the thing I would emphasize to the Board,
11 yes, this Board approved this in 2016. A lot of
12 things have changed since 2016. And there's a
13 whole new spirit, in terms of --

14 MR. ALONSO: No, no, no, no, no, no.

15 MR. PRICE: Which could be --

16 Mr. Alonso, I don't interrupt you. Please
17 don't -- give me the courtesy of not interrupting
18 me. Okay?

19 MR. ALONSO: It's in -- but it's in --

20 MR. PRICE: Chair? Mr. Chair?

21 MR. ALONSO: The comments you're making are

22 --

23 MR. PRICE: I'm sorry.

24 MR. ALONSO: -- inappropriate.

25 MS. GUTIERREZ: Relax. Relax.

1 MR. ALONSO: The comments you're making are
2 inappropriate.

3 VICE CHAIRMAN BONACCI: We'll hear
4 everybody one --

5 MS. GUTIERREZ: Relax.

6 VICE CHAIRMAN BONACCI: -- at a time.

7 MS. GUTIERREZ: Relax.

8 VICE CHAIRMAN BONACCI: Let him finish.
9 And then, Mr. Alonso --

10 MR. ALONSO: No, no. Mr. Chairman, --

11 MR. PRICE: But --

12 MR. ALONSO: -- no, no, no.

13 VICE CHAIRMAN BONACCI: -- we'll let you
14 talk.

15 MR. PRICE: Interruptions --

16 VICE CHAIRMAN BONACCI: We want to hear
17 everybody. We'll let you.

18 MR. PRICE: -- are unwarranted,
19 unpermitted.

20 I give Mr. Alonso the courtesy of allowing
21 him to say -- he should extend to me the same --

22 VICE CHAIRMAN BONACCI: I --

23 MR. PRICE: -- courtesy.

24 VICE CHAIRMAN BONACCI: I understand, Mr.
25 Price.

1 MR. PRICE: Okay.

2 VICE CHAIRMAN BONACCI: Mr. Alonso, we're
3 going to let Mr. Price finish his statement. And
4 then, whatever you want to say after that, we'll
5 let you go next.

6 MR. PRICE: Okay.

7 The point that I would make to the Board is
8 many things have changed in the last two years.
9 Okay. In terms -- we are, in fact, in the
10 process right now, we've already had a re-
11 examination of the Master Plan. We're right now
12 in the process of --

13 MR. ALONSO: That's all irrelevant, though.

14 MR. PRICE: -- of amending --

15 VICE CHAIRMAN BONACCI: Mr. Alonso, just
16 let him finish. We'll let you have your chance.

17 MR. PRICE: -- amending the Zone -- the
18 Land Development Ordinance so that -- you know,
19 and once that's through, now, nothing will be
20 permitted more than -- larger than three
21 families.

22 The point I would make about the Board's
23 decision tonight, a month ago, you denied an
24 application for two three families on 39th Street.

25 MR. ALONSO: That's irrelevant. That

1 wasn't --

2 VICE CHAIRMAN BONACCI: Mr. Alonso, --

3 MR. ALONSO: -- part of the record.

4 VICE CHAIRMAN BONACCI: -- just -- just let
5 him finish it, and then we'll let you rebut that.
6 That's fine.

7 MR. PRICE: Okay.

8 Three families are a permitted use, but you
9 denied that application. And you know, there are
10 more elements -- you -- you realize there are
11 more --

12 We're now talking about nine units. I'm
13 sorry. That's not even -- whatever.

14 If you approve this and deny that, I don't
15 know what you're doing and neither does anybody
16 else in this city. And it looks like capricious
17 activity. I mean, to approve one and -- and to
18 deny the other -- you know, when -- when what you
19 deny is a permitted use and you're going to
20 permit a use that's non-permitted.

21 I mean, there has to be greater consistency
22 there.

23 VICE CHAIRMAN BONACCI: Thank you, Mr.
24 Price.

25 Allow me, if I may?

1 I understand your argument. I can speak
2 for myself, personally, by saying that within the
3 last few months, I've been doing my best, as the
4 Vice Chairman, to sort of set a tone and a
5 precedent of consistency as to not throw
6 confusion into how we approve things and how we
7 deny things.

8 With this particular application, it's been
9 adjourned quite a number of times. It's a
10 Resolution that was memorialized on December 8th,
11 2016. And it did gain the approval of the Board
12 at that time.

13 And whatever the decision was of this Board
14 at that time, I just want to make sure that --
15 you know, we uphold something that we, at one
16 time, approved and not -- it seems to me, from my
17 own perception of what just -- Judge Isabella is
18 looking for, is some sort of testimony from the
19 Board as to why we granted -- why we approved
20 this application back when we did, to being a
21 nine family dwelling.

22 MR. PRICE: But he's saying -- you know,
23 new deliberations, new vote.

24 MR. ALONSO: Based on the --

25 MR. PRICE: You know, what you did in 2016.

1 MR. ALONSO: All right. Enough. Enough
2 already.

3 VICE CHAIRMAN BONACCI: Mr. Price, let --

4 MR. PRICE: You don't have to vindicate
5 that. That --

6 VICE CHAIRMAN BONACCI: I understand.

7 MR. PRICE: -- that's disappeared.

8 VICE CHAIRMAN BONACCI: Let me just give
9 some time to Mr. Alonso now, because we gave you
10 the floor for a good portion of time.

11 Go ahead, Mr. Alonso.

12 MR. ALONSO: It's your findings, based on
13 the record that was created when the application
14 was approved.

15 So, in 2016, when the application was
16 approved, at that point, time stops. You're --
17 you're really not to consider what's happened
18 since then, because the Resolution was defective
19 and -- and deficient based on the judge's
20 opinion. And I didn't agree with it, because
21 that same Resolution has been upheld by other
22 judges. But in this case, it wasn't.

23 So, it's your -- your task, in being
24 remanded, is to make findings based on the record
25 that was created at the time that it was

1 presented and approved.

2 What's happened since then is irrelevant
3 and inappropriate and should not be considered by
4 the Board.

5 MR. PANEQUE: Okay.

6 If I may, Mr. Vice Chairman --

7 VICE CHAIRMAN BONACCI: Yeah.

8 MR. PANEQUE: -- and -- and members of the
9 Board?

10 I do have Judge Isabella's decision here.
11 And I just want to, for the edification of the
12 Board, bring this to the attention.

13 This is the conclusion of the judge.

14 The Resolution is not sufficient, pursuant
15 to the above stated case law. The matter is
16 remanded to the Board for reconsideration and for
17 further factual findings and conclusions, based
18 upon the established record of this matter, as
19 reflected in transcripts of hearings and any
20 documentation submitted pursuant of this
21 application.

22 So, my interpretation of Judge Isabella's
23 order is that this Board was to look at the
24 transcript, read the transcript, look at the
25 documentation that had been presented, and based

1 on those transcripts and that documentation state
2 the reasons why this Board saw fit to approve
3 this application.

4 The -- the judge finishes by saying, this
5 court's opinion on the merits of the application
6 notwithstanding, the Resolution itself adopted
7 by the Board on December 8, 2016 is null and
8 void.

9 So, the judge voided that Resolution.
10 Okay. By voiding that Resolution, the judge
11 basically is instructing this Board to look at
12 the transcript, look at the documentation that
13 you have before, which is the same plans that
14 were submitted. And then, state the reasons why,
15 at that time, this Board sought fit to approve
16 the application. Okay.

17 That's how I interpret this order. This is
18 literally the judge's instructions to this Board.

19 Mr. Price is arguing one side. Mr. Alonso
20 is arguing another side. They're both on -- on
21 opposite sides of the fence here.

22 But I read to you what the judge's
23 instructions are. And to me, it's quite simple.
24 If we follow the judge's instructions, we state
25 the reasons why you saw fit to approve it, then

1 we have a new Resolution drawn up. That new
2 Resolution then will be voted on at the next
3 meeting; passed.

4 And I think Mr. Alonso alluded to the fact
5 that Mr. Price still has the right to appeal it.
6 It would be a new Resolution, as of the date,
7 giving Mr. Right (sic) his -- Mr. Price his --
8 his right to appeal it if he sees fit.

9 MR. ALONSO: Right. And I would -- and I
10 know he's not going to agree with me, rarely do
11 we agree, but my understanding is that the judge
12 made findings with respect to the application.
13 The only thing that he found deficient was the
14 actual Resolution itself.

15 So, I believe that ultimately --

16 MR. PANEQUE: And that's --

17 MR. ALONSO: -- the only -- and he did not
18 retain jurisdiction. So, I believe that res
19 judicata probably will carry to some -- some
20 fashion.

21 MR. PANEQUE: Okay.

22 So, if this Board sees fit, they can now
23 state the reasons why they approved this
24 application and -- and we could draft a new
25 Resolution.

1 MR. PRICE: By the way, can I --

2 MR. PANEQUE: Yes.

3 MR. PRICE: I have to disagree with Mr.
4 Paneque's -- whatever.

5 Basically, he's saying put forth better
6 reasons for why -- why you approved it.

7 That's not what the judge ordered. The
8 judge ordered new deliberations and a new vote.

9 Now, Mr. Alonso's correct in one thing,
10 that it has to be based on the record that was
11 established two years ago. But a new
12 deliberation and a new vote doesn't mean you have
13 to duplicate what you did two years -- it means
14 you have to, based on that record -- you know,
15 decide and there -- while the record can't
16 change, the circumstances around that record have
17 changed. And --

18 MR. ALONSO: No, no, no.

19 MR. PRICE: And --

20 MR. PANEQUE: But Mr. --
21 Wait, wait.

22 MR. ALONSO: No, no.

23 MR. PANEQUE: Mr. Alonso?

24 VICE CHAIRMAN BONACCI: Hang on.

25 MR. PANEQUE: I'll -- let me step in.

1 VICE CHAIRMAN BONACCI: Hang on.

2 MR. PANEQUE: Because he's -- he was now
3 answering my statement.

4 Mr. Price, I'll read it again, because the
5 -- you have the judge's decision there.

6 MR. PRICE: Correct.

7 MR. PANEQUE: And I'm -- I'm sure you read
8 it probably a thousand times.

9 MR. PRICE: I can cite it from memory.
10 Yes.

11 MR. PANEQUE: Okay.

12 MR. PRICE: Okay.

13 MR. ALONSO: I can't.

14 MR. PANEQUE: The matter is remanded to the
15 Board for reconsideration and further factual
16 finding and conclusions, based upon the
17 established record of this matter, as reflected
18 in the transcripts.

19 MR. PRICE: But what --

20 MR. PANEQUE: Where does it say that the
21 Board is taking new testimony?

22 MR. PRICE: No, it doesn't say --

23 MR. PANEQUE: But that's what --

24 MR. PRICE: You can't. The --

25 MR. PANEQUE: That's what you just said.

1 MR. PRICE: No. I said --

2 MR. ALONSO: New circumstance --

3 MR. PRICE: No.

4 MR. ALONSO: -- is essentially new
5 testimony.

6 MR. PRICE: I said --

7 MS. GUTIERREZ: He just said that.

8 MR. PRICE: When it says reconsideration --
9 you don't -- you're not bound by that vote of two
10 years ago. It's not a case of finding new
11 reasons to justify the --

12 MR. PANEQUE: Okay.

13 MR. PRICE: -- approval of two years ago.
14 It's a reconsideration, which means a
15 redeliberation, a new vote. And you could change
16 -- you know, it basically is a --

17 MR. PANEQUE: Okay.

18 MR. PRICE: -- tobler (sic) (phonetic) --
19 you know --

20 MR. PANEQUE: So, you're hinging your
21 argument on the word reconsideration.

22 MR. PRICE: Reconsider -- or --

23 MR. PANEQUE: That's fine.

24 MR. PRICE: -- or new --

25 MR. PANEQUE: Then --

1 MR. PRICE: -- deliberations.

2 MR. PANEQUE: Then, my instructions to this
3 Board would be, this Board has the application in
4 front of it. It has -- it has read the
5 transcripts, which were -- the Board was
6 instructed last month to read the transcripts.

7 MR. PRESSEY: Um hum.

8 MR. PANEQUE: So, the instructions are that
9 based on the documentation that you have in front
10 of you, which are the plans and what was
11 submitted during the application, and the -- what
12 you read in the transcripts, this Board can
13 reconsider now and state its factual findings on
14 the record, and then we'll vote. That's what
15 you're looking for.

16 MR. PRICE: But it should be --

17 MR. PANEQUE: It's a vote.

18 MR. PRICE: It's a new vote. Exactly.

19 MR. PANEQUE: Well, it's a vote.

20 MR. PRICE: Based on whatever
21 considerations apply today. Now --

22 MR. ALONSO: Not what considerations apply
23 today. It's what applied back then.

24 MS. GUTIERREZ: Hold on. Hold on.

25 MR. PRICE: No.

1 MR. ORTIZ: Excuse me?

2 MS. GUTIERREZ: Hold on.

3 MR. PRICE: No.

4 MR. ALONSO: Yes.

5 MR. ORTIZ: Mr. Chairman?

6 MS. GUTIERREZ: Mr. Chairman?

7 MR. ORTIZ: Just a little reminder, because
8 there was statement comparing this application to
9 an application that we denied.

10 As we all know, we give each application,
11 we treat it different. Okay. We're talking an
12 application that -- that is already built.

13 MS. GUTIERREZ: Built. Um hum.

14 MR. PANEQUE: Correct.

15 MR. ORTIZ: We're not talking about a new
16 application.

17 And for the reason that you stated, safety
18 reasons, parking, or whatever reason that we
19 mention -- you know, that's what -- what I
20 believe the judge is looking for. What we
21 considered to approve this application.

22 VICE CHAIRMAN BONACCI: Yeah. And for the
23 record -- you know, I just have to reaffirm that
24 this -- you know, currently, would meet more
25 beneficial to the public good than it would be as

1 a detriment, which is why -- you know, that I
2 would make a motion to approve the application.

3 MS. GUTIERREZ: Um hum.

4 THE SECRETARY: Motion to approve the
5 application by Mr. Bonacci.

6 MS. GUTIERREZ: And I'm seconding.

7 THE SECRETARY: Second by Margarita
8 Gutierrez.

9 Roll call to approve this application.

10 Mr. Bonacci?

11 VICE CHAIRMAN BONACCI: Yes.

12 THE SECRETARY: Ms. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Grullon?

15 MR. GRULLON: Yes.

16 THE SECRETARY: Mr. Pressey?

17 MR. PRESSEY: Yes.

18 THE SECRETARY: Mr. Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Five in favor.

21 Motion carries.

22 Thank you, --

23 MR. ALONSO: Thank you very much.

24 THE SECRETARY: -- Mr. Alonso.

25 MR. PANEQUE: Mr. Vallejo, Mr. Alonso, Mr.

1 Price, before we go to the next.

2 Mr. Bonacci, just so that we can meet Judge
3 Isabella's request in his order, state the
4 reasons -- I know you -- you alluded to them and
5 you've mentioned them during the course of the --

6 VICE CHAIRMAN BONACCI: Testimony.

7 MR. PANEQUE: -- testimony here, but the
8 reasons for this Board's -- your recommendation
9 to approve this are?

10 VICE CHAIRMAN BONACCI: For the record and
11 just to have it be in my testimony, I would say
12 that the application meets the need of the
13 neighborhood, which the benefits outweigh the
14 detriments, meets the safety standards for
15 adequate emergency, fire, police access and
16 protection.

17 And you know, just overall, once again,
18 it's more of a beneficial use to the community
19 than it is a detriment, in regards to this
20 application.

21 MR. PANEQUE: Thank you.

22 THE SECRETARY: Thank you.

23 MR. ALONSO: Thank you very much.

24 MS. GUTIERREZ: Thank you.

25 THE SECRETARY: Thank you.

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

3 * * *

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

2

3 THE SECRETARY: Next application on
4 tonight's agenda, Juan Vizqueta, 534 42nd Street.

5 Mr. Alonso, please?

6 MR. ALONSO: Thank you.

7 Mr. Chairman, members of the Board, this is
8 another one of those little quirky applications.
9 This application was actually approved, it was
10 voted upon and approved by the Board.

11 This was an application where there's two
12 structures, one in the front, one in the back.
13 There was -- there are three units in the front,
14 two units in the rear. The Building Department
15 indicated to my client that some of the units
16 were illegal. We came in to legalize them.

17 At the beginning of my presentation, I had
18 indicated to the Board that I had an architect
19 and a planner, who were going to be testifying.

20 Unfortunately, my planner was not available
21 that evening. We put the architectural proofs in
22 and we carried it to the next meeting.

23 At the next meeting, I didn't have a
24 planner with me. I just submitted to the Board
25 for a vote and the Board sought in favor and

1 approved the -- the application.

2 I then had a subsequent conversation with
3 -- with your -- the Board Attorney, Mr. Paneque.
4 Mr. Paneque indicated that the record did reflect
5 that I was going to bring a planner. Maybe that
6 might have been a little confusing to the Board
7 and I should have presented the proofs prior to
8 the vote.

9 So, rather than taking any -- any chances,
10 what I did was I agreed to that. I brought my
11 planner this evening.

12 We will present those proofs that we would
13 have presented at that time. And I would ask the
14 Board to revote again, just to keep the record
15 clear.

16 So, with that, I have Mr. McDonough.

17 VICE CHAIRMAN BONACCI: Did we ever vote on
18 this?

19 MR. PANEQUE: Yeah. And it's been
20 approved.

21 VICE CHAIRMAN BONACCI: Okay.

22 MR. PANEQUE: But the testimony that he
23 said he was going to render, then he came back --

24 MS. DILLON: Mr. McDonough was previously
25 sworn.

1 MR. ALONSO: Thank you.

2 And again, Mr. McDonough testified earlier
3 today and his qualifications were accepted in the
4 field of planning.

5 VICE CHAIRMAN BONACCI: We accept your
6 qualifications, --

7 MR. McDONOUGH: Thank you.

8 VICE CHAIRMAN BONACCI: -- Mr. McDonough.

9 MR. ALONSO: Yeah. Mr. McDonough, I'm just
10 going to ask you to please present your planning
11 analysis to the Board.

12 MR. McDONOUGH: Sure.

13 We're looking at a single tax lot, Block
14 244, Lot 10, that's developed with two
15 structures. That's the reason why we're here
16 before the Board, to have two structures, two
17 uses on -- on one piece of property.

18 Interrelated, we have a density variance to
19 allow five structures or five dwelling units on a
20 2500 square foot lot, whereas three are the
21 maximum that would be allowed.

22 There are also bulk variances that are all
23 a function of existing conditions. We're not
24 talking about new development here. Not a single
25 tree has to come down to effectuate the

1 development that's before you.

2 This is essentially a retrofit of that
3 which is there. We've got the three family in
4 the front. We've got the two family in the back.
5 As you heard through our architect's testimony,
6 these are reasonably sized residential dwelling
7 units, small scale, one bedroom units,
8 approximately 75 -- 750 square feet in size. And
9 again, being that we are within the R residential
10 district, we do need use relief.

11 So, we've run this through the four parts
12 of the Medici test and we find that all four
13 parts fit -- pass.

14 Number one.

15 The application meets the site suitability
16 test, by virtue of its context. We're located
17 along Kennedy, we're a prime corridor in the
18 community. There are walkable transit amenities
19 in the area.

20 In terms of the site condition, this is an
21 easy retrofit of an existing site. The site is
22 actually taxed as a five unit development. We're
23 simply looking to validate exactly what has been
24 taxed on this particular piece of property.

25 We're looking at very scale -- small scale

1 units that are easily accommodated within the
2 development that's before you and the established
3 pattern that's there.

4 Special reasons.

5 Purposes of zoning advanced, include
6 purpose A, the promotion of the public welfare,
7 with a variety of housing choices and purpose M,
8 the efficient use of land, catering to a small
9 scale occupancy that's non-reliant on the
10 automobile.

11 Third part of the test looks at the public
12 impact.

13 We find from a planning standpoint no
14 substantial detriment to the surrounding public.
15 The occupancy must meet all the fire and other
16 Building Codes here. So, there's an added layer
17 of protection, besides the zoning protections.

18 This is a very small scale land use that
19 offers no interference with the privacy, the use
20 or the enjoyment of the surrounding properties.

21 In fact, we do see compatibility here, in
22 that there is a residential apartment building
23 across the street. So, we're not looking at a
24 pure one, two and three family neighborhood.

25 Lastly, we look at the impact on the Zone

1 Plan and Ordinance.

2 The relief relates to a very small site, in
3 the scale of the overall zone district. So, this
4 is not tantamount to a rezone. It's a variance
5 that relates to a very specific piece of
6 property, with very distinct characteristics.
7 And in that regard, we think the last part of the
8 test is met.

9 All of the other relief, as I said, is
10 interrelated. The site can accommodate the
11 density that's before you. It has, it will, it's
12 recognized as being there.

13 And again, all the existing conditions
14 related to bulk are there now and have existed
15 without any substantial detriment.

16 All said, all the statutory tests for
17 relief are met here. And from a planning
18 standpoint, the Board can move favorably on this
19 application.

20 MR. ALONSO: I have no further questions.

21 VICE CHAIRMAN BONACCI: Okay.

22 Any questions from members of the Board?

23 MR. GRULLON: I have a question, Mr.
24 Alonso.

25 You -- did you testify that you had a

1 previous approval on this application?

2 MR. ALONSO: What happened was, at the
3 conclusion -- when we came back, and my planner
4 was not available, the Board just voted to
5 approve it and --

6 MR. GRULLON: Yes.

7 MR. ALONSO: And it passed. So, it was
8 actually approved without the planning testimony.
9 We could have maybe just relied upon that.

10 MR. GRULLON: Do you have a date of that?

11 We -- I just don't recall the application
12 and --

13 MR. ALONSO: The Resolution was actually
14 never adopted.

15 Correct, Mr. Paneque?

16 MR. PANEQUE: Yeah. If I may?

17 What transpired here was that Mr. Alonso
18 presented this application. And on the evening
19 that he presented the application, he had his
20 architect here. And that was Mr. Valella.

21 MR. ALONSO: Correct.

22 MR. PANEQUE: Mr. Valella presented the
23 application. And there was testimony from Mr.
24 Alonso that his planner was not available. The
25 matter was adjourned to the following meeting.

1 When we came back at the following meeting,
2 the application was called and a vote was taken
3 and the vote affirmed the approval.

4 When I was preparing the Resolution, in
5 reading the transcripts, I came across the
6 statement that Mr. Alonso had indicated to the
7 Board, that he was coming back with a planner.

8 Now, I should say that I think there was a
9 two month interval between the two, so when you
10 came back, that's probably why nobody picked up
11 on that we were expecting to have a planner. The
12 Board, basically, voted on the -- on the
13 application, just based on Mr. Valella's
14 testimony.

15 Since the application does require a use
16 variance, our Chairman, Mr. Marotta, was very
17 adamant that on a use variance, you needed to
18 have a planner testify.

19 I called Mr. Alonso and I explained to him
20 that without a planner, we would -- we would have
21 an issue approving the application, and
22 especially by the fact that a representation was
23 made to the Board that we were going to have a
24 planner.

25 Mr. Alonso said, you're absolutely right,

1 we'll get you a planner. It's taken this long,
2 and it's been a few months --

3 MR. ALONSO: Yes.

4 MR. PANEQUE: -- to come back before the
5 Board. But the application was presented by Mr.
6 Valella. The Board saw fit to actually take a
7 vote and approve it, but on a technicality, it
8 shouldn't have without a planner testifying
9 because it does require a use variance and a
10 planner should testify on a use variance.

11 Now, we have Mr. McDonough here who -- who
12 has testified. We actually are lucky to have Mr.
13 Valella sitting here and we can pick his brain,
14 if the Board -- you know, he'll hit you for
15 another bill for his service, but that's okay.

16 So, if the Board has any questions, we do
17 have the benefit of having not only Mr.
18 McDonough, but Mr. Valella here. And then, the
19 Board would have to take a vote on whether to
20 approve it or not.

21 It has approved it once before. And now,
22 we're just fulfilling the legalities of having
23 the planner's testimony.

24 MR. ALONSO: And I agree with everything
25 Mr. Paneque has said.

1 VICE CHAIRMAN BONACCI: So, now, that we
2 fulfilled the legality end of it, I don't have
3 any more questions for this application, unless
4 anybody else on the Board does?

5 MR. ORTIZ: No.

6 MS. GUTIERREZ: No.

7 VICE CHAIRMAN BONACCI: Just for -- you
8 know, purposes of doing things in the right
9 fashion, if there's any members of the public
10 that would like to speak on this application?

11 Okay.

12 Closed to the public.

13 So now that we've heard the testimony of
14 Mr. McDonough, it seems to me that the purpose is
15 an efficient use of land and there doesn't seem
16 to be any substantial detriment in regards to
17 this application.

18 Also, as Mr. McDonough had stated, there's
19 protection and compatibility, such as the safety
20 standards for adequate emergency, fire, police
21 access and protection.

22 So, with that stated, I'd like to make a
23 motion to grant this application, approve.

24 THE SECRETARY: Motion to grant the
25 application by --

1 MR. GRULLON: Second.

2 THE SECRETARY: -- Mr. Bonacci.

3 Second by Mr. Pressey.

4 Roll call on the motion to approve this
5 application.

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. Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Five in favor.

17 Motion carries.

18 MR. ALONSO: Thank you very much.

19 MR. PRESSEY: We got time for one more.

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

22 * * *

23

24

25

1 **Yesenia Bonilla - 424 6th Street:**

2

3 THE SECRETARY: Next application --

4 MR. PANEQUE: Orestes, I tried to get you a
5 fee.

6 THE SECRETARY: -- on tonight's agenda, --

7 MR. PANEQUE: But it didn't work out.

8 MR. ALONSO: He's coming up next.

9 THE SECRETARY: -- Yesenia Bonilla, 424 6th
10 Street.

11 Mr. Alonso, please?

12 MR. ALONSO: Again, for the record, Alvaro
13 Alonso, Alonso Navarette, on behalf of the
14 applicant.

15 Notices in this application were presented
16 at the June 14 meeting and the Board took
17 jurisdiction. It was adjourned. We ran out of
18 time.

19 I have one witness this evening. Actually,
20 two witnesses this evening. A planner, also Mr.
21 Valella and Mr. McDonough.

22 This is an application to legalize a unit,
23 to go from a three family to a four family.

24 My client purchased the property in 2004.
25 She purchased it directly from the builder. The

1 unit was actually constructed by the builder, at
2 that time. So, the Building Department has it as
3 a three family. It's been used as a four family
4 since 2004.

5 So, I have Mr. Valella.

6 You think -- no, you haven't testified yet.
7 Sworn in?

8 MS. DILLON: Sure.

9 You mess me up when you raise your hand
10 first.

11 Please raise your right hand.

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

14 MR. VALELLA: I do.

15 MS. DILLON: Please state your name for the
16 record.

17 MR. VALELLA: Sure. Good evening.

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

19 I'm a registered architect in the States of
20 New York and New Jersey.

21 MR. ALONSO: Mr. Chairman, I would ask that
22 his qualifications be accepted.

23 VICE CHAIRMAN BONACCI: We accept your
24 qualifications, Mr. Valella.

25 Thanks.

1 MR. VALELLA: Thank you.

2 MR. ALONSO: Thank you.

3 Mr. Valella, we -- we're looking to
4 legalize a -- a ground floor apartment.

5 MR. VALELLA: Yes.

6 MR. ALONSO: And I'm going to ask you to
7 review the plans with the Board.

8 MR. VALELLA: Sure. Be happy to.

9 The project is located on 6th Street, two
10 lots in from Bergenline, between Bergenline and
11 New York Avenue. That would be Lot 25 in Block
12 27.

13 These are a series of row houses on lots
14 that are 20 feet wide by 87 and a half feet deep
15 and they are basically four story structures, lot
16 to lot, row houses. And they are residential.
17 They're three families, one per floor. The
18 ground floor has the garage, and this unit, in
19 our particular case. The construction is recent,
20 relatively recent.

21 What year, Mr. Alonso?

22 MR. ALONSO: 2004.

23 MR. VALELLA: 2004.

24 So, the ground -- the second floor
25 apartment is 984 square foot. It is a three

1 | bedroom apartment, two bathrooms. The third
2 | floor, again, three bedrooms, two bathrooms, 984.
3 | And the fourth floor is likewise a three bedroom,
4 | 984.

5 | So, it's three three bedrooms. And then,
6 | on the ground floor, a unit was built, seems to
7 | be contemporaneous with the construction of the
8 | -- of the project. It is presently a two
9 | bedroom, however, one of the bedrooms is really
10 | deficient, which I would -- which is called home
11 | office on my drawing and that should not be used
12 | as a -- as a bedroom.

13 | So, I would like to -- it's a one bedroom
14 | that we're proposing here.

15 | That apartment is 812 square feet, which is
16 | -- you know, in excess of the requirement for a
17 | one bedroom that, as you know, is 550 square
18 | feet. It has a bathroom, it has two access
19 | points. You can enter the bedroom -- the
20 | apartment through the bedroom, which egresses to
21 | the backyard. Or you can go through the garage,
22 | there's a one car garage in the front, and enter
23 | the unit. It's 812. There's -- the bedroom is
24 | adequately protected with windows and a door that
25 | leads directly to the rear yard. And the living

1 room, kitchen has a window to the side yard, as
2 well.

3 Nothing here is being proposed. Full
4 disclosure, if we do get an approval, I'm pretty
5 certain the Building Department will require a
6 sprinkler system be installed, as well as
7 checking the fire ratings of the separations
8 between the floor. Given that it was built in
9 2004, I expect the electrical system to be up to
10 Code and the plumbing to be brand new, in no
11 need. But those are things that will need to be
12 checked, as well, but I expect a hundred percent
13 that we will be required to install a sprinkler
14 system.

15 But that's getting ahead of the game.
16 We're not assuming anything at this point.

17 But that's it. It's an existing three
18 family that has had an apartment here for 14
19 years.

20 MR. ALONSO: 2004.

21 MR. VALELLA: Yeah. So, we're not
22 altering, and this is planner testimony, but you
23 know, architecturally, we're not altering the
24 look of the building, the way the building has
25 functioned for the last 14 years. We're not

1 | expanding it. We're not reducing it.

2 | We are -- we would have the opportunity to
3 | make it a bit safer with the installation of the
4 | aforementioned sprinkler system, but that's about
5 | it.

6 | There's -- architecturally, there's very
7 | little to talk about.

8 | There is a home office that is potentially
9 | a danger or a temptation that it be used as a
10 | bedroom. I would -- I can attest that I would be
11 | asking for that wall that separates it from the
12 | living room to be demolished, so that there is no
13 | -- there is no opportunity for that to occur,
14 | because a bedroom needs direct egress to the
15 | outside and this room does not have it.

16 | But besides that, I'm comfortable that it's
17 | going to be a safer unit than what we have found.

18 | VICE CHAIRMAN BONACCI: Okay.

19 | Just -- just to clear this up for me.

20 | Your intention with this application is to
21 | go from a two family house --

22 | MR. VALELLA: Three family.

23 | VICE CHAIRMAN BONACCI: It's a three family
24 | house.

25 | MR. ALONSO: Correct.

1 MR. VALELLA: To a four.

2 VICE CHAIRMAN BONACCI: And you want to go
3 to a four.

4 MR. VALELLA: Yes, sir.

5 VICE CHAIRMAN BONACCI: Okay. Three to a
6 four. And you want to legalize the basement
7 apartment.

8 MR. VALELLA: The ground -- it's really a
9 ground floor.

10 MR. ALONSO: It's ground floor. It's not a
11 basement. It's in the ground floor.

12 MR. VALELLA: It's a ground floor that has
13 existed since, basically, construction.

14 VICE CHAIRMAN BONACCI: It's currently
15 occupied now?

16 MR. VALELLA: I'm not certain.

17 MS. BONILLA: No.

18 MR. VALELLA: No, it's not.

19 VICE CHAIRMAN BONACCI: Does the applicant
20 live there?

21 MS. BONILLA: No.

22 VICE CHAIRMAN BONACCI: Okay. I was
23 suppose to get that.

24 MS. BONILLA: Can I -- can I just mention
25 one thing, though?

1 VICE CHAIRMAN BONACCI: Why don't you come
2 up and testify?

3 MS. GUTIERREZ: Got to be --

4 VICE CHAIRMAN BONACCI: Might be easier.

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 MS. BONILLA: Yes.

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

11 MS. BONILLA: Yesenia Bonilla,
12 Y-E-S-E-N-I-A, B-O-N-I-L-L-A.

13 MS. DILLON: Thank you.

14 MS. BONILLA: I just did want to mention
15 that it does have a sprinkler system throughout
16 the house, since we purchased the -- the
17 property.

18 MS. DILLON: You have to keep your voice
19 up.

20 MS. BONILLA: We did -- it does have
21 sprinkler system throughout the house, since we
22 purchased the property, 2004.

23 VICE CHAIRMAN BONACCI: Thank you so much.

24 MS. BONILLA: Thank you.

25 VICE CHAIRMAN BONACCI: Thank you.

1 MS. GUTIERREZ: Thank you.

2 MR. VALELLA: So, yes, I stand corrected.
3 It already has the sprinkler system.

4 VICE CHAIRMAN BONACCI: Just give me one
5 sec.

6 MR. ALONSO: Sure.

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

9 VICE CHAIRMAN BONACCI: This is ground
10 floor, right behind the garage?

11 MR. VALELLA: Yes.

12 MR. ALONSO: Yes.

13 VICE CHAIRMAN BONACCI: Okay.

14 And currently not occupied.

15 MR. ALONSO: It's -- based on --

16 MS. BONILLA: It's not occupied.

17 MR. ALONSO: It's not occupied.

18 VICE CHAIRMAN BONACCI: Okay.

19 MR. ALONSO: But it was previously
20 occupied. It's not occupied because the Building
21 Department indicated that it's an illegal
22 apartment, so --

23 VICE CHAIRMAN BONACCI: You said that she
24 purchased the property in --

25 MR. ALONSO: 2004.

1 VICE CHAIRMAN BONACCI: -- 2004.

2 When she purchased the property, it was
3 being used as three family or was that being
4 occupied, the apartment that you seek to legalize
5 tonight?

6 MR. ALONSO: At the -- she bought it from
7 the builder.

8 VICE CHAIRMAN BONACCI: Right.

9 MR. ALONSO: And it was built
10 simultaneously with the rest of the house. So,
11 it's quite possible that at the time it was
12 approved as a three family, which is probably why
13 the Building Department records reflect a three
14 family, and that the fourth unit was constructed
15 at that time.

16 But since my client purchased it, it was
17 always being used as a four family, fully
18 sprinklered and --

19 VICE CHAIRMAN BONACCI: And she's only used
20 it as a three since she got it in 2004?

21 MR. ALONSO: I believe she -- have you
22 rented it?

23 MS. BONILLA: I -- I lived there.

24 MS. DILLON: You can't speak from there.

25 VICE CHAIRMAN BONACCI: Come on up.

1 MS. DILLON: Come forward.

2 MS. BONILLA: I'm sorry.

3 VICE CHAIRMAN BONACCI: Just hang out a
4 second, in case another --

5 MS. BONILLA: Um hum.

6 VICE CHAIRMAN BONACCI: -- question --

7 MS. BONILLA: Yes.

8 VICE CHAIRMAN BONACCI: -- enters my mind.

9 MS. BONILLA: I -- I lived in the premises
10 for ten years and we used to use both floors for
11 our --

12 VICE CHAIRMAN BONACCI: Personal --

13 MS. BONILLA: -- family.

14 VICE CHAIRMAN BONACCI: -- use.

15 MS. BONILLA: Yes. Personal use.

16 VICE CHAIRMAN BONACCI: Got you.

17 MS. BONILLA: Family.

18 VICE CHAIRMAN BONACCI: But you didn't,
19 like rent it out to have a tenant?

20 MS. BONILLA: After -- after I purchased
21 another property, move -- we moved out, and we
22 did have the State come and check the house.
23 They said every -- they gave me as a four family,
24 the -- the State and I thought that everything
25 was okay.

1 VICE CHAIRMAN BONACCI: The Building
2 Department --

3 MR. ALONSO: Yeah. The green --

4 VICE CHAIRMAN BONACCI: -- probably.

5 MR. ALONSO: No, the DCA.

6 MR. PANEQUE: No, the green card.

7 MR. GRULLON: The green --

8 VICE CHAIRMAN BONACCI: Oh.

9 MR. GRULLON: -- card.

10 VICE CHAIRMAN BONACCI: Right.

11 MR. ALONSO: The green card.

12 VICE CHAIRMAN BONACCI: Okay.

13 MS. BONILLA: So, that's when I thought
14 everything was okay. And after I purchased
15 another home, we moved out and we rent it. And
16 then, I got into the issue with the tenant and I
17 just want to make sure I do things right.

18 VICE CHAIRMAN BONACCI: Okay.

19 What kind of issue did you get into with
20 the tenant? They didn't like the fact that the
21 apartment wasn't like a recognized legal
22 apartment?

23 MS. BONILLA: Yes. Then they stopped
24 paying rent and I had to go through court and had
25 that big issue. Yes.

1 VICE CHAIRMAN BONACCI: Okay.

2 MS. BONILLA: Um hum.

3 VICE CHAIRMAN BONACCI: And then, you
4 retained the services of these two gentlemen,
5 just to make sure that you were getting
6 everything -- you know, straightened out?

7 MS. BONILLA: I want to make sure I'm okay
8 with the City.

9 VICE CHAIRMAN BONACCI: Yeah. I think --

10 MS. BONILLA: I want to make sure --

11 VICE CHAIRMAN BONACCI: -- that your
12 intentions --

13 MS. BONILLA: -- that my house --

14 VICE CHAIRMAN BONACCI: -- are good.

15 MS. BONILLA: Yes. I want to make sure
16 that -- and nothing happens to none of my
17 tenants, either.

18 VICE CHAIRMAN BONACCI: Right.

19 MS. BONILLA: That's another thing, so --

20 VICE CHAIRMAN BONACCI: You want to make
21 sure --

22 MS. BONILLA: Um hum.

23 VICE CHAIRMAN BONACCI: -- that it's a safe
24 use and that it's occupied well and --

25 MS. BONILLA: Yes.

1 VICE CHAIRMAN BONACCI: -- all that kind of
2 stuff.

3 MS. BONILLA: Definitely. Yes. That's the
4 reason why I'm here. I'm just trying to do
5 things right.

6 VICE CHAIRMAN BONACCI: Do you guys have
7 any questions?

8 MS. GUTIERREZ: No.

9 VICE CHAIRMAN BONACCI: Just hang out one
10 second, Miss, if you don't mind?

11 MS. BONILLA: Um hum.

12 VICE CHAIRMAN BONACCI: Any members of the
13 public that would like to --

14 MR. PRICE: Larry --

15 Still Larry Price.

16 I guess, first a question to you.

17 You bought the house in 2004.

18 MS. BONILLA: Yes.

19 MR. PRICE: Was the house constructed in
20 2004?

21 MS. BONILLA: Yes.

22 MR. PRICE: You constructed the house.

23 MS. BONILLA: Yes.

24 MR. PRICE: You did. And when you first
25 constructed it, there were three apartments.

1 Correct?

2 MS. BONILLA: It was three apartments and
3 the ground floor, as well, had --

4 MR. PRICE: But the ground floor, you said
5 --

6 MS. BONILLA: Um hum.

7 MR. PRICE: -- was part of the apartment on
8 the first floor.

9 MS. BONILLA: Yeah. Um hum.

10 MR. PRICE: It would -- it was a duplex
11 apartment.

12 MS. BONILLA: Yes.

13 MR. PRICE: Initially.

14 MS. BONILLA: Um hum.

15 MR. PRICE: Okay.

16 And at some point, you changed one
17 apartment over two floors to two apartments over
18 two floors.

19 When did you make that change?

20 MS. BONILLA: It was throughout the time
21 that -- we made several changes to that house.
22 We made washers and dryers in each apartment.
23 And then, we did a family room downstairs, with
24 the architect.

25 MR. PRICE: But what date was this?

1 MS. BONILLA: I don't know. It was in --
2 around 2004. It was around the time that we were
3 purchasing the house.

4 VICE CHAIRMAN BONACCI: Mr. Price, I'm
5 sorry.

6 She purchased the house in 2004. She did
7 not build the house.

8 MR. PRICE: She just --

9 MR. PANEQUE: She bought it from the
10 builder.

11 VICE CHAIRMAN BONACCI: She bought it --

12 MS. BONILLA: She bought it --

13 VICE CHAIRMAN BONACCI: -- from the
14 builder.

15 MS. BONILLA: -- from the builder. Yes.

16 VICE CHAIRMAN BONACCI: Yeah. She --

17 MS. BONILLA: That's --

18 VICE CHAIRMAN BONACCI: -- didn't build the
19 house.

20 MS. BONILLA: Yes.

21 MR. PRICE: Okay.

22 VICE CHAIRMAN BONACCI: That much -- we
23 were clear on that, or at least I am.

24 MR. PRICE: Okay.

25 But then -- then, initially, the house that

1 she bought from the builder was a three apartment
2 -- whatever. And the -- the apartment on, I will
3 say, the second floor, had a family room on the
4 first floor. It was a duplex apartment.

5 MS. BONILLA: Yes.

6 MR. PRICE: Initially. When did you change
7 it from one apartment, that was a duplex, to two
8 apartments? What year?

9 MS. BONILLA: It was around the same time.
10 It was around the same time. The architect --
11 not the -- the person that was building the house
12 made accommodations for when I purchased the
13 house.

14 MR. PRICE: And so, you changed it from a
15 three -- three bed -- or sorry -- a three family
16 dwelling unit to a four dwelling -- practically,
17 initially, immediately upon buying the property.

18 MS. BONILLA: You could say that. It was
19 around, initially, when I purchased the house
20 that we made some changes with the builder still
21 working on the house, yes.

22 MR. PRICE: So, the changes --

23 MS. BONILLA: And then, with my kids, we
24 had -- you know, we used both -- both floors.
25 With my parents. I lived with my parents.

1 MR. PRICE: Okay. But fine.

2 But, basically -- okay.

3 Do we -- did we get a memo from the
4 Building Department as to how --

5 VICE CHAIRMAN BONACCI: I have a Building
6 Department memo here that says that, in
7 compliance with the City Ordinance implemented
8 January 4th, 2011, the number of legal units for a
9 property must be verified as part of Zoning Board
10 application process.

11 So that's why they're here.

12 MR. PRICE: And would it -- does the memo
13 say it's three -- three families?

14 VICE CHAIRMAN BONACCI: It was originally a
15 three unit structure.

16 MR. PRICE: Three unit -- it still is a
17 three unit structure.

18 VICE CHAIRMAN BONACCI: Right.

19 MR. PRICE: Okay.

20 I guess, one question of Mr. Valella.

21 Is there -- you said this is over -- this
22 building exists on two lots.

23 MR. VALELLA: No. There are multiple
24 houses like this on the block. They're row
25 houses. This is on its own specific lot, but

1 | they -- they're row houses.

2 | MR. PRICE: Okay.

3 | So, this -- this building's lot is 20 feet
4 | wide and 82 feet deep?

5 | MR. VALELLA: No, 87 and a half feet deep;
6 | 20 by 87 and a half.

7 | MR. PRICE: Okay.

8 | Is there going to be planner testimony?

9 | MR. ALONSO: Yes.

10 | MR. PRICE: Okay. I'll -- I'll defer to
11 | the -- listen to the planner.

12 | VICE CHAIRMAN BONACCI: You have planner
13 | testimony?

14 | MR. ALONSO: Yes.

15 | VICE CHAIRMAN BONACCI: I'm sorry.

16 | MR. ALONSO: Yes.

17 | VICE CHAIRMAN BONACCI: Let's hear the
18 | planner out and then, if there's any other
19 | questions, we'll finish it up.

20 | MR. ALONSO: Mr. McDonough?

21 | MS. DILLON: Just right in front of there,
22 | Mr. McDonough.

23 | Mr. McDonough was previously sworn.

24 | MR. ALONSO: Thank you.

25 | And -- and qualified.

1 VICE CHAIRMAN BONACCI: We accept -- yeah,
2 we accept your qualifications.

3 MR. McDONOUGH: So acknowledged.

4 MR. ALONSO: Mr. McDonough, we -- we
5 noticed this as a D-1 use variance and a parking
6 variance.

7 MR. McDONOUGH: Yes.

8 MR. ALONSO: I'm going to ask you to please
9 review the -- your planning analysis.

10 MR. McDONOUGH: Okay.

11 So, on the positive side, again, we look at
12 the particular or specific attributes of the site
13 that accommodate the use that's before you now.
14 That goes towards the special reasons.

15 Certainly, in terms of the purposes of
16 zoning that are advanced here, we're looking at
17 the advancement of purpose A, the promotion of
18 the general welfare, with a variety of housing
19 options.

20 This is a nice efficient land use, 13 by 13
21 space. It's a very small scale unit. It fits
22 very well in the back of the driveway that's
23 there now on the lower level. And then, it's a
24 -- I'll say, a triple decker above that, with the
25 three units.

1 In terms of the specific attributes of this
2 site that make it well suited for the use that's
3 before you, we're dealing with a piece of
4 property that is three lots removed from your
5 prime commercial corridor of Bergenline Avenue.
6 In my view, that lends itself well to a higher
7 intensity of use. You've got the great transit
8 amenities along that roadway, that's where your
9 retail base is. This provides an additional
10 population to support those -- those local
11 businesses.

12 We're also looking at a site that stares in
13 the face of a banquet hall on the other side of
14 the street. So, there is an active land use on
15 the other side, which I would say, from a
16 planning standpoint, has influences that a
17 typical residential use on the street may not
18 see.

19 So, this opens up, I believe, this site to
20 a higher intensity of use by virtue of the fact
21 that it does face a nonresidential use on the
22 other side.

23 Again, in terms of the negative criteria,
24 there's no physical expansion of the space, per
25 se. This is taking what's there. It's an easy

1 retrofit to fit this unit in the back of the
2 building, without interfering any access or
3 safety aspects of the other residents in the
4 building.

5 We've heard about the enhanced amenities,
6 which sound like they're actually already in
7 place, in terms of fire protection.

8 We see no substantial detriment here.
9 Certainly, from a -- a zoning standpoint, but
10 also, again, as I said before, we have the added
11 layer of protection, in terms of your building
12 regulations and your -- your fire regulations
13 that this use would be subject to.

14 No substantial detriment to the privacy of
15 the use, the enjoyment of the surrounding
16 properties, or to the intent and purpose of the
17 zone plan. Again -- again, given the fact that
18 this is a site that's right along Bergenline
19 Avenue.

20 With that, we think all the aspects of the
21 D-1 test are met, and hand-in-hand with that,
22 given the characteristic of the site, parking
23 relief is also met.

24 MR. ALONSO: I have no further questions.

25 VICE CHAIRMAN BONACCI: Thank you, Mr.

1 McDonough.

2 I don't have any questions for Mr.

3 McDonough or your client, at this time.

4 Members of the Board?

5 Members of the public?

6 MR. PRICE: This site is in the R zone.

7 Correct?

8 MR. McDONOUGH: Yes. This is in the R
9 zone.

10 MR. PRICE: Okay. Okay. Fine.

11 By the way, this site only has one garage.

12 Correct?

13 MR. McDONOUGH: It does. It has the
14 driveway and then the garage.

15 MR. PRICE: But inside there's room for one
16 car, not --

17 MR. McDONOUGH: Correct. Yeah.

18 MR. PRICE: Okay.

19 Okay. What is the total parking
20 requirement for this?

21 MR. McDONOUGH: Again, falling back on the
22 plan of Mr. Valella, there are actually eight
23 parking spaces that would be required here, based
24 on the RSIS requirement. Two spaces are what's
25 proposed; one in the driveway, and one in the --

1 in the garage.

2 MR. PRICE: What is the front yard setback?

3 MR. McDONOUGH: The front yard setback
4 here, the requirement is ten feet and the
5 existing is 10.4 feet.

6 MR. PRICE: How do you park a car in ten
7 feet?

8 MR. McDONOUGH: Well, again, I'll fall back
9 on the -- the plans here that two parking spaces
10 are found to be a -- a proposed condition.

11 MR. PRICE: Well, but one is on the
12 driveway. Who -- should -- does that question go
13 to Mr. Valella instead? I mean, you're saying
14 you're providing two parking spaces, but one is
15 ten feet deep.

16 MR. McDONOUGH: To the --

17 MR. PRICE: That's not a parking --

18 MR. McDONOUGH: To the right of way, not
19 necessarily to the curb line, I agree. But we're
20 not looking to extend a car into the roadway.

21 MR. PRICE: To the property line is ten
22 feet.

23 MR. McDONOUGH: I will -- I will accept the
24 argument that that -- that the second space may
25 be -- may be questionable, under the letter of

1 the Ordinance.

2 MR. PRICE: Mr. Valella, could I ask the
3 same question of you? I mean --

4 MR. VALELLA: Yeah.

5 MR. PRICE: You -- you have --

6 MR. VALELLA: You're correct.

7 MR. PRICE: -- two parking spots.

8 MR. VALELLA: You're correct. It's only --
9 legally, it's one parking space.

10 MR. PRICE: It's one parking space.

11 MR. VALELLA: In real life, they use the
12 driveway.

13 MR. PRICE: And the parking requirement,
14 with the four apartments, is for eight --

15 MR. VALELLA: Yes.

16 MR. PRICE: -- spaces.

17 MR. VALELLA: Yes.

18 MR. PRICE: Okay.

19 Just to confirm a few other things. Total
20 -- total square footage is 1750 square feet.

21 Correct?

22 MR. McDONOUGH: That is correct.

23 MR. PRICE: Eighty-seven and a half feet
24 deep, 20 feet wide.

25 MR. McDONOUGH: Yes.

1 MR. VALELLA: Exactly.

2 MR. PRICE: Okay. Very good.

3 Thank you very much.

4 MR. McDONOUGH: Thank you.

5 VICE CHAIRMAN BONACCI: Okay. Closed to
6 the public.

7 Mr. Alonso, okay so your client purchased a
8 three family house, turned it into a four.

9 MR. ALONSO: Right. What happened,
10 purchased it as a three family from -- directly
11 from the builder.

12 VICE CHAIRMAN BONACCI: Right.

13 MR. ALONSO: While they were in the process
14 of purchasing, she worked with the builder and
15 the builder built the additional space --

16 VICE CHAIRMAN BONACCI: Yeah.

17 MR. ALONSO: -- downstairs. My client
18 believed that it was legal. She utilized it.
19 They lived in it. She moved out. She got the
20 DCA, the green card as a four unit. And then, it
21 was discovered that it was actually a three
22 family. We don't dispute that it's a legal three
23 family.

24 VICE CHAIRMAN BONACCI: Right.

25 MR. ALONSO: But I think it was in that

1 transition, or transactional period, wherein it
2 was constructed by the builder that she relied
3 upon and believed it to be a livable space.

4 VICE CHAIRMAN BONACCI: I just -- you know,
5 I want to say, I -- I understand that your
6 client's intentions, right now, are good of what
7 she wants to do with -- you know, her -- her
8 property that she owns.

9 But if the Board sets a precedent, like for
10 example, if the row houses are consistent with
11 the same sort of setup, and then one after
12 another, people who bought a three family house
13 come in and ask to legalize an extra apartment,
14 we have a problem on our hands.

15 So, we can't allow that domino to drop and
16 set a precedent, allowing everybody to come
17 asking for legalization of an extra unit in their
18 building.

19 So, with that -- you know, I have to make a
20 motion to deny the application.

21 THE SECRETARY: Motion on the table to deny
22 the application by Mr. Bonacci.

23 Any second on the motion?

24 MR. GRULLON: Second the motion.

25 THE SECRETARY: Second the motion by Mr.

1 Grullon.

2 Roll call on the motion to deny this
3 application.

4 Mr. Bonacci?

5 VICE CHAIRMAN BONACCI: Yes.

6 THE SECRETARY: Ms. Gutierrez?

7 MS. GUTIERREZ: Yes.

8 THE SECRETARY: Mr. Grullon?

9 MR. GRULLON: Yes.

10 THE SECRETARY: Mr. Pressey?

11 MR. PRESSEY: Yes.

12 THE SECRETARY: Mr. Ortiz?

13 MR. ORTIZ: Yes.

14 THE SECRETARY: Five in favor.

15 Motion carries.

16 MR. ALONSO: Thank you very much.

17 VICE CHAIRMAN BONACCI: Okay.

18 MS. GUTIERREZ: Thank you.

19 MR. VALELLA: Good night.

20 MS. GUTIERREZ: Good night.

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1 **Vicente & Janeth Falconi - 813 Sip Street:**

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3 THE SECRETARY: Next application --

4 VICE CHAIRMAN BONACCI: Mr. Vallejo, we've
5 reached our curfew for the night, so --

6 THE SECRETARY: I -- I got to call like
7 that if you want to adjourn.

8 MR. PANEQUE: We got to call them to
9 establish jurisdiction.

10 VICE CHAIRMAN BONACCI: Okay.

11 THE SECRETARY: Okay.

12 Next application on tonight's agenda,
13 Vincente and Janeth Falconi, 813 Sip Street.

14 This application was adjourned on June 14,
15 that was the previous meeting.

16 MR. ALONSO: That's correct. Notices were
17 accepted on June 14th.

18 VICE CHAIRMAN BONACCI: Next meeting,
19 September --

20 MS. GUTIERREZ: Thirteen?

21 MR. PANEQUE: September 13th.

22 MR. ALONSO: Thirteen?

23 MS. GUTIERREZ: September 13.

24 THE SECRETARY: September 13.

25 MR. PANEQUE: Is there a motion to carry

1 | this to the September 13th meeting?

2 | MR. GRULLON: Motion.

3 | MS. GUTIERREZ: Second.

4 | THE SECRETARY: Motion by Mr. Grullon to
5 | adjourn this application for September 13 --

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

7 | THE SECRETARY: -- 2018.

8 | Second by Ms. Gutierrez.

9 | Roll call on the motion to adjourn this
10 | application for September 13.

11 | Mr. Bonacci?

12 | VICE CHAIRMAN BONACCI: Yes.

13 | THE SECRETARY: Ms. Gutierrez?

14 | MS. GUTIERREZ: Yes.

15 | THE SECRETARY: Mr. Grullon?

16 | MR. GRULLON: Yes.

17 | THE SECRETARY: Mr. Pressey?

18 | MR. PRESSEY: Yes.

19 | THE SECRETARY: Mr. Ortiz?

20 | MR. ORTIZ: Yes.

21 | THE SECRETARY: Five in favor.

22 | Motion carries.

23 | MR. ALONSO: Thank you.

24 | Enjoy the rest of your summer.

25 | VICE CHAIRMAN BONACCI: Good night.

1 THE SECRETARY: Thank you.

2 Good night.

3 MS. GUTIERREZ: Thank you.

4 You, too.

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1 **Farouk Sheikh - 912 Palisade Ave.:**

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3 THE SECRETARY: We are going to move to the
4 next application.

5 Farouk Sheikh, 912 Palisade Avenue.

6 Mr. Mulkay, please?

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

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

12 I have an Affidavit of Service, indicating
13 that notice of tonight's hearing, was sent out by
14 certified mail on June 14th; it's signed by Teresa
15 Pacheco, notarized by Mr. Alain Mulkay.

16 I have a copy of the notice that was sent
17 to all property owners, indicating that notice of
18 tonight's hearing on the 12th of July, with
19 respect to the property at 912 Palisade Avenue
20 was given.

21 I also been provided with an Affidavit from
22 a publication from The Jersey Journal, which
23 appeared on the paper on June 20th. That notice
24 indicates that the meeting is tonight, July 12th,
25 for the property in question, 912 Palisade

1 Avenue, at the location of 3715 Palisade Avenue.

2 I've also been provided with the Tax
3 Assessor's list, with a date of June 5th,
4 consisting of two pages and the certified mail
5 receipts, with a date of June 14, as well as the
6 green cards and envelopes that have come back.

7 Based on the documentation provided, this
8 Board has jurisdiction to proceed and hear this
9 matter.

10 MR. MULKAY: Mr. Chairman, Alain Mulkay, on
11 behalf of the applicant.

12 I would love to be heard today, but in
13 light of the Board's position, I guess, September
14 13th I understand.

15 VICE CHAIRMAN BONACCI: September 13.

16 MR. MULKAY: Okay. No new notice would
17 need to be sent out.

18 MR. PANEQUE: Yes, the notices are
19 sufficient.

20 Any members in the public who are here on
21 the application of 912 Palisade Avenue, the
22 matter's going to be carried to September 13, six
23 p.m., this room.

24 MS. DILLON: You need a motion. You need a
25 motion.

1 MR. PANEQUE: Yes. We need a motion,
2 please.

3 VICE CHAIRMAN BONACCI: Make a motion to --

4 MS. GUTIERREZ: Oh, I'm sorry.

5 VICE CHAIRMAN BONACCI: -- adjourn the
6 application.

7 MS. GUTIERREZ: And I'm seconding.

8 THE SECRETARY: Motion to adjourn this
9 application for September 13, no new notice
10 required, by Mr. Bonacci.

11 MS. GUTIERREZ: I'm second.

12 THE SECRETARY: Second by Ms. Gutierrez.

13 Roll call on the motion to adjourn this
14 application.

15 Mr. Bonacci?

16 VICE CHAIRMAN BONACCI: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Grullon?

20 MR. GRULLON: Yes.

21 THE SECRETARY: Mr. Pressey?

22 MR. PRESSEY: Yes.

23 THE SECRETARY: Mr. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Five in favor.

1 Motion carries.

2 No new notice required.

3 MR. PANEQUE: Thank you.

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1 **813 10th Street, LLC - 813 10th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 813 10th Street, LLC, 813 10th
5 Street.

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, giving notice of tonight's hearing
11 for the property at 813 10th Street.

12 Said Certification indicates that notice
13 was sent out on June 29.

14 I've also been provided with the Affidavit
15 of Publication from The Jersey Journal,
16 indicating notice was published on June 30th of
17 tonight's hearing, with respect to the property
18 at 813 10th Street, with a location of the meeting
19 to take place at the Municipal Building, 3715
20 Palisade Avenue.

21 I've also been provided with copies of the
22 certified mail receipts, with a postmark date of
23 June 29, as well as the Tax Assessor's list, with
24 a date of June 27, consisting of four pages, as
25 well as the certified mail receipts that have

1 | come back and the envelopes that have come back
2 | unclaimed, return to sender.

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

6 | Ms. Pereiras, based on the curfew time, the
7 | matter's going to be adjourned to the September
8 | 13th meeting, with no further notice to be
9 | provided.

10 | MS. PEREIRAS: We understand. We have no
11 | objection.

12 | Thank you.

13 | MR. PANEQUE: Thank you, as well.

14 | VICE CHAIRMAN BONACCI: Make a motion to --

15 | MR. PANEQUE: Motion?

16 | VICE CHAIRMAN BONACCI: -- adjourn.

17 | THE SECRETARY: Motion to adjourn this
18 | application for September --

19 | MR. GRULLON: Second.

20 | THE SECRETARY: -- 13 --

21 | MR. GRULLON: Second.

22 | THE SECRETARY: -- by Mr. Bonacci.

23 | Second by Mr. Grullon.

24 | Roll call on the motion to adjourn this
25 | application.

1 Mr. Bonacci?

2 VICE CHAIRMAN BONACCI: Yes.

3 THE SECRETARY: Ms. Gutierrez?

4 MS. GUTIERREZ: Yes.

5 THE SECRETARY: Mr. Grullon?

6 MR. GRULLON: Yes.

7 THE SECRETARY: Mr. Pressey?

8 MR. PRESSEY: Yes.

9 THE SECRETARY: Mr. Ortiz?

10 MR. ORTIZ: Yes.

11 THE SECRETARY: Five in favor.

12 Motion carries.

13 No new notice required.

14 MS. PEREIRAS: Good night.

15 MS. GUTIERREZ: Have a great summer.

16 THE SECRETARY: Thank you.

17 MS. PEREIRAS: I'll see you next month --

18 September.

19 Right?

20 MR. PRESEY: September.

21 MS. GUTIERREZ: Have a great summer.

22 MS. PEREIRAS: See you then.

23 THE SECRETARY: September 13.

24 MS. PEREIRAS: You, too.

25 Thank you very much.

1	MR. PRESSEY: Or October.
2	Or November.
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1 **ADJOURNMENT:**

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3 THE SECRETARY: Okay.

4 There being no other application on
5 tonight's agenda, can I have a motion to close
6 tonight's meeting?

7 Motion by Mr. Pressey.

8 MS. GUTIERREZ: Second.

9 THE SECRETARY: Second by --

10 MR. PRESSEY: See you in October.

11 THE SECRETARY: -- Ms. Gutierrez.

12 MS. GUTIERREZ: No, December.

13 THE SECRETARY: All in favor?

14

15 (Whereupon, there was a chorus of ayes.)

16

17 THE SECRETARY: The ayes have it.

18 Thank you and have a good night.

19 Let the record show --

20 MR. PRESSEY: Enjoy.

21 THE SECRETARY: -- show that the meeting
22 has ended.

23 Thank you.

24 (Whereupon, the proceedings were concluded
25 at 10:22 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY ZONING BOARD OF
10 ADJUSTMENT heard on Thursday, July 12, 2018 and
11 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon