

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

	:	TRANSCRIPT OF RECORDED
REGULAR MEETING	:	
	:	PROCEEDINGS
_____	:	

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, September 13, 2018
Commencing at 6:33 p.m.

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

VICTOR M. GRULLON
MARGARITA GUTIERREZ
JOHN MEDINA
MIGUEL ORTIZ
JOSEPH D. BONACCI, Vice Chairman

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

DAVID W. PRESSEY
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
Community Housing and Planning Associates,

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

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

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

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

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

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

ALAIN MULKAY, ESQ.,
Attorney for Applicant, Ayoub Brothers Realty, LLC

ALAIN MULKAY, ESQ.,
Attorney for Applicant, Antonino Forte

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 134 35th Street, LLC
136 35th Street

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 134 35th Street, LLC
134 35th Street

I N D E X

	<u>PAGE</u>
CALL TO ORDER	10
SALUTE TO FLAG	10
ROLL CALL	11
APPROVAL OF PREVIOUS MEETING MINUTES	12
RESOLUTIONS	13/15/18
HEARINGS	
701 30 th Street, LLC	20
Vicente & Janeth Falconi	30
3329 Hudson Avenue, LLC	55
813 10 th Street, LLC	77
Farouk Sheikh	95
Ayoub Brothers Realty, LLC	170
Antonino Forte	174
134 35 th Street, LLC, 136 35 th Street	199
134 35 th Street, LLC, 134 35 th Street	178
ADJOURNMENT	204

I N D E X

Vicente & Janeth Falconi
813 Sip Street

WITNESSPAGE

Michael Bet

31/44

Michael J. Pessolano

37/46

E X H I B I T SNO. DOCUMENTPAGE

A-1 Planning Exhibit (5 pages) Map and Photographs

38

I N D E X

3329 Hudson Avenue, LLC
3329 Hudson Avenue

WITNESS

PAGE

Jose Izquierdo

56

I N D E X813 10th Street, LLC - 813 10th Street

<u>WITNESS</u>	<u>PAGE</u>
Manuel Pereiras	78
 <u>SWORN PUBLIC</u>	
Michael Somma	89

I N D E XFarouk Sheikh - 912 Palisade AvenueWITNESSPAGE

Christiano Pereira	96/118
Jill Hartmann	108

SWORN PUBLIC

Sung Ah Choe	130/161
Jeanine Perrotta	144
Larry Price	147

E X H I B I T SNO. DOCUMENTPAGE

A-1	Photo Exhibit (7) Pages	109
-----	-------------------------	-----

I N D E X134 35th Street, LLC - 134 35th Street

<u>WITNESS</u>	<u>PAGE</u>
Manuel Pereiras	179
 <u>SWORN PUBLIC</u>	
Pedro Sanchez	192
Victor Domenech	195

I N D E X134 35th Street, LLC - 136 35th StreetWITNESSPAGE

Manuel Pereiras

202

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

3 Let me know.

4 MS. DILLON: Yes.

5 Go ahead.

6 THE SECRETARY: Please take notice that on
7 Thursday, September 13, 2018, at six p.m., a
8 Regular Meeting is scheduled for the Union City
9 Zoning Board of Adjustment, to be held in the
10 Municipal Chambers, located on the Second Floor,
11 3715 Palisade Avenue, Union City, New Jersey.

12 Notice of this meeting has been provided as
13 follow:

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

21 Can everybody kindly rise to salute the
22 flag, please?

23

24 (Whereupon, the Pledge of Allegiance was
25 said by all.)

1

2 THE SECRETARY: Thank you.

3

4 **ROLL CALL:**

5

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

8 Mr. Marotta? Absent.

9 Mr. Bonacci?

10 VICE CHAIRMAN BONACCI: Here.

11 THE SECRETARY: Mr. Grullon?

12 MR. GRULLON: Here.

13 THE SECRETARY: Ms. Gutierrez?

14 MS. GUTIERREZ: Here.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Here.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Here.

19 THE SECRETARY: Let the record indicate
20 there are five present.

21 Those absent tonight are Mr. Marotta and
22 Mr. Pressey.

23 So, we have a Board made up of five
24 members. We have a full quorum for tonight's
25 meeting.

1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

2

3 (1) Regular Meeting held on July 12, 2018

4

5 THE SECRETARY: Approval of Previous
6 Meeting Minutes, July 12, 2018.

7 Can I have a motion?

8 MR. GRULLON: Motion.

9 THE SECRETARY: Motion by Mr. Grullon.

10 MS. GUTIERREZ: Second.

11 THE SECRETARY: Second by Ms. Gutierrez.

12 Roll call on the motion.

13 Mr. Bonacci?

14 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. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Five in favor.

24 Motion carries.

25 * * *

1 **ADOPTION OF RESOLUTIONS:**

2

3 (1) Resolution to Appoint the Attorney for the
4 Zoning Board of Adjustment; Commencing on July 1,
5 2018 through June 30, 2019.

6

7 THE SECRETARY: Okay.

8 We are going to Resolutions.

9 First -- first Resolution on tonight's
10 agenda, to appoint the attorney for the Zoning
11 Board of Adjustment, commencing on July 1st, 2018
12 through June 30, 2019.

13 Can I have a motion?

14 VICE CHAIRMAN BONACCI: Make a motion.

15 THE SECRETARY: Motion by Mr. Bonacci.

16 MS. GUTIERREZ: I'm seconding.

17 THE SECRETARY: Second by Ms. Gutierrez.

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. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Five in favor.

5 Motion carries.

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ADOPTION OF RESOLUTIONS:

(2) Basad Kennedy LLC, 1916 Kennedy Blvd., Block 105, Lot 21. Legalize the 23 residential units in the building that has 22 existing units.

Approved

(3) 720 8th Street Union City Renewal Associates, LP, 720 8th Street, Block 42, Lot 9. Proposes six (6) story, 101 unit senior residential housing with retail and two levels of parking. **Approved**

(4) 541 42nd Street, LLC, 539-541 42nd Street, Block 239, Lots 49 & 50. Construct a new nine (9) family house. This matter has been remanded back by the Judge of the Superior Court of the State of New Jersey. Please note that we need to have the Board state the reasons for the approval of the Resolution approving the project for 539-541 42nd St. The Resolution was memorialized on December 8, 2016. **Approved**

(5) Juan Vizueta, 534 42nd Street, Block 244, Lot 10. Proposes to legalize two existing apartments. To go from a two (2) family house to a three (3) family house. **Approved**

1 THE SECRETARY: We are going now to
2 Resolution 2, 3, 4 and 5.

3 Number 2.

4 Basad Kennedy, LLC, 1916 Kennedy Boulevard.

5 Number 3.

6 720 8th Street Union City Renewal
7 Association (sic) LP, 720 8th Street.

8 Number 4.

9 541 42nd Street, LLC, 539-541 42nd Street.

10 Number 5.

11 Juan Vizqueta, 534 42nd Street.

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

14 MR. GRULLON: Motion.

15 THE SECRETARY: Motion by Mr. Grullon.

16 MS. GUTIERREZ: Second.

17 THE SECRETARY: Second by Ms. Gutierrez.

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. Medina?

1 MR. MEDINA: Abstain.

2 THE SECRETARY: Abstain.

3 Mr. Ortiz?

4 MR. ORTIZ: Yes.

5 THE SECRETARY: Four in favor, one
6 abstained.

7 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (6) Yesenia Bonilla, 424 6th Street, Block 27,
4 Lot 25.01. Convert three (3) family house to a
5 four (4) family house by legalizing one (1)
6 basement apartment. **Denied**

7

8 THE SECRETARY: We are going to Resolution
9 number 6.

10 Okay.

11 Yesenia Bonilla, 424 6th Street.

12 The application was denied on July 12,
13 2018.

14 Can I have a motion to approve this
15 Resolution?

16 VICE CHAIRMAN BONACCI: Make a motion.

17 THE SECRETARY: Motion by Mr. Ortiz.

18 MS. GUTIERREZ: I'm seconding.

19 THE SECRETARY: Second by Mr. Bonacci.

20 Mr. Bonacci?

21 VICE CHAIRMAN BONACCI: Yes.

22 THE SECRETARY: Ms. Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Grullon?

25 MR. GRULLON: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Four in favor.

4 Motion carries.

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

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3 THE SECRETARY: Hearings and applications
4 and extensions.

5 Number 1, 701 30th Street, LLC, 701-707 30th
6 Street.

7 Mr. Alonso, please?

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

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

12 This is an application that was approved
13 quite some time ago. I was here last year in
14 June, requesting an extension.

15 The purpose of the extension was the
16 property was formerly a gas station. This Board
17 approved a nine story building, 42 units, seven
18 over two, over parking.

19 Once the economy got better, and the
20 environmental conditions were -- were starting to
21 be abated, we started looking to further
22 development of the property.

23 The Permit Extension Act was expiring. So,
24 we came in for -- for an extension request at
25 that time.

1 I can represent to you that our LSRP,
2 licensed site remediation professional, who does
3 the cleanup, has indicated to us that the site
4 has finally been remediated and an application
5 has been made to the Department of Environmental
6 Protection for the issuance of the RAO, which is
7 the remedial action outcome letter, which then
8 closes the file.

9 It is our understanding that that letter is
10 eminent, probably in the next couple of weeks,
11 but we need an extension.

12 I don't know if techni -- legally, we need
13 the extension because once the -- you have the
14 approval, the approval is subject to all other
15 agencies that may have jurisdiction over the
16 property, which includes the environmental
17 cleanups.

18 However, in order to be as conservative as
19 possible and cautious, we're asking for the
20 extension so that when it goes to the Building
21 Department, for the issuance of the permits, they
22 don't refer us back here because they may
23 interpret it -- the approvals as -- as having
24 expired.

25 So with that said, the -- the original

1 extension actually expired June 30th. We filed
2 the application for the extension prior to that,
3 but unfortunately, for whatever reason, we
4 weren't able to get before the Board until --
5 until this evening.

6 VICE CHAIRMAN BONACCI: Mr. Alonso, when
7 you say the expiration was June 30th, do you mean
8 the expiration was June 30th of 2018 or 2017?

9 MR. ALONSO: '18.

10 VICE CHAIRMAN BONACCI: 2018.

11 MR. ALONSO: Right.

12 Originally, it was '17. We came in prior
13 to that.

14 VICE CHAIRMAN BONACCI: Right.

15 MR. ALONSO: And requested the extension.
16 The extension was granted until June 30th, 2018.

17 As that expiration was coming up, we -- we
18 requested the extension prior to the expiration.

19 And again, technically, I don't believe we
20 need it, but just being conservative.

21 VICE CHAIRMAN BONACCI: Mr. Alonso, when
22 was the project -- when did it start, when did it
23 first get the approval?

24 MR. ALONSO: Let me see.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. ALONSO: August 9th, 2007.

3 VICE CHAIRMAN BONACCI: 2007. Okay. I
4 understand that the Permit Extension Act, you
5 said the expiration was June 30th of 2018 is when
6 --

7 MR. ALONSO: Well, what -- the Permit
8 Extension Act expired, I believe, in '16. And
9 then, there was a -- or '17. And then, we had
10 the extension to '18.

11 VICE CHAIRMAN BONACCI: So, my -- my point,
12 I guess, is that the Permit Extension Act itself
13 has been expired for over a year now.

14 MR. ALONSO: That's correct.

15 VICE CHAIRMAN BONACCI: Now, the purpose of
16 it was to protect you guys from -- or any
17 application really from changes in the zoning
18 requirements.

19 MR. ALONSO: Actually, what happened was,
20 in 2008, when the --

21 VICE CHAIRMAN BONACCI: The recession.

22 MR. ALONSO: -- the recession started --

23 VICE CHAIRMAN BONACCI: Yeah. No. I
24 understand --

25 MR. ALONSO: Yeah.

1 VICE CHAIRMAN BONACCI: -- the intention of
2 all of it. I guess my point is that we're
3 getting kind of far removed from that and this is
4 an application that's over 11 years now.

5 MR. ALONSO: Correct.

6 VICE CHAIRMAN BONACCI: So, you said -- you
7 know, legally, you're not sure if you need our
8 permission.

9 MR. ALONSO: Right. I -- I don't believe
10 that we need the extension, but I don't want to
11 go before the -- the Building Department --

12 VICE CHAIRMAN BONACCI: Yeah.

13 MR. ALONSO: -- with an application for
14 permits, and then their interpretation is that
15 they've expired.

16 So, that's why we're just coming to be
17 conservative and get the extension from this
18 Board, so at least we have that in -- in our back
19 pocket.

20 VICE CHAIRMAN BONACCI: Yeah. You know,
21 Mr. Alonso, my whole problem with this is, we
22 don't want to set -- I don't want to set a
23 precedent for -- you know, continuing to drag out
24 applications that were approved ten, 11 years
25 ago.

1 So, I mean, if it's a legal thing that you
2 don't need us, then you know, we could make a
3 motion to deny the extension, and then you can
4 take that up with -- you know, whatever it is
5 that you need to do.

6 But for purposes of this Board, and setting
7 precedent, I'm going to make a motion to deny the
8 extension.

9 And if you need to go file another
10 application --

11 MR. ALONSO: Well, the --

12 VICE CHAIRMAN BONACCI: -- that's on you
13 guys.

14 MR. ALONSO: The problem with filing
15 another application is the zoning has changed.

16 VICE CHAIRMAN BONACCI: Right.

17 And that's part of the reason why we kind
18 of need to move on from this dead weight of
19 projects that were approved ten or 11 years ago.

20 MR. ALONSO: Right, but the State -- the
21 State has set the precedent with the Permit
22 Extension Act, to -- to protect all the
23 developers and the property owners because of the
24 economy.

25 And that was contemplated and that Permit

1 Extension Act was actually extended multiple
2 times. Okay. Because the economy never got
3 better.

4 And you are entitled to two extensions. We
5 used our first extension last year, and now we're
6 asking for our second extension.

7 VICE CHAIRMAN BONACCI: That brings me to
8 my next point.

9 I'm glad that you brought that up, because
10 I got a chance to review some of the testimony
11 from the first extension, and at that time, it
12 was actually -- the Vice Chairman was Mr.
13 Grullon. And he was asking if the one year
14 extension would be enough time for the applicant
15 to go through the process of covering wells.

16 Remember that?

17 MR. ALONSO: Correct. And -- and I believe
18 that the -- the response was it -- we anticipated
19 --

20 VICE CHAIRMAN BONACCI: Right.

21 MR. ALONSO: -- it would take eight to ten
22 months.

23 VICE CHAIRMAN BONACCI: Yeah.

24 MR. ALONSO: And unfortunately, it's taken
25 a little longer. A considerable amount of money

1 and time has been spent. It's not that we've
2 been dragging our feet. Unfortunately, when the
3 DEP has jurisdiction over this, we have to abide
4 by their regulations.

5 And that's why, in your zoning resolutions,
6 it indicates that it's subject to all other
7 agencies who have jurisdiction over this.

8 So, we can't get building permits until we
9 -- we clear all these other hurdles --

10 VICE CHAIRMAN BONACCI: Yeah.

11 MR. ALONSO: -- we're finally going to
12 clear.

13 VICE CHAIRMAN BONACCI: Mr. Alonso, I don't
14 take your hardships lightly. I understand that
15 you guys have probably gone through a tremendous
16 amount of work that we don't even know about.

17 But for the purposes of setting precedence
18 here for our Board -- you know, like I said, I
19 could wish you the best of luck and if you want
20 to fight it -- you know, good luck.

21 But for the purposes of our Board, I'm
22 going to make a motion to deny the request for
23 the extension.

24 THE SECRETARY: Motion on the table to deny
25 the extension by Mr. Bonacci.

1 Any second on the motion?

2 MS. GUTIERREZ: I'm seconding.

3 THE SECRETARY: Second by Ms. Gutierrez.

4 Roll call on the motion to deny the
5 extension.

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: Abstain.

12 THE SECRETARY: Abstain.

13 Mr. Medina?

14 MR. MEDINA: Have to abstain. Right?

15 Abstain. Right?

16 THE SECRETARY: I --

17 MR. MEDINA: Abstain.

18 THE SECRETARY: This -- this a new -- is an
19 extension; anybody can vote.

20 MR. MEDINA: Yes.

21 THE SECRETARY: Say yes?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Mr. Ortiz?

24 MR. ORTIZ: No.

25 THE SECRETARY: He say no?

1 MR. SPATZ: He said no.

2 THE SECRETARY: He say no.

3 All right. Three -- three in favor on the
4 motion, one abstained, one nay.

5 Motion carries.

6 MR. ALONSO: Thank you.

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1 **Vicente & Janeth Falconi - 813 Sip Street:**

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3 THE SECRETARY: We are going to application
4 number 2.

5 Vicente and Janeth Falconi, 813 Sip Street.
6 Mr. Alonso?

7 MR. ALONSO: Once again, good evening.

8 Alvaro Alonso, Alonso Navarette, on behalf
9 of the applicant.

10 This is an application to convert an
11 existing mixed use building, which is commercial
12 on the ground floor, residential upstairs, into a
13 two family house. This is in the CG zone.

14 And I have two witnesses this evening. I
15 have the architect, who is coming up to set up,
16 and I also have a planner, with respect to the --
17 the variances.

18 MR. PANEQUE: Mr. Alonso, just for purposes
19 of having a clear record, this Board established
20 jurisdiction on the prior --

21 MR. ALONSO: On June -- June 14, 2018. It
22 was adjourned to July 12th, 2018. And then, it
23 was adjourned to this evening.

24 MR. PANEQUE: Okay. So, we do have the
25 jurisdiction --

1 MR. ALONSO: Yes.

2 MR. PANEQUE: -- already established.

3 Thank you.

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

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

8 MR. BET: I do.

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

11 MR. BET: My name is Michael Bet,
12 M-I-C-H-A-E-L, last name Bet, B-E-T.

13 MS. DILLON: Thank you.

14 MR. ALONSO: Thank you.

15 Mr. Bet, I'm just going to ask you to
16 review your qualifications in the field of
17 architecture.

18 MR. BET: I'm a graduate of Pratt
19 Institute, with a major in architecture. I'm
20 licensed in the State of New Jersey since 2006.
21 I've presented in front of numerous Boards,
22 including this one.

23 MR. ALONSO: Okay.

24 VICE CHAIRMAN BONACCI: Mr. Bet, thank you.
25 We accept your qualifications.

1 MR. BET: Thank you.

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

3 Mr. Bet, we have the plans that are before
4 the Board to convert the commercial space into a
5 residential unit, in order to have a two family
6 house.

7 Is that correct?

8 MR. BET: Correct.

9 MR. ALONSO: Okay.

10 I'm going to ask you to review the -- the
11 plans with the Board.

12 MR. BET: We have an 1100 square foot --
13 roughly 1100 square foot building. We're not
14 changing the foot --

15 MS. DILLON: Excuse me, Mr. Bet. Let me
16 fix that mic.

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

19 MS. DILLON: I'm sorry.

20 MR. BET: No problem.

21 So, it's an 1100 square foot footprint.
22 It's a two story building, excluding the basement
23 level.

24 It's a two family -- two family residential
25 building, brick structure. There will be no

1 change to the footprint whatsoever.

2 The way the -- the building is divided is
3 two levels. The basement and the first floor
4 would be unit one, and the second story would be
5 unit two.

6 On the basement level, we'll start there,
7 there will be no sleeping units. It would be a
8 -- a TV room, family room and utility room, set
9 up more like a railroad style apartment, about a
10 little less than 50 percent of it's unexcavated,
11 meaning about I would say a third of it's actual
12 living space.

13 Up above on the first floor, we have the
14 kitchen, bathroom, dining room, kitchen and
15 living room. That level has the two bedroom --
16 two bedrooms in it. An intermediary level
17 between the basement and first floor would also
18 include a full bathroom.

19 They're not seeking any -- anything dealing
20 with setbacks, anything dealing with coverage,
21 any items of that nature. This would be all
22 interior work. That's it.

23 MR. ALONSO: Okay.

24 And currently, is it being used as a
25 residential unit?

1 MR. BET: It's set up as a residential
2 unit. I don't believe anybody is in there at the
3 moment on that level.

4 MR. ALONSO: And just for the Board's
5 information, previously this was approved, this
6 area for a daycare center, and it's no longer
7 being used as a daycare center. So, whatever the
8 construction is, there's going to be certain
9 renovations and modifications, but only to the
10 interior.

11 MR. BET: Only to the interior. And even
12 -- even that being said, they're minimal. There
13 -- there's minor demolition work and really just
14 repair work that's being done.

15 MR. ALONSO: Is there any -- any onsite
16 parking?

17 MR. BET: There is room for onsite parking
18 in the front of the structure. There is a four
19 foot six alleyway to the -- I'm going to say, the
20 right hand side of the building, for lack of a
21 better term. And that -- that would be the open
22 areas that the building does not occupy.

23 MR. ALONSO: Okay.

24 And what is the -- and the parking's in the
25 front of the building.

1 Is that correct?

2 MR. BET: Correct.

3 MR. ALONSO: It's a little parking lot.

4 MR. BET: Correct.

5 MR. ALONSO: And what's the size of the --
6 the parking area?

7 MR. BET: The parking area is 45 by 25.

8 MR. ALONSO: Okay.

9 And within a 45 by 25 space, how many
10 vehicles can you -- can you park at least four
11 vehicles?

12 MR. BET: Yeah.

13 MR. ALONSO: Two in -- two in tandem?

14 MR. BET: Yeah. They would be tandem.
15 Correct.

16 MR. ALONSO: Okay.

17 And the parking requirements for a two
18 family would be four.

19 MR. BET: Correct.

20 MR. ALONSO: Okay.

21 Is there any -- while there is no proposed
22 construction, in terms of the footprint of the
23 building, expanding or any additions, is there
24 any proposed construction with respect to the
25 aesthetics of the building, the materials or with

1 the siding?

2 MR. BET: On the exterior? No. Again, it
3 would remain a brick building. There would be a
4 minor change to the door and that would be it.

5 MR. ALONSO: Okay.

6 MR. BET: To the entry door.

7 VICE CHAIRMAN BONACCI: Mr. Alonso, do you
8 have any other testimony from any other people?

9 MR. ALONSO: I have a planner.

10 VICE CHAIRMAN BONACCI: All right. I'll
11 just save questions for -- is that okay with you
12 guys?

13 MR. GRULLON: Yes.

14 VICE CHAIRMAN BONACCI: Get everybody --
15 their testimony, and then ask the questions at
16 the end?

17 Okay.

18 MR. ALONSO: Okay.

19 Mr. Bet, is there -- does that conclude
20 your testimony?

21 MR. BET: Yes.

22 MR. ALONSO: Okay.

23 VICE CHAIRMAN BONACCI: Okay.

24 MR. ALONSO: So, I'll call our planner.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MS. DILLON: Please raise your right hand.

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

5 MR. PESSOLANO: I do.

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

8 MR. PESSOLANO: Yes. It's Michael J.
9 Pessolano, P-E-S-S-O-L-A-N-O, licensed
10 professional planner in the State of New Jersey,
11 previously qualified before this Board on recent
12 occasions.

13 MS. DILLON: Thank you.

14 VICE CHAIRMAN BONACCI: We -- we've met you
15 before.

16 Right?

17 MR. PESSOLANO: Yes.

18 VICE CHAIRMAN BONACCI: Okay. Yeah. We
19 accept your qualifications.

20 MR. PESSOLANO: Last time I was here, I
21 think you carried me out of the chamber on your
22 shoulders, Chair.

23 That was a dream I had.

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

25 Mr. Pessolano, did you prepare a planning

1 analysis in connection with this application?

2 MR. PESSOLANO: Yes, I did.

3 I also prepared, in collaboration with my
4 colleague, John McDonough, planning exhibits.
5 I'd like to distribute those now.

6 Shall we mark them as A-1?

7 MR. ALONSO: We'll mark those as A-1.

8 MR. PESSOLANO: All right.

9 MR. ALONSO: And I'll just --

10 MS. DILLON: I can do it, Mr. Pessolano.

11 MR. PESSOLANO: Thank you.

12 MR. ALONSO: I'll take one for myself and

13 --

14 MS. DILLON: I'll mark it and give it to

15 Mr. --

16 MR. ALONSO: I need one.

17 MR. PESSOLANO: I have one already.

18 MS. DILLON: -- Vallejo.

19 MR. ALONSO: You have one already?

20 MR. PESSOLANO: Yes.

21

22 (Whereupon, Planning Exhibit (5 pages) Map
23 and Photographs were received and marked as
24 Exhibit A-1.)

25

1 MR. PESSOLANO: In order to prepare for
2 tonight's hearing, I visited the site, looked at
3 the relevant zoning and Master Plan materials for
4 the City, reviewed the application materials.

5 The exhibit, A-1, you have in front of you
6 is a five page map exhibit -- map and photo
7 exhibit, excuse me.

8 Sheet one simply indicates tax map
9 divisions and in the center, the -- the diagram
10 outlined in yellow is the subject property,
11 generally at the opposite Henry Street.

12 On sheet two is an aerial download with
13 those lot lines superimposed, again, with the
14 yellow outlining the -- the subject property. In
15 that row of -- of tax lots, above it and below
16 it, all of those are residential, small scale
17 uses. Diagonally across from the subject
18 property and sort of in the lower right corner is
19 the site where mid-rise apartment building is
20 under construction.

21 On the north -- in the -- I'm sorry -- in
22 the upper right corner, it's a parking area and
23 shopping center.

24 On to page three of the exhibit is a land
25 use map showing great -- definitely that the --

1 the street on which the subject property sits is
2 residential in character and utilization. So on
3 both sides of the subject property and beyond,
4 are residential uses.

5 On page four of the exhibit is a zoning map
6 representation showing the properties in view.
7 This property is in the CG commercial gateway
8 district and it is not -- not utilized for
9 commercial gateway uses at this time. The
10 principal limitation here for what is proposed is
11 that the commercial gateway does not permit
12 ground floor residential uses. It does permit
13 residential on upper floors.

14 So, we are seeking a D-1 use variance for
15 permission to utilize the property as a two
16 family dwelling. In other words, have the ground
17 floor and basement area be the second unit on
18 this property.

19 Page five is a ground photo, taken by
20 myself, showing the subject building, which is
21 remarkably distinct from its neighboring
22 properties because it is tucked in quite a bit
23 from the street, providing for a very unique, but
24 very useful parking area in front. And as our
25 architectural witness described it, ample room

1 for parking of four vehicles. None of the other
2 properties on this side of the street have --
3 have any onsite parking.

4 So, that's the -- the setting for the
5 planning analysis and really a very simple
6 application.

7 We're needing to satisfy the four elements
8 of the Medici analysis, because this is a D-1
9 variance, not for an inherently beneficial use,
10 but for a residential use that's not permitted.

11 It does satisfy, in my opinion, all four
12 elements of the Medici analysis. And I say that
13 based on the site suitability analysis, special
14 reasons, the public impact and the zone plan
15 impact. Those are the -- the four elements of
16 the analysis which I'll briefly go through.

17 It's a particularly suitable site, in my
18 opinion, due to the context. There are
19 residential uses on the ground floor on both
20 sides, up and down the street, on -- on this
21 particular section.

22 So, the blending in of a -- another ground
23 floor unit will effectively be like it was always
24 there, in my opinion, in that way. The
25 nonresidential is the exception in this

1 particular setting.

2 And it's a suitable site particularly due
3 to the condition, as well. The site has a
4 distinct advantage, as mentioned, of an onsite
5 parking area directly in front.

6 The special reasons are satisfied by this
7 application because it promotes two purposes of
8 the Municipal Land Use Law.

9 One is Purpose A, which is utilizing --
10 putting to use underutilized space and certainly
11 providing a new updated dwelling unit, for
12 occupancy by another resident of the city.

13 And Purpose M, of the Land Use Law, which
14 is to promote efficient use of land. We have
15 underutilized space, making use of it for a use
16 that blends in with the neighborhood I think is a
17 nice match.

18 The -- the Union City Master Plan Re-Exam
19 Report, done in February 2018, wishes to promote
20 economic growth. An occupied unit versus an
21 unoccupied one moves in that -- favorably in that
22 direction.

23 In terms of public impact, the residential
24 use is totally compatible with the residential
25 character of the area. No physical changes to

1 the building are needed. It's a simple retrofit
2 and occupancy.

3 As to the zone plan impact, the -- the
4 proposed use is actually less intense than the
5 permitted use. If a retail use were here -- from
6 a parking standpoint, I'm saying that if a retail
7 use were here, the parking requirement would be
8 for four spaces for this same amount of square
9 footage; 1.5 spaces is the requirement under
10 residential utilization.

11 So, we're actually making a better fit
12 zoning-wise, so I can find no basis for any
13 detriment to the -- the zone plan or Zoning
14 Ordinance from this proposal.

15 So, in conclusion, this is a simple
16 application to change the use of existing space
17 to a less intense use. The relief relates to a
18 distinct property that has off-street parking,
19 and the use is indeed very compatible with the --
20 the surrounding uses. The statutory tests for
21 relief are met, and I submit that your approval
22 is warranted, if you're so inclined.

23 Thank you.

24 VICE CHAIRMAN BONACCI: Thanks, Mr.
25 Pessolano.

1 Mr. Alonso, do you have any other --

2 MR. ALONSO: That concludes our testimony.

3 VICE CHAIRMAN BONACCI: Okay.

4 We'll start with Mr. Bet.

5 MR. ALONSO: Sure.

6 VICE CHAIRMAN BONACCI: Okay.

7 MR. ALONSO: Mr. Bet?

8 MR. BET: Yes.

9 MS. DILLON: Just in front of that
10 microphone in the center, Mr. Bet.

11 VICE CHAIRMAN BONACCI: Mr. Bet, so you
12 said that it's two stories minus the basement.

13 MR. BET: Correct.

14 VICE CHAIRMAN BONACCI: Unit one has two
15 bedrooms.

16 MR. BET: Correct.

17 VICE CHAIRMAN BONACCI: Unit two?

18 MR. BET: Unit two wasn't part of the
19 application, so I really didn't --

20 VICE CHAIRMAN BONACCI: Okay.

21 MR. BET: -- take a look at that.

22 VICE CHAIRMAN BONACCI: So just -- we're
23 just focusing on unit one, then.

24 MR. BET: Correct.

25 VICE CHAIRMAN BONACCI: For -- for the

1 application.

2 The bedroom sizes, square footage?

3 MR. BET: You got me at a loss.

4 That is -- I would say both of them
5 combined would be roughly -- 1100 -- about half
6 -- half -- less -- a little less than half of the
7 building footprint. So, figure a little bit less
8 than half of 1100 square feet.

9 VICE CHAIRMAN BONACCI: So, half of the
10 1100.

11 MR. BET: Probably a little less.

12 VICE CHAIRMAN BONACCI: Okay.

13 Mr. Spatz, my question, I guess, is going
14 to be for you on this one.

15 MR. SPATZ: Um hum.

16 VICE CHAIRMAN BONACCI: Would that sound,
17 ballpark, like the bedrooms would meet the Code?
18 Half of 1100?

19 MR. SPATZ: Well, in terms of bedrooms --
20 you know, the Building Department would certainly
21 review that, but from -- you know, reviewing the
22 plans -- you know, they -- they appear to be
23 satisfactory and certainly would meet the
24 Building Code.

25 VICE CHAIRMAN BONACCI: All right.

1 MR. SPATZ: But that would be part of the
2 Building Department's ultimate review of this.

3 VICE CHAIRMAN BONACCI: Okay. That's fair
4 enough. Okay.

5 That's it for Mr. Bet.

6 Does anybody else have any questions for
7 Mr. Bet, the architect?

8 MR. ORTIZ: No.

9 VICE CHAIRMAN BONACCI: Okay.

10 I'll open it up to the public after we're
11 done, so we might need you again.

12 MR. BET: Understood.

13 VICE CHAIRMAN BONACCI: Okay.

14 Mr. Pessolano?

15 MR. PESSOLANO: Yes, sir.

16 VICE CHAIRMAN BONACCI: Can you give us any
17 kind of testimony with regards to the traffic
18 impact that this might have? Any, not really
19 sufficient? Where would you kind of --

20 MR. PESSOLANO: I -- I think it -- it moves
21 the needle in a positive direction, again,
22 consistent with one of the Master Plan goals to
23 improve parking where possible and -- and make
24 for safer movement in residential areas, by
25 having off-street parking. It has to do that

1 versus people circling for finding an on-street
2 space.

3 VICE CHAIRMAN BONACCI: Okay.

4 Would you be able --

5 MR. PESSOLANO: And -- and the width of it
6 allows for adequate movement --

7 VICE CHAIRMAN BONACCI: Okay.

8 MR. PESSOLANO: -- in and out of the
9 available four spaces, too.

10 VICE CHAIRMAN BONACCI: Can you give us any
11 kind of testimony that would give us an
12 indication as to whether or not the application
13 meets the safety standards; egress, fire, that
14 kind of stuff?

15 MR. PESSOLANO: I did not evaluate those
16 Building Code questions.

17 VICE CHAIRMAN BONACCI: Okay.

18 MR. ALONSO: Yeah. That -- that'd be a
19 Construction Code issue, that obviously we would
20 have to satisfy the Building Department before
21 they issue any permits.

22 VICE CHAIRMAN BONACCI: Okay.

23 And you mentioned something about the off-
24 street parking. Can you give us any kind of
25 parking testimony that would hit on the parking

1 points?

2 MR. PESSOLANO: There would be a
3 requirement for one -- one and a half spaces per
4 dwelling unit; four being provided is one more
5 than the three required.

6 VICE CHAIRMAN BONACCI: So you got more --

7 MR. PESSOLANO: Yes.

8 VICE CHAIRMAN BONACCI: -- than you need.
9 Is that the testimony?

10 MR. PESSOLANO: Yes.

11 MR. ALONSO: Right. And -- and if you look
12 at the -- at the photograph, these actually go
13 three across. So, probably you could -- in
14 tandem, you could probably get up to six spaces,
15 if you needed it.

16 VICE CHAIRMAN BONACCI: Yeah. I'm just
17 thinking about -- you know, emergency situations.
18 But we'll leave that for later.

19 Okay.

20 Thanks so much --

21 MR. PESSOLANO: Thank you.

22 VICE CHAIRMAN BONACCI: -- Mr. Pessolano.

23 MR. PESSOLANO: Thank you, Mr. Chairman.

24 VICE CHAIRMAN BONACCI: No problem.

25 Mr. --

1 MR. ORTIZ: I have a question.

2 VICE CHAIRMAN BONACCI: Okay. I'm sorry.

3 MR. ORTIZ: Mr. Pessolano, what's the size
4 of the -- of the parking?

5 MR. PESSOLANO: Twenty-five by 45, rough
6 dimensions.

7 MR. ORTIZ: All right.

8 Thank you.

9 MR. PESSOLANO: You're welcome.

10 VICE CHAIRMAN BONACCI: Mr. Alonso, just
11 can we get a rundown of the relief that you're
12 requesting, besides D-1. I got that.

13 MR. ALONSO: Sure. I believe the only
14 relief is the D-1.

15 VICE CHAIRMAN BONACCI: Okay.

16 MR. ALONSO: Because any bulk requirements
17 will be subsumed within the D-1 relief --

18 VICE CHAIRMAN BONACCI: Okay.

19 MR. ALONSO: -- because it's not a
20 permitted use.

21 The only other one typically would be the
22 parking, but we satisfy the parking.

23 So, the only variance, Mr. Pessolano, is it
24 correct, is the D-1 use variance?

25 MR. PESSOLANO: That's correct. There's no

1 change to the existing building. Any
2 nonconformities there would be preexisting.

3 VICE CHAIRMAN BONACCI: Okay.

4 Does anybody else have any questions for --

5 MR. GRULLON: I have -- for Mr. Bet. Just
6 to review.

7 There's no -- there's no changes in the
8 façade?

9 MR. BET: No.

10 MR. GRULLON: Could you just go over the
11 modification you're making on the inside of the
12 building?

13 MS. DILLON: Can you just bring that over
14 to the --

15 MR. BET: Oh, yeah. Sure.

16 MS. DILLON: Thank you.

17 MR. BET: The modifications -- we'll start
18 at the first floor.

19 There would be removal of one, two, three
20 existing doors. One of the doors would be closed
21 off. If you're looking at the plan, that would
22 be on the right side, because they're forming a
23 -- a bedroom there, just for privacy purposes.

24 The second door that they would be removing
25 is an entrance door, which is a double door that

1 | would be changed to a single door.

2 | They're expanding the size of the door
3 | going into the bathroom, if you look at the upper
4 | left hand side, and that -- that would just be
5 | for convenience sake.

6 | On the ground -- oh, and also, in one of
7 | the bedrooms, they're creating a closet. I'm
8 | sorry.

9 | On the basement level, what we have is,
10 | there's slight demolition work between what's
11 | called the TV room and the family room, just to
12 | open up that -- that doorway between those two
13 | rooms, as well as some removal of some mill work.
14 | And that would be it.

15 | MR. GRULLON: That --

16 | MR. ALONSO: So, essentially, very minimal
17 | renovation.

18 | MR. BET: Extremely minimal.

19 | MR. GRULLON: There's no living space in
20 | the basement. No?

21 | MR. BET: There's no living space. There's
22 | usable space, but there's no sleeping quarters
23 | downstairs. There will be -- there's no kitchen,
24 | anything of that nature.

25 | MR. GRULLON: Thank you, Mr. Bet.

1 VICE CHAIRMAN BONACCI: Anybody have
2 questions for Mr. Pessolano, or Mr. Bet, or Mr.
3 Alonso?

4 Mr. Spatz?

5 MR. SPATZ: Yes, sir?

6 VICE CHAIRMAN BONACCI: Real quick.

7 Mixed use is okay in the CG, commercial
8 gateway zone?

9 MR. SPATZ: Mixed use would be, but this is
10 --

11 VICE CHAIRMAN BONACCI: That falls under
12 the --

13 MR. SPATZ: This is -- this is -- well,
14 this is becoming fully residential.

15 VICE CHAIRMAN BONACCI: Right.

16 MR. SPATZ: So, which is where -- why they
17 need the use variance.

18 VICE CHAIRMAN BONACCI: Got you. Okay.

19 MR. GRULLON: Open to public.

20 VICE CHAIRMAN BONACCI: Yeah.

21 Does anybody from the public have any
22 questions with regards to this application?

23 Okay.

24 Closed to the public.

25 Okay.

1 Being that everything here seems to meet
2 the purposes of the Municipal Land Use Law and
3 has a positive impact on the health, safety and
4 welfare of the residents of the city, make a
5 motion to approve the application.

6 THE SECRETARY: Motion to approve the
7 application by Mr. Bonacci.

8 MR. GRULLON: Second.

9 THE SECRETARY: Second by?

10 Mr. Grullon.

11 Roll call on the motion.

12 Mr. Bonacci?

13 VICE CHAIRMAN BONACCI: Yes.

14 THE SECRETARY: Ms. Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Grullon?

17 MR. GRULLON: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Mr. Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Five in favor.

23 Motion carries.

24 MR. ALONSO: Thank you very much.

25 Have a good evening.

1 VICE CHAIRMAN BONACCI: You too.

2 MR. PESSOLANO: Thank you folks.

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

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1 **3329 Hudson Avenue, LLC - 3329 Hudson Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 3329 Hudson Avenue, LLC.

5 Mr. Hernandez, please?

6 MR. HERNANDEZ: Yes. Hi, how are you?

7 I am here.

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

10 MR. HERNANDEZ: Good evening, ladies and
11 gentlemen of the Board.

12 My name is Aristides Hernandez. I am the
13 attorney for the applicant, who's 3329 Hudson
14 Avenue, LLC.

15 The gist of the application, just to be
16 brief with it, is we're looking to abate, close
17 down a bar use that's on the first floor. It's a
18 longstanding bar that's been there for many, many
19 years. Now, we're looking to close that down.
20 We're looking to build in that space where the
21 bar now occupies, two apartments and we're
22 looking to build two further apartments in this
23 -- in the rear of the property, in the second and
24 third floors of the property in the rear.

25 They're all going to be studio apartments,

1 | which we feel will be good in the sense that
2 | there'll be less need for parking, and also that
3 | commuters will -- will avail themselves of public
4 | transportation into the city.

5 | It's mainly that is what we're looking for,
6 | or that was what we would expect in a situation
7 | like this.

8 | I have Mr. Izquierdo who is the -- both the
9 | architect and the planner, which I would like to
10 | qualify, or if the Board would accept his
11 | qualifications without --

12 | VICE CHAIRMAN BONACCI: I think we know Mr.
13 | Izquierdo.

14 | MR. HERNANDEZ: I think you would.

15 | MR. IZQUIERDO: Thank you. I was afraid of
16 | that.

17 | VICE CHAIRMAN BONACCI: We accept your
18 | qualif --

19 | MR. HERNANDEZ: So --

20 | MS. DILLON: Mr. Izquierdo, please raise
21 | your right hand.

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

24 | MR. IZQUIERDO: I do.

25 | MS. DILLON: Please just state your name

1 for the record.

2 MR. IZQUIERDO: My name is Jose Izquierdo.

3 I'm an architect in New Jersey, license
4 09143.

5 I'm also a planner in the State of New
6 Jersey, license number 03385.

7 MS. DILLON: Thank you.

8 VICE CHAIRMAN BONACCI: We accept his
9 qualifications.

10 MR. HERNANDEZ: Thank you.

11 MR. IZQUIERDO: Thank you, Mr. Bonacci.

12 This is a property located in the R zone.
13 Jurisdiction is proper before the Zoning Board
14 because the applicant is requesting a use
15 variance, a D-1 use variance. The existing
16 building has four apartments with a bar on the
17 ground floor.

18 The existing building and the existing
19 site, in that condition, received site plan
20 approval and variances from this Board when the
21 architect was the late, Mrs. Ana Galvan. And
22 there is an approved site plan, which was
23 executed, was memorialized and there's a bar on
24 the ground floor and four apartments on the
25 second and third floor of the front part of the

1 building, which lies closer to 3329 -- to -- to
2 Hudson Avenue.

3 The rear of the building is just the
4 rooftop of the extension of the bar.

5 The site is very difficult. There's a lot
6 of hardship to the site because the site is very
7 narrow. But in addition to that, the industrial
8 facility, which lies to our south, encroaches and
9 has like a cutout into the property that makes
10 the site plan a very difficult site plan. That
11 site plan was for approval and was approved by
12 this Board.

13 We're seeking -- the -- the existing use,
14 the four family and the bar is an existing
15 nonconforming use in the R zone, which received
16 approval.

17 So, when we remove the bar, we're not
18 extending the nonconforming use because then
19 we're creating a new use, which would be a four
20 family plus either the two units in the ground
21 floor, substituting the basement, the ground
22 floor, the bar, and the additional two units that
23 would then, we would be converting from a four
24 family with a bar to an eight family. Okay.
25 There --

1 MR. PANEQUE: Mr. Izquierdo, may I just
2 stop --

3 MR. IZQUIERDO: Si'.

4 MR. PANEQUE: -- you for one minute,
5 please?

6 The application has been presented as a
7 four unit and one commercial, going to an eight
8 unit residential.

9 MR. IZQUIERDO: Correct.

10 MR. PANEQUE: Okay.

11 Before we proceed, because that's the way
12 it's being presented, we have to address this
13 Building Department memo that I have in front of
14 me.

15 MR. IZQUIERDO: Okay.

16 Go ahead.

17 MR. PANEQUE: And maybe you can --

18 MR. IZQUIERDO: I don't have the memo.

19 MR. PANEQUE: Okay.

20 Pursuant to the Building Department, the
21 Building Department recognizes this property as a
22 two unit and one commercial structure. So, as
23 you --

24 MR. IZQUIERDO: I have the approved --

25 MR. PANEQUE: -- are well --

1 MR. IZQUIERDO: -- plans by Ana Galvan.

2 MR. PANEQUE: But the fact that you have
3 approved plans, were those plans ever finalized
4 through permits and COs?

5 Because if -- if we don't have COs on those
6 other two units, then you're --

7 MR. IZQUIERDO: It's a different game. I
8 understand.

9 MR. PANEQUE: It's a different application.

10 MR. IZQUIERDO: I understand.

11 MR. PANEQUE: You're going from two to
12 eight instead of --

13 MR. IZQUIERDO: I understand. I
14 understand.

15 MR. PANEQUE: Okay. So --

16 MR. IZQUIERDO: I don't know. She's dead.
17 Ana died.

18 MR. PANEQUE: I'm aware --

19 MR. IZQUIERDO: So --

20 MR. PANEQUE: -- of that.

21 MR. IZQUIERDO: Yes. So --

22 MR. HERNANDEZ: We have -- I submitted,
23 with the -- with our package, I submitted a copy
24 of the variance that was approved by -- that was
25 granted by this Board. I don't know how long ago

1 | it must have been. It must have been 15 years
2 | ago.

3 | MR. IZQUIERDO: I don't have the --

4 | MR. HERNANDEZ: But it is part --

5 | MR. IZQUIERDO: -- construction documents.

6 | MR. HERNANDEZ: I -- I have it inside my
7 | file, but it was attached to the application.

8 | MR. PANEQUE: Okay.

9 | MR. HERNANDEZ: So that all would be aware
10 | that there was a previous variance application
11 | and -- and variance granted.

12 | MR. IZQUIERDO: I understand what you're
13 | saying that --

14 | MR. PANEQUE: The --

15 | MR. IZQUIERDO: -- even though we may have
16 | the variance drawings approved, there may have
17 | never been an application before the Building
18 | Department to memorialize those from a two to a
19 | bar, with the four that was applied and approved
20 | for.

21 | I don't have the answer to that question.

22 | MR. PANEQUE: Okay. And --

23 | MR. IZQUIERDO: So --

24 | MR. PANEQUE: -- the reason I'm bringing
25 | this up is because the Building Department has

1 brought to my attention, as counsel for the
2 Board, the fact that this Board is having
3 applications submitted to it with -- and I'm only
4 doing this as an analogy.

5 In this case, if this Building Department
6 in Union City is only recognizing two units and
7 one commercial, and you're coming in and saying
8 we have four units, technically, you have two
9 units that are illegal.

10 MR. IZQUIERDO: I understand.

11 MR. PANEQUE: Okay. So, your application,
12 on its face, is defective.

13 MR. IZQUIERDO: So we have to --

14 MR. PANEQUE: Okay.

15 MR. IZQUIERDO: -- settle that issue before
16 we go further.

17 MR. PANEQUE: Correct.

18 And that's -- and the fact that Ms. Galvan,
19 may she -- may she rest in peace, had an approval
20 for one commercial and four residential
21 structures, if that never materialized through a
22 CO in the Building Department and it was
23 processed through the Building Department --

24 MR. IZQUIERDO: It's moot.

25 MR. PANEQUE: -- then, for all intents and

1 purposes, this Board, what it has before it is a
2 defective application in that it's -- it's being
3 presented as four units going to eight, when it's
4 -- in reality, it's two going to eight.

5 MR. IZQUIERDO: Correct.

6 MR. PANEQUE: Okay?

7 MR. IZQUIERDO: I'll agree.

8 MR. PANEQUE: And I don't dispute that Ms.
9 Galvan had a Resolution approved --

10 MR. HERNANDEZ: I -- I submitted it with
11 the application.

12 MR. PANEQUE: Yeah, but --

13 MR. HERNANDEZ: You all have it.

14 MR. IZQUIERDO: The issue is the
15 construction --

16 MR. PANEQUE: The --

17 MR. IZQUIERDO: -- documents.

18 MR. PANEQUE: The -- getting an approval,
19 okay, many people get approvals all the time and
20 they never complete the process, because they
21 decide that the project is not worthwhile
22 economically or whatever.

23 So, just getting the approval here doesn't
24 mean that automatically that becomes a four
25 family.

1 And this memo is dated July 12. So, it's a
2 recent memo.

3 The Building Department is only recognizing
4 this property as two plus one commercial.

5 MR. HERNANDEZ: That's --

6 MR. IZQUIERDO: So --

7 MR. HERNANDEZ: -- all news to me because --

8 MR. PANEQUE: I understand that Mr.
9 Hernandez.

10 MR. HERNANDEZ: -- I was never made aware
11 --

12 MR. PANEQUE: I -- and --

13 MR. HERNANDEZ: -- of the memo. If I had,
14 I would have had an opportunity to address the
15 issue, but to me, it's a total surprise right
16 now.

17 MR. PANEQUE: I -- and --

18 MR. IZQUIERDO: So would it be possible --

19 MR. PANEQUE: This is the first time I'm
20 reading it.

21 MR. HERNANDEZ: Yeah.

22 MR. PANEQUE: When the packet --

23 MR. HERNANDEZ: Understood.

24 MR. PANEQUE: -- is presented to me.

25 MR. HERNANDEZ: Yeah. Understood.

1 MR. IZQUIERDO: Would it be possible for us
2 to table this application for now? Adjourn until
3 we figure this out and then come back next month
4 or something?

5 MR. PANEQUE: I -- I have no objection or
6 if --

7 VICE CHAIRMAN BONACCI: Yeah. I mean --
8 you know, according to Mr. Paneque, with what
9 he's basing -- you know, his testimony on with
10 regards to the Building Department memo, it
11 really doesn't give us a whole lot to work with.

12 MR. IZQUIERDO: There's no clarity. I
13 understand.

14 VICE CHAIRMAN BONACCI: Yeah. In terms of
15 granting --

16 MR. IZQUIERDO: Anything.

17 VICE CHAIRMAN BONACCI: -- denying,
18 whatever. So --

19 MR. IZQUIERDO: I understand.

20 VICE CHAIRMAN BONACCI: I mean, if you want
21 to adjourn it, do some whatever it is that you
22 guys need to do to bring it back, and then --
23 because it seems like we can't make a decision
24 one way or the other. I have to --

25 MR. IZQUIERDO: Okay. We were --

1 VICE CHAIRMAN BONACCI: -- defer to the
2 counselor -- you know?

3 MR. IZQUIERDO: If I can be candid, we were
4 actually thinking of maybe modifying our
5 application. Instead of having the four plus the
6 two, because the application can be bifurcated,
7 because the -- the addition in the back does not
8 have to be a part of the application and we can
9 just deal with the existing square footage that
10 is modified by the bar.

11 But the question is in terms of the
12 notices. When Mr. Hernandez sent the notices, it
13 was like a thousand dollars in notices. So, may
14 the notices be preserved, even though we may come
15 back with a revised application?

16 VICE CHAIRMAN BONACCI: That's up to -- I
17 got to console (sic) with --

18 MR. PANEQUE: The issue that I have, and
19 this is something that you're going to have to
20 take up with the Building Department, if the
21 Building Department gets back to you and say,
22 we're only recognizing two legal units in this
23 structure --

24 MR. IZQUIERDO: We have to notify again.

25 MR. PANEQUE: -- then you have a problem --

1 MR. IZQUIERDO: Yes.

2 MR. PANEQUE: -- Mr. Izquierdo and Mr.
3 Hernandez, with your notice, if your notice is
4 saying you're going from four to eight.

5 MR. IZQUIERDO: I understand.

6 MR. PANEQUE: Because you have a defective
7 notice. You're putting out to the public a
8 different request --

9 MR. IZQUIERDO: A false statement.

10 MR. PANEQUE: -- than what we have to
11 approve.

12 And I understand that your request to us is
13 going from four to eight, but I've already been
14 called by the Building Department to not have
15 this situation occur again, where we're approving
16 something where the Building Department says, why
17 did you go from four to eight, when you were
18 really supposed to go from two to eight?

19 So, your application may very well be
20 approved, but it has to be correctly presented,
21 and the Board has to know full well that they're
22 going from two to eight, instead of four to
23 eight.

24 MR. IZQUIERDO: So, in the case that the
25 Building Department determines, and we are in

1 | agreement with them, because we don't have the
2 | proofs that the documents were never submitted --

3 | MR. PANEQUE: Um hum.

4 | MR. IZQUIERDO: -- so we really basically
5 | have a two. I understand that notices would be
6 | required.

7 | But in the case that four units are, if we
8 | were going to go instead of from four and the bar
9 | to four and eight, so to go to four, to five, or
10 | four to six, that's the notices that I'm trying
11 | to say that they would not be -- may be required,
12 | in going from four to six. Not from two. If it
13 | turns out --

14 | MR. PANEQUE: Yeah.

15 | MR. IZQUIERDO: -- two, we have to
16 | renotice.

17 | MR. PANEQUE: If -- if legally you have
18 | four there and a bar, then your notice is --

19 | MR. IZQUIERDO: Sufficient.

20 | MR. PANEQUE: -- acceptable, sufficient, in
21 | that you gave the proper notice of what you were
22 | going from, to.

23 | And you can go -- you can make a notice
24 | from four to eight and then come in and say,
25 | we'll reduce it from eight to --

1 MR. IZQUIERDO: Four to five.

2 MR. PANEQUE: -- seven, or eight to six, or
3 whatever.

4 But the concern is, when you're presenting
5 to the public that you're going from four to
6 eight, and you actually only have two.

7 MR. IZQUIERDO: I understand.

8 MR. PANEQUE: Now, I -- I do have the --
9 the Resolution that was approved back in 2002.

10 Let me just give it a quick look to see
11 what it was --

12 See, this Resolution indicates that the
13 applicant intends to add two residential
14 apartments.

15 MR. IZQUIERDO: To the -- to the two.

16 MR. PANEQUE: To the two. Okay. So the --
17 she probably did have a Resolution from two to
18 four. Now --

19 MR. IZQUIERDO: We need to find the permits
20 that were issued to turn it from a two to a four.

21 MR. PANEQUE: Give me --

22 MR. IZQUIERDO: Absent the permits --

23 MR. PANEQUE: If you bear with me one
24 second, because what I'd like to do is check on
25 the tax record, unless Mr. Hernandez has the tax

1 record with him.

2 MR. HERNANDEZ: I don't have it. No.

3 MR. PANEQUE: You do not?

4 MR. HERNANDEZ: No.

5 MR. PANEQUE: And see what the tax record

6 --

7 MR. HERNANDEZ: I can -- I can --

8 MR. PANEQUE: -- shows --

9 MR. HERNANDEZ: -- locate it --

10 MR. PANEQUE: -- with respect to what this
11 property is being taxed at.

12 MR. IZQUIERDO: I think we're paying taxes
13 as a four.

14 MR. PANEQUE: As a four and one commercial?

15 MR. IZQUIERDO: I believe so. Yes, the bar
16 is legal.

17 MR. PANEQUE: Well, yeah. That -- that's
18 not --

19 I'm just concerned because they gave us a
20 memo that says it's only recognized as two, so --

21 MR. IZQUIERDO: I can square that with the
22 Building Department.

23 MR. PANEQUE: Um hum.

24 MR. HERNANDEZ: I -- just -- I could find
25 out right now.

1 MR. PANEQUE: I'm -- I'm searching myself.

2 MR. HERNANDEZ: Yeah.

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

5 MR. PANEQUE: It is being taxed as one
6 commercial and four units.

7 MR. IZQUIERDO: Yes.

8 MR. PANEQUE: Okay. But as you are aware
9 --

10 MR. IZQUIERDO: We'll check the Building
11 Department records.

12 MR. PANEQUE: Yeah.

13 MR. IZQUIERDO: And we'll come --

14 MR. PANEQUE: The Building Department
15 records --

16 MR. IZQUIERDO: -- back with whatever
17 proofs we have.

18 MR. PANEQUE: Yeah.

19 MR. IZQUIERDO: And if we have to modify
20 the application, then Mr. Hernandez will be in
21 touch with you, I guess --

22 MR. PANEQUE: Yeah.

23 MR. IZQUIERDO: -- to --

24 MR. PANEQUE: I -- I wish we had a way of
25 -- of doing that right now, but I -- at this

1 | time, I -- unless you have a C of O for those two
2 | units --

3 | MR. HERNANDEZ: I -- this, to me, is an
4 | issue --

5 | MR. PANEQUE: Yeah.

6 | MR. HERNANDEZ: -- that was never even
7 | envisioned. I was thinking --

8 | MR. PANEQUE: Yeah.

9 | MR. HERNANDEZ: -- about a whole lot of
10 | other things, never about this.

11 | MR. PANEQUE: Yeah.

12 | MR. HERNANDEZ: Had I been made aware, I
13 | would have been -- I would have had an
14 | opportunity to perhaps address it. But not --
15 | not at this point in time. I'm not ready to --
16 | to address the issue.

17 | MR. PANEQUE: Yeah. And I mean, this memo
18 | is dated July 12th.

19 | MR. HERNANDEZ: Right.

20 | MR. PANEQUE: Okay.

21 | So, I don't know if the process was
22 | finalized. I'm just thinking out loud that if
23 | the process was finalized in the Building
24 | Department, they would have given us a memo
25 | showing four units.

1 MR. IZQUIERDO: It was 16 years ago.

2 VICE CHAIRMAN BONACCI: But they're --
3 they're paying taxes on four units.

4 MR. PANEQUE: They're paying --

5 VICE CHAIRMAN BONACCI: Right?

6 MR. PANEQUE: -- taxes on four units,
7 because probably the apartments are there when
8 the assessor went in.

9 VICE CHAIRMAN BONACCI: Okay.

10 MR. PANEQUE: He -- he assesses on what he
11 sees.

12 VICE CHAIRMAN BONACCI: So does -- do they
13 have to renotice, or they're okay with the
14 original notice?

15 MR. PANEQUE: If -- if they have four units
16 --

17 VICE CHAIRMAN BONACCI: Right.

18 MR. PANEQUE: -- recognized --

19 MR. IZQUIERDO: In the Building Department.

20 MR. PANEQUE: -- recognized by the Building
21 Department, then your notice is good.

22 MR. IZQUIERDO: Correct.

23 MR. PANEQUE: And then we just --

24 VICE CHAIRMAN BONACCI: Okay.

25 MR. PANEQUE: -- come back next month.

1 Okay.

2 MR. IZQUIERDO: If -- if we don't have the
3 proofs that the Board approved it, but didn't go
4 to the Building Department to get the CO as a
5 four, --

6 VICE CHAIRMAN BONACCI: Okay.

7 MR. IZQUIERDO: -- then we have to
8 renotice. That's -- that's clear. That's clear.

9 MR. PANEQUE: Understood.

10 MR. IZQUIERDO: Yup.

11 VICE CHAIRMAN BONACCI: So, we could maybe
12 put it on for --

13 MR. PANEQUE: Let's carry it to the next
14 meeting.

15 MR. IZQUIERDO: Yes, that would be fine.
16 Thank you.

17 MR. PANEQUE: And then, if you could -- are
18 you going to follow up with --

19 MR. IZQUIERDO: Yes, I am, sir.

20 MR. PANEQUE: -- the Building Department?

21 VICE CHAIRMAN BONACCI: So, we'll put it
22 for October?

23 THE SECRETARY: October 11?

24 MR. PANEQUE: Yes.

25 THE SECRETARY: October 11th?

1 VICE CHAIRMAN BONACCI: Yeah. So, we're
2 going to make a motion to adjourn the meeting to
3 -- I'm sorry -- adjourn the application to the
4 next meeting, which would be October 11th.

5 THE SECRETARY: Motion on the table to
6 adjourn this application --

7 MR. IZQUIERDO: Thank you very much.
8 Good evening.

9 THE SECRETARY: -- for October 11.

10 MR. HERNANDEZ: Thank you very, very much.

11 THE SECRETARY: Any second on the motion?

12 MR. HERNANDEZ: Appreciate it.

13 THE SECRETARY: Second by Mr. Ortiz.

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

16 Mr. Bonacci?

17 VICE CHAIRMAN BONACCI: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Grullon?

21 MR. GRULLON: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Five in favor.

2 Motion carries.

3 MR. PANEQUE: If anybody sitting in the
4 audience is here for 3329 Hudson Avenue, the
5 application that was just before the Board, that
6 matter is being carried to October 11th.

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1 **813 10th Street, LLC - 813 10th Street:**

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3 THE SECRETARY: We are going to application
4 number 4.

5 813 10th Street, LLC.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Good evening, counsel, Mr.
8 Chairman, members of the Board.

9 May it please the Board, Bianca Pereiras,
10 on behalf of the applicants, 813 10th Street, LLC,
11 for property located at 813 10th Street, also
12 known as Blocks 16 and 17.

13 For purposes of the record, I had submitted
14 my jurisdictional submissions back at the July
15 12th meeting, and jurisdiction was established
16 then, but no testimony was taken at that meeting.

17 MR. PANEQUE: That is correct. This Board,
18 on July 12th, established jurisdiction and it was
19 carried to tonight's meeting. So, this Board can
20 proceed and hear the matter.

21 MS. PEREIRAS: Thank you very much.

22 Originally, when we submitted this
23 application, we actually envisioned a larger
24 building. We were looking to create six units or
25 one large multi-family.

1 In light of your Re-Examination Report, we
2 went back to the drawing board and tried to
3 comply as perfectly with that Re-Examination
4 Report as we could.

5 Now, the application that's before you is
6 to construct two three family homes, identical on
7 each lot.

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

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

14 MR. PEREIRAS: I do.

15 MS. DILLON: Please state your name for the
16 record.

17 MR. PEREIRAS: Manny Pereiras,
18 P-E-R-E-I-R-A-S, with Pereiras Architects
19 Ubiquitous, 1116 Summit Avenue, Union City.

20 MS. DILLON: Thank you.

21 MS. PEREIRAS: And Mr. Pereiras has
22 testified in the past.

23 VICE CHAIRMAN BONACCI: I think we've seen
24 him before, too.

25 MR. PEREIRAS: I think at least once or

1 twice.

2 VICE CHAIRMAN BONACCI: We accept your
3 qualifications.

4 MR. PEREIRAS: Hello, everyone.

5 VICE CHAIRMAN BONACCI: Thank you.

6 MS. PEREIRAS: Mr. Pereira, are you
7 familiar with the property at 813 10th Street,
8 also known as Blocks 16 and 17, and in Block 186?

9 MS. PEREIRAS: I am.

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

12 MR. PEREIRAS: I have.

13 MS. PEREIRAS: And would you kindly
14 describe the project for the Board?

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

16 Counsel made a good explanation of what we
17 had. We have a larger building. Applicant, in
18 light of the new Master Plan, we decided to do,
19 and the applicant was very favorable toward this,
20 exactly what the Master Plan says. We basically
21 followed everything to a T. Unfortunately, it's
22 still not Ordinance in the town, so we're here
23 before this Board because there are variances
24 that the Master Plan still doesn't match our
25 Ordinance.

1 We have two lots. Each of the lots are 25
2 by a hundred. So, they're fully conforming lots.
3 And what we're doing, as far as a building, as
4 far as setbacks, we have a prevailing setback
5 along the street. We thought it was still very
6 important to introduce some type of landscaping,
7 so we set back our building on the front yard two
8 feet, so we could have a little bit of
9 landscaping there.

10 We have three feet on one side, two feet on
11 the other, and we have five feet proposed on the
12 rear. All our -- which is all in conformance
13 with the Master Plan requirements.

14 With -- as far as lot coverage, we're
15 permitted, with the Master Plan, at 99.5 percent,
16 and we're in compliance there. The -- the
17 building coverage, the Master Plan says 80
18 percent. We're in compliance with 74 percent.

19 However, because of our Ordinance, we do
20 have several variances that are triggered. Those
21 include minimum rear yard, maximum building
22 height, maximum building height in stories,
23 building coverage and maximum lot coverage.

24 And just to be very clear on that, it
25 complies with the Master Plan. It doesn't comply

1 with the Ordinance currently standing.

2 What we propose to do, and I'm turning now
3 to sheet Z02.

4 In Z02, you see the ground floor plan. You
5 see the typical floor plan for the three floors
6 above, and you see the roof plan.

7 On the ground floor plan, you see that we
8 divided two entrances to the building, one being
9 vehicular entrance. There's a 12 foot curb cut.
10 You come in and you park six cars. Four of those
11 six cars are in tandem, so that you have
12 apartment one, apartment two, and apartment
13 three.

14 And the pedestrian entry is into a small
15 lobby. Elevator takes you upstairs.

16 We have a trash room, located in the back
17 of the building, as well as a secondary means of
18 egress, with a stair that -- that dumps into the
19 rear yard.

20 As you go up the -- to the building, you
21 have an elevator, leaves you into a living room,
22 dining room, kitchen, open floor plan design that
23 ends over here. And then, from this point back,
24 you have three bedrooms.

25 So, very simple. We have three three

1 | bedroom apartments being proposed.

2 | And then, the façade of the building. We
3 | propose a very simple, very elegant design. The
4 | overwhelming majority of the building is regular
5 | brick. And then, to give it some accent, the
6 | area above the vestibule where you enter is made
7 | out of hard stucco, Roman stucco.

8 | So, it makes a nice juxtapositional brick
9 | and stucco. And then, the sides of the building
10 | are vinyl siding.

11 | I could go on and on talking about this,
12 | but I think we could keep it simple. I'm open
13 | for your questions.

14 | VICE CHAIRMAN BONACCI: Okay. There's no
15 | other testimony.

16 | Right?

17 | MS. PEREIRAS: No.

18 | MR. PEREIRAS: No.

19 | VICE CHAIRMAN BONACCI: Okay.

20 | So, you're testifying, Mr. Pereiras, that
21 | the -- you guys are in -- you're inline with the
22 | Master Plan. There's just a few variances that
23 | you guys are seeking relief-wise. And can we
24 | just run through those real quick?

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

1 VICE CHAIRMAN BONACCI: Okay.

2 MR. PEREIRAS: What I did, in order to make
3 thing very, very clear, I created several columns
4 that show the Master Plan, the re-examination of
5 the Master Plan --

6 VICE CHAIRMAN BONACCI: Yeah. I can see
7 that.

8 MR. PEREIRAS: -- the Ordinance, the
9 requirements on each side, --

10 VICE CHAIRMAN BONACCI: Um hum.

11 MR. PEREIRAS: -- and then, what we
12 propose. So, you could make a very clear
13 comparison on that.

14 And I'll go one by one.

15 With permitted uses, it's a permitted use
16 in both previous and -- and what will be in the
17 future. We're a three family. No variances
18 necessary.

19 But you may ask, why are we before the
20 Zoning Board anyway? It's because of the height.
21 The previous height permitted was 40 feet. The
22 current height is 45 feet. That is in excess of
23 ten percent of what's permitted height-wise.
24 That triggers a D variance. That's why we're
25 before you as a Board.

1 So, what we're proposing is a height of 45
2 feet, fully in compliance with the Master Plan.
3 But that's why we have a D variance and that's
4 why we're here and we need that relief from you.

5 Lot area.

6 No variance is required; 2500 square feet
7 is required in both aspects. Twenty-five wide,
8 nothing's required. We're in compliance. A
9 hundred foot depth, we're in compliance.

10 Front yard.

11 We're also in compliance in both aspects,
12 old and new. Prevailing is permitted. We have
13 lots both in -- both sides of the property that
14 have zero foot setback.

15 As far as minimum rear yard, in the
16 previous -- previous or the current Ordinance,
17 it's 25 percent of the lot that we're required 25
18 feet. The future Ordinance is five feet and
19 that's what we're doing. Clear and unobstructed
20 five feet. So, that's technically a variance, as
21 well, a C variance there.

22 We have side yard.

23 We're in compliance in both aspects. It's
24 two feet and five feet total. So, we have that
25 currently now. No variance is required.

1 Building height.

2 Four stories is what the Master Plan
3 proposes. Currently, it's only three stories.
4 So, there is a height -- there is a height
5 variance for number of stories that we're seeking
6 for, as well.

7 Building coverage.

8 Eighty percent is what the Master Plan
9 suggests. What the current Ordinance is 60
10 percent. We're at 74 percent. So, there's a C
11 variance for that, as well.

12 And then, building lot coverage.

13 The future Master Plan -- the future
14 Ordinance, the current Master Plan suggests a
15 hundred percent, whereas the current Ordinance is
16 at 85 percent and we're at 99.5 percent. And the
17 reason we have that .5 percent less is because we
18 decided that it would be attractive to set this
19 building back just a little bit so that we can
20 introduce that landscaping in the front.

21 So, as you could see, we're in full
22 compliance of what the City wants. The -- the
23 future of Union City, what our Master Plan wants.
24 And that's what we followed to a T. And we hope
25 that this Board could recognize that and -- and

1 grant the variances under those conditions.

2 VICE CHAIRMAN BONACCI: Okay.

3 Thank you very much.

4 Just real quick. So, we're talking D-1 use
5 because of the height.

6 MR. PANEQUE: No.

7 MR. PEREIRAS: It's not a use variance.

8 VICE CHAIRMAN BONACCI: Okay.

9 MR. PEREIRAS: We're permitted as far as
10 use. It's a height variance, which is, I think,
11 a D-5?

12 VICE CHAIRMAN BONACCI: Okay.

13 MR. PRICE: D-6.

14 MR. PEREIRAS: D-6.

15 MS. PEREIRAS: D-6.

16 VICE CHAIRMAN BONACCI: Okay.

17 MR. PEREIRAS: D-6.

18 VICE CHAIRMAN BONACCI: Okay. That's the
19 one, D-6.

20 And then C for bulk?

21 MR. PEREIRAS: There are C variances.

22 Okay. I'll list them all, just so that we're
23 clear.

24 We have a building -- number of stories, I
25 guess would technically be a C. The building

1 coverage, maximum lot coverage, and rear yard.

2 VICE CHAIRMAN BONACCI: And you're in full
3 compliance with the parking requirements.

4 MR. PEREIRAS: That's correct. Well, not
5 in full compliance. It's -- it's fair to say
6 that under the current Ordinance, we would kind
7 of need a technical waiver, because we're in
8 tandem. But even though --

9 VICE CHAIRMAN BONACCI: Okay.

10 MR. PEREIRAS: But the Master Plan
11 literally has a diagram showing our parking the
12 way they want it. So, that -- we're in
13 compliance with the Master Plan there.

14 VICE CHAIRMAN BONACCI: Mr. Pereiras, would
15 you be able to give us any kind of testimony with
16 regards to safety standards?

17 MR. PEREIRAS: Absolutely.

18 VICE CHAIRMAN BONACCI: Okay.

19 MR. PEREIRAS: So, this building will have
20 to comply with all regulatory standards and the
21 Uniform Construction Code standards for the State
22 of New Jersey, as far as -- as well as all
23 federal laws that apply to this.

24 Federal laws, we're talking about -- let's
25 talk about Uniform Construction Code.

1 We have great fire safety. There is fire
2 separation between each of the apartments.
3 There's going to be a fully suppressed building,
4 which means that there's going to be a sprinkler
5 system, with -- with its own dedicated line.
6 There is a fire separation between the parking
7 garage level and the apartments above. There's
8 going to be a low voltage alarm system and the
9 construction's going to meet all current
10 standards for today, and all best practices
11 standards.

12 So, you're going to have a great,
13 efficient, fire safe and in every other aspect, a
14 safe building.

15 VICE CHAIRMAN BONACCI: Okay.

16 How about, can you give us any testimony
17 with regards to traffic, congestion? Any sort of
18 thing like that? Minimal impact?

19 MR. PEREIRAS: It's absolutely --

20 VICE CHAIRMAN BONACCI: Big impact?

21 MR. PEREIRAS: -- minimal impact because
22 it's exactly what the Ordinance kind of calls
23 for, both in the current Ordinance and the -- and
24 the future Ordinance.

25 It's a three family house. So, you're

1 talking about absolute minimal impact. At max,
2 you're going to have six cars parked in here.
3 There is, on peak hours, in Union City, one of
4 the most densely populated cities in the country,
5 we have practically no -- no impact.

6 I'm not a traffic expert. I can't testify
7 to traffic, but as someone who has lived in Union
8 City most of my life and designs buildings of
9 this nature, I can say that it's a minimal
10 impact.

11 VICE CHAIRMAN BONACCI: Thank you.

12 Any members of the Board have any
13 questions?

14 Members of the public have any questions?

15 MS. DILLON: Sir, right in front of that
16 microphone.

17 MR. SOMMA: My name --

18 MS. DILLON: Please raise your right hand.

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

21 MR. SOMMA: Yes, I do.

22 MS. DILLON: Could you please state your
23 name and spell it --

24 MR. SOMMA: Michael Somma.

25 MS. DILLON: -- for the record?

1 I'm sorry?

2 MR. SOMMA: Michael Somma, 122 35th Street.

3 MS. DILLON: And spell your last name.

4 MR. SOMMA: S-O-M-M-A.

5 MS. DILLON: Thank you.

6 MR. SOMMA: My question is -- my question
7 is, if it's two three family houses, why would
8 you need an elevator?

9 MR. PEREIRAS: So, be -- I believe you're a
10 neighbor to a different application that we have
11 today, but let me answer you.

12 It's a four story building.

13 MR. SOMMA: Right.

14 MR. PEREIRAS: So, it's very -- we want
15 this building to be accessible for everyone.
16 Okay?

17 So, if you're an elderly person, if you
18 have a disability, if you have any type of
19 difficulty, getting up to the fourth story might
20 be difficult. That's why we're providing an
21 elevator.

22 MR. SOMMA: It's going to be four stories?

23 MR. PEREIRAS: It's a four story project.
24 Yes.

25 MR. SOMMA: Well, how is it a three family

1 house because every three family house I've seen

2 --

3 VICE CHAIRMAN BONACCI: Mr. --

4 MR. SOMMA: -- they would -- they're not
5 four stories.

6 MR. PEREIRAS: Well --

7 VICE CHAIRMAN BONACCI: Mr. --

8 I'm sorry.

9 Just -- I'm sorry to cut you off. I don't
10 mean to be rude.

11 I just wanted to -- you're -- you're on
12 35th Street.

13 MR. SOMMA: Yes, I am.

14 VICE CHAIRMAN BONACCI: Okay. This
15 application --

16 MR. SOMMA: Oh, it's different?

17 VICE CHAIRMAN BONACCI: It's -- yeah. It's
18 on 10th Street. But however, there are -- there
19 are two applications --

20 MR. SOMMA: But I --

21 VICE CHAIRMAN BONACCI: -- coming up that
22 are on 35th Street. They're next.

23 MR. SOMMA: It was the lot and everything
24 and I don't have the paper.

25 VICE CHAIRMAN BONACCI: Yeah.

1 MR. SOMMA: So, I didn't realize what it
2 was.

3 VICE CHAIRMAN BONACCI: Yeah. Just wanted
4 to let you know in case --

5 MR. PEREIRAS: No problem.

6 VICE CHAIRMAN BONACCI: -- you want to save
7 some of that.

8 MR. SOMMA: Wrong phone number.

9 MR. PEREIRAS: Yeah.

10 VICE CHAIRMAN BONACCI: Yeah.

11 MR. PEREIRAS: Next one.

12 We'll see you back in a few -- in a couple
13 minutes.

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

16 VICE CHAIRMAN BONACCI: Does anybody have
17 any questions, members of the public, for the 10th
18 Street application? I'm sorry. 813 10th Street?

19 Okay.

20 Closed to members of the public.

21 Okay.

22 Just before we make a motion, I just wanted
23 to say that, like you said -- you know, you guys
24 are conforming to the Master Plan, which is
25 great. You don't seek any parking relief,

1 minimal impact on the -- the traffic conditions
2 in the area, nothing with off-street parking,
3 which is excellent. Positive impact on the
4 healthy, safety and welfare of the residents of
5 the City.

6 And with that, I make a motion to approve
7 the application.

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

11 MS. GUTIERREZ: And I'm seconding.

12 THE SECRETARY: Second by Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Bonacci?

15 VICE CHAIRMAN BONACCI: Yes.

16 THE SECRETARY: Ms. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Grullon?

19 MR. GRULLON: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

1 MS. PEREIRAS: Thank you all very much.

2 MS. GUTIERREZ: You're welcome.

3 VICE CHAIRMAN BONACCI: Before we move on
4 to the next application, I just wanted to let
5 anybody who's here for any applications know that
6 we take a break, a ten minute break at eight
7 o'clock.

8 And we have a ten o'clock curfew imposed
9 for the Board.

10 I think it looks likely we're going to get
11 to everything, but if we're close to that ten
12 o'clock cutoff, and there's another application
13 left, most likely -- you know, we won't get to it
14 tonight. But as of right now, it looks like
15 we're going to get to it. So, I just want to
16 throw that out there.

17 * * *

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1 **Farouk Sheikh - 912 Palisade Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, Farouk Sheikh, 912 Palisade
5 Avenue.

6 Mr. Mulkay, please?

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

9 MR. MULKAY: Good evening, Mr. Chairman,
10 members of the Board.

11 Alain Mulkay, from Mulkay and Rendo, on
12 behalf of the applicant.

13 This is an application to construct a three
14 family at 912 Palisade Avenue.

15 We were here back in July, I believe at the
16 July Board meeting. We submitted the proper
17 notices and the Board acquired jurisdiction. It
18 was adjourned from that date.

19 Today, we have two experts to testify, Mr.
20 Pereira and Ms. Hartmann, architect and a
21 planner.

22 I believe Mr. Pereira has been recognized
23 as an expert before this Board many times and I
24 would ask that you so recognize him today.

25 VICE CHAIRMAN BONACCI: Yes. We accept

1 your qualifications.

2 Thank you.

3 MR. PEREIRA: Thank you.

4 MS. DILLON: Please raise your right hand.

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

7 MR. PEREIRA: Yes, I do.

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

10 MR. PEREIRA: Christiano Pereira. It's
11 Christian with an O at the end. Pereira,
12 P-E-R-E-I-R-A.

13 MS. DILLON: Thank you.

14 MR. PEREIRA: Thank you.

15 Good evening, Mr. Chairman --

16 VICE CHAIRMAN BONACCI: Again, I'm sorry.

17 MR. PEREIRA: -- members of the Board.

18 VICE CHAIRMAN BONACCI: I should have
19 waited to hear you --

20 MR. PEREIRA: Sure.

21 VICE CHAIRMAN BONACCI: -- introduce
22 yourself first.

23 We accept your qualifications.

24 MR. PEREIRA: Thank you very much.

25 VICE CHAIRMAN BONACCI: Thank you.

1 MR. PEREIRA: So, Christiano Pereira for
2 the firm, that's CPA Architecture. We're at --
3 actually, the card has the wrong address. We
4 just moved, 6401 Park Avenue is the new address,
5 in West New York, New Jersey.

6 MR. MULKAY: Mr. Pereira, your office
7 prepared the plans that were submitted to the
8 Board.

9 MR. PEREIRA: Yes.

10 MR. MULKAY: Correct?

11 MR. PEREIRA: Yes, we did.

12 MR. MULKAY: Can you explain to the Board
13 what the proposed project entails?

14 MR. PEREIRA: Sure. It would be a
15 pleasure.

16 So, the property is located on the R zone
17 and it's under your PPOD overlay. So, it's on
18 Palisade Avenue, 912. So, it's a couple blocks
19 away from the swimming pool. Not blocks away,
20 couple lots away from the swimming pool.

21 I'm sorry.

22 VICE CHAIRPAM BONACCI: What about this?

23 MR. PANEQUE: This one is here.

24 VICE CHAIRMAN BONACCI: I got the wrong
25 building.

1 I'm sorry.

2 MR. PEREIRA: That's okay.

3 VICE CHAIRMAN BONACCI: Yeah. We just need
4 to get some of our papers in order.

5 MR. PEREIRA: Sure.

6 VICE CHAIRMAN BONACCI: It seems as though
7 we have the wrong memo from the Building
8 Department. We have another address on here.

9 MR. PEREIRA: Oh.

10 MR. MULKAY: Oh, okay.

11 VICE CHAIRMAN BONACCI: It's not your guy's
12 application.

13 MR. MULKAY: Okay.

14 VICE CHAIRMAN BONACCI: Would you give --

15 MR. PEREIRA: Oh, okay.

16 VICE CHAIRMAN BONACCI: -- give us a minute
17 --

18 MR. PEREIRA: Sure.

19 MR. MULKAY: Yeah, sure.

20 VICE CHAIRMAN BONACCI: -- while we
21 straighten that out?

22 MR. PEREIRA: Absolutely.

23 VICE CHAIRMAN BONACCI: Okay.

24 Thank you.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. PANEQUE: No, we had a memo that said
3 this was a 23 unit building.

4 MR. PEREIRA: My client wishes.
5 Very narrow.

6 MR. MULKAY: Yeah. Very narrow, tall
7 building.

8 VICE CHAIRMAN BONACCI: Okay. I think --

9 MR. PEREIRA: Okay.

10 VICE CHAIRMAN BONACCI: All right. Sorry
11 about that.

12 MR. PEREIRA: No problem.

13 MR. MULKAY: That's okay.

14 MR. PEREIRA: Okay.

15 So, the property's a very large piece of
16 property. It is a 30 by 160. And most likely, we
17 could have complied to your new Master Plan and
18 provided a three family, much like the prior
19 application, if it wasn't for a big easement that
20 we have.

21 So, there's, essentially, almost an eight
22 foot easement on the north side of the property,
23 there's a driveway easement between this property
24 and the property next door.

25 So, although we have 30 feet by 160, we

1 have about eight feet of that that were taken
2 away. So, we're here before you because we have
3 -- you know, we're forced to push the house and
4 have a zero side yard, otherwise we really can't
5 build anything here because of this easement.

6 So, but you know, you'll find that, for the
7 most part, we have followed your new Master Plan.
8 And it's -- essentially, what we're presenting is
9 a three family with parking on the ground floor,
10 three typical units on the floors above. And I'd
11 like to go through the plan with you.

12 So, our -- our T-100 and T-110 are
13 essentially surveys. So, I'm going to bypass
14 that. Our planner's going to address the
15 variances, so I'll leave that for Ms. Hartmann to
16 address.

17 So, I'd like just to describe you the --
18 the floor plans and the elevations, and then we
19 can go through any questions you may have.

20 So, as I mentioned, the site has an
21 easement on the north side. So, about eight feet
22 of the side of the 30 feet, so we're essentially
23 left with about 22 feet of developable space.

24 So, that easement doesn't go all the way
25 down, but also, at the back of the property,

1 | since this is on the east side of the Palisades
2 | -- you know, it's the steep slope. So, the
3 | requirements there are -- we need to be about --
4 | we need to be 40 feet or 25 percent of the lot
5 | length, which is about 40 feet from the end of
6 | the property, where we need to be about ten feet
7 | -- or not about, we need to be ten feet away from
8 | the 30 percent, where it greatly exceeds 30
9 | percent. So, we meet those requirements.

10 | The parking and the ground floor layout is
11 | very simple. We don't have an elevator here. We
12 | discussed with the client. We do have two means
13 | of egress. So, we have two stairs that serves
14 | all three apartments. So, all three floors are
15 | essentially a typical floor and I'll go through
16 | that.

17 | But on the ground floor, since we have a
18 | parking easement, we use -- or a driveway
19 | easement, we're using that as -- as access, so
20 | that we don't have that tandem configuration for
21 | the parking.

22 | So, in essence, we're using that easement
23 | to park two cars. So, what you see here is we
24 | have an ADA space up front, that's right in the
25 | front of the building. So, we have a curb cut.

1 | There's an ADA space with the -- with the ADA
2 | clearance adjacent to it. That leads into a
3 | lobby, that leads you to the front stairs,
4 | mailboxes, and meter room.

5 | And as you keep going along, we have two
6 | parking spaces accessed from that driveway
7 | easement. We have some -- a garbage room, so we
8 | can put some -- some garbage containers, recycle.

9 | And then we have three parking spaces in
10 | the back. So, we don't have a tandem
11 | configuration of parking, which is great. You
12 | know, at least you don't have that condition
13 | which in -- you know, a three family becomes a
14 | hard thing to -- to deal with.

15 | The typical floors, as I said -- you know,
16 | second, third and fourth floors are -- are
17 | typical floors. These are nice units. The lot
18 | is 160, so you know, we had a little more length
19 | and because we had to -- you know, make the --the
20 | floor plan a little more narrow because of that
21 | easement, what we have, essentially, here is two
22 | sets of stairs. These are all three bedroom
23 | apartments. And the way we laid these is out is
24 | we -- we located the bedrooms towards Palisades
25 | and because you have a beautiful view here,

1 right, this is the Palisades, so you're looking
2 at New York, we laid out the units so that we
3 have the living rooms, dining rooms, kitchen
4 areas facing New York and we provided them with a
5 balcony so that -- you know, people can sit out
6 there and have -- you know, enjoy the view.

7 So, that is essentially the layout. It's
8 three floors of that. Those -- those units are
9 about 1600 square feet. Actually, it's 1675 to
10 be exact and they're all the same.

11 And then, the other thing that we're
12 proposing here that I know you don't see much of
13 that in Union City, but again, because of
14 location, we'd love to be able to get a roof deck
15 here.

16 We have two stairs. We have two means of
17 egress. And we're bringing those stairs all the
18 way up. We'd love to be able to have this and
19 use this roof space as a roof deck.

20 You know, we think it would be a great
21 amenity for -- for the residents here, because of
22 the view. And that would be a public space for
23 the residents of the building. So, it wouldn't
24 be -- wouldn't be limited to any resident or any
25 of the few apartments. It would be -- you know,

1 for the use of all three.

2 In terms of the elevation --

3 MR. MULKAY: Before you move on --

4 MR. PEREIRA: Yeah. Sure.

5 MR. MULKAY: -- with respect to the roof
6 deck, --

7 MR. PEREIRA: Yes.

8 MR. MULKAY: -- is there life and safety
9 concerns with the roof deck?

10 MR. PEREIRA: No, not at all. We have --
11 as I mentioned, we have two means of egress going
12 up there. So, God forbid, there's a fire or
13 something -- you know, we have -- there's the
14 stair shafts. They're rated. So, if one is
15 blocked, you could still use the second means of
16 egress. So, it's complete -- completely safe.

17 MR. MULKAY: And there's a railing above
18 there? Railings?

19 MR. PEREIRA: There will be appropriate
20 railing throughout the sides and --

21 MR. MULKAY: Okay.

22 MR. PEREIRA: So again -- you know, it's
23 just because of location. I guess if you're in
24 -- you know, in town, a little further up west --
25 you know, there's not a lot of reasons to have a

1 | roof deck and you have people around you. This
2 | is -- you know, you're on that side of the
3 | Palisades so --

4 | In terms of elevations --

5 | I'm sorry. Oh, I thought somebody said
6 | something.

7 | Let me show you a rendering, because I
8 | think -- you know, we have black and white
9 | elevations here, but I think it would be easier
10 | for me to show you a rendering, then I can come
11 | back and -- and discuss some of the materials.

12 | But essentially, it's a very simple,
13 | straightforward elevation. So, we have some
14 | brick. You know, we've been back and forth with
15 | the clients on what kind of materials we're going
16 | to use as an accent -- you know, on the front
17 | façade. I mean, this rendering we're depicting
18 | -- depicting some material that looks like wood.
19 | We don't want to use real wood because it's tough
20 | to maintain. You know, will eventually decay and
21 | then there's just hard maintenance.

22 | So, we're proposing -- there are many
23 | materials out there now. There are composite
24 | materials. There are cement composites that look
25 | like wood that will last and look like this

1 forever.

2 So, this is one -- one rendering and one,
3 you know, thought of what this could be. But we
4 definitely wanted to use some brick and be able
5 to accent -- accent this center element with --
6 you know, some metal cladding, some windows, and
7 -- you know, possible wood looking or -- or metal
8 looking material.

9 In terms of the other facades -- let me go
10 back to --

11 So that was the front elevation we're
12 discussing.

13 The side elevations, we're proposing a mix
14 of -- you know, again, some -- some additional
15 brick. As we turn the corner on the building,
16 we're proposing some -- some siding.

17 We call for this to be a cement board. And
18 I know -- you know, the town frowns upon
19 HardiePlank and we're back and forth, sometimes,
20 with the Building Department whether cement board
21 is an accepted use or not. But you know, we'd be
22 happy to do -- there's very little of it and we'd
23 be happy to do a vinyl siding, if -- if the Board
24 would rather have that.

25 We have some hard stucco in this -- you

1 know, a couple of elements, and then some
2 additional brick towards the back. The clients
3 requested us to have some brick there, because we
4 have the balconies towards the back. So they
5 wanted a -- like a resistant material, as people
6 have contact with that as they're outside.

7 So -- so it's -- you know, essentially very
8 simple.

9 The two stair shafts, which are along the
10 property line, we need a rating there. So, along
11 that, because that is a zero property line, we --
12 we are proposing just a finished CMU, so a smooth
13 face CMU or concrete block, so that we don't need
14 to -- you know, lose additional space trying to
15 clad that. And it's very hard when you're on the
16 property line, so a finished face block.

17 And that is essentially it. Again, I can
18 spend more time on the plans but I think it's
19 pretty simple. It's a three family house with
20 parking below. We have an easement, so we have
21 that condition that we already have an eight foot
22 side yard, essentially, that we need to comply
23 with. So, if we were to take additional side
24 yards on the other side, we really have no way to
25 develop this properly. So, those are the

1 | variances we're requiring.

2 | VICE CHAIRMAN BONACCI: Mr. --

3 | Thank you.

4 | MR. PEREIRA: No problem.

5 | VICE CHAIRMAN BONACCI: Mr. Mulkay, do you
6 | have any other testimony?

7 | MR. MULKAY: I have a planner, yes.

8 | VICE CHAIRMAN BONACCI: Okay. We'll save
9 | the questions then --

10 | MR. PEREIRA: Okay. Great.

11 | VICE CHAIRMAN BONACCI: -- until you get
12 | everybody.

13 | MR. MULKAY: Okay.

14 | Ms. Hartmann?

15 | MS. DILLON: If you can just go in front of
16 | that mic.

17 | MS. HARTMANN: Sure.

18 | MS. DILLON: Mr. Pereira, you're still
19 | wearing the mic, just so you know, so please --

20 | MR. PEREIRA: Don't say anything.

21 | MS. DILLON: -- don't talk. Right.

22 | Please raise your right hand.

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

25 | MS. HARTMANN: Yes.

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

3 MS. HARTMANN: Jill Hartmann,
4 H-A-R-T-M-A-N-N.

5 MS. DILLON: Thank you.

6 MR. MULKAY: Ms. Hartmann's been recognized
7 by this Board before as a planner. I would ask
8 that she be recognized as such.

9 VICE CHAIRMAN BONACCI: Sure. Yeah. We
10 accept your qualifications.

11 Thank you.

12 MS. HARTMANN: So, I have some photos to --
13 to give you so you can see the surrounding area
14 and the subject site.

15 VICE CHAIRMAN BONACCI: Going to mark them?

16 MS. DILLON: A-1, Mr. Mulkay?

17 MR. MULKAY: Yes. I would ask that they be
18 marked A-1.

19

20 (Whereupon, Photo Exhibit, (7) Pages, was
21 received and marked as Exhibit A-1.)

22

23 MS. HARTMANN: So -- oh, well. I'll get
24 it.

25 MR. PEREIRA: That's okay. Sure.

1 MR. MULKAY: I got it. I got it. I got
2 it, Jill. I got it, Jill.

3 MS. HARTMANN: Everybody's got it.

4 So, the subject site, just to refresh your
5 -- your memory, is located both in the R low
6 residential district -- density district, as well
7 as your PPOD, which is the Overlay Palisade
8 Preservation District.

9 And what I've given you in front -- what --
10 what you have in front of you is just a quick
11 overview of the surrounding neighborhood.

12 It's located in a somewhat diverse
13 residential neighborhood. As you can see on
14 sheet 2, is the subject site in the middle. To
15 the south of the subject site is a two story, two
16 or three family home. And adjacent to that is
17 your pool residence.

18 To the north is the -- the house that has
19 the driveway easement. In fact, as you can see
20 on page 3, it will show you the driveway easement
21 and the three story, somewhat expanded residence
22 that is adjacent to the subject site.

23 As you proceed further north on the same
24 side as the subject site, you'll see a small
25 apartment building, another maybe two or three

1 family house, a couple of two family houses, and
2 then a small apartment building all the way up to
3 the 10th Avenue intersection.

4 On sheet 5, you'll see that this is on the
5 same side of the subject site. And this is the
6 rest of the pool park, as well as a number of two
7 and three family homes to the south of that.

8 And then, on sheet 6, you have what appear
9 to be some new homes, but some two -- one, two
10 and three family houses that are across the
11 street from the subject site.

12 Sheet 7 shows the same type of development
13 that goes all the way, again, to 10th Street.

14 And the first sheet is an overview, an
15 overhead aerial of the subject site and the
16 surrounding areas. And what you can see from
17 this is the Palisade Overlay Zone, the subject
18 site is actually the -- what you see there, which
19 says 912 Palisades Avenue actually should be the
20 next -- the next lot. But as you can see behind
21 all of these lots is not only the Palisades, but
22 it's also part of the municipal property. So,
23 it's protected lands.

24 So, the application before you again is to
25 demolish the existing improvements and to

1 | construct a four story, three family home.

2 | The applicant, or our architect has gone
3 | through all the different development that's
4 | going to take place and the types of units that
5 | will be on the subject site.

6 | We do have a compliant handicap space in
7 | the front yard. The off-street parking
8 | requirement for the site is 2.1 spaces per a
9 | three bedroom unit, or six spaces. And the
10 | application proposes six off-street parking
11 | spaces.

12 | There is a minor waiver from the RSIS
13 | dimensional requirements. It requires nine by
14 | 18, and the application proposes parking
15 | dimension of eight by 18. And this is typical
16 | and acceptable to the type of development that's
17 | being proposed.

18 | We -- we meet the requirement -- actually,
19 | the RSIS requires a one way driveway access aisle
20 | to have a width of 12 feet. Our driveway access
21 | is eight feet, which again is -- has been and
22 | continues to be more than adequate for both
23 | properties. So, we need a design waiver from
24 | that.

25 | As stated, we're in the Palisades

1 | Preservation Overlay District. It should be
2 | noted that the application again proposes to
3 | redevelop the existing site within the already
4 | disturbed areas.

5 | There will be no new impact on the slopes
6 | or the Palisades. The edge of the cliff is
7 | approximately 30 -- 28 feet from the site
8 | improvements and doesn't impact any of the 20 --
9 | I'm sorry -- any of the 30 percent slopes or
10 | greater.

11 | However, the redevelopment site, the ground
12 | floor will be located 12 feet two inches set back
13 | from the 30 percent grade, where ten feet is
14 | required. But the upper balconies will be
15 | located seven feet two inches from that grade.

16 | So, I'm not exactly sure how you interpret
17 | your Ordinance that way, so you may need a
18 | technical variance for the seven feet two inches,
19 | though that's not on the ground and it's not
20 | disturbing anything, but it is, however, within
21 | the ten foot setback requirement. So to be on
22 | the safe side, I just note it.

23 | And again, I did mention that beyond our
24 | property is the Palisade part of the Memorial
25 | Park, which will always be -- remain -- hopefully

1 remain parkland.

2 So, in the end, the variances that we need
3 are a side yard setback variance. We're required
4 to have two feet, we have seven feet eight and
5 three quarters, or eight feet on one side and
6 zero feet on the other.

7 The building height requirement is three
8 stories and 40 feet. And we have four stories
9 and 43 feet eight inches. So, it's -- it's under
10 the ten percent or ten feet, so it's a C
11 variance. And again, the setback from the slope
12 for the balconies, which is seven feet two
13 inches.

14 Now, with regards to the proofs, I reviewed
15 your -- I would say that this use and proposed
16 use is significantly -- significantly consistent
17 with your Re-Examination Report and your Master
18 Plan.

19 I reviewed it and with regards to special
20 reasons, I would say that it meets several of
21 your -- your Master Plan and your re-examination
22 goals, which would be to preserve the residential
23 neighborhood, to provide a balance of land use
24 and development patterns, to preserve the
25 character of the neighborhood, to protect and

1 preserve the established residential character,
2 to provide a broad range of housing choices, and
3 to preserve existing and create new housing
4 opportunities.

5 Also, to promote and reinforce the city as
6 a desirable residential location.

7 This is a permitted use in the zone. It
8 maintains the integrity of the residential
9 neighborhood. It fits in with the mixed use of a
10 variety of residential types, which are small
11 apartment buildings, one and two, three family
12 homes, as well as a -- a city park.

13 And it also respects the Palisades cliff,
14 which I know is -- it's very important to us in
15 Weehawken, so I know it's very important to you
16 in Union City, as well, so that we're not
17 developing any further than what's already
18 disturbed.

19 With regards to the Municipal Land Use Law,
20 it -- it meets several objectives of the
21 Municipal Land Use Law, which would be to
22 encourage municipal action to guide the
23 appropriate use or development of all lands in
24 the State.

25 It promotes an establishment of the

1 appropriate densities, population densities and
2 concentrations.

3 And it provides sufficient space in
4 appropriate locations for a variety of uses.

5 I think the variances that are being
6 requested are minimal. I think that they -- with
7 the one side yard setback, the deviation of zero
8 feet, and the -- the technical variance for the
9 -- for the balconies, I think that overall, the
10 design and the redevelopment of the site is
11 consistent with the goals and objectives of your
12 Master Plan and Re-Examination Report.

13 So, I would pose to you that the requested
14 variances can be granted without any substantial
15 detriment to the public good, and it will not
16 substantially impact the intent or purpose of
17 your zone plan.

18 Again, it's a redevelopment of a site
19 that's consistent with not only the surrounding
20 neighborhood, but your Master Plan.

21 VICE CHAIRMAN BONACCI: Thank you.

22 MS. HARTMANN: Thank you.

23 VICE CHAIRMAN BONACCI: Mr. Mulkay, any
24 more testimony?

25 MR. MULKAY: No. There's no witnesses.

1 VICE CHAIRMAN BONACCI: Okay. All right.

2 Mr. Mulkey, there's just a couple of things
3 that, like right off the bat, I'm just going to
4 let you know the issues that I have with the
5 application.

6 MR. MULKAY: Okay.

7 VICE CHAIRMAN BONACCI: And then, maybe we
8 can pivot from there.

9 MR. MULKAY: Okay.

10 VICE CHAIRMAN BONACCI: And then, I'll open
11 it up to members of the public because maybe
12 there's some people who want to put their two
13 cents in there.

14 We've dealt with -- we've dealt with spots
15 that have easements before, and that can be like
16 a touchy thing, especially when we're dealing
17 with this side yard setback and how much we're
18 shrinking it, footage-wise.

19 So, going forward, in order to get any sort
20 of approval, I might need some kind of testimony
21 from somebody who may share that easement or --

22 MR. MULKAY: Well we're -- we're --

23 VICE CHAIRMAN BONACCI: -- somebody that
24 may be effected by that easement.

25 MR. MULKAY: We're -- we're not impacting

1 the easement. The whole idea is the way the
2 project is being developed is we're not touching
3 the easement. We're honoring the easement and
4 we're keeping the easement exactly the same way
5 it is.

6 I don't know that we can get the neighbor
7 to come in and testify. He's the adjoining
8 property to the north of us.

9 But we're -- we're purposefully designing
10 it in such a way that we don't impact the
11 easement at all.

12 MR. PEREIRA: Right.

13 MR. MULKAY: That's what -- that's why the
14 design --

15 VICE CHAIRMAN BONACCI: What's the side
16 yard setback now, footage?

17 MR. MULKAY: As it exists now.

18 MR. PEREIRA: It is exactly what we are
19 proposing.

20 MR. MULKAY: Right.

21 MR. PEREIRA: So, the existing home is
22 essentially -- have the same side yard as we are
23 proposing.

24 As a matter of fact, I believe the home
25 that's there now encroaches a little bit to the

1 properties on the south. So, we're eliminating
2 that condition.

3 And towards the north, you see, right at
4 the edge of the easement there, that's the
5 existing two story family dwelling that's there.
6 That is essentially where we're starting our --
7 our project.

8 VICE CHAIRMAN BONACCI: Okay.

9 I'm just taking a look at the minimum side
10 yard requirement --

11 MR. PEREIRA: Right.

12 VICE CHAIRMAN BONACCI: -- as opposed to
13 the proposed use, which is why you guys need
14 relief on that.

15 MR. MULKAY: Correct.

16 MR. PEREIRA: Right.

17 MR. MULKAY: But -- but the zero yard --

18 VICE CHAIRMAN BONACCI: So, it's almost
19 gone.

20 MR. MULKAY: No, no.

21 MR. PEREIRA: No.

22 MR. MULKAY: So, the zero yard that we're
23 requesting --

24 MR. PEREIRA: Right. So -- so, the note we
25 have for the side yard is we're required to have

1 two -- at least two feet on one side and we have
2 zero.

3 So, if I -- if you refer to sheet T-100,
4 the first survey that's in here, dwelling -- it's
5 referred to 912, two family dwelling, that
6 dwelling is right on the property line. And
7 actually, if you look closely, it encroaches into
8 910.

9 So, it's actually worse than the condition
10 we're proposing, which is just be on the property
11 line.

12 VICE CHAIRMAN BONACCI: On the side of the
13 easement.

14 MR. MULKAY: Just -- no, no.

15 MR. PEREIRA: No. That's on the opposite
16 side of the easement.

17 VICE CHAIRMAN BONACCI: Okay.

18 MR. PEREIRA: On the side of the easement,
19 what we are proposing is to essentially follow
20 the same line as the existing dwelling home is.
21 And maintaining the existing driveway easement,
22 as is.

23 So, we're not touching it. We're not
24 encroaching to it. We're leaving it --

25 VICE CHAIRMAN BONACCI: Okay.

1 MR. PEREIRA: -- as is.

2 MR. MULKAY: So, just so that it's clear,
3 what you're explaining is that we're -- the house
4 that we're proposing is essentially on the --
5 with respect to the easement --

6 MR. PEREIRA: Right.

7 MR. MULKAY: -- we're proposing it on the
8 same exact side.

9 Correct?

10 MR. PEREIRA: Exactly.

11 MR. MULKAY: On the same -- same line.

12 MR. PEREIRA: On the same line, although
13 it's --

14 MR. MULKAY: We're not impacting the
15 easement at all.

16 MR. PEREIRA: We're not impacting the
17 easement, no.

18 MR. MULKAY: Not touching the easement.

19 MR. PEREIRA: Right.

20 VICE CHAIRMAN BONACCI: Okay.

21 MR. MULKAY: And this whole --

22 MR. PEREIRA: So --

23 MR. MULKAY: -- design was --

24 MR. PEREIRA: Was --

25 MR. MULKAY: -- done because we did not

1 want to --

2 VICE CHAIRMAN BONACCI: To avoid that.

3 MR. MULKAY: -- involve the easement.

4 MR. PEREIRA: Right.

5 MR. MULKAY: To avoid that very --

6 VICE CHAIRMAN BONACCI: Okay.

7 MR. MULKAY: -- issue.

8 MR. PEREIRA: Right.

9 VICE CHAIRMAN BONACCI: I can appreciate
10 that.

11 MR. MULKAY: And then, just to drive the
12 point clear, on the south side --

13 MR. PEREIRA: Yes.

14 MR. MULKAY: -- the reason we're asking for
15 a zero side yard is because we're complying with
16 the easement and we can't build a --

17 VICE CHAIRMAN BONACCI: Okay.

18 MR. MULKAY: -- 18 foot house.

19 MR. PEREIRA: Right.

20 VICE CHAIRMAN BONACCI: All right.

21 Now, I just need some clarification on some
22 other points.

23 MR. PEREIRA: Um hum.

24 VICE CHAIRMAN BONACCI: You guys mentioned
25 materials --

1 MR. PEREIRA: Right.

2 VICE CHAIRMAN BONACCI: -- that you were
3 going to be using. And we weren't clear on what
4 exactly we were going to be using and what we
5 were going to shy away from, in order to grant --
6 you know, in order to approve this application --

7 MR. PEREIRA: Um hum.

8 VICE CHAIRMAN BONACCI: -- we'd need Mr.
9 Spatz to get a review of the materials. And
10 then, we'd need to know that those are the
11 materials that you're going to stick with and not
12 deviate from that.

13 MR. PEREIRA: Okay. Well, we can put that
14 on record tonight.

15 You know, I mentioned the composite --

16 VICE CHAIRMAN BONACCI: Yeah, but we -- we
17 can't really put it on record tonight because we
18 haven't given Mr. Spatz enough time --

19 MR. PEREIRA: Oh.

20 VICE CHAIRMAN BONACCI: -- to review that
21 kind of stuff.

22 MR. PEREIRA: Right. But --

23 VICE CHAIRMAN BONACCI: But let me just get
24 to the other point, so that you know what I'm
25 looking for.

1 MR. PEREIRA: All right.

2 MR. MULKAY: Okay.

3 VICE CHAIRMAN BONACCI: So, the materials.

4 MR. PEREIRA: Um hum.

5 VICE CHAIRMAN BONACCI: Maybe you guys can
6 get some sort of ample testimony with regards to
7 -- I know you're telling me that it's not going
8 to effect that Palisade Preservation Overlay
9 District --

10 MR. PEREIRA: Um hum.

11 VICE CHAIRMAN BONACCI: -- but that's
12 another thing that we've had issues with before,
13 on previous applications. So, I'd need a little
14 bit more -- you know, maybe like additional
15 testimony so that I -- we can be clear on the
16 minimal impact that that's going to have on the
17 Palisades Overlay.

18 MR. MULKAY: Can you explain to him the --

19 MR. PEREIRA: Yes.

20 VICE CHAIRMAN BONACCI: Yeah, but Mr.
21 Mulkay, I -- he's the architect.

22 MR. PEREIRA: So you're looking for a civil
23 --

24 MR. MULKAY: You want the engineer to come
25 in.

1 VICE CHAIRMAN BONACCI: Something like that

2 --

3 MR. MULKAY: Okay.

4 VICE CHAIRMAN BONACCI: -- in order to get
5 the ball rolling for you guys.

6 MR. MULKAY: Okay.

7 VICE CHAIRMAN BONACCI: And because --

8 MR. PEREIRA: Yeah. We --

9 VICE CHAIRMAN BONACCI: Hold on.

10 MR. PEREIRA: No, I'm sorry.

11 VICE CHAIRMAN BONACCI: So because it's in
12 an area to where there's a municipal pool, we
13 might need some sort of traffic expert to come in
14 and let us know with reassurances that if
15 somebody's going to back out, there's going to be
16 some sort of safety mechanisms in place to make
17 sure that kids and families are not in any sort
18 of harm's way, being that it's so close to -- a
19 lot of people go down there to go to the pool.

20 MR. MULKAY: Right.

21 VICE CHAIRMAN BONACCI: And it's like two
22 sites away.

23 MR. MULKAY: There's -- okay.

24 VICE CHAIRMAN BONACCI: I mean, you know
25 what it looks like on --

1 MR. MULKAY: I --

2 VICE CHAIRMAN BONACCI: -- Palisades when
3 the pool's open and it's not one or two people,
4 it's a lot. It's almost like school's out.

5 MR. MULKAY: So, you're just asking for a
6 traffic expert to talk about the pulling in and
7 pulling out, and the -- the radius. It's not --
8 you're not proposing that we do a study for a
9 three family, a traffic study --

10 VICE CHAIRMAN BONACCI: No.

11 MR. MULKAY: -- for a three family.

12 VICE CHAIRMAN BONACCI: No.

13 MR. MULKAY: Or traffic counts.

14 VICE CHAIRMAN BONACCI: Yeah. Just the
15 effects that --

16 MR. MULKAY: Just --

17 VICE CHAIRMAN BONACCI: -- it may have.

18 MR. MULKAY: -- the effects that it may --
19 the impact that it --

20 VICE CHAIRMAN BONACCI: Yeah.

21 MR. MULKAY: -- that a three family -- the
22 trip generations that a three family will do and
23 -- and the pulling out of the property. That's
24 the extent of the testimony.

25 VICE CHAIRMAN BONACCI: Yeah.

1 MR. MULKAY: Correct?

2 VICE CHAIRMAN BONACCI: The materials --

3 MR. PEREIRA: Um hum.

4 VICE CHAIRMAN BONACCI: -- the Palisades

5 Overlay --

6 MR. MULKAY: Right.

7 VICE CHAIRMAN BONACCI: -- the effect on
8 that, what I just mentioned with regards to the
9 safety of the traffic --

10 MR. MULKAY: Right. That would be --

11 VICE CHAIRMAN BONACCI: -- coming in and
12 out.

13 MR. MULKAY: -- the traffic. Right.

14 VICE CHAIRMAN BONACCI: And that's just,
15 from me; we haven't even opened it up to members
16 of the public who --

17 MR. PEREIRA: Um hum.

18 VICE CHAIRMAN BONACCI: -- may or may not
19 be here interested in that --

20 MR. MULKAY: Okay.

21 MR. PEREIRA: Um hum.

22 VICE CHAIRMAN BONACCI: -- particular
23 application.

24 So those are three things that --

25 MR. PEREIRA: Okay.

1 VICE CHAIRMAN BONACCI: -- we're going to
2 need.

3 MR. PEREIRA: Yeah.

4 VICE CHAIRMAN BONACCI: I can't approve
5 anything right now.

6 With regards to that, does any members of
7 the Board have any questions for this
8 application?

9 MR. PANEQUE: Mr. Mulkay, just as a point
10 of clarification --

11 MS. GUTIERREZ: Just open to the public.

12 MR. PANEQUE: -- the easement that's there
13 services both properties, 912 and the neighbor?

14 MR. MULKAY: Correct.

15 MR. PANEQUE: So the cars go into the
16 easement --

17 MR. MULKAY: 910.

18 MR. PANEQUE: -- and park on either side.

19 MR. MULKAY: Correct.

20 MR. PEREIRA: They -- yes.

21 MR. MULKAY: Yes.

22 MR. PEREIRA: So, property 916 is the
23 property that shares the easement with 912. And
24 they have parking behind their structure. So,
25 they use the easement to gain access to that.

1 MR. PANEQUE: Now, does 912 use the
2 easement for parking for themselves now?

3 MR. PEREIRA: Currently, I believe so,
4 because there's -- there's just a paved area in
5 the back there. It's a --

6 MR. PANEQUE: Okay.

7 MR. PEREIRA: -- concrete and --

8 MR. PANEQUE: So it's --

9 MR. PEREIRAS: -- gravel so --

10 MR. MULKAY: The house is currently vacant
11 now, but --

12 MR. PEREIRA: Right.

13 MR. MULKAY: -- they do park in the back.

14 MR. PANEQUE: Okay.

15 MR. MULKAY: They used to park in the back.

16 MR. PANEQUE: So, there's no question that
17 the easement, as recorded, it's for the benefit
18 of both homes.

19 MR. MULKAY: There's no question about
20 that. Correct.

21 MR. PANEQUE: Okay.

22 We don't want to have a situation where we
23 later find out that the easement is just for the
24 use of 916 and it was reserved for that specific
25 purpose only.

1 MR. MULKAY: No.

2 MR. PANEQUE: Okay.

3 MR. MULKAY: No, it's for both homes.

4 MR. PANEQUE: Thank you.

5 VICE CHAIRMAN BONACCI: Let me just -- just
6 to -- I don't know if anybody's here. Yeah.

7 Any members of the public?

8 Mr. Price, we'll start with -- we'll let
9 the ladies go first and then --

10 MS. DILLON: Just right in front of this
11 microphone, ma'am.

12 VICE CHAIRMAN BONACCI: -- you could be
13 next.

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 MS. CHOE: Yes, I do.

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

20 MS. CHOE: Sure.

21 My name Sung Ah Choe, S-U-N-G.

22 MS. DILLON: I'm sorry. S --

23 MS. CHOE: S-U-N-G. The second word is A-H
24 and the last name is C-H-O-E.

25 MS. DILLON: And your address.

1 MS. CHOE: 916 Palisade Avenue.

2 MS. DILLON: Okay. You have to do this one
3 at a time, ladies.

4 MS. PERROTTA: Okay.

5 MS. CHOE: Okay.

6 So, I'm here representing our condo
7 association. We have four units, two of the four
8 owners are here tonight. And we have two
9 overarching concerns.

10 Number one being our view, of course, on
11 Palisade Avenue.

12 MR. PEREIRA: Um hum.

13 MS. CHOE: And the second is what we call
14 the driveway, which you're calling the easements.

15 VICE CHAIRMAN BONACCI: Um hum.

16 MS. CHOE: So, we want to more clearly
17 understand the density of the project. I -- you
18 were standing in front of it. Couldn't --

19 MR. PEREIRA: I'm sorry.

20 MS. CHOE: I couldn't really see how -- I
21 -- I understand you're presenting to them -- we
22 couldn't really see how far back everything went
23 and how it potentially effect our view.

24 MR. PEREIRA: Oh, sure.

25 So, this is -- this is Palisades. The line

1 that you see here is the property line.

2 MS. CHOE: Um hum.

3 MR. PEREIRA: So, the building is set back
4 50 feet and six inches. Although we have a
5 little -- you know, a small bay window of sorts.
6 So you know, it's a little less than that. But
7 it's essentially 50 foot six inches from the
8 front property line.

9 The easement that you have on the side, or
10 the driveway, it's what I was discussing with the
11 members of the Board, it's essentially what you
12 have now. The home that's there is about eight
13 feet away from your structure.

14 MS. CHOE: Um hum.

15 MR. PEREIRA: So, what you have there is
16 what you're going to have. That's not changing.
17 So, the easement is to remain as is.

18 And the property does extend longer than
19 the existing building that's there, because it's
20 a small -- I believe it was a two family home.

21 MS. CHOE: Yes.

22 MR. PEREIRA: So you know, this property
23 extends back and we are 40 -- the structure
24 itself is 43 foot eight from the edge of the
25 cliff. Setback.

1 MS. PERROTTA: So, do you know where --

2 MS. DILLON: Wait, wait. You --

3 MS. PERROTTA: I'm sorry.

4 MR. PEREIRA: I'm sorry.

5 MS. DILLON: Let her complete first and
6 then you can certainly go.

7 MR. PEREIRA: Oh, yeah.

8 MS. CHOE: Where does the current property,
9 the actual building stop versus what you're
10 doing?

11 MR. PEREIRA: The current building, if you
12 look at -- for the Board's benefit, if you look
13 at T-100, the second survey that has a -- an
14 orange overlay, the orange building is the new
15 proposed structure.

16 What you see below that is the existing two
17 family that's there. So, I would say that the
18 new property is about twice as long as the
19 existing.

20 MS. CHOE: Okay. So, in this picture I
21 have --

22 MR. PEREIRA: Um hum.

23 MS. CHOE: -- where their current fence is,
24 does it --

25 MR. PEREIRA: Right.

1 MS. CHOE: -- go all the way back there?

2 MR. PEREIRA: Let me see if it shows a
3 fence here.

4 Yeah. It shows a chain link fence all the
5 way in the back.

6 No. I -- I would say that we're
7 approximately five to ten feet away from that
8 existing fence.

9 MS. CHOE: Five to ten is a big -- this is
10 five --

11 MR. PEREIRA: Yeah.

12 MS. CHOE: -- to ten.

13 MR. PEREIRA: I mean, I can --

14 MS. CHOE: I can lay down.

15 MR. PEREIRA: Let me see if I --

16 MS. CHOE: I'm a little over five, so
17 that's ten.

18 MR. PEREIRA: I'll tell you exactly what it
19 is.

20 It is essentially the edge of property.
21 So, it's about ten feet to the building and to
22 the edge of the balcony is about seven feet.

23 So, ten feet to the structure and about
24 seven feet to the edge of the property line.

25 MS. CHOE: Okay.

1 And then, the other thing we were wondering
2 about is your proposed schedule and your timeline
3 for construction.

4 MR. PEREIRA: That would be my client.

5 MS. CHOE: Maybe we can save that or
6 something?

7 MR. PEREIRA: Yeah. I don't know if you
8 want to put on the record. Schedule?

9 VICE CHAIRMAN BONACCI: I'm sorry. What
10 was that last question again? I -- I was -- I
11 spaced out for a minute.

12 MR. PEREIRA: Proposed schedule.

13 MS. CHOE: The -- the proposed schedule and
14 timeline --

15 VICE CHAIRMAN BONACCI: Oh.

16 MR. PEREIRA: For construction.

17 MS. CHOE: -- for construction.

18 VICE CHAIRMAN BONACCI: Okay. Got you.

19 MR. MULKAY: So -- so, the -- it's all
20 going to depend on the approval process and the
21 permitting process with the City, but once we
22 start the construction, it will probably take
23 about six to eight months to build the entire
24 building from start to finish, once they start.

25 MS. CHOE: Okay. So, a few things.

1 That driveway used to be pretty rough.

2 MR. PEREIRA: Um hum.

3 MS. CHOE: And with the previous owners, we
4 had an agreement, prior to my moving in, that we
5 would share the cost of paving the driveway.

6 MR. PEREIRA: Um hum.

7 MS. CHOE: And 916 Palisade Association
8 ended up stuck with that bill. The previous
9 owner did not pay --

10 MR. PEREIRA: Okay.

11 MS. CHOE: -- his half, which his half
12 would have been \$3,000.00.

13 So, I don't know if we have any recourse
14 with the new owners? Any advice? So, that's --
15 that's something.

16 I can give you a copy of the receipt. I
17 also can give you --

18 Sorry, I didn't bring a lot --

19 VICE CHAIRMAN BONACCI: If you're going to
20 give us something, then that's going to have to
21 be marked --

22 MR. PANEQUE: Yes, but actually, with all
23 due respect to Ms. Choe, this Board is not here
24 as a collection agency.

25 MS. CHOE: No. I understand.

1 MR. PANEQUE: So, Mr. Mulkey is the
2 representative of the owner here. My suggestion
3 would be that when we take a break, or after this
4 application is finished for tonight, that you
5 speak to Mr. Mulkey.

6 Now, the only thing I can tell you is that
7 you have to go to the easement that was recorded
8 to see whose responsibility it was for
9 maintenance and upkeep.

10 Okay. Usually, and I'm only speaking from
11 easements that I've reviewed, it falls to the
12 person who's benefiting from the easement. Okay.
13 And Mr. Mulkey would probably be able to pull a
14 copy of that easement. It should be part of your
15 title file when you bought. Okay. And then,
16 that will tell you who's responsible for
17 maintenance and upkeep.

18 MS. CHOE: Okay. So, our understanding, as
19 a building, is that it was -- it was the
20 responsibility of 912 because there also hasn't
21 been snow removal.

22 MR. PEREIRA: Right.

23 MS. CHOE: And certainly not the payment of
24 that.

25 MR. PEREIRA: So if I may, I -- I was just

1 conferring with the client from here.

2 As he builds his new structure, he's going
3 to -- you know, most likely, or definitely have
4 to repave that entire driveway because he is
5 going to be impacting that to put footings,
6 foundation. So, he would definitely be repaving
7 that completely.

8 MR. MULKAY: And make it --

9 MS. CHOE: So, that was another question.

10 MR. MULKAY: And make it anew.

11 MR. PEREIRA: Right.

12 MR. MULKAY: It will end up being a --
13 you'll end up with a brand new driveway.

14 MR. PEREIRA: Right.

15 MR. MULKAY: They did a few years ago,
16 you'll end up with a brand new driveway by the
17 time it's done.

18 It -- it had to be redone when the building
19 that you bought was built and it will have to be
20 redone again as part of this new construction
21 project.

22 And that obviously, they would bear the
23 cost to that.

24 MS. CHOE: Which that -- that sounds
25 reasonable, however, that means that it's going

1 to be torn up while we're all sharing that
2 easement because we're all parking back there
3 right now. So --

4 MR. PEREIRA: Um hum.

5 MS. CHOE: -- that's another question we
6 had.

7 MR. MULKAY: Right. It would be, yeah,
8 during the construction process, there would be
9 some --

10 MR. PEREIRA: Disturbance.

11 MS. CHOE: How would that -- how are we
12 going to move in and out, and what are they going
13 to do with the debris?

14 MR. MULKAY: I'm sure they -- they will do
15 it so that it doesn't -- so to minimize the
16 impact. But when they tear it down and they're
17 building, there's going to be some impact.

18 They'll minimize it and we can talk about
19 that afterwards. They'll minimize the impact as
20 much as possible.

21 VICE CHAIRMAN BONACCI: Yeah. I think --

22 MR. MULKAY: And they're not going to --
23 under the easement, they can't block it. They
24 can't prevent you from using it. So, they won't
25 prevent you from going in and out. You'll still

1 have your parking spaces.

2 MS. CHOE: But there'll still be some
3 inconvenience because --

4 MR. MULKAY: There will --

5 MS. CHOE: -- we'll have to work around.

6 MR. MULKAY: There's going to be -- for any
7 construction, there's going to be some
8 inconvenience.

9 VICE CHAIRMAN BONACCI: I think all these
10 little kinks that you guys are trying to iron out
11 --

12 MR. MULKAY: Right.

13 VICE CHAIRMAN BONACCI: -- you know, with
14 respect to the other applications and then time
15 being a factor --

16 MR. MULKAY: Right.

17 MR. PEREIRA: Um hum.

18 VICE CHAIRMAN BONACCI: -- this is probably
19 all something that's going to have to take place
20 between --

21 MR. PEREIRA: Yes.

22 VICE CHAIRMAN BONACCI: -- you guys and the
23 neighbors before we can really do anything.

24 MR. MULKAY: Right.

25 VICE CHAIRMAN BONACCI: I just want to hear

1 a little bit about what everybody from the public
2 has to say. And then, I'll get back to the
3 business that we have here before we take a break
4 and then get to the second two applications.

5 MR. MULKAY: Right.

6 MS. CHOE: Okay.

7 I mean, we had some other things related.
8 There's this -- I don't know who I'm supposed to
9 talk to --

10 MR. PEREIRA: Um hum.

11 MS. CHOE: -- but there's this black fence
12 that the last -- the previous owners put up
13 that's on -- partially on the side of 912. And
14 then, also, was also partially put on our
15 building. So, I'm assuming once you knock this
16 down, that's going to go. So, we would need to
17 have --

18 MR. MULKAY: We could talk about those kind
19 of stuff.

20 MS. CHOE: So all of that --

21 MR. MULKAY: We're going to be able to talk
22 about.

23 MS. CHOE: Sorry. I'm --

24 VICE CHAIRMAN BONACCI: Yeah.

25 MS. CHOE: -- new to all this.

1 VICE CHAIRMAN BONACCI: I just want to hear
2 what kind of concerns you guys have.

3 MR. PEREIRA: Right.

4 MS. CHOE: Sure.

5 VICE CHAIRMAN BONACCI: And then --

6 MS. CHOE: Sure.

7 VICE CHAIRMAN BONACCI: I'm going to --

8 MR. PEREIRA: Right.

9 VICE CHAIRMAN BONACCI: -- try to address
10 --

11 MS. CHOE: So primarily --

12 VICE CHAIRMAN BONACCI: -- everything.

13 MS. CHOE: -- around the easements.

14 VICE CHAIRMAN BONACCI: Right.

15 MR. PEREIRA: Um hum.

16 MS. CHOE: And the view.

17 MR. PEREIRA: Right.

18 VICE CHAIRMAN BONACCI: Yeah. That was
19 something --

20 MS. CHOE: Which are --

21 VICE CHAIRMAN BONACCI: -- I hit upon
22 earlier.

23 MR. PEREIRA: Right.

24 MS. CHOE: Um hum.

25 VICE CHAIRMAN BONACCI: I knew that was

1 going to be a thing.

2 MS. CHOE: Yeah.

3 MR. PEREIRA: Right.

4 VICE CHAIRMAN BONACCI: Yeah.

5 MS. CHOE: And I don't know, related to the
6 view, we all kind of own a part of that hill
7 that's behind each of our respective properties
8 and --

9 MR. PEREIRA: Right.

10 VICE CHAIRMAN BONACCI: That was another
11 thing --

12 MS. CHOE: -- the trees.

13 VICE CHAIRMAN BONACCI: -- I knew would be
14 an --

15 MR. PEREIRA: Right.

16 VICE CHAIRMAN BONACCI: -- issue for you
17 guys.

18 MS. CHOE: Yeah.

19 MR. PEREIRA: Yeah.

20 MS. CHOE: So, the trees can get in the way
21 of the view. So --

22 VICE CHAIRMAN BONACCI: Okay.

23 Miss?

24 Yeah. She's just going to have to get your

25 --

1 MS. DILLON: Come forward.

2 VICE CHAIRMAN BONACCI: -- name and
3 everything.

4 MS. DILLON: Please raise your right hand.

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

7 MS. PERROTTA: I do.

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

10 MS. PERROTTA: Jeanine Perrotta,
11 J-E-A-N-I-N-E, P-E-R-R-O-T-T-A.

12 MS. DILLON: And again, your address.

13 MS. PERROTTA: 916 Palisade Ave.

14 MS. DILLON: Okay.

15 Thank you.

16 MS. PERROTTA: So, the one issue that I
17 know was hinted upon, but not necessarily brought
18 up, as I was listening to your -- you know, going
19 through the plans --

20 MR. PEREIRA: Um hum.

21 MS. PERROTTA: -- you mentioned that each
22 property was going to have a balcony in the back.

23 MR. PEREIRA: Um hum.

24 MS. PERROTTA: And there was still a roof
25 deck.

1 MR. PEREIRA: Right.

2 MS. PERROTTA: So, I know one of the
3 variances I think you were asking for is the
4 height variance. And I just wonder --

5 MR. PEREIRA: Um hum.

6 MS. PERROTTA: -- why do -- do we really
7 need a roof deck if everybody has their own
8 personal balcony?

9 MR. PEREIRA: Right. Well, it was -- it
10 was something we discussed with the client. It
11 is -- as you know, the view there is incredible.
12 And --

13 MS. PERROTTA: It's amazing.

14 MR. PEREIRA: We are providing -- you know,
15 a small balcony in front of their living
16 room/kitchen, but we thought it would be -- you
17 know, and so did our clients, that would be great
18 to have a nice open space up on the roof, that --
19 you know, all of the --

20 MS. PERROTTA: Right.

21 MR. PEREIRA: -- tenants or owners could --

22 MS. PERROTTA: Right.

23 MR. PEREIRA: -- could use.

24 MS. PERROTTA: No, I know. It just seems
25 like you're building really completely on the

1 property, on the lot, which I guess is part of
2 what you're allowed to do now.

3 MR. PEREIRA: Um hum.

4 MS. PERROTTA: But coming from -- you know,
5 I literally moved in in July. So now all of a
6 sudden, it's like, wow, the walls are closing in,
7 and it would be so nice if we could have some of
8 that space still.

9 So those are my concerns.

10 VICE CHAIRMAN BONACCI: I think we have one
11 more member of the public to testify.

12 MS. HARTMANN: If I could, just -- just not
13 to --

14 MS. DILLON: Just come forward, Ms.
15 Hartmann.

16 MS. HARTMANN: Not to dispute anything, but
17 this -- this property is permitted to have 60
18 percent building coverage and it's only at 50
19 percent. Though while it may be perceived as
20 quite a bit of -- of coverage, we're, in fact,
21 below what's permitted.

22 MR. PEREIRA: Right.

23 MS. HARTMANN: And though, I get it. I do,
24 because the -- the area, quite frankly, that
25 isn't is probably down on the slope.

1 VICE CHAIRMAN BONACCI: Yeah.

2 MS. HARTMANN: But I just think, to keep
3 the record straight.

4 VICE CHAIRMAN BONACCI: Yeah.

5 MS. HARTMANN: That's all.

6 MS. PERROTTA: Thank you.

7 VICE CHAIRMAN BONACCI: Thank you, guys.

8 MR. PEREIRA: Um hum.

9 VICE CHAIRMAN BONACCI: Mr. Price, did you
10 have anything to add?

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

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

15 MR. PRICE: I do.

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

18 MR. PRICE: Larry Price, 1006 Palisade.

19 MS. DILLON: Thank you.

20 MR. PRICE: First, a slight digression.

21 On the south side of this property, you
22 would be required to have a two foot setback.
23 You have zero set --

24 MR. PEREIRA: We have zero.

25 MR. PRICE: And what was -- the explanation

1 | was because we have to give up eight feet on the
2 | other side, we would be --

3 | MR. PEREIRA: Right. So, essentially --
4 | you know, the -- the structure was becoming too
5 | narrow. And you know, to -- to, I guess, to
6 | expand on the zero, with this new type of
7 | construction, where we have three floors over a
8 | parking floor, we're required to have two means
9 | of egress.

10 | I mean, the different way to approach this,
11 | but with flats, you're required to have two means
12 | of egress. So, the stairs -- the two stairs take
13 | quite a bit of space from the footprint. So, the
14 | zero lot line, it's only on the stairs. So, if
15 | you look at it -- you know, it's just where the
16 | -- the stair shafts are. The property or the --
17 | the building up above, or most of the building,
18 | I'd say, 70 percent of the structure is about --
19 | it's three foot one. It's setback three foot
20 | one, so we can provide windows on that side.

21 | MR. PRICE: Okay. The only -- the only
22 | point I was going to make is --

23 | MR. PEREIRA: Um hum.

24 | MR. PRICE: -- this lot is 30 feet wide.

25 | MR. PEREIRA: Yeah.

1 MR. PRICE: Okay. You're required to have
2 two and three.

3 MR. PEREIRA: Um hum.

4 MR. PRICE: Well, on the side where you
5 have three, you, in point of fact, have eight
6 feet because that's --

7 MR. PEREIRA: Right.

8 MR. PRICE: -- the easement side. So, you
9 clearly meet the three.

10 MR. PEREIRA: Right.

11 MR. PRICE: With the two on -- okay.

12 The point I make is, on a normal lot, which
13 is 25 by a hundred --

14 MR. PEREIRA: Um hum.

15 MR. PRICE: -- three and two, you end up
16 with a 20 foot house.

17 MR. PEREIRA: Um hum.

18 MR. PRICE: Here, if you had eight and two
19 --

20 MR. PEREIRA: Two.

21 MR. PRICE: -- you would end -- on a 30
22 foot lot, you would end up with a 20 --

23 MR. PEREIRA: Twenty foot house.

24 MR. PRICE: -- foot house.

25 MR. PEREIRA: Um hum.

1 MR. PRICE: You want a 22 foot house, is
2 essentially what you're saying.

3 MR. PEREIRA: Twenty-two foot at the stair
4 shafts only, but yes.

5 MR. PRICE: Oh, okay.

6 MR. PEREIRA: Point taken.

7 MR. PRICE: But --

8 MR. PEREIRA: Yeah.

9 MR. MULKAY: And then just -- just really
10 expanding that point, that's only because we're
11 providing two means of egress.

12 Correct?

13 MR. PEREIRA: Yeah. It's -- you know,
14 again, we're taking a lot of footprint from the
15 home itself, or from the units. But you know,
16 point taken. I understand what you say, we were
17 just --

18 MR. PRICE: Maybe you're entitled to have a
19 little wider house because you got a wider lot.

20 MR. PEREIRA: Yeah.

21 MR. PRICE: But anyway, it's not like
22 you're forced into it.

23 MR. PEREIRA: Um hum.

24 MR. PRICE: I heard a -- the description, a
25 narrow house.

1 MR. PEREIRA: Yeah.

2 MR. PRICE: It's not any narrower than
3 normal.

4 MR. PEREIRA: No.

5 MR. PRICE: If you -- however, that was not
6 my real ques --

7 Could I see the -- first, the ground floor
8 --

9 MR. PEREIRA: Um hum.

10 MR. PRICE: -- diagram?

11 Okay.

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

14 MR. PRICE: The ADA spot will actually
15 enter from Palisade Avenue.

16 MR. PEREIRA: Correct.

17 MR. PRICE: Not --

18 MR. PEREIRA: Well --

19 MR. PRICE: Not from the alleyway.

20 MR. PEREIRA: Not from the alleyway.

21 So, the reason we're doing that is to try
22 and maintain the ADA space -- you know, closest
23 to the main entrance lobby, rather than all the
24 way in the back.

25 So, there is the ADA space, and of course

1 we need eight foot adjacent to that. Right? So
2 it's an eight foot by 18, with an eight foot by
3 18 space; there's a (indiscernible) that's
4 striped. So, we cap that at the front and we use
5 an added striped space also for egress -- you
6 know, for pedestrians.

7 So, if you're -- if you're coming to visit,
8 you're going to walk through that and probably
9 ring the doorbell.

10 MR. PRICE: Okay.

11 MR. PEREIRA: Or the buzzer.

12 MR. PRICE: Okay.

13 Now, the -- the problem -- okay. I think
14 now -- whatever. I'm not the architect, you are
15 so --

16 The problem I have, from a parking, in the
17 back --

18 MR. PEREIRA: Um hum.

19 MR. PRICE: -- you have the three spots and
20 there's no problem with a turn area on those
21 three spots because, as the people from 916 said,
22 their building doesn't go back that far, they got
23 space over there, you can back them up --

24 MR. PEREIRA: And --

25 MR. PRICE: -- and go right out.

1 MR. PEREIRA: Correct.

2 MR. PRICE: That's what people do right
3 now, by the way.

4 MR. PEREIRA: Right.

5 MR. PRICE: The problem is, the two that
6 are --

7 MR. PEREIRA: Two spaces.

8 MR. PRICE: -- on a slant --

9 MR. PEREIRA: Um hum.

10 MR. PRICE: Those cars are going to have to
11 back out to -- to Palisade Avenue, aren't they?

12 MR. PEREIRA: They will. They will.

13 MR. PRICE: Okay.

14 MR. PEREIRA: Much like any three family
15 house now, right? If you're parking -- at least
16 we don't have a tandem configuration, where cars
17 need to back out and park in little streets, so
18 the other ones can pull out. I mean, these will
19 be individual spaces.

20 MR. PRICE: Well, the -- granted there --
21 there are problems, but you have a building
22 that's 22 feet wide.

23 MR. PEREIRA: Um hum.

24 MR. PRICE: You have -- outside you have a
25 rather narrow turn area because the -- again, the

1 testimony, you have eight feet on the easement on
2 your side, they have eight feet on the easement
3 on that side.

4 MR. PEREIRA: Right.

5 MR. PRICE: You have an aisle width that's
6 only 16 feet, which requires a little -- but
7 you've got an extraordinarily long garage --

8 MR. PEREIRA: Um hum.

9 MR. PRICE: -- that the building's 22 feet
10 deep. You take a foot --

11 MR. PEREIRA: Right.

12 MR. PRICE: -- away from the wall --

13 MR. PEREIRA: Um hum.

14 MR. PRICE: -- on the opposite side, you
15 still have a garage space that's 21 feet deep.
16 The requirement is normally 18. And whatever.
17 What -- I guess what I'm really leading up to is
18 taking the summertime, when the pool is open,
19 this is a very crowded area.

20 MR. PEREIRA: Um hum.

21 MR. PRICE: And have -- having people back
22 out of this space -- you know, across the
23 sidewalk, and into Palisade Avenue, where --
24 which is a very busy street, is almost to create
25 an unsafe situation.

1 You would be better off to try and make it
2 straight, back out, recognize that you have a --
3 a restricted turn area, but then the cars are
4 going out head first.

5 MR. PEREIRA: Yeah. We -- we did so many
6 iterations of parking, my client can tell on
7 this. And -- and the issue is, it's still a 30
8 foot lot, that we have an easement. And you
9 know, you just can't turn a car. And I guess
10 that's the reason Chairman said -- you know,
11 let's have a traffic engineer come in here and
12 testify as to that.

13 We -- you know, if it was a 25 foot lot and
14 you have a three family house, you're going to be
15 backing out. Right? You're not going to be able
16 to turn in there unless you put a turntable,
17 which is not --

18 MR. PRICE: But that's the great advantage
19 of this -- this is a huge -- this is not a normal
20 lot. This --

21 MR. PEREIRA: Right.

22 MR. PRICE: -- lot is 30 feet wide.

23 MR. PEREIRA: Thirty feet.

24 MR. PRICE: It's 160 -- it's almost --
25 granted the -- the problem is at the back end of

1 the lot.

2 MR. PEREIRA: Right.

3 MR. PRICE: But this lot is nearly twice
4 the size of a normal -- you know --

5 MR. PEREIRA: Well, it's five --

6 MR. PRICE: -- lot.

7 MR. PEREIRA: Five foot larger.

8 MR. PRICE: And which allows -- whatever.
9 Allows possibilities.

10 MR. PEREIRA: Well, you just -- again you
11 know, we -- you won't be able to turn. You know,
12 an aisle, as you know, is 24 feet. You do 22
13 foot aisles, you're just not going to be able to
14 turn on 30 feet. You're not going to be able to
15 turn a car. But --

16 MR. PANEQUE: Just as a point of
17 clarification.

18 Can you go to the schematic with the
19 parking?

20 MR. PEREIRA: This?

21 MR. PANEQUE: That one. Right there.

22 MR. PEREIRA: That one.

23 MR. PANEQUE: Now, just so that we're
24 clear.

25 MR. PEREIRA: Um hum.

1 MR. PANEQUE: The only two cars that would
2 be backing out would be those two because the
3 three at the end --

4 MR. PRICE: Would -- would have --

5 MR. PEREIRA: They would be able to pull
6 out and come in.

7 MR. PRICE: -- no problem.

8 MR. PEREIRA: Right.

9 MR. PANEQUE: Would have no problem.

10 MR. PEREIRA: Right.

11 MR. PANEQUE: So out of the five cars that
12 are parking underneath the house, only two are
13 actually backing out.

14 MR. PEREIRA: Right. Well, and -- and the
15 ADA, to be clear.

16 MR. PANEQUE: And the -- well, the ADA.
17 But I --

18 MR. PEREIRA: The ADA could back in.

19 MR. PANEQUE: Yeah.

20 MR. PEREIRA: Right?

21 MR. MULKAY: That's -- and that's no
22 different than the traditional three family --

23 MS. DILLON: Please come forward, Mr.
24 Mulkay.

25 MR. MULKAY: That's no different than a

1 | traditional three family that's normally approved
2 | with tandem parking underneath.

3 | MR. PEREIRA: Right.

4 | MR. MULKAY: Where the cars that park in
5 | the back are all backing out. All four cars --

6 | MR. PEREIRA: Exact.

7 | MR. MULKAY: -- will be backing out.

8 | Correct?

9 | MR. PEREIRA: Yeah. Exactly.

10 | MR. MULKAY: So this is actually -- we only
11 | have two cars backing out instead of four cars
12 | backing out.

13 | MR. PEREIRA: Right.

14 | MR. MULKAY: In the traditional house.

15 | MR. PEREIRA: It's --

16 | MS. HARTMANN: Or a single.

17 | MR. PEREIRA: Or a single family house.

18 | MR. MULKAY: Or a single family house.

19 | Right.

20 | MR. PANEQUE: Okay.

21 | MR. PRICE: Okay.

22 | MR. PEREIRA: Okay.

23 | VICE CHAIRMAN BONACCI: Good, Mr. Price?

24 | You got anything else for these guys?

25 | MR. PRICE: Yeah, just along those lines.

1 Could you flip to the -- to the -- what do
2 you call it? The side view.

3 MR. PEREIRA: The typical floor plan? Oh,
4 the -- the elevations?

5 MR. PRICE: Okay.

6 MR. PEREIRA: The rendering.

7 MR. PRICE: Again, at the -- at the top
8 right hand diagram there --

9 MR. PEREIRA: Okay.

10 MR. PRICE: Okay. I understand the three
11 in the back.

12 MR. PEREIRA: Um hum.

13 MR. PRICE: Where are the two cars that are
14 on a diagonal?

15 MR. PEREIRA: They're here. We're just
16 showing one on this, but there's -- there's one
17 here, and there's another car in here. So, these
18 are the ones diagonal. And these are the three
19 cars. And you can see the site slopes as we're
20 following the same grading, because we can't
21 change that because of the easement. Otherwise
22 you know, they wouldn't be able to get back to
23 where they need to get back to.

24 So, the grade slopes down. And these are
25 the three cars that are parked, that we saw

1 before that are parked on 90 degrees and they
2 slope -- the cars on this slant are the side
3 here. So, there's one here, another one next to
4 it.

5 And in front of the property is where the
6 ADA space is. Over here.

7 MR. PRICE: Okay.

8 Okay. There's going to be --

9 MR. PEREIRA: Yeah.

10 MR. PRICE: -- a traffic guy.

11 Right?

12 MR. MULKAY: Yeah. Yup.

13 MR. PEREIRA: I believe so.

14 MR. PRICE: We can --

15 To be adjourned.

16 MR. PEREIRA: To be adjourned.

17 VICE CHAIRMAN BONACCI: Let me just --

18 MS. GUTIERREZ: Public.

19 VICE CHAIRMAN BONACCI: Is there any other
20 testimony needed from the public? Is there
21 anything else?

22 MR. PEREIRA: Questions.

23 VICE CHAIRMAN BONACCI: You're -- she's
24 already sworn in.

25 Right?

1 MR. PEREIRA: Um hum.

2 MS. DILLON: Just state your name again for
3 the record.

4 MS. CHOE: Sung Ah Choe.

5 Sorry. We just thought of a process
6 question, because we don't know.

7 VICE CHAIRMAN BONACCI: Sure.

8 MS. CHOE: So, I understand. We -- we're
9 clear that we're going to speak to the lawyer and
10 -- and the developer, but it sounds like you guys
11 aren't going to be able to make a decision. And
12 then, I don't know. You take everything into
13 considerate -- consideration. And then, do we
14 come back again next month?

15 VICE CHAIRMAN BONACCI: I'll get to that.

16 MS. CHOE: Okay.

17 VICE CHAIRMAN BONACCI: We're going to get
18 to that stuff.

19 MS. CHOE: Okay.

20 Thank you.

21 VICE CHAIRMAN BONACCI: Shortly.

22 Any other members of the public?

23 Okay.

24 Closed to the public.

25 Mr. Mulkay?

1 MR. MULKAY: Yes.

2 VICE CHAIRMAN BONACCI: It's pretty clear
3 that there's issues beyond my original points.
4 So I mean, at this point, I'm going to make a
5 motion to deny the application.

6 MR. MULKAY: I --

7 VICE CHAIRMAN BONACCI: I think it would be
8 best, going forward, if you want to redo the
9 application.

10 MR. MULKAY: I --

11 VICE CHAIRMAN BONACCI: We've got to iron
12 all these kinks --

13 MR. MULKAY: Right.

14 VICE CHAIRMAN BONACCI: -- before we --

15 MR. MULKAY: I would ask --

16 VICE CHAIRMAN BONACCI: -- even come in
17 here.

18 MR. MULKAY: I would ask that you not make
19 a motion to deny it. I would ask that we adjourn
20 it. Make a motion to --

21 VICE CHAIRMAN BONACCI: I can't --

22 MR. MULKAY: -- adjourn it.

23 VICE CHAIRMAN BONACCI: I can't take the
24 motion back. I -- I made --

25 MR. MULKAY: No, you -- of course you can.

1 You haven't voted on it. Nobody's voted. As a
2 matter of procedure, we're entitled to -- to make
3 modifications.

4 I've heard what the Board has said.

5 VICE CHAIRMAN BONACCI: Do you advise that?

6 MR. MULKAY: We -- we --

7 MR. PANEQUE: Yeah. I do advise. I mean
8 --

9 VICE CHAIRMAN BONACCI: Okay.

10 MR. PANEQUE: -- we have the public here.
11 They've made their -- and --

12 MR. MULKAY: Right.

13 MR. PANEQUE: -- from the get go, I think
14 --

15 VICE CHAIRMAN BONACCI: Let me just make a
16 point.

17 MR. PANEQUE: Yeah. No.

18 VICE CHAIRMAN BONACCI: My -- my point,
19 going forward, is that -- you know, I could
20 foresee some of these issues before anybody came
21 up here. And if you guys -- I know you guys
22 could do the same thing.

23 If your -- if your applicant -- if your --
24 your client would have just knocked on the door
25 and said, hey, we're moving in next door and this

1 is what we're going to do or whatever, we could
2 have alleviated like an hour of testimony here.

3 MR. MULKAY: Well --

4 VICE CHAIRMAN BONACCI: You know what I
5 mean? Just going forward. I'm not --

6 MR. MULKAY: Right. Right.

7 VICE CHAIRMAN BONACCI: -- trying to be --

8 MR. MULKAY: Right.

9 VICE CHAIRMAN BONACCI: -- you know --

10 MR. MULKAY: I -- I --

11 VICE CHAIRMAN BONACCI: -- a certain way.
12 I'm just --

13 MR. MULKAY: With all -- right. With all
14 due respect.

15 VICE CHAIRMAN BONACCI: Yeah.

16 MR. MULKAY: If I knew what every Board was
17 going to do --

18 VICE CHAIRMAN BONACCI: Yeah.

19 MR. MULKAY: -- I would be the smartest
20 lawyer and I'd make a lot more money than I do.

21 VICE CHAIRMAN BONACCI: Yeah. I know.

22 MR. MULKAY: I can't predict what certain
23 -- right.

24 VICE CHAIRMAN BONACCI: We don't have a
25 crystal ball. Yeah. I get it.

1 MR. MULKAY: I can't predict what certain
2 Board members --

3 VICE CHAIRMAN BONACCI: Sure.

4 MR. MULKAY: -- or certain Boards are going
5 to request.

6 VICE CHAIRMAN BONACCI: Yeah.

7 MR. MULKAY: I simply make the
8 presentation.

9 I know my client, he's a developer and he's
10 very -- he's very concerned about the
11 neighborhood.

12 VICE CHAIRMAN BONACCI: Yeah.

13 MR. MULKAY: He wants to make this better.

14 VICE CHAIRMAN BONACCI: I'm not doubting
15 that --

16 MR. MULKAY: And he --

17 VICE CHAIRMAN BONACCI: -- at all.

18 MR. MULKAY: Right. So -- so, we've heard
19 what the Board has said.

20 VICE CHAIRMAN BONACCI: Um hum.

21 MR. MULKAY: I think we should be entitled,
22 as a procedural matter, to come back.

23 VICE CHAIRMAN BONACCI: All right.

24 MR. MULKAY: I think --

25 VICE CHAIRMAN BONACCI: I'll agree to that.

1 MR. MULKAY: Right.

2 VICE CHAIRMAN BONACCI: I'll -- I'll agree
3 to that.

4 MR. MULKAY: Right. So, I think we should
5 be entitled to come back and make -- we'll look
6 at it next --

7 VICE CHAIRMAN BONACCI: So you're --

8 MR. MULKAY: -- month.

9 VICE CHAIRMAN BONACCI: -- requesting to
10 adjourn.

11 MR. MULKAY: To adjourn it. Correct.

12 VICE CHAIRMAN BONACCI: Okay. All right.

13 MR. PANEQUE: Just as a point of
14 clarification.

15 Mr. Mulkay, are you going to be coming back
16 with a civil engineer to testify as to the slope?

17 MR. MULKAY: Correct.

18 MR. PANEQUE: And as well as a traffic
19 expert to testify not so much on a traffic study,
20 but as to --

21 MR. MULKAY: As to the safety concerns --

22 MR. PANEQUE: Safety and concerns that have
23 been raised.

24 MR. MULKAY: -- of pulling out and the way
25 it would work.

1 VICE CHAIRMAN BONACCI: And also --

2 MR. MULKAY: And pull out.

3 VICE CHAIRMAN BONACCI: -- if we can get
4 some clarification on the materials.

5 MR. MULKAY: And the materials. Of course.

6 VICE CHAIRMAN BONACCI: Yeah.

7 MR. MULKAY: Of course.

8 VICE CHAIRMAN BONACCI: Thanks.

9 Thank you. Thanks.

10 MR. PANEQUE: I -- I would suggest that in
11 the next 30 days, that any concerns that the
12 residents next door have --

13 MR. MULKAY: Right.

14 MR. PANEQUE: -- be addressed.

15 MR. MULKAY: I've given --

16 MR. PANEQUE: And this is also for the
17 residents.

18 I -- I saw Mr. Mulkay handed over a card to
19 Ms. Choe. Okay.

20 Call him. Talk to him. You know, air out
21 all your concerns so that when we come back in
22 October, we don't take up as much time -- you
23 know, bringing up issues that should have been
24 already addressed prior to this.

25 VICE CHAIRMAN BONACCI: Thank you.

1 MR. MULKAY: Okay.

2 VICE CHAIRMAN BONACCI: Okay. Thanks.

3 MR. PANEQUE: Motion?

4 VICE CHAIRMAN BONACCI: Yeah. All right.

5 We're going to make a -- he requested
6 adjournment.

7 MR. PANEQUE: Yes. We need a motion --

8 VICE CHAIRMAN BONACCI: To adjourn the
9 application.

10 I'm going to make a motion to adjourn this
11 application to the --

12 THE SECRETARY: Motion to adjourn --

13 VICE CHAIRMAN BONACCI: -- next meeting.

14 THE SECRETARY: -- the application for
15 October 11, 2018 by Mr. Bonacci.

16 Second by Ms. Gutierrez.

17 Roll call on the motion to adjourn this
18 application for October 11, 2018.

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. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Five in favor.

5 Motion carries.

6 This application has been --

7 VICE CHAIRMAN BONACCI: Yeah.

8 (Whereupon, there were multiple speakers.)

9 THE SECRETARY: -- adjourned for October 11
10 with the conditions.

11 VICE CHAIRMAN BONACCI: Yeah, I thought we
12 said that already?

13 MS. GUTIERREZ: All the conditions.

14 MR. MULKAY: You have to announce it. You
15 got to --

16 VICE CHAIRMAN BONACCI: Oh, okay. I'm so
17 sorry.

18 MS. GUTIERREZ: All the conditions stand.

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1 **Ayoub Brothers Realty, LLC -**

2 **4007 Bergenline Avenue:**

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4 VICE CHAIRMAN BONACCI: Hold on.

5 MR. PANEQUE: One second.

6 VICE CHAIRMAN BONACCI: Just hold on.

7 THE SECRETARY: Okay. Give me two seconds.

8 Let's -- let's --

9 VICE CHAIRMAN BONACCI: Just wanted to let
10 -- to keep -- to keep order here that on our
11 agenda, public hearing number 6 --

12 THE SECRETARY: Yes.

13 VICE CHAIRMAN BONACCI: -- and number 7 --

14 THE SECRETARY: Let me call, Mr. -- Mr.
15 Bonacci.

16 VICE CHAIRMAN BONACCI: -- are adjourned
17 for tonight. Six and 7.

18 MR. PANEQUE: Wait. We have to take
19 jurisdiction.

20 THE SECRETARY: Right. You --

21 Let me --

22 Silence, please.

23 Mr. Bonacci -- Bonacci, allow me to --

24 VICE CHAIRMAN BONACCI: Sure.

25 Go ahead.

1 THE SECRETARY: -- announce the
2 application, please.

3 VICE CHAIRMAN BONACCI: Um hum.

4 THE SECRETARY: Ayoub Brothers Realty, LLC,
5 4007 Bergenline Avenue.

6 Mr. Mulkey, please?

7 MR. MULKAY: Members of the Board, Alain
8 Mulkey on behalf of the applicant.

9 I've submitted to the Board attorney the
10 notice, the -- the notices of proof of
11 publication, the Affidavit of Service. I'd ask
12 that the Board acquire jurisdiction and adjourn
13 this matter to the October 11 hearing date.

14 Our architect is not available tonight.

15 MR. PANEQUE: All right.

16 Let the record reflect that I've been
17 provided by Mr. Mulkey with the following:

18 I have an Affidavit of Service, which is
19 signed and indicates that notice of tonight's
20 hearing, with respect to 4007 Bergenline Avenue
21 was published in The Jersey Journal on August
22 15th.

23 Notices were sent to all property owners
24 within the 200 foot radius, also on August 10.

25 I have the copies of the certified mail

1 receipts, with postmark dates of August 10th, as
2 well as August 31st.

3 I also have the return receipts that have
4 -- the actual envelopes that have come back
5 unclaimed, as well as a copy of the 200 foot list
6 that was done by the Union City Tax Assessor,
7 with a date of July 31st, 2018. And a copy of the
8 notice that went out, and a copy of the
9 publication article with a date of August 15, as
10 well as the Affidavit from The Jersey Journal
11 indicating that notice was published on August
12 15.

13 The -- the notice says that on the 13th day
14 of September, at six o'clock, an application with
15 respect to 4007 Bergenline Avenue will be heard.
16 And it gives the address for the hearing at 3715
17 Palisade Avenue.

18 Based on the documentation that's been
19 presented, this Board has jurisdiction to proceed
20 and hear this matter.

21 Now, Mr. Mulkay, it's your request that the
22 Board adjourn the matter because your architect
23 is not available this evening.

24 Correct?

25 MR. MULKAY: Correct.

1 MR. PANEQUE: Okay.

2 Is there a motion?

3 MR. GRULLON: Motion.

4 THE SECRETARY: Motion by Mr. Grullon --

5 MS. GUTIERREZ: Second.

6 THE SECRETARY: -- to adjourn this

7 application for --

8 MS. GUTIERREZ: Second.

9 THE SECRETARY: -- October 11.

10 Second by Ms. Gutierrez.

11 Roll call on the motion to adjourn this

12 application.

13 No new notice required.

14 Mr. Bonacci?

15 VICE CHAIRMAN BONACCI: Yes.

16 THE SECRETARY: Mr. -- Ms. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Grullon?

19 MR. GRULLON: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

1 **Antonino Forte - 1701-07 Kerrigan Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Antonio -- Antonino Forte,
5 1701-07 Kerrigan Avenue.

6 Mr. Mulkay, please?

7 MR. MULKAY: Mr. Chairman, members of the
8 Board, Alain Mulkay, from Mulkay and Rendo, on
9 behalf of Antonino Forte, the applicant in this
10 matter.

11 I submitted the publication, the notice of
12 publication, the Affidavit of Service to the
13 Board attorney. I'd ask that the Board acquire
14 jurisdiction.

15 And for a similar reason, I'm requesting
16 that the matter be adjourned to October 11th.

17 MR. PANEQUE: All right.

18 For the record, I've been provided by Mr.
19 Mulkay with the following documentation:

20 I have an Affidavit of Service, which
21 indicates that notice of tonight's hearing was
22 sent out to all property owners within the 200
23 foot radius, as well as having been published in
24 The Jersey Journal.

25 I have a copy of the notice that went out.

1 Said notice indicates that a hearing will take
2 place on the 13th of September, at -- regarding
3 the property at 1701 Kerrigan Avenue.

4 I have an Affidavit from The Jersey
5 Journal, indicating that notice of tonight's
6 hearing was published on August 23rd.

7 I'm looking at the notice which indicates
8 that with respect to the property at 1701, an
9 application has been made which will be heard on
10 the 13th of September at the location of 3715
11 Palisade Avenue.

12 I also have been provided with a tax list
13 from the Union City Tax Assessor of all property
14 owners within the 200 foot radius, with a date of
15 July 23rd, 2018.

16 I've also been provided with copies of the
17 certified mail receipts, which shows that notices
18 went out on August 17 at the post office, as well
19 as the mail that has come back unclaimed.

20 Based on the documentation provided by Mr.
21 Mulkay, this Board has jurisdiction to proceed
22 and hear this matter.

23 I understand, Mr. Mulkay, there's a request
24 to adjourn this matter.

25 MR. MULKAY: There is.

1 MR. PANEQUE: Is there a motion?

2 VICE CHAIRMAN BONACCI: I'll make a motion
3 to adjourn.

4 MR. GRULLON: Second.

5 THE SECRETARY: Motion by Mr. Bonacci.

6 Second by Mr. Grullon to adjourn this
7 application for October 11.

8 No new notice required.

9 Roll call on the motion.

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. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Mr. Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Five in favor.

21 Motion carries.

22 Thank you.

23 MS. GUTIERREZ: Ten minute break.

24 VICE CHAIRMAN BONACCI: Okay.

25 MS. GUTIERREZ: Ten minute break.

1 THE SECRETARY: Yeah. We are going to --

2 VICE CHAIRMAN BONACCI: At this time, we're
3 going to take a ten minute recess. Okay? Just a
4 ten minute break.

5 Thanks.

6

7 (Whereupon, the Board recessed from 8:47
8 p.m. to 9:08 p.m.)

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1 **134 35th Street, LLC - 134 35th Street:**

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3 VICE CHAIRMAN BONACCI: All right.

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

6 VICE CHAIRMAN BONACCI: Ready to work.

7 THE SECRETARY: Let's go back in record.

8 Next application on tonight's agenda, 134
9 35th Street, LLC, 136 35th Street.

10 Ms. Pereiras, please?

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

13 THE SECRETARY: On record.

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

17 I have the certified mail slips, with a
18 date of August 31st. I have the Affidavit of
19 Publication from The Jersey Journal, indicating
20 that notice of hearing with respect to 134 and
21 136 35th Street was given for a hearing for
22 tonight, September 13th, at six p.m., location at
23 3715 Palisade Avenue.

24 I've also been provided with copy of the
25 certification as to publication and service,

1 signed by Ms. Pereiras, indicating that notice of
2 tonight's hearing was published, as well as sent
3 to all property owners within the 200 foot
4 radius.

5 And I've been provided with a copy of the
6 list given by the Tax Assessor, with a date of
7 August 29th, 2018.

8 Based on the documentation that's been
9 submitted, this Board has jurisdiction to proceed
10 and hear this matter.

11 MS. PEREIRAS: Thank you, counsel.

12 Again, Bianca Pereiras, on behalf of the
13 applicant, 134 35th Street, LLC.

14 And this property is located at 136 35th
15 Street, also known as Block 212, Lot 7.

16 The application we have before the Board
17 this evening is very straightforward and very
18 simple. We are proposing a three family home in
19 what is R low density residential zone.

20 This proposal matches the Re-Examination
21 Report and is in full compliance.

22 We have one expert to testify before the
23 Board, and that is our architect, Mr. Manuel
24 Pereiras.

25 MR. PEREIRAS: Manny Pereiras.

1 I recognize I am still under oath.

2 MS. PEREIRAS: Mr. Pereiras, did you
3 prepare the drawings for 136 35th Street?

4 MR. PEREIRAS: I have.

5 MS. PEREIRAS: And would you kindly
6 describe the project for the Board?

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

8 First, a little bit of history on this.

9 We have neighbors here. We're -- we're all
10 friends now because we've been here so many times
11 together.

12 We presented a six unit building for this
13 site. We had a lot of dialogue with the
14 neighbors. We had a lot of dialogue with the
15 Board. And we were denied. And we reexamined,
16 we took all the information that the neighbors
17 said, we took all the information mostly that the
18 Board said, and there is one big thing that
19 changed since the first time we presented to now,
20 which is the Master Plan.

21 So, we didn't have the Master Plan in place
22 back then. Now we have the Master Plan. And
23 what we're doing, basically, is we're following
24 the Master Plan to a T.

25 We had an application earlier today, in

1 full consistency and -- and this Board, it talks
2 about consistency and we try to be consistent, as
3 well.

4 We're presenting, it's the same exact
5 building, and what we're doing is, we're matching
6 all the requirements of the Master Plan
7 perfectly.

8 That said, the Master Plan does not match
9 the current Ordinance that we have in place
10 today. So, we are triggering several variances.

11 I'll go through each of those, one by one,
12 and I'd like to present the project.

13 We have really two sites but we wanted to
14 make this as simple and as clear as possible, so
15 we actually divide -- we sub -- we divided this
16 as two separate presentations to you. We're
17 dealing with one 25 by 100 at a time.

18 So, the first 25 by 100 is here. It's on
19 the south side of 35th Street. And we are -- we
20 have a typical 25 by 100 lot. And what we're
21 looking to do is propose a three family, as
22 exactly presented to us in the Master Plan, in
23 the suggestions.

24 We have a ten foot front yard setback. We
25 have a three foot side yard setback on one side,

1 and on the other side, I would have loved to have
2 pushed my stairs and made a zero foot, but we
3 made it a two foot side yard setback there, as
4 well, so that we're in full compliance in that
5 aspect.

6 And then, the rear yard, we pulled the
7 building back also at five -- at five feet, so
8 that our site plan is exactly what the Ordinance
9 requires. What -- exactly what the Master Plan
10 is, not what the Ordinance is.

11 So, I want to do a side-by-side comparison
12 between the current Ordinance and the -- the
13 Master Plan.

14 As far as uses --

15 Where would you like it?

16 A CITIZEN: Can you step on the other side,
17 because we cannot see at all?

18 MR. PEREIRAS: Is this side better for
19 everyone?

20 A CITIZEN: Yes.

21 MR. PEREIRAS: Great. Great.

22 Thank you.

23 So, I'm going to walk through what the --
24 the variances that we have today, because of our
25 Ordinance, and the requirements of today's

1 Ordinance and the Master Plan.

2 And just so you understand, the Master Plan
3 was grant -- was -- was passed, but the Ordinance
4 is -- takes a few steps. So, it might be in
5 place next month. It might be in place two
6 months. As soon as the City processes it, it
7 will become Ordinance. We're not in that
8 situation right now.

9 So, the Master Plan has permitted uses the
10 same as today, which is a three family house.
11 And we're fully permitted and that's exactly what
12 we're doing is a three family house.

13 The lot sizes are also no change there.
14 It's a 25 by 100 lot, 25 width minimum, a hundred
15 foot depth minimum, and 2,500 square feet. And
16 we're fully in compliance. These lots match the
17 requirements of -- of that. So, we need no
18 variances for there.

19 When it comes to front yard, there's also
20 very little change there. The current Ordinance
21 is ten feet. The Master Plan says ten feet or
22 prevailing. In this case, the prevailing is
23 varying, so what we're doing is we're matching
24 that requirement of ten feet.

25 As far as rear yard.

1 There is a difference there between the
2 Master Plan and the current Ordinance. The
3 current Ordinance says that there's a 25 percent
4 of your lot, which would mean that we would have
5 a 25 foot setback. The Master Plan, or in many
6 ways the future of Union City, it requires only a
7 five foot. But it's also very clear that it's an
8 unobstructed five foot, so we can't put stairs in
9 there, we can't do anything else, or -- or a
10 deck. We can't have anything in there. So,
11 we're complying with the future Master Plan and
12 we're requiring a C variance for that, which is a
13 rear yard setback. So, we're at five feet from
14 the property line.

15 Side yard.

16 There's very little change there, as well.
17 It's three feet on one side and two feet on the
18 other, for a total of five feet on both sides.
19 And we comply fully with that. That's also with
20 the current Ordinance. No variance is necessary
21 there.

22 Then we have building height in stories.
23 There's a difference there. The current
24 Ordinance says three stories and the future
25 Ordinance, the future of Union City and -- and

1 the Master Plan recommends four stories. We are
2 a four story structure and we're following the
3 description and the requirements of those
4 stories, too.

5 The Master Plan went into a lot of detail
6 because they wanted to make sure that people
7 aren't squeezing apartments on the lower level.
8 So, it's built in a way and it's -- it's that we
9 have the first floor fully dedicated to parking.
10 And the City actually went as far as explaining
11 exactly how that parking layout works, and they
12 submitted a layout of that parking in their
13 Master Plan.

14 And what we did is we followed it to the T,
15 so that there's no questions, no deviations from
16 that.

17 And what we have is, on that ground floor
18 are vertical circulation and we have two means of
19 egress. One along here and one along the back,
20 with our elevator and our stairs. And we have
21 our parking. We're showing six cars.

22 These are in tandem and they are meeting
23 the requirements of -- of the Ordinance, the way
24 -- of the Master Plan and those diagrams.

25 So, the current Ordinance limits us to

1 three stories, but people would stick apartments
2 down there. The future Ordinance, it's four
3 stories, but no apartment on the ground level.

4 We have a four story building, so
5 technically, we have a variance for that number
6 of stories.

7 The same goes for the building height.

8 The current Ordinance stops us at 40 feet.
9 The future Ordinance, the future of Union City is
10 going to be at 45 feet, the Master Plan. So, we
11 are matching that future Ordinance and that's a
12 factor of just the reality of building. It's not
13 going to be an apartment. We're going to have
14 parking down there. So, providing the right
15 structure, the right depth, you come out with the
16 45 foot tall building. It's actually very
17 thoughtfully designed that that's our limit and
18 that's what we're presenting to the Board. It's
19 a 45 foot limit.

20 But that's an interesting variance because
21 that's what brings us to this Board, because 45
22 feet is five feet greater than what the Ordinance
23 permits. That's more than ten percent of a
24 difference. That triggers what's called a D-6
25 variance and that's why we're before this Zoning

1 Board of Adjustment and not the Planning Board.

2 And therefore, we're requesting a D-6 variance
3 for height because of the 45 feet.

4 Then we have building coverage.

5 The current Ordinance has a building
6 maximum of 60 percent. Union City has
7 understood, and with their Master Plan, realized
8 we can't get the parking that we want in 60
9 percent. So, they increased that to 80 percent.

10 And our building, what we're providing is
11 67.6 percent. So, we're below the future of
12 Union City; we're higher than what is currently
13 the requirement, and that's another C variance
14 that we have.

15 And then, there's maximum lot coverage.

16 Union City, the current Ordinance is at 85
17 percent, because the building was smaller, so you
18 could open up the ground a lot more. However,
19 because they want parking -- I say they is Union
20 City, I -- I should say because we all want more
21 parking in Union City, because we know that's the
22 most difficult thing, we changed that to, or the
23 City changed that to a hundred percent, so that
24 the future Ordinance is going to allow a hundred
25 percent lot coverage.

1 We recognize that, but we also didn't want
2 to go that much because guess what, we enjoy
3 green space and we like to -- to refresh our
4 aquifer. So, we actually brought it down to
5 95.36 percent. We thought that was important in
6 our application, so we could provide some
7 greenery, so that we could introduce -- you know,
8 some landscaping into this site.

9 So, we're actually below what the future
10 Ordinance, but for the current Ordinance, we're
11 asking for a C variance on that.

12 And then, finally, parking.

13 The current Ordinance -- it basically is
14 the same between the current Ordinance and the
15 Master Plan. Three bedrooms require 2.1 spaces.
16 The Master Plan is actually more clear. It
17 specifically says that for every unit, you need
18 two parking spaces.

19 So, at the end result, six are required,
20 both in the Ordinance and in the future Master
21 Plan, and we're providing six spaces.

22 The differences are that basically under
23 the new -- the current Ordinance, I would say
24 that we need some technical waivers and RSIS
25 waivers, because those parking spaces are in

1 tandem. Whereas, in the Master Plan, it
2 specifically delineates how the parking is. And
3 since we comply with that, I would say there's no
4 variance in the future Master Plan or technical
5 waivers on that, because we comply with that.

6 So, now, I'd like to walk you through the
7 building and how you get -- and how it works.

8 We have, first and foremost, on our
9 sidewalk, we're introducing a tree. So, we want
10 to make sure that we have a sidewalk tree right
11 in front of the -- the doorway to the building,
12 the pedestrian doorway. I think that's important
13 for the neighborhood.

14 And then, past that tree, on the remainder
15 of the lot, we have our curb cut, our proposed
16 curb cut.

17 The entrance to the building, you have the
18 -- the building is set back ten feet. We have
19 landscaping introduced where we could have some
20 nice flowers and -- and bushes on both sides of
21 the driveway. We have the -- actually, we have
22 it on three locations. We have plants, plants
23 and plants, so that we have three different
24 planters.

25 Between these two, you walk into the

1 building and you walk into a small lobby area,
2 where you have access to an elevator. That
3 elevator is going to take you up to each of the
4 three floors above, so that you have a total of
5 four floors. One apartment per each of those
6 floors. You have parking, apartment one,
7 apartment two and apartment three. And the
8 elevator will take you into each of those and
9 open you right into your living room space. So
10 you have a nice beautiful key. You walk into the
11 elevator. You put your key into the elevator.
12 It takes you to your floor and you walk out to
13 your apartment.

14 You walk out to a nice living room/dining
15 room space that's nice and open, so it's an open
16 floor plan. And then, you have the more private
17 part of the house, to the back, and it's very
18 simply a three bedroom apartment.

19 We have two bathrooms, one for the -- one
20 to be shared by the two bedrooms and one is a
21 master bath, with a small walk-in closet for the
22 master bedroom.

23 And then, finally, the roof plan at the
24 end.

25 The parking configuration is exactly the

1 way the Master Plan shows. Our condenser units
2 are on the roof, they're on the back of the
3 building.

4 And let's talk a little bit about what this
5 building's actually going to look like.

6 So, we have -- and we have our façade. And
7 one -- one of the things that we do is we try to
8 break it down to scale a little bit, and we have
9 the first floor to be brick and it's solid, full
10 brick for Union City.

11 And then, the floors above, we have
12 Alucobond metal panels. So those are different
13 shapes. It's something that the City has been
14 okay with in the past. It's basically composite
15 panels that are pressed together, highly
16 insulated, and they are attached to the façade of
17 the building. And we have two different patterns
18 for that. One is a linear pattern, almost like a
19 siding. And one is larger panels. And that
20 provides for the front of the building.

21 And then, the sides of the building are
22 very simply vinyl siding.

23 I could keep on talking, but I'm sure the
24 -- the audience has questions, and I'll -- I'll
25 be happy to answer any questions the Board may

1 have.

2 VICE CHAIRMAN BONACCI: I don't have any
3 questions at this time.

4 Ms. Pereiras, you don't have any additional
5 testimony?

6 MS. PEREIRAS: No, we do not.

7 VICE CHAIRMAN BONACCI: Okay.

8 Save questions for after.

9 MR. PANEQUE: Any Board members?

10 VICE CHAIRMAN BONACCI: Any Board members,
11 any questions?

12 Okay.

13 Just want to open up to members of the
14 public.

15 Just going to have you swearing in -- sworn
16 in.

17 MR. SANCHEZ: Sure.

18 VICE CHAIRMAN BONACCI: Sorry.

19 MS. DILLON: Please raise your right hand.

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

22 MR. SANCHEZ: Yes, I do.

23 MS. DILLON: Please state your name, spell
24 it for the record, and give your address.

25 MR. SANCHEZ: My name is Pedro Sanchez,

1 P-E-D-R-O, last name Sanchez, S-A-N-C-H-E-Z.

2 Address is 125 35th Street, Union City.

3 MS. DILLON: Thank you.

4 MR. SANCHEZ: So, then very briefly,
5 because I know time is of the essence, you may
6 have remembered me.

7 VICE CHAIRMAN BONACCI: Yeah.

8 MR. SANCHEZ: I'm not only a resident,
9 obviously, but I'm a licensed architect in the
10 State of New Jersey. And I just want to say,
11 first of all, that was a very good presentation
12 because you not only broke down all the zoning
13 regs, but he compared it from existing to Master
14 Plan, which is critical.

15 So, the fact that this doesn't comply now,
16 but the fact that it will comply with the Master,
17 I think is excellent.

18 The second point is, where before it was a
19 more of two lots with one large building, the
20 fact that he broke it into two makes a tremendous
21 difference in the improvement of the scale and
22 the caliber of the block.

23 So, my only comment is, as an architect and
24 as a resident, I fully approve this project.

25 VICE CHAIRMAN BONACCI: Can I just ask you

1 a question?

2 MR. SANCHEZ: Yes, sir.

3 VICE CHAIRMAN BONACCI: While you're up
4 here?

5 Would you say that you guys reached some
6 sort of conclusion as to what's more beneficial,
7 as opposed to the last application?

8 MR. SANCHEZ: Absolutely. It's basically,
9 for me, as an architect, was the scale. When you
10 take two lots and put one building, it's just
11 more massive. Okay.

12 The fact that it's pretty much the same
13 height, but now you're introducing space in
14 between, which conforms to what's there now,
15 which is about three feet, now it imitates the
16 actual volume and structure of what's there now.
17 So, even though it's a little taller, just the
18 fact that now you have space in between and the
19 setbacks, now it looks more like what we have
20 now.

21 So, I'm completely behind this project. I
22 approve it, as a -- not only as a resident, as an
23 architect, and I just want to congratulate you.

24 VICE CHAIRMAN BONACCI: Okay.

25 Thanks a lot.

1 MR. PEREIRAS: Thank you so much.

2 MS. PEREIRAS: Thank you, Mr. Sanchez.

3 MS. GUTIERREZ: Thank you.

4 MR. PEREIRAS: That's very nice.

5 MR. SANCHEZ: Thank you very much.

6 MS. PEREIRAS: Thank you.

7 MS. GUTIERREZ: Thank you.

8 VICE CHAIRMAN BONACCI: Do we have any
9 other members of the public that want to testify
10 or -- you know, have any questions, comments?

11 Okay.

12 MR. DOMENECH: We are -- we all agree that
13 as long as they're legal --

14 VICE CHAIRMAN BONACCI: I'm sorry.

15 MR. DOMENECH: First floor is supposed to
16 be parking --

17 VICE CHAIRMAN BONACCI: Would you -- would
18 you mind just coming up and getting sworn in?
19 Even if it's for something small.

20 MS. DILLON: Raise your right --

21 Wait.

22 MR. DOMENECH: My name is Victor Domenech.

23 MS. DILLON: Raise your right hand, sir.

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

1 MR. DOMENECH: Yes.

2 MS. DILLON: State your name and spell it
3 for me.

4 MR. DOMENECH: My name is Victor Domenech,
5 D-O-M-E-N-E-C-H.

6 MS. DILLON: D-O --

7 MR. DOMENECH: M-E-N-E-C-H.

8 MS. DILLON: And, Victor, where do you
9 live?

10 MR. DOMENECH: I live at 129 35th Street.

11 MS. DILLON: Thank you.

12 Go ahead.

13 MR. DOMENECH: Okay.

14 As long as they don't -- there's no more
15 apartments on the first floor, we all agree to go
16 ahead with the -- with the project.

17 VICE CHAIRMAN BONACCI: Your neighbors are
18 satisfied, you're satisfied?

19 MR. DOMENECH: Yes, we are.

20 VICE CHAIRMAN BONACCI: Okay.

21 Thanks so much.

22 MS. PEREIRAS: Thank you.

23 MS. GUTIERREZ: Thank you.

24 VICE CHAIRMAN BONACCI: Anybody else?

25 Okay.

1 Closed to the public.

2 I just wanted to say that -- you know,
3 thank you guys for being patient with my
4 stubbornness from the last application to this
5 one.

6 It makes -- it makes me feel better when I
7 know that the neighbors are -- you know --

8 MS. PEREIRAS: I understand.

9 VICE CHAIRMAN BONACCI: -- onboard with
10 what's happening.

11 So with that, if anybody -- if -- if you
12 guys don't have any questions, I make a motion.

13 MR. PANEQUE: Give the grounds.

14 VICE CHAIRMAN BONACCI: Oh, I'm so sorry.
15 I'm so sorry. Oversight.

16 So, it seems as though there's a positive
17 impact on the health, safety and welfare of the
18 residents of the City. And there's no impairment
19 of the Master Plan and it meets the purposes of
20 the Municipal Land Use Law.

21 So with that said on the record, I just
22 want to make a motion to approve the application.

23 THE SECRETARY: Motion to approve the
24 application by Mr. Bonacci.

25 MS. GUTIERREZ: And I'm seconding.

1 THE SECRETARY: Second by Ms. Gutierrez.

2 Roll call on the motion to approve 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. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Mr. Ortiz?

13 MR. ORTIZ: Yes.

14 THE SECRETARY: Five in favor.

15 Motion carries.

16 MS. PEREIRAS: Thank you all very much.

17 VICE CHAIRMAN BONACCI: Thank you.

18 MS. GUTIERREZ: Thank you.

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1 **134 35th Street, LLC - 136 35th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 134 35th Street, LLC, 134 35th
5 Street.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Again --

8 MR. PANEQUE: For the record --

9 MS. PEREIRAS: I'm sorry.

10 Go ahead.

11 MR. PANEQUE: Go ahead. Ladies --

12 MS. PEREIRAS: Bianca --

13 MR. PANEQUE: Counselor?

14 MS. PEREIRAS: -- Pereiras on behalf of the
15 applicant.

16 MR. PANEQUE: For the record, I've been
17 provided by Ms. Pereiras with the following
18 documentation:

19 I have a certification as to publication
20 and service, indicating that notice of tonight's
21 hearing was sent out to all property owners
22 within the 200 foot radius of the property in
23 question, that being 134 35th Street, as well as
24 having been published in the newspaper.

25 Been provided with the certified mail

1 receipts that have come back to date, as well as
2 the certified mail receipts with a postmark date
3 of August 31st, and an Affidavit of Publication
4 from The Jersey Journal, with a date of August
5 31st. Said notice indicates that with respect to
6 the property at 134 35th Street, notice of
7 tonight's hearing, for September 13th, was given
8 for a six o'clock meeting at 3715 Palisade
9 Avenue.

10 I also have been provided with the list
11 promulgated by the Tax Assessor's Office, with a
12 date of August 29, 2018, 200 foot list of all
13 property owners within the property -- 200 feet
14 within the property of 134 35th Street.

15 Based on that documentation that's been
16 provided, this Board has jurisdiction to proceed
17 and hear this matter.

18 MS. PEREIRAS: Thank you, counsel.

19 We're now dealing with the neighboring
20 property, at 134 35th Street, also known as Block
21 212, Lot 7.

22 We have the identical application for a
23 three family home. We have one expert again, Mr.
24 Manuel Pereiras.

25 MR. PEREIRAS: So, this is identical, the

1 same exact thing. Everything I said before
2 stands. So, I'm going to run through it, just so
3 that we have it on the record and -- but if
4 there's any clarification, anything you need me
5 to do, we'll move forward.

6 We have a 25 by 100 lot. We're in full
7 compliance with lot depth, lot width, and lot
8 size. We have variances that we're requesting
9 for rear yard. We are proposing five feet,
10 whereas 25 feet is required. We have a C
11 variance for building height; four stories,
12 whereas three is required.

13 We have a D-6 variance for building height,
14 because 45 feet is proposed, whereas 40 is
15 required.

16 We have a C variance for building coverage,
17 because we're proposing 67.6 percent, whereas 60
18 percent is required.

19 Maximum lot coverage of 85 percent, whereas
20 we're proposing 95.36. So, a C variance is
21 required there, as well.

22 And technical waivers on the parking. The
23 building is a three family, ground floor fully
24 parking, two means of egress; one near the back,
25 one near the front, with an elevator.

1 There are three apartments above, all three
2 bedroom apartments. And the façade is composed
3 of Alucobond metal panels of different various
4 widths and shapes.

5 Concludes my testimony.

6 VICE CHAIRMAN BONACCI: Members of the
7 Board?

8 Members of the public?

9 Closed to the -- closed to the public.

10 All right.

11 So, being that this is pretty much replica
12 of the next door footprint, and meets the
13 purposes of the Municipal Land Use Law, I'm going
14 to make a motion to approve this application.

15 THE SECRETARY: Motion to approve the
16 application.

17 MR. GRULLON: Second.

18 THE SECRETARY: Second by Mr. -- by Mr.
19 Bonacci, motion.

20 Second by Mr. Grullon.

21 Roll call on the motion.

22 Mr. Bonacci?

23 VICE CHAIRMAN BONACCI: Yes.

24 THE SECRETARY: Ms. Gutierrez?

25 MS. GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Grullon?

2 MR. GRULLON: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: Five in favor.

8 Motion carries.

9 MS. PEREIRAS: Again, thank you.

10 We'll see you next month.

11 MR. PEREIRAS: Thank you.

12 MS. PEREIRAS: Thank you.

13 MS. GUTIERREZ: Good night.

14 MR. GRULLON: Okay.

15 VICE CHAIRMAN BONACCI: Ladies and

16 gentlemen, before we conclude, just want to make
17 this point known is that any kind of recordings
18 or photos or audio files, we haven't given any
19 consent for anything of that nature here tonight.

20 So, if any of that exists, just wanted to
21 let anyone know that we don't give our consent
22 for that. So, just in case that applies to
23 anybody.

24 MR. PEREIRAS: Thank you.

25 VICE CHAIRMAN BONACCI: Thanks.

1 **ADJOURNMENT:**

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3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 Motion by Mr. Ortiz.

7 Second --

8 MS. GUTIERREZ: Second.

9 THE SECRETARY: -- by Ms. Gutierrez.

10 Roll call.

11 Mr. Bonacci?

12 VICE CHAIRMAN BONACCI: Yes.

13 THE SECRETARY: Mr. Grullon?

14 MR. GRULLON: Yes.

15 THE SECRETARY: Ms. Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Five in favor.

22 Motion carries.

23 Have a good night, everyone.

24 Let the record indicate that -- that the
25 meeting has ended.

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(Whereupon, the proceedings were concluded
at 9:30 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, September 13, 2018
11 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon