

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, December 13, 2018
 Commencing at 6:13 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:

LIBERO MAROTTA, Chairman
 DAVID W. PRESSEY

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,
 (Left at 7:13 p.m.)

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

RAMON M. GONZALEZ, ESQ.,
Attorney for Applicant,
314 Forty Third Street, LLC/Robert Ledonne

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 111 35th Street, LLC

ALAIN MULKAY, ESQ.,
Attorney for Applicant, 1208-10 Summit Ave., LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Andrew Sapora

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

3 Please take notice that on Thursday,
4 December 13, 2018, at six p.m., a Regular Meeting
5 is scheduled for the Union City Zoning Board of
6 Adjustment, to be held in the Municipal Chamber,
7 located on the Second Floor, 3715 Palisade
8 Avenue, Union City, New Jersey.

9 Adequate notice of this meeting has been
10 provided as follow:

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

18 Before we roll call for tonight's meeting,
19 can everybody kindly rise to salute the flag?

20

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

23

24 THE SECRETARY: Thank you.

25

1 **ROLL CALL:**

2

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

5 Libero Marotta? Absent.

6 Joseph Bonacci?

7 VICE CHAIRMAN BONACCI: Here.

8 THE SECRETARY: Victor Grullon?

9 MR. GRULLON: Here.

10 THE SECRETARY: Margarita Gutierrez?

11 MS. GUTIERREZ: Here.

12 THE SECRETARY: Miguel Ortiz?

13 MR. ORTIZ: Here.

14 THE SECRETARY: David Pressey? Absent.

15 John Medina?

16 MR. MEDINA: Here.

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

19 We have a full quorum for tonight's
20 meeting.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

2

3 (1) Regular Meeting held on November 1, 2018

4

5 THE SECRETARY: Approval of Previous
6 Meeting Minutes from November 1st, 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 (Whereupon, there was a pause in the
13 proceedings.)

14 THE SECRETARY: All right.

15 I'm going to call again.

16 Can I have a motion -- you was -- you was
17 absent the previous meeting, Mr. --

18 MR. GRULLON: November 1st?

19 THE SECRETARY: Yes.

20 MR. GRULLON: You say November 1st. I was
21 absent on November 29.

22 THE SECRETARY: Yes, you're correct. I
23 apologize for that. You're correct.

24 MR. GRULLON: He said November --

25 THE SECRETARY: All right. Motion --

1 motion by Mr. Grullon.

2 Second by Ms. Gutierrez.

3 Roll call on the motion.

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.

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1 **RESOLUTIONS:**

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3 (1) Resolution Appointing the Zoning Board of
4 Adjustment Secretary for the Year 2019

5 (2) Resolution to Approve the Zoning Board of
6 Adjustment Schedule for the Year 2019

7

8 THE SECRETARY: Adoption of Resolutions
9 number one and two.

10 Number one.

11 Resolution approving (sic) the Zoning Board
12 of Adjustment --

13 MR. PANEQUE: Mr. Vallejo?

14 THE SECRETARY: Yes, sir.

15 MR. PANEQUE: Are you taking a second vote
16 on the approval of the minutes of the November
17 29th meeting?

18 THE SECRETARY: No.

19 MR. PANEQUE: No?

20 THE SECRETARY: That will be for next --
21 next -- for January.

22 MR. PANEQUE: Okay. You have it on the
23 agenda. That's why I was asking.

24 THE SECRETARY: Yeah.

25 MS. DILLON: He took it off.

1 MR. PANEQUE: He took it off? Okay.

2 MS. DILLON: He took it off.

3 THE SECRETARY: All right.

4 We are going to Resolutions number one and
5 two.

6 Resolution to appoint the Zoning Board of
7 Adjustment Secretary for the year 2019.

8 And number two.

9 Resolution to approve the Zoning Board of
10 Adjustment schedule for the year 2019.

11 Can I have a motion to approve all the
12 Resolutions?

13 MR. GRULLON: Motion.

14 THE SECRETARY: Motion by Mr. Grullon.

15 MS. GUTIERREZ: Second.

16 THE SECRETARY: Second by Ms. Gutierrez.

17 Roll call on the motion.

18 Mr. Bonacci?

19 VICE CHAIRMAN BONACCI: Yes.

20 THE SECRETARY: Ms. Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Grullon?

23 MR. GRULLON: Yes.

24 THE SECRETARY: Mr. Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Five in favor.

4 Motion carries.

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1 **314 Forty Third Street, LLC/Robert Ledonne -**
2 **314 43rd Street:**

3

4 THE SECRETARY: We are going to item number
5 one on tonight's agenda.

6 314 Forty Third Street, LLC, Robert
7 Ledonne, 314 43rd Street.

8 Mr. Gonzalez, please?

9 MR. GONZALEZ: Yes.

10 Thank you.

11 Good evening.

12 VICE CHAIRMAN BONACCI: Evening.

13 MR. GONZALEZ: For the record, Ramon
14 Gonzalez, G-O-N-Z-A-L-E-Z, on behalf of the
15 applicant, 314 Forty Third Street and Robert
16 Ledonne, the owner, who's present.

17 We were here at the last meeting and the
18 Board had requested that mailings and
19 publications be provided.

20 I have the originals here. I'll hand them
21 to the attorney for the Board.

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

23 MR. GONZALEZ: They were previously sent to
24 Board Chair.

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

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

3 Been provided by --

4 Excuse me.

5 -- I've been provided by Mr. Gonzalez with
6 a copy of the letter Affidavit from The Jersey
7 Journal. Said Affidavit from The Jersey Journal
8 indicates that notice of tonight's hearing was
9 published on December 3rd, 2018 exactly ten days
10 from today. It indicates that notice of
11 tonight's hearing with respect to 314 43rd Street
12 is to be heard tonight on December 13, 2018 at
13 3715 Palisade Avenue.

14 Therefore, the notice is proper.

15 I've also been provided with a copy of the
16 notice that went out to all property owners
17 indicating that notice for tonight's meeting will
18 be taking place at this location.

19 I've also been provided with a copy of the
20 Tax Assessor's list, which has a date of November
21 19th, 2018, for the property in question, 314 43rd
22 Street, consisting of four pages.

23 I've also been provided with the certified
24 mail green cards and receipts. The envelopes
25 have a postmark date of November 29th.

1 And Mr. Gonzalez, I'm assuming that, since
2 this is a postmark from the post office that
3 November 29th was when all the notices went out?

4 MR. GONZALEZ: That's correct.

5 MR. PANEQUE: Thank you.

6 The only document that I don't seem to have
7 here, Mr. Gonzalez, is your certification of
8 service.

9 If you could please provide that? If you
10 don't have it tonight, you could send it to my
11 office.

12 MR. GONZALEZ: Okay.

13 MR. PANEQUE: Okay?

14 Based on the documentation that has been
15 provided, this office --

16 Strike that.

17 -- this Board does have jurisdiction to
18 proceed and hear this matter, only subject to the
19 certification of service --

20 MR. GONZALEZ: That's fine.

21 MR. PANEQUE: -- being sent to the office.

22 Thank you, Mr. Gonzalez.

23 MR. GONZALEZ: Thank you, ladies and
24 gentlemen of the Board.

25 What I'd like to do is I'd like to give a

1 little synopsis of why we're here, so you can
2 have a better understanding.

3 I know this Board has heard several cases
4 similar to this where there's applications by an
5 owner to have a clarification as to how many
6 units actually exist.

7 This has come up because my client
8 purchased the property years ago and in dealing
9 with the Building Department, there is a -- an
10 error, miscalculation, or whatever, we need a
11 determination based on the amount of units that
12 exist there.

13 Just to give you a history.

14 When we went to the -- to the Construction
15 Official, there was a discrepancy from what my
16 client has existing, what's always been existing,
17 and what they had on their records.

18 What we did was we -- we applied to the
19 Hudson County Construction Board of Appeals,
20 which is actually the step that we can do.

21 The City of Union City was represented by
22 their counsel. We've entered into an agreement
23 that we would withdraw that and that we would
24 make the application here. That's why we're here
25 today.

1 So, based on that, what I do have is the
2 application, which I've presented, and attached
3 exhibits. These are essentially the exhibits
4 that show what's there, how long it's been there.

5 I've also had the benefit of having the
6 tenants that live there, that have lived there,
7 one of them has lived there since 1963 and can
8 testify as to what his knowledge is of the
9 property.

10 The first -- the first item, and I made
11 sure that I made copies for everyone, is Exhibit
12 A, which is just the application. And Exhibit B
13 is a copy of the plans from our expert, Mr.
14 Izquierdo, who will testify.

15 Exhibit C is actually the photographs of
16 the site. And what I did was I -- I like to have
17 the Board have a better understanding what's
18 around the area so they can understand what the
19 applicant is actually seeking and what's already
20 existing, because there's nothing that's going to
21 be changed.

22 Exhibit D is a State registration, which is
23 a registration on multi-families that have to be
24 filed in the State.

25 Exhibit E is the tax information from the

1 City of Union City and the cutting card. That
2 reflects how many units my client is paying taxes
3 on, how long he's been paying taxes on.

4 And -- and more importantly, I wasn't given
5 the information that was given to the Board.
6 Luckily, I was here and the -- the town attorney
7 gave me a copy of what was given to you by the
8 Construction Official, Mr. Martinetti.

9 And I made extra copies, if you don't have
10 it, but what he gave you actually reflects, on
11 the first page, that it's five units. So, we're
12 not sure why there's a discrepancy.

13 Now, because there's five units, Union City
14 has a Rent Control Ordinance. So, my client has
15 been under Rent Control for many, many years.
16 He's appeared before the Board for Rent Control
17 and has had hearings in the same room as five
18 units.

19 We also have a pretty interesting exhibit,
20 that's Exhibit G.

21 Exhibit G is the Union City Fire Prevention
22 Certificate. That's important because the
23 Building Department has done many inspections to
24 the property, has required my client to maintain
25 the property, and even required that he put a

1 fire escape.

2 So, the Building Department has been there
3 many times and has made the property go up to
4 Code. We're just not sure why the records --
5 that there's a discrepancy and that's why we're
6 here.

7 Exhibit H, I just attached that. That's
8 the agreement between the City of Union City and
9 my client where we're not foregoing our rights to
10 go to another location, another board if we had
11 to, but we agreed that we would do it.

12 Now, and Exhibit I is one step further.

13 Those are inspections that the Building
14 Department did in 2014 and in 2005.

15 So, the Building Department has had a lot
16 of contact with this building. So, it -- it's
17 somewhat disheartening for my client, who
18 purchases a property believing it's five units
19 and now we have this situation.

20 But more importantly, and I'm going to ask
21 Mr. Izquierdo to come up to testify, essentially,
22 this is a property that's up to Code, because the
23 Building Department has even required them to put
24 up fire escapes for the safety of everyone.

25 That being the case, they just really would

1 prefer that the Board give their interpretation
2 of it.

3 What I'd like to do at this point is if we
4 could have Mr. Izquierdo wired up --

5 MS. DILLON: Sure.

6 MR. GONZALEZ: And --

7 MR. IZQUIERDO: That's a term of art.

8 Thank you.

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

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

13 MR. IZQUIERDO: I do.

14 MS. DILLON: Name for the record, please.

15 MR. IZQUIERDO: My name is Jose Izquierdo,
16 New Jersey architect 09143, New Jersey planner
17 03385.

18 MS. DILLON: Thank you.

19 MR. GONZALEZ: Mr. Izquierdo, I want to
20 qualify you as an expert, so I'm going to ask you
21 certain questions.

22 How long have you been an architect?

23 MR. IZQUIERDO: Thirty-three years.

24 MR. GONZALEZ: And how long have you been a
25 planner?

1 MR. IZQUIERDO: Thirty-two years.

2 MR. GONZALEZ: Okay.

3 And to obtain your architectural degree and
4 your planning degree, you've gone and obtained
5 educational requirements.

6 Is that right?

7 MR. IZQUIERDO: Yes.

8 MR. GONZALEZ: And where did you get that
9 -- those requirements?

10 MR. IZQUIERDO: I graduated from the
11 Georgia Institute of Technology in 1978, as a
12 bachelor of architecture. And then, I obtained a
13 masters of community and regional planning from
14 the University of Texas at Austin back in 1980.

15 I became certified as an architect in the
16 State of New York in November of 1984. And
17 through reciprocity with the State Board of
18 Architects, received my licensure in New Jersey
19 in July 1985. And then, shortly thereafter, the
20 Board of Planners extended to me the
21 registration.

22 MR. GONZALEZ: And as a result of your
23 education and your background and your degrees,
24 have you testified before boards in the State of
25 New Jersey?

1 MR. IZQUIERDO: Yes, for 33 years.

2 MR. GONZALEZ: And, in fact, you have
3 testified before this Board on several occasions.

4 MR. IZQUIERDO: Yes.

5 MR. GONZALEZ: Is that correct?

6 MR. IZQUIERDO: I have.

7 MR. GONZALEZ: And you've been qualified at
8 those locations as an expert.

9 VICE CHAIRMAN BONACCI: Mr. Gonzalez, we
10 accept the qualifications of Mr. Izquierdo.

11 MR. GONZALEZ: Thank you.

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

13 MR. GONZALEZ: Now, Mr. Izquierdo, you've
14 had an opportunity to see the property that we're
15 talking about.

16 Is that right?

17 MR. IZQUIERDO: Yes, I have.

18 MR. GONZALEZ: You inspected it yourself?

19 MR. IZQUIERDO: Yes.

20 MR. GONZALEZ: And there are plans that
21 were presented to the Board. Were those plans
22 that you created?

23 MR. IZQUIERDO: Yes.

24 MR. GONZALEZ: Okay.

25 And can you tell the Board what's at the

1 location that we're here for?

2 MR. IZQUIERDO: Good evening, members of
3 the Board.

4 The property's located on the northern side
5 of 43rd Street, just east of the intersection with
6 New York Avenue. And it is a property being 26
7 by a hundred.

8 The property is occupied by two buildings.
9 There is a two and a half story building in the
10 front, which is adjacent to the property line
11 with the west. And there is a detached one story
12 building that is -- that is the other building on
13 the property.

14 The first two and a half story building
15 contains three units; unit one, unit two and unit
16 three. Unit one and unit three are one bedrooms,
17 unit two is a two bedroom.

18 And, then, in the other building, there are
19 units four and five, both of which are one
20 bedroom.

21 The property has a fire escape that leads
22 the second means of egress to the second floor
23 and the finished attic up on top. So, the
24 building since -- actually precedes the American
25 with Disabilities Act of 1992, I believe, or

1 1991, is not a change of use. Actually, the Code
2 does not require, or put the burden on the
3 applicant, to do any renovations, whatever
4 requirements have been done because of fire
5 protection, because of life safety, have been
6 done by way of the fire escape and by way of the
7 regular maintenance that the building has had to
8 have with the five year inspections by the New
9 Jersey Bureau of Housing Inspection, Department
10 of Community Affairs.

11 MR. GONZALEZ: Mr. Izquierdo, I want to
12 show you what's marked as Exhibit C. And I
13 believe everyone should have that copy there.

14 Is this a picture of the structure as it
15 exists today?

16 MR. IZQUIERDO: Yeah. The building is
17 almost like a -- like a Swiss chalet sort of
18 style. It was very popular at the time that it
19 was renovated. And that's the first sheet. It's
20 actually a very attractive building. The unit on
21 the -- unit number three has a -- also faces the
22 front.

23 MR. GONZALEZ: The next -- the next page,
24 it's marked west view.

25 MR. IZQUIERDO: Yes. That -- that shows

1 43rd Street, looking onto the Township of North
2 Bergen Town Hall, which is at the end of the
3 picture.

4 MR. GONZALEZ: And the homes surrounding
5 the area, can you explain to me what they consist
6 of?

7 MR. IZQUIERDO: 43rd Street is -- is very
8 mixed. It's residential, but there's a lot of
9 mixed use in that street.

10 When -- when 43rd Street is along Park
11 Avenue, there's the -- there's a ten story
12 building and there are a number of high -- high
13 rise buildings along Park Avenue.

14 The high rise buildings also occur at the
15 other end of Bergenline Avenue, which is at the
16 far end. In between Bergenline Avenue and Park
17 Avenue, let's call it book ends, the other
18 properties are mostly two and three stories.
19 Most of them have no parking, because 43rd Street
20 is actually one of the main cross city
21 thoroughfares of our town, and -- and the
22 building is consistent with that neighborhood and
23 the way it was planned.

24 MR. GONZALEZ: That was the west view. The
25 next photograph shows the east view.

1 MR. IZQUIERDO: Yes. And the east view
2 shows that the closer you get to Park Avenue, you
3 see those high rises. Otherwise, you have a
4 mixture of two, three, couple of four story
5 buildings.

6 MR. GONZALEZ: Okay. So --

7 MR. IZQUIERDO: All residential or mixed
8 use.

9 MR. GONZALEZ: If we go back to the first
10 picture, which shows the property that we're here
11 for, for the applicant, there's no change that's
12 being done. It's exactly the way it exists now.

13 Is that --

14 MR. IZQUIERDO: There's no --

15 MR. GONZALEZ: -- correct?

16 MR. IZQUIERDO: -- change that is required
17 either. The apartments in the back are -- are
18 led to by an alleyway, let's call, a breezeway,
19 let's call, along the eastern end of the property
20 line that makes access to the rear of the
21 property.

22 MR. GONZALEZ: Okay.

23 Excuse me one second.

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

1 MR. GONZALEZ: I got everything.

2 Now, Mr. Izquierdo, I want to show you this
3 document and I -- this is a document that was
4 provided to me by Mr. Vallejo.

5 And I don't know if everybody has a copy of
6 that, but I made extra.

7 Oh, you do?

8 MR. GRULLON: Yeah, we do.

9 MR. GONZALEZ: Okay. Perfect.

10 VICE CHAIRMAN BONACCI: Um hum.

11 MR. GONZALEZ: This is a copy of what was
12 provided by the Building Department.

13 Is that correct?

14 MR. IZQUIERDO: Correct.

15 MR. GONZALEZ: And you also had the
16 opportunity to go to the tax office to make an
17 inspection of that.

18 Is that right?

19 MR. IZQUIERDO: Yes. And they gave me a --
20 I -- I made an OPRA request.

21 MR. GONZALEZ: Okay.

22 And when you look at the first page, can
23 you state how many units are --

24 MR. IZQUIERDO: It's a five --

25 MR. GONZALEZ: -- on the --

1 MR. IZQUIERDO: It's a five unit building.
2 The cutting card and the -- and the OPRA request
3 generated documents that indicate that at -- at
4 the time of the adopting of the Zoning Ordinance
5 by the town in, I believe it was 1971 or 1974, if
6 I'm correct, Mr. Spatz?

7 MR. SPATZ: Four, I believe.

8 MR. IZQUIERDO: 1974. The -- the structure
9 existed as a five unit building.

10 MR. GONZALEZ: And -- and if I can, if I
11 can just ask you, when you look at the total
12 value of land and building, that shows it as how
13 much?

14 MR. IZQUIERDO: A hundred and seventy-three
15 thousand two hundred, which closely reflects what
16 a five unit building would have been in -- at the
17 time this was done.

18 MR. GONZALEZ: Okay.

19 And you also went one step further, and you
20 went to the tax office and you obtained the old
21 registration, of which I have marked as Exhibit
22 E. And on that card, although it may be
23 difficult to read --

24 MR. IZQUIERDO: No, it --

25 MR. GONZALEZ: -- how much --

1 MR. IZQUIERDO: It shows five units.

2 MR. GONZALEZ: Five units.

3 And how much is the total tax on that
4 property then?

5 MR. IZQUIERDO: Fifty-six thousand dollars.

6 MR. GONZALEZ: So that's an old tax card
7 assessment.

8 Is that right?

9 MR. IZQUIERDO: Correct.

10 MR. GONZALEZ: All right.

11 And that also says how many units? I'm
12 sorry.

13 MR. IZQUIERDO: Yes, it says five units.
14 Actually, and the cutting card has the layouts of
15 each of the floor.

16 It shows what the first floor was like,
17 what the second floor was like, because I believe
18 that at the time that the Zoning Ordinance was
19 adopted by Municipal Land Use Law, the cities
20 were -- had to -- to survey the entire city and
21 that determined what the use is and what the
22 conditions of the grandfather clause would apply
23 to.

24 So anything that existed at that time was
25 precluded from -- from having to comply with

1 zoning. Any alteration after that would have to,
2 but in our case, we don't -- we don't have any
3 alterations.

4 MR. GONZALEZ: Okay. I have nothing
5 further.

6 I would like to -- I don't know if anybody
7 has any questions.

8 VICE CHAIRMAN BONACCI: Mr. Gonzalez, I've
9 taken a look at all the documents that you have
10 here.

11 MR. GONZALEZ: Yes.

12 VICE CHAIRMAN BONACCI: And I have no
13 objections in determining the interpretation of
14 the structure.

15 I want to just see if there's any questions
16 from members of the Board, and then I'll open it
17 up to the public.

18 Members of the Board?

19 Members of the public?

20 Okay.

21 Closed to members of the public.

22 I see here, Mr. Gonzalez, that the property
23 was recognized, with the evidence that you've
24 provided, as five units by the Rent Leveling
25 Board.

1 The Building Department has previously
2 inspected the property as five units.

3 And the tax records that you have provided
4 for us show that the applicant's been paying
5 taxes on the property as five units.

6 So, with that, I'd also like to say that it
7 seems to fit in with the characteristics of the
8 neighborhood's development pattern. And then,
9 everything that you testified earlier, with the
10 fire escape, shows that it meets the safety
11 standards for fire and emergency.

12 So, with that I'd like to --

13 Sorry.

14 MR. PANEQUE: I'm sorry.

15 VICE CHAIRMAN BONACCI: Um hum.

16 MR. PANEQUE: I have to interrupt you a
17 second --

18 VICE CHAIRMAN BONACCI: Sure.

19 MR. PANEQUE: -- Vice Chairman.

20 And this is something for clarification,
21 just so that we don't ever have to see this case
22 again here.

23 And that's, Mr. Spatz --

24 MR. SPATZ: Yes.

25 MR. PANEQUE: This property consists of a

1 front building and a rear building.

2 MR. SPATZ: Correct.

3 MR. PANEQUE: Which is basically two
4 principal structures in one lot.

5 MR. SPATZ: Correct.

6 MR. PANEQUE: Which requires its own
7 separate variance.

8 Correct?

9 MR. SPATZ: It -- it would under the
10 current Ordinance.

11 MR. PANEQUE: Okay.

12 MR. SPATZ: Yes. But --

13 MR. PANEQUE: So --

14 MR. SPATZ: -- not on -- not prior to the
15 Zoning Ordinance --

16 MR. PANEQUE: Okay.

17 MR. SPATZ: -- we adopted. Yes.

18 MR. PANEQUE: But since -- since we're
19 approving this now, as a three and two, we should
20 also make it clear that the Board is voting on
21 approving two principal structures on one lot.

22 MR. SPATZ: Yes. I think you're accepting
23 --

24 MR. PANEQUE: Okay.

25 MR. SPATZ: -- five units and two principal

1 structures. The units themselves are undersized,
2 but again, that wasn't a condition prior to the
3 Zoning Ordinance.

4 MR. PANEQUE: Okay.

5 MR. SPATZ: But I think that your
6 Resolution accepting that should acknowledge
7 that, as well.

8 MR. PANEQUE: All right.

9 So, I don't see that noted anywhere in your
10 application, Mr. Gonzalez. So, we would just
11 amend your application. If you would just make
12 that amendment to include two principal
13 structures on one lot, so that we could pass a
14 Resolution that, in the future, doesn't come back
15 to make it a point of contention for you.

16 MR. GONZALEZ: That's fine.

17 MR. PANEQUE: That's fine?

18 All right.

19 So, just so that this Board is clear, in
20 accepting these five units, this Board is also
21 approving two principal structures on one lot,
22 which is not permitted under our current Zoning
23 Ordinance. Okay.

24 MR. GONZALEZ: If I can just interrupt you?

25 On paragraph 12 of the application --

1 MR. PANEQUE: Okay.

2 MR. GONZALEZ: -- it says, existing --

3 MR. PANEQUE: I -- I -- which is your --

4 MR. GONZALEZ: I -- I --

5 MR. PANEQUE: Is that one of your exhibits?

6 MR. GONZALEZ: I did.

7 MR. PANEQUE: Or --

8 MR. GONZALEZ: I -- I wanted to attached as

9 --

10 MR. PANEQUE: Okay.

11 MR. GONZALEZ: -- an exhibit also.

12 MR. PANEQUE: Exhibit which --

13 MR. GONZALEZ: It would be -- I'm sorry --

14 it would be Exhibit A.

15 MR. PANEQUE: A? Okay.

16 MR. GONZALEZ: Yeah. And that's -- it's --

17 it would be numbered page 11 of the application.

18 And --

19 MR. PANEQUE: Eleven?

20 MR. GONZALEZ: Consisting of five units

21 divided as three units in the front and two units

22 in the rear.

23 MR. PANEQUE: No, yeah. It's been clear

24 that that's what you -- you have.

25 MR. GONZALEZ: Okay.

1 MR. PANEQUE: You know, what I'm saying is
2 that, we want to make sure that the Resolution
3 reads that this Board is approving the two
4 principal structures.

5 MR. GONZALEZ: Oh, yes. Absolutely.

6 MR. PANEQUE: Okay?

7 Great.

8 MR. GONZALEZ: Okay.

9 MR. PANEQUE: So that doesn't come back
10 later on.

11 VICE CHAIRMAN BONACCI: Okay?

12 MR. PANEQUE: Yeah. Now continue.

13 VICE CHAIRMAN BONACCI: So, I just want to
14 make a motion to grant the application, with the
15 provision that they're two principal structures
16 that are sitting on the one lot, that we just
17 discussed earlier.

18 MR. GONZALEZ: That's correct. Yes.

19 THE SECRETARY: Motion on the table to
20 approve the application by Mr. Bonacci.

21 Second by Ms. Gutierrez.

22 Roll call on the -- roll call on the
23 motion.

24 Mr. Bonacci?

25 VICE CHAIRMAN BONACCI: Yes.

1 THE SECRETARY: Ms. Gutierrez?

2 MS. GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Grullon?

4 MR. GRULLON: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Ortiz?

8 MR. ORTIZ: Yes.

9 THE SECRETARY: Five in favor.

10 Motion carries.

11 MR. GONZALEZ: Thank you.

12 THE SECRETARY: Thank you.

13

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

16 * * *

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1 **111 35th Street, LLC - 111 35th Street:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 111 35th Street, LLC.

5 Mr. Alonso, please?

6 MR. ALONSO: Good evening, Mr. Chairman,
7 members of the Board.

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

10 This is an application to subdivide an
11 existing lot into three lots and to construct
12 three new three family homes.

13 We have provided notices in the past, and
14 the Board had obtained jurisdiction. The matter
15 was carried to this evening, so no new notices
16 were required.

17 I have one witness this evening, Mr.
18 Pereiras, our architect.

19 MS. DILLON: Please raise your right hand.
20 Do you affirm the testimony you're about to
21 give this Board is the whole truth?

22 MR. PEREIRAS: I do.

23 MS. DILLON: Name for the record, please.

24 MR. PEREIRAS: Manny Pereiras,
25 P-E-R-E-I-R-A-S, with Pereiras Architects

1 Ubiquitous, 1116 Summit Avenue, Union City.

2 MS. DILLON: Thank you.

3 MR. ALONSO: Thank you.

4 Mr. Chairman, Mr. Pereiras has been --

5 VICE CHAIRMAN BONACCI: We accept --

6 MR. ALONSO: -- qualified in the past.

7 VICE CHAIRMAN BONACCI: Yeah. We accept
8 your qualifications.

9 MR. PEREIRAS: Thank you.

10 MR. ALONSO: Thank you.

11 And for the record, in the field of
12 architecture.

13 MR. PEREIRAS: Yes.

14 MR. PANEQUE: Mr. Alonso, I just want to,
15 for the Board's edification, just make a point
16 here that your application involves two parts;
17 one is a subdivision into, I guess, three new
18 lots.

19 MR. ALONSO: Correct.

20 MR. PANEQUE: And then, if that subdivision
21 is granted, then the Board would be voting on the
22 approval for the three new three family homes on
23 each lot.

24 MR. ALONSO: Good.

25 MR. PANEQUE: Okay. So, we're going to

1 have a two part vote. Okay. You can make your
2 application in one nutshell.

3 MR. ALONSO: Sure.

4 MR. PANEQUE: But the Board will be voting
5 on two parts.

6 First, the subdivision, and then the
7 approval of the site plan for the new homes.

8 MR. ALONSO: Yes, and what gives the Board
9 jurisdiction is the D-6 height variance.

10 MR. PANEQUE: The height variance.
11 Correct.

12 MR. ALONSO: It's the only variance that --
13 that requires the zoning approval.

14 MR. PANEQUE: Okay.

15 MR. ALONSO: Mr. Pereiras?

16 MR. PANEQUE: Thank you.

17 MR. ALONSO: As Mr. Paneque just indicated,
18 we do have a -- an application for a subdivision.
19 And we did provide a subdivision plan prepared by
20 our surveyor.

21 MR. PEREIRAS: Um hum.

22 MR. ALONSO: Okay. I'm going to ask you
23 just to review the size of the property, in terms
24 of the total lot area and dimensions, and the
25 size of each lot.

1 MR. PEREIRAS: I'd very happy to do so.

2 The reason for the subdivision is to be
3 more conformance with the Master Plan and the
4 Ordinance. So, the -- our Ordinance recognizes
5 lots that are 25 by a hundred.

6 And therefore, we wanted to be more in
7 conformance with what the Ordinance today. And
8 so, we're taking this larger lot that currently
9 has one massive structure on it, and breaking it
10 down into three lots, to fit what we want in --
11 in the City.

12 And those lots are -- and now let me
13 describe it. On the -- just for purposes of the
14 record, the drawings I have on the easel are
15 actually slightly different from the drawings
16 that you have before you. We made some small
17 modifications to the materiality, but all the
18 setbacks, and everything else, is exactly the
19 same.

20 Right now, I'm turning to page Z02, with a
21 drawing that's dated November 1st of 2018. And
22 that drawing, we see the proposed site plan, with
23 the subdivision of those lots.

24 This is an interesting lot because it's
25 skewed slightly. The rear of the lot is a lot

1 wider than the front of the lot. So, the way we
2 propose to split this up is to make this, along
3 the front of the lot, equally split into three.
4 And what that created is three lots that, along
5 the front of it, are 23 feet point -- 23.38 feet
6 in width along the front of the lot.

7 But in the rear of the lot, the two along
8 the right hand side are 23.8 feet and the last
9 one is 30.67 feet. So, it's a lot wider.

10 So, as a whole package, we're in
11 conformance. We have -- we have lot area. But
12 as an individual we don't, because of the
13 narrowness along the street line.

14 The depth of the lot is a hundred point two
15 seven along the east wing. And along the west
16 side of the building, it is exactly a hundred
17 feet. So, we are in conformance with the lot
18 depth.

19 So, we are triggering some variances for
20 this subdivision, which is the width; 25 is the
21 required, but we are working with the -- the
22 limitations that we have. And then, we also have
23 lot area. And the lot area of the individual
24 lots are the first one is oversized at 2,703.
25 And then, we have 2,339 square feet. And another

1 one of 2,339 square feet, just slightly shy.

2 MR. ALONSO: And Mr. Pereiras, those --
3 those dimensions were taken from the minor
4 subdivision plan that is part of the application,
5 prepared by First Sight Surveying, dated May 17,
6 2018.

7 Is that correct?

8 MR. PEREIRAS: That is correct.

9 MR. ALONSO: Okay.

10 So, assuming an approval on the -- on the
11 subdivision, how do we propose to develop the
12 lots?

13 MR. PEREIRAS: Absolutely.

14 So, what we want to do is demolish the
15 existing structure that's there. Right now, you
16 have a warehouse that has a hundred percent
17 coverage and is -- the setbacks are very small on
18 all sides.

19 What we're proposing is to demolish that
20 and do what's exactly in conformance with the
21 Ordinance. The Ordinance permits three family
22 houses, and that's exactly what we want to
23 propose.

24 So, we are proposing three three family
25 houses. And I'm going to walk you through that.

1 I'm going to go to the same sheet that we had
2 before, sheet Z02.

3 And in the sheet, we are proposing a front
4 yard setback of five feet, which is a split
5 between the adjoining properties. If you have
6 the adjoining property to the east, they're right
7 on the property line. And the one to the west is
8 a little bit set back. So, we're in between the
9 two, so that we could match the prevailing and
10 the average of the two. I think it works very
11 well. It's -- it's -- it meets planning
12 intentions and design criteria. So, as you're
13 driving through a street, it doesn't feel like
14 there's a missing tooth. It -- it feels well
15 along the property line.

16 So, we have that five foot setback in order
17 to introduce some landscaping. We're showing
18 greenery along that setback. We have three
19 sections for each of the -- these three houses
20 that we're able to introduce some planting areas.
21 And then, there's a pedestrian entrance and the
22 paved driveway along there.

23 The sides of the house, we have a side yard
24 setback of three feet on -- on each of these
25 houses. And then, on the opposite side, it's a

1 | little bit smaller. It's a side yard setback of
2 | about four and a half inches. That's a factor of
3 | the narrowness of the site along the front only.

4 | So, each of these have three feet four and
5 | a half inches, three feet four and a half inches,
6 | and then three feet and seven and three quarter
7 | inches along the back, and nine inches along the
8 | front where it narrows.

9 | That point where it narrows, it's actually
10 | the back of Tapas -- or no, Vita (phonetic) --
11 | no, now it's closed. The restaurant that used to
12 | be Park Avenue Bar and Grill, then Vita, and now,
13 | it's closed at the moment, so it matches that
14 | corner along there.

15 | The depth of the building, it's a building
16 | that's 90 feet in depth. We have a rear yard
17 | setback of five feet, that triggers another
18 | variance. The current Ordinance is requiring 25
19 | percent of the lot, which would have been at 75
20 | feet, 25 foot back. We're at five feet setback
21 | from the rear.

22 | And then, we have a lot coverage that is --
23 | let me be precise on each of the lots. Our --
24 | our lot coverage is at 84.32 on one, 76.95 and
25 | 76.98 on -- on the three different lots.

1 And the maximum lot coverage that we have,
2 including all the impervious areas, are 99.1,
3 99.1, and 84.32 square feet, which triggers the
4 other variances based on our current Ordinance
5 that we have.

6 Let me walk you through the rest of it.

7 MR. ALONSO: Now, before you actually start
8 going through the units, just for the Board's
9 edification, there was a prior application on
10 this property.

11 Is that correct?

12 MR. PEREIRAS: That is correct.

13 MR. ALONSO: Okay.

14 And my client, or our client, had proposed
15 to develop a multi-family building.

16 MR. PEREIRAS: That is correct.

17 MR. ALONSO: Which is not permitted. So,
18 we came in to the Board. We requested a D-1 use
19 variance for the multi-family building and -- and
20 that application was rejected.

21 MR. PEREIRAS: That's correct.

22 MR. ALONSO: So, we went back to the
23 drawing board and we tried to come back and tried
24 to meet the Ordinance as best as we can. Three
25 families are permitted and we tried to, based on

1 the limitations of the -- of the lot size, we
2 have -- it triggers certain variances. And
3 that's why we're here.

4 MR. PEREIRAS: That is correct.

5 We have the -- the luxury of having your
6 comments from our previous application. Your
7 comments were very direct. You want three family
8 houses, to be in conformance with the Ordinance.
9 You told us to look at the Master Plan. That's
10 exactly what we did and we designed based on --
11 to comply with that Ordinance and have the three
12 family houses.

13 In doing so, one of our main objectives is,
14 of course, parking. Parking is so critical and
15 so important for us in Union City. It's very
16 difficult to have parking and we're proposing a
17 three family house. Therefore, we're proposing
18 six parking spaces to comply and be in
19 conformance with the parking requirements.

20 So, what we did is we took the parking
21 layout that was included in the Master Plan, and
22 we recreated that here in order to provide
23 parking for this three family house.

24 And what you see is we have six cars, two
25 of them being in tandem. So each of the -- the

1 three apartments will have the opportunity of
2 having two cars.

3 We're also proposing an elevator in the
4 building so that they could have access and two
5 stairs, adequate means of egress.

6 We have a small lobby and then the rest is
7 a driveway entrance.

8 When you turn to the pages above, which is
9 illustrated on sheet Z03, we have a typical floor
10 plan for the three plates of floors above. And
11 what we did is, in old applications, you used to
12 see an apartment along the rear, behind the
13 garage. But we wanted, and since parking is so
14 important, we elevated and we moved that
15 apartment, put it above, so that we could provide
16 parking.

17 And what we did is three floor plates that
18 are exactly the same. And they're three family
19 units.

20 Very simple, you come out of the elevator.
21 You're introduced into an open dining room,
22 living room, kitchen concept. And then, the more
23 private portion of the house, where you have two
24 bedrooms for the kids, and then the nice master
25 suite, that has its own walk-in closet and

1 bathroom along the rear.

2 It's the same thing for all three units.
3 It's the same -- all three apartments, and all
4 three of the buildings, we have the exact same
5 footprint to keep it very simple and very clean.

6 This is also very similar to another
7 property that we did on the same block, so this
8 improvement is going to be consistent, really
9 revitalizes this block. The approvals that this
10 Board gave just not too long ago. This is
11 exactly the same thing that we're presenting. It
12 really establishes and makes this block stand out
13 in this beautiful new housing that we have.

14 And which brings me to the elevations. And
15 the elevations, we could show you that we wanted
16 to add a lot of interest to the elevation, to
17 keep it exciting. And what we're proposing is,
18 first and foremost, primarily a brick building.
19 This is the façade that you would see. It's all
20 brick. And then, we have, in order to add some
21 interest, some metal panels to give some -- some
22 accents to certain spots.

23 And what we propose to do, we added another
24 illustration, just so that you could see the
25 three facades together. We'd like to move those

1 metal panels to different locations, just so that
2 it's exciting and different.

3 We have a rendering of that along here.
4 So, it's going to really beautify the block,
5 where you see we have garage door entrances up
6 for each of the units, the pedestrian entrance;
7 very light, bright, very livable. And then, the
8 entire façade is broken up with the -- the metal
9 panels.

10 We have for you a four story structure.
11 That is simply a factor of removing the
12 apartments from the ground floor, lifting it up,
13 so that we could provide the parking that we so
14 desperately need. And that's what triggers the
15 variance. So, we have a height variance, because
16 we're at 45 feet.

17 Mind you, if the Board has any objection to
18 the height, we could drop it down a few inches.
19 We could -- we could definitely work with the
20 Board. However, we think that we're in full
21 conformance and -- with the ideas and the intent
22 of the Master Plan and matches the buildings
23 across the street. And I think it gives a very
24 nice height and a consistent light, based on the
25 prior approvals on the same block.

1 The other sides of the building are vinyl
2 siding, in conformance with all local Ordinances.
3 So, the other three sides are vinyl siding. What
4 we do have is at the first -- on the sides, the
5 first four feet wraps that façade with brick and
6 metal panels to make it aesthetically pleasing
7 even if you're looking at the building from the
8 alley.

9 VICE CHAIRMAN BONACCI: Manny, would you be
10 able to give us some testimony as to the fire
11 safety, --

12 MR. PEREIRAS: I'd be --

13 VICE CHAIRMAN BONACCI: -- emergency?

14 MR. PEREIRAS: -- very happy to.

15 So, the building will be in conformance
16 with the International Building Code, 2015, New
17 Jersey edition. That is an amazing Building Code
18 that has a lot of life safety measures in it.

19 This will have -- be a fully suppressed
20 building, meaning it's going to have a sprinkler
21 system that's going to be covering the entire
22 building.

23 MS. DILLON: Just -- just stay in front of
24 this.

25 MR. PEREIRAS: Okay. It's not working?

1 MS. DILLON: No. The battery has to be
2 changed.

3 MR. PEREIRAS: Okay.

4 MS. DILLON: Thank you.

5 MR. PEREIRAS: The Code speaks, and we're
6 going to meet all the Code requirements regarding
7 fire separations. There is a two hour fire
8 separation between the garage and the building
9 above, as well as a low voltage alarm system
10 that's going to be located in all the common
11 areas and 110 volt alarm system that's going to
12 be located within each of the apartments. That
13 is going to alert anyone if there ever is a
14 problem. There's a carbon monoxide sensor within
15 the garage that triggers and -- and triggers a
16 fan that blows any air out in case of any carbon
17 monoxide issues.

18 This is a building that's going to meet all
19 the safety standards of today. It's going to be
20 a huge improvement on what's there. It's an
21 improvement for the neighborhood, because it
22 meets all fire and -- and safety measures.

23 It's a huge benefit to the applicants, to
24 the neighborhood, and to Union City as a whole.

25 VICE CHAIRMAN BONACCI: Okay.

1 Thank you.

2 I'm just going to open it up to members of
3 the Board.

4 MR. ALONSO: And what I'm going to do is
5 just, Mr. Pereiras, the renderings that you have
6 on the board, have -- were they submitted as part
7 of the package?

8 MR. PEREIRAS: They were not. Should I
9 mark them as --

10 MR. ALONSO: Yes. I'm going to mark that,
11 just for the record, as A-1. And we'll actually
12 mark your entire submission, because you said
13 there were some minor changes also.

14 MR. PEREIRAS: Yes.

15 MR. ALONSO: The entire set of plans, along
16 with the rendering, collectively as A-1.

17 MR. PEREIRAS: Okay.

18 For the record, I am marking the top right
19 hand corner as A-1 and I'm putting today's date,
20 December 13.

21

22 (Whereupon, Rendering and Submission was
23 received and marked as Exhibit A-1.)

24

25 MR. ALONSO: I'm sorry, Mr. Chairman.

1 VICE CHAIRMAN BONACCI: That's okay.

2 Members of the Board?

3 Okay, no members of the Board.

4 Members of the public?

5 We just got to get you sworn in.

6 MR. SANCHEZ: Sure.

7 MS. DILLON: Please raise your right hand.

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

10 MR. SANCHEZ: Yes, I do.

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

13 MR. SANCHEZ: My first name is Pedro,
14 spelled P-E-D-R-O. My last name is Sanchez,
15 spelled S-A-N-C-H-E-Z.

16 MS. DILLON: And your address, please?

17 MR. SANCHEZ: 125 35th Street.

18 MS. DILLON: Thank you very much.

19 MR. SANCHEZ: Okay. Well, first of all,
20 thank you for the presentation and thank you for
21 the Board for always allowing the immediate
22 residents, like myself, to voice their concerns
23 or questions.

24 So out of respect for everybody's time,
25 I'll make it very brief.

1 Since the last time this applicant was
2 here, I think they come back with something
3 vastly improved, I think much more appropriate
4 for four basic reasons, which -- which I'll go
5 through quickly.

6 Number one.

7 Originally, as you recall, it was one
8 building, spread across three lots, which by
9 nature makes it a little massive. But now, they
10 broke it up into three. So by doing that, it
11 immediate -- it immediately makes it more
12 applicable to our neighborhood. The typical,
13 turn of the century home there is about 23 foot
14 wide on a 25 foot wide lot. This now follows
15 that pattern, geometry and scale, so I'm very
16 happy to see that.

17 Number two.

18 I know there are several variances, but I
19 also understand the zoning is transitioning to
20 the Master Plan. So, I think it meets most of
21 it.

22 The side yard that you mentioned, it's
23 completely understandable because the lot is
24 irregular, so it's preexisting. You could only
25 do so much with what's there.

1 As far as the parking that was mentioned,
2 which is always a big concern. I'm very happy to
3 see that not only does it meet the Master Plan,
4 but that they devoted the entire ground floor on
5 each building for parking. And they got six
6 parking spaces, as per the guidelines, I think,
7 of the Master Plan. That's 18 total. Eighteen
8 cars off the street, which is great.

9 And then lastly and more importantly for
10 me, as an architect, from one to another, I think
11 the design, and I'm focusing on the façade, the
12 face of the design, I think it's applicable, it's
13 appropriate.

14 The main material is brick. That's what's
15 there now, it's traditional. But they do also,
16 here, break it up with metal panels, which gives
17 it a nice little flair, without overly modern.
18 If you came with something too modern, I would
19 have been -- but I think this is a healthy
20 mixture of traditional and new.

21 So, in conclusion, not only as a licensed
22 architect in the State of New Jersey, but more
23 importantly, as a lifelong resident, I live on
24 that block my whole life, I think it is
25 appropriate. I think it's improved. I think

1 | it's a good application and if you especially
2 | consider what's there now, what's there now is a
3 | nonconforming, semi-dilapidated, poorly
4 | maintained warehouse with literally idling trucks
5 | spewing out emissions.

6 | If you consider that, this is a very
7 | welcome and I think a great addition to our
8 | neighborhood. And I trust and hope that this
9 | Board will come to the same conclusion.

10 | Thank you.

11 | VICE CHAIRMAN BONACCI: Thank you.

12 | MS. GUTIERREZ: Thank you.

13 | VICE CHAIRMAN BONACCI: Any other members?

14 | MS. DILLON: Please raise your right hand.

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

17 | MR. PRICE: I do.

18 | MS. DILLON: Name and address for the
19 | record, please.

20 | MR. PRICE: Larry Price, 1006 Palisade
21 | Avenue.

22 | MS. DILLON: Thank you very much.

23 | MR. PRICE: Okay. There will be no planner
24 | testimony.

25 | MR. ALONSO: No.

1 MR. PRICE: First a question about the lot
2 size.

3 Okay. What is the total lot size right
4 now?

5 MR. ALONSO: In terms of area, or in terms
6 --

7 MR. PRICE: Terms of area, square feet.

8 MR. PEREIRAS: I'll add it for you in two
9 seconds.

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

12 MR. PEREIRAS: Seven thousand three hundred
13 and eighty.

14 MR. PRICE: All right, 80.

15 Okay, which is composed of the eastern most
16 block is 2703.

17 Correct?

18 MR. PEREIRAS: Yes.

19 MR. PRICE: And the other two are 2339.

20 MR. PEREIRAS: Correct.

21 MR. PRICE: Seventy-three eighty-one.

22 MR. PEREIRAS: Twenty-seven oh three, 2339,
23 and 2338.

24 MR. PRICE: Okay.

25 So, one of the problems with this site is

1 the site is actually slightly smaller than what
2 is required for three lots.

3 Correct?

4 MR. PEREIRAS: That's correct.

5 MR. PRICE: Okay.

6 And at least the two western most require a
7 -- a minimum lot size variance.

8 MR. PEREIRAS: That is correct. For two of
9 the three lots. For two of the three.

10 MR. PRICE: For two of the three. And what
11 kind of variance is that?

12 MR. PEREIRAS: Al, maybe you can help me
13 here, but I believe that's a C variance.

14 MR. PRICE: What kind of C variance?

15 MR. ALONSO: It would be C-1 hardship
16 variance.

17 MR. PRICE: That's a C-1 hardship variance.
18 Okay.

19 So, my question is, that's -- that's a
20 problem with no planner testimony.

21 Isn't this a self-created hardship?

22 MR. PEREIRAS: No. It's a preexisting
23 site. The Ordinance encourages and wants lots
24 that are smaller.

25 We came before this Board with a building

1 | that fit the existing site. This building -- and
2 | the residents, the neighbors, the Board, everyone
3 | discouraged that.

4 | So, it is a hardship to the applicant that
5 | he cannot do anything unless it's subdivided into
6 | three portions.

7 | MR. PRICE: Okay.

8 | MR. PEREIRAS: So it's --

9 | MR. PRICE: But --

10 | MR. PEREIRAS: -- definitely not self-
11 | created.

12 | MR. PRICE: Isn't a lot that's 2339 square
13 | feet an undersized lot?

14 | MR. PEREIRAS: Very slightly undersized.
15 | Very slightly undersized.

16 | MR. PRICE: Okay.

17 | The answer is yes, it's undersized. Okay.
18 | It needs a C-1 variance.

19 | MR. PEREIRAS: Um hum.

20 | MR. PRICE: That's a hardship variance.
21 | Who created the two undersized lots? You're
22 | doing it -- or this -- you're doing it here on a
23 | subdivision.

24 | So, my question still is, isn't this a
25 | self-created hardship?

1 MR. PEREIRAS: Actually, no. I believe
2 we're improving the condition significantly. If
3 you look at the tax records for this site, they
4 were originally three lots, and they were
5 originally -- one of the lots was actually only
6 20.48 feet in width.

7 The -- subsequently, it was joined together
8 because one larger property and one -- one
9 building. But if you look at the historical
10 factors behind it, we're actually improving that
11 significantly by increasing that smallest lot
12 that's only 20 feet into 23 feet.

13 MR. ALONSO: I think -- I think Mr. Price's
14 point is that we have an undersized lot, in terms
15 of it's not 7500 square feet. If it were 7500
16 square feet, 75 by 100, if divided --

17 MR. PEREIRAS: Um hum.

18 MR. ALONSO: -- then you would have three
19 conforming lots.

20 His point is that the fact that we're
21 subdividing, creating undersized lots, we're
22 creating that hardship.

23 MR. PEREIRAS: Um hum.

24 MR. ALONSO: Now, a hardship is -- is
25 proven if you can't -- if there's no additional

1 available land, which there isn't. This is what
2 we have and we're subdividing.

3 So, it's either a C-1 or a C-2, that would
4 be interpretation of the Board. We were
5 requesting a -- both the C-1 and the C-2
6 variance.

7 MR. PANEQUE: Mr. Alonso, you touch upon a
8 key element of the C-1 hardship variance, and
9 that has to do with the availability of having
10 adjoining land owners give you some of their
11 land, or being able to buy it.

12 I know you touched upon it, but you're the
13 attorney. Can we have some testimony as to that?

14 MR. ALONSO: I could have my client testify
15 as to whether or not any --

16 MR. PANEQUE: Okay.

17 MR. ALONSO: -- any of the adjacent land is
18 available for purchase.

19 MR. PANEQUE: Yeah. If any attempts have
20 been made and what attempts were made, if any.

21 MR. ALONSO: Mr. Gomez, if you could just
22 come up real quick?

23 MR. GOMEZ: Sure.

24 MR. ALONSO: I'll just take him out of
25 turn, just so we can --

1 MS. DILLON: Just right in front of that
2 microphone there --

3 MR. ALONSO: -- address this issue.

4 MS. DILLON: -- please.

5 MR. ALONSO: And then --

6 MR. PANEQUE: Sure.

7 MR. ALONSO: -- you'll sit down and we'll
8 continue with the --

9 MS. DILLON: Please raise your right hand.

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

12 MR. GOMEZ: Yes, I do.

13 MS. DILLON: Would you please state your
14 name and spell it for the record?

15 MR. GOMEZ: My name is Anthony Gomez,
16 A-N-T-H-O-N-Y, G-O-M-E-Z.

17 MS. DILLON: Thank you.

18 MR. ALONSO: And are you a -- a principal
19 and the applicant?

20 MR. GOMEZ: Yes, I am.

21 MR. ALONSO: Okay.

22 Are you also a licensed real estate agent?

23 MR. GOMEZ: Yes, I am.

24 MR. ALONSO: Okay.

25 And have you made any attempts to acquire

1 any adjacent property?

2 MR. GOMEZ: The property to the left of the
3 -- of the subject property is a newly renovated
4 restaurant, which is, I think, Vale or Tapas. I
5 forgot the name of the restaurant.

6 And on the right is an existing two family
7 home that's been there for a very long time.

8 MR. ALONSO: Okay.

9 And is it available for sale at this time?

10 MR. GOMEZ: No. There's nothing available
11 to the right or left of the property.

12 MR. PANEQUE: Okay.

13 VICE CHAIRMAN BONACCI: Thank you.

14 MR. GOMEZ: Thank you.

15 MR. PRICE: You have to --

16 I have a question.

17 Have you made any attempt to sell to either
18 of the adjacent land owners?

19 MR. ALONSO: Well, for a hardship --

20 MS. DILLON: Keep your voice up --

21 MR. ALONSO: -- you don't have to sell.

22 MS. DILLON: -- Mr. Price, please.

23 Keep your voice up for me. You're trailing
24 off.

25 MR. PRICE: Oh, sorry.

1 Okay.

2 Have you made any attempt to sell to --
3 your property to adjacent land owners?

4 MR. ALONSO: Well, I'm just going to object
5 to the premise of the question because for a
6 hardship, it's not whether or not you make an
7 attempt to sell, it's whether or not there's any
8 land available --

9 MR. PRICE: Check --

10 MR. ALONSO: -- to acquire.

11 MR. PRICE: Check the case law.

12 MR. ALONSO: Okay.

13 MR. PRICE: It is both a --

14 MR. ALONSO: I'll check it.

15 MR. PRICE: -- buy -- it's a buy/sell
16 consideration.

17 Have -- the question is, have you made any
18 attempt to sell to adjacent land owners?

19 MR. GOMEZ: I spoke to the new owner of the
20 property next to the -- to the left. He --

21 MR. PRICE: That would be the renovated
22 restaurant.

23 MR. GOMEZ: Correct. And he knew of this
24 project. He was happy about it. And he knew
25 that we -- he knew that we were intending to

1 | construct a new property on -- on that -- that
2 | lot. And he -- he made no reference to be
3 | interested or -- or --

4 | MR. PRICE: But you made no attempt to sell
5 | to him.

6 | MR. GOMEZ: No.

7 | MR. PRICE: Okay.

8 | Or to the property on the other side. Or
9 | the property behind.

10 | MR. GOMEZ: The -- the one next to the
11 | right, they just bought that property like a year
12 | or two ago.

13 | MR. PRICE: Okay.

14 | Or the property behind.

15 | MR. GOMEZ: Behind. What's behind?

16 | MR. ALONSO: Well, the property behind
17 | would be irrelevant because that would not help
18 | us with the lot width.

19 | We don't have a problem with the lot depth.
20 | We have a problem with lot width.

21 | MR. PRICE: Correct. And the lot size.

22 | It's an undersized lot. So --

23 | And you made -- in terms of buy
24 | considerations, you made no -- you talked to the
25 | people to the east, the renovated restaurant, and

1 the two family house to the west. You did not
2 talk to property owners behind your property.

3 MR. GOMEZ: That's a Laundromat, I think.

4 MS. DILLON: Just keep your voice up, Mr.
5 Gomez.

6 MR. GOMEZ: It's -- I think it's a
7 Laundromat.

8 MR. PRICE: But you didn't talk to them.

9 MR. GOMEZ: No. I --

10 MR. PRICE: The answer is you didn't talk
11 to them.

12 VICE CHAIRMAN BONACCI: Okay.

13 MR. PRICE: Okay. Okay.

14 VICE CHAIRMAN BONACCI: Any more questions,
15 Mr. Price?

16 MR. PRICE: I'll back to --

17 VICE CHAIRMAN BONACCI: Okay.

18 MR. GOMEZ: Thank you.

19 VICE CHAIRMAN BONACCI: Thank you.

20 MR. PRICE: Okay.

21 MS. DILLON: Just in front of the
22 microphone.

23 MR. PRICE: How did you calculate the
24 average front yard setback?

25 MR. PEREIRAS: It -- I wish I had a site

1 plan that showed the adjacent lot, but I believe
2 the adjacent one's around ten feet. And we had
3 -- it's -- it's a visual eyeballing of it. It's
4 not a precise math that we did. We basically cut
5 it in half. Instead of the ten feet that the
6 adjacent property is at, and the zero feet that
7 the other one's at, simply divided that by two.
8 So it's a five foot setback.

9 MR. PRICE: You realize that the average
10 setback is calculated by all of the properties
11 within the block on the same side of the street.

12 You did not do that.

13 MR. PEREIRAS: We did not do that, but we
14 did that -- we did that with reason, which is
15 that we're splitting the difference between the
16 two properties immediately to the left.

17 The properties further down the block are
18 irrelevant to the -- to that feeling between the
19 two lots. If we had this set back ten feet, the
20 building would feel extremely removed. You
21 wouldn't even see it as you're coming up the lot
22 -- the -- the block.

23 MR. PRICE: You're an architect, not a
24 planner. The Land Development Ordinance --

25 MR. PEREIRAS: Um hum.

1 MR. PRICE: -- says front yard setback ten
2 feet or prevailing.

3 MR. PEREIRAS: Um hum.

4 MR. PRICE: Prevailing is defined in the
5 Land Development Ordinance --

6 MR. PEREIRAS: And --

7 MR. PRICE: -- as the average of -- and the
8 houses down the block are not irrelevant if
9 they're on the same block.

10 MR. PEREIRAS: And just to be clear, we're
11 requesting a variance for front yard setback.
12 We're not -- we're not saying it's prevailing.
13 We're not taking the average. And that -- I'm --
14 when I explain how I came to that and the way I
15 came with the -- the -- with the five feet, it's
16 not as a justification of prevailing, it's simply
17 a justification of what our understanding of why
18 we're proposing that. And the reasoning behind
19 that.

20 MR. PRICE: Okay.

21 Thank you.

22 VICE CHAIRMAN BONACCI: Any other members
23 of the public?

24 Okay.

25 Closed to the public.

1 So, with respect to what currently sits at
2 the site -- you know, now, and the previous
3 application, it seems to me that the benefits to
4 the community, as previously stated by a member
5 of the public here tonight who lives in the area
6 -- you know, it makes a big difference going
7 forward.

8 The Board will recognize the hardship for
9 the C-1, because it's pretty clear that -- you
10 know, as what this application -- you know, was
11 previously as opposed to now -- you guys made --
12 you know, a really big attempt to fit what's
13 permitted there, which is in the R zone, three
14 family units are permitted uses.

15 And with respect to the -- the height
16 variance, the D-6, that's because you guys are
17 putting so much parking there and taking that off
18 the street.

19 So, before I make a motion, I just want to
20 make sure that it's clear that we have to make --
21 we have to take two votes.

22 So, the first vote would be, I guess, to
23 approve the -- the subdivision of the lot.

24 Is that -- is that right?

25 MR. PANEQUE: That is correct.

1 There would be an application -- a motion
2 to be made for a -- either an approval or a
3 denial of the subdivision application.

4 VICE CHAIRMAN BONACCI: Okay. So, first,
5 guys, I'm going to make a motion to approve the
6 subdivision of the lot.

7 MR. GRULLON: Second the motion.

8 THE SECRETARY: Motion to approve the
9 subdivision by Mr. Bonacci.

10 Second by 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 -- five in favor.
23 Motion carries.

24 VICE CHAIRMAN BONACCI: Okay.

25 Now, the second motion would be to approve

1 the application.

2 MR. PANEQUE: The second motion would be to
3 either approve or deny the application for the
4 construction of three new three family homes, as
5 presented to the Board.

6 VICE CHAIRMAN BONACCI: I'm going to make a
7 motion to approve the application of the three
8 family homes.

9 MS. GUTIERREZ: Second.

10 THE SECRETARY: Motion to approve the
11 application for three family homes -- three three
12 family home by Mr. Bonacci.

13 Second by Ms. Gutierrez.

14 Roll call on the motion.

15 Mr. Bonacci?

16 VICE CHAIRMAN BONACCI: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Grullon?

20 MR. GRULLON: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Mr. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Five in favor.

1 Motion carries.

2 Thank you and good night.

3 MR. ALONSO: Thank you very much.

4 MR. PEREIRAS: Thank you, everyone.

5 Good night.

6 MR. PANEQUE: Thank you.

7 MR. ALONSO: Have a Merry Christmas.

8 VICE CHAIRMAN BONACCI: You, too.

9 Enjoy.

10 MR. SPATZ: Have a great holiday.

11 MS. GUTIERREZ: Thank you.

12 You, too.

13 MR. ALONSO: Oh, I have one more.

14

15 (Whereupon, David Spatz left the meeting at

16 7:13 p.m.)

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1 **Andrew Sapora - 411 42nd Street:**

2

3 THE SECRETARY: We are going to change a
4 little bit the order of tonight agenda.

5 We are going to go to number four, Andrew
6 Sapora, 411 42nd Street.

7 Mr. Alonso, please?

8 MR. ALONSO: Mr. Chairman, members of the
9 Board, Alvaro Alonso, Alonso Navarette, on behalf
10 of the applicant.

11 With respect to this application, my
12 architect is Mr. Carballo. He was not available
13 this evening, so I'm providing notices and would
14 request that this matter be carried to the next
15 available date.

16 MR. PANEQUE: For the record, I've been
17 provided by Mr. Alonso with the following
18 documentation:

19 I have an Affidavit of Publication from The
20 Jersey Journal indicating that notice of the
21 application for 411 42nd Street, rear building,
22 was given for tonight's agenda, December 13.

23 Said notice was published in the paper on
24 December 1st of this year, within the ten day
25 period.

1 I also have an Affidavit from Mr. Alonso
2 indicating that notice went out to all property
3 owners within the 200 foot radius of the property
4 in question, 411 42nd Street, rear building.

5 I also have a copy of the notice that went
6 out, and I've been provided with a copy of the
7 Tax Assessor's list, consisting of three pages,
8 dated November 19, 2018.

9 I've also been provided with the certified
10 mail receipts dated November 30th, 2018.

11 The documentation provided is sufficient
12 and this Board has jurisdiction to proceed and
13 hear this matter.

14 Mr. Alonso, you're asking that the Board
15 adjourn this application.

16 MR. ALONSO: That is correct.

17 MR. PANEQUE: Okay.

18 Mr. Vallejo, when will be the next
19 available date?

20 THE SECRETARY: June --

21 I'm sorry.

22 MR. ALONSO: June?

23 THE SECRETARY: January 10, 2019.

24 MR. PANEQUE: January 10th?

25 THE SECRETARY: Yeah, 2019.

1 It's right there, the schedule. Let me
2 review it to make sure.

3 MR. ALONSO: It's right before Valentine's.

4 MR. PANEQUE: It is, January 10th.

5 THE SECRETARY: Can I have a motion to
6 adjourn this application for January 10?

7 Motion by Mr. Bonacci.

8 Any second the motion?

9 By Mr. Medina.

10 Roll call on the motion to adjourn this
11 application for January 10, 2019.

12 No new notice required.

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 MR. ALONSO: Thank you very much.

1 Now, have a Merry Christmas.

2 THE SECRETARY: Thank you, Mr. Alonso.

3 VICE CHAIRMAN BONACCI: Merry Christmas.

4 Take care.

5 THE SECRETARY: Merry Christmas.

6 MS. GUTIERREZ: Merry Christmas.

7 THE SECRETARY: Happy New Year.

8 MR. ALONSO: You, too.

9 THE SECRETARY: Thank you.

10

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

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1 1208-10 Summit Ave, LLC -

2 1208-1210 Summit Avenue:

3

4 THE SECRETARY: Are you ready, Mr. Mulkey?

5 Next application on tonight's agenda,

6 1208-10 Summit Avenue, LLC.

7 Mr. Alain Mulkey, please?

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

10 MR. PANEQUE: For the record, I've been
11 provided by Mr. Mulkey with the following
12 documentation:

13 I have an Affidavit of Service signed by a
14 Teresa Pacheco, and notarized by Mr. Alain
15 Mulkey, indicating that notice of tonight's
16 hearing was served on all property owners within
17 the 200 foot radius, as well as published in the
18 local paper.

19 I have a copy of the notice that was
20 served, giving notice of tonight's hearing for
21 December 13th.

22 I have a copy of The Jersey Journal
23 Affidavit indicating that notice of tonight's
24 hearing with respect to the property of 1208-1210
25 Summit Avenue was given -- was published in the

1 paper on November 15, 2018.

2 I've also been provided with a copy of the
3 Tax Assessor's list with respect to the property
4 at 1208 Summit Avenue, consisting of four pages,
5 with a date of October 29, 2019 (sic).

6 And I've been provided with an envelope
7 stuffed with green card receipts and the mail
8 that has come back to date. Said green mail
9 receipts have a postmark date of November 15th,
10 2018.

11 Based on the documentation that's been
12 provided, this Board has obtained jurisdiction to
13 hear this matter and may proceed.

14 MR. MULKAY: Good evening, Mr. Chairman,
15 members of the Board.

16 Alain Mulkay, from Mulkay and Rendo, on
17 behalf of the applicant.

18 Just really quickly by background, we're
19 here for an application to -- to develop the
20 second floor of an existing building that -- that
21 was before this Board many years ago. The
22 building was completed by my client. It was
23 started by somebody else. It went -- they lost
24 the building. My client purchased it, finished
25 the construction, and has rented 24 of the units.

1 We're here to modify this second floor,
2 which has currently an approval for a commercial
3 gym, billiard hall. And instead of doing that,
4 we're proposing a much better use for the
5 building.

6 Our first expert tonight is Albert
7 Arencibia.

8 MS. DILLON: Please raise your right hand.

9 MR. ARENCIBIA: Good evening.

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

13 MR. ARENCIBIA: I do.

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

16 MR. ARENCIBIA: Albert Arencibia,
17 A-R-E-N-C-I-B-I-A.

18 MS. DILLON: Thank you.

19 MR. MULKAY: I would ask that Mr. Arencibia
20 be recognized as an expert, as he testifies
21 before this Board --

22 VICE CHAIRMAN BONACCI: We --

23 MR. MULKAY: -- frequently.

24 VICE CHAIRMAN BONACCI: We accept your
25 qualifications.

1 MR. ARENCIBIA: Thank you very much.

2 I appreciate it.

3 VICE CHAIRMAN BONACCI: Thank you for being
4 here.

5 MR. MULKAY: Mr. Arencibia, can you explain
6 to the Board what currently exists there and what
7 the proposal is?

8 MR. ARENCIBIA: Yes.

9 Basically, the second floor as we're
10 proposing on utilizing for this application,
11 proposing on adding three residential units in
12 the front of the building.

13 Again, the existing windows of the -- of
14 the windows of the building in the front are
15 going to remain the same. There will be really
16 no change to the exterior of the building.
17 Everything that's going to be happening is going
18 to be within the existing interior of the
19 building itself.

20 So, the idea is proposing on having two --
21 adding two studio apartments onto the second
22 floor and one one bedroom apartment onto the side
23 -- on the second floor, fronting the Summit
24 Avenue.

25 We're also proposing on adding, because we

1 have the rear area of the -- of the floor, that's
2 also unoccupied, in order for the benefit of the
3 tenants, we do have 24 units existing, and the
4 additional three units, if the Board approves
5 this application, we wanted to give something
6 back to the tenants of the -- of the area in the
7 building. And so, we're adding a gym area on the
8 rear section of the second floor, as well as a
9 lounge area.

10 So, if they have -- you know, some friends
11 are coming over, they can actually use the lounge
12 area and they could share that themselves. And
13 because we have a number of units, we're also
14 going to have a small little management office of
15 about 379 square feet in order to have -- you
16 know, be able to handle day-to-day operations and
17 things -- some of the tenants might need
18 something, there will be somebody that will be
19 able to take care of their concerns and their
20 needs.

21 It's a very straightforward application.
22 The layouts are living room area, dining area,
23 open.

24 Of course, the entire building is -- it's
25 an elevator building, so all the units will be

1 ADA compliant. They'll be fully suppressed, fire
2 alarms throughout.

3 We do have two means of egress off the
4 floor itself, so we do comply with the egress
5 requirements on the -- on the building itself.

6 And again, the -- the units are going to be
7 nice size. The one bedroom is 840 square feet,
8 with the -- the studio units are 750 and we have
9 a larger one that's about a thousand square feet.
10 It's only because to access it, we have a long
11 corridor. But we do have the space on the second
12 floor.

13 Right now, the commercial use for the
14 second floor in Summit Avenue is just really
15 something that's not as possible. It's just --
16 you know, you can't rent it. There's really no
17 need for it.

18 So, this puts a floor that basically is
19 underutilized, puts it on the rent rolls of the
20 -- of the City and it also will fill in and make
21 it safer for residents in the area, because there
22 will be somebody on the second floor, looking
23 out. They'll also be able to watch the people
24 walking on the street on Summit Avenue, so it
25 will create more of a safe condition for the

1 entire -- you know, street and also the building
2 itself.

3 Everything -- all the floors above would be
4 accessed from the elevator or the stairs. So,
5 everybody in the building, all the floors on the
6 second floor up will be residential units --

7 MR. MULKAY: The --

8 MR. ARENCIBIA: -- instead of commercial.

9 MR. MULKAY: The entire -- the three
10 apartments are all going to be built inside.
11 There's no change to the exterior of the
12 building.

13 MR. ARENCIBIA: That is --

14 MR. MULKAY: Correct?

15 MR. ARENCIBIA: -- correct.

16 MR. MULKAY: And the parking calculations
17 with this use versus the gym and the billiard
18 hall, it's actually improved; the parking
19 calculations because the apartments take up less
20 parking.

21 Is that true?

22 MR. ARENCIBIA: That is correct. Yes.

23 MR. MULKAY: Okay.

24 MR. ARENCIBIA: And we have a planner here
25 that will be able to talk about the impact --

1 VICE CHAIRMAN BONACCI: Have other --

2 MR. ARENCIBIA: -- on that, too.

3 VICE CHAIRMAN BONACCI: -- testimony?

4 We'll save questions for the end.

5 MR. MULKAY: Okay. Want to do that?

6 VICE CHAIRMAN BONACCI: Yeah.

7 MR. MULKAY: All right.

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

10 MS. DILLON: Just right in front of the
11 mic.

12 Please raise your right hand.

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

15 MS. HARTMANN: Yes.

16 MS. DILLON: Please state your name and
17 spell it for the record.

18 MS. HARTMANN: Jill Hartmann. It's J-I-L-L
19 and H-A-R-T-M-A-N-N.

20 MS. DILLON: Thank you.

21 MR. MULKAY: Ms. Hartmann's been recognized
22 with this Board previously as an expert in
23 planning. I would ask that she be so recognized.

24 VICE CHAIRMAN BONACCI: We accept her
25 qualifications.

1 MS. HARTMANN: I'd just like to give you a
2 -- a much larger photo of the building, so you
3 have an idea of what we're looking at. I know
4 you know it, but --

5 VICE CHAIRMAN BONACCI: Thank you.

6 MR. PANEQUE: Let's mark this as --

7 MS. HARTMANN: There's always a lot going
8 on.

9 MR. PANEQUE: -- A-1.

10 MR. MULKAY: A-1.

11 MS. DILLON: Can I take an extra copy to
12 mark?

13 MS. HARTMANN: Yeah. Sure.

14

15 (Whereupon, Photograph of Building was
16 received and marked as Exhibit A-1.)

17

18 MS. HARTMANN: So, what you have before you
19 is an existing six story building. It's a mixed
20 commercial and residential use. It presently has
21 24 units, of which four are studios, four are one
22 bedroom and 16 are two bedrooms.

23 It's located in the CN neighborhood
24 commercial district and this does permit ground
25 floor commercial, with apartments above.

1 The surrounding neighborhood is basically
2 very consistent with this building. There are a
3 couple of one story commercial buildings, some
4 two story buildings with commercial on the ground
5 floor, apartments above. A couple of three
6 story. Again, ground floor commercial and second
7 or third floor residential. And then, there is a
8 five story building of this -- of similar vein
9 down the block. So it fits in very well.

10 As our architect has said, the proposed
11 improvements are related only to the second floor
12 and they would include, which he didn't mention,
13 was a small tenant storage area. It will have a
14 tenant gym and -- and lounge, a small management
15 office, and then the three apartments; two
16 studios and one one bedroom.

17 So, if you'd like, I can go through the
18 variances, but nothing is going to change and
19 there are a significant number of variances
20 related to this building that were approved when
21 the -- when the building itself was -- was
22 approved. Again, none of these conditions are
23 going to change.

24 One of them that will change is the
25 off-street parking requirement. Right now, there

1 is no parking required. I'm sorry. No parking
2 provided.

3 As a result, right now, what you have is a
4 requirement of 61 parking spaces. And we get to
5 that by 32 spaces needed for the 24 apartments
6 and 29 spaces needed for the two floors of
7 commercial. With the removal of a significant
8 amount of that commercial space, we wind up --
9 and introducing the -- the residences, we wind up
10 needing a total of 52 off-street parking spaces.
11 So we reduce the need by nine spaces.

12 So in looking at your -- your Master Plan,
13 there are just some purposes, I think, that this
14 project, in general, continues to provide.

15 And that is, it does preserve the -- the
16 character of that community with most everyone
17 has second store -- I mean, second story
18 apartments and ground floor -- if they're a mixed
19 use building, ground floor commercial.

20 Again, it's a balance of land uses and
21 development patterns. It does preserve the
22 character of this neighborhood and it continues
23 to provide a broad range of housing choices.

24 It also improves the quality of life, I
25 think, for the residents, not -- for Union City,

1 but in particular for this -- this building,
2 because as more and more multi-family residential
3 buildings come online, whether they're 12 units
4 or 20 units or 300 units, amenities are really
5 necessary and -- and looked for and encouraged in
6 -- in these buildings.

7 So, as a result, these tenants that are
8 there now and the three other -- the new
9 apartments will have access to storage, which is
10 always important for all of us, a lounge area, a
11 gym area and a management office that will -- I'm
12 sure will have hours of operation when they're
13 there so you can actually speak to someone in
14 person.

15 It also preserves their security. The --
16 the elevator will now just go -- be used only for
17 the residents and management, as opposed to
18 before, it would have had a dual use. So, I
19 think in that regard, it -- it makes a lot of
20 sense.

21 It also meets some of the principles and
22 goals and objectives of the Municipal Land Use
23 Law to encourage municipal action to guide the
24 appropriate use in development of lands in the
25 municipality.

1 It promotes the establishment of
2 appropriate population densities. It continues
3 with that type of density in the building.

4 It provides sufficient space in appropriate
5 locations for a variety of -- of agricultural,
6 residential uses. And again, the -- there are --
7 there are two reasons why I think this works very
8 well for the City.

9 One is providing the amenities for the
10 people that live there, but also reduces the
11 off-street parking requirement by nine spaces.

12 So, I think, in the final analysis, that
13 this -- these variances can be granted without
14 any substantial detriment to your Master Plan,
15 your zone plan, and it will not substantially
16 impair the intent and purpose of your plan, or
17 your -- your Master Plan or your zone plan.

18 I think it's a -- a very reasonable use for
19 that -- that floor.

20 VICE CHAIRMAN BONACCI: Thank you so much.

21 Questions, members of the -- members of the
22 Board?

23 Open to the public.

24 MR. PRICE: I have a comment, not a
25 question.

1 VICE CHAIRMAN BONACCI: Okay.

2 He's still under oath?

3 MS. DILLON: Yes.

4 MR. PRICE: I'm still under oath.

5 I'm still Larry Price.

6 I'm still at 1006 Palisade.

7 You know, some buildings are star crossed.

8 This is one of them. This thing has been going
9 on for -- since 2000. The original developer
10 went to jail. A couple members of the Zoning
11 Board who approved it went to jail. Whatever.
12 It's a horrible mess.

13 You know, a building with a parking
14 requirement of 61 that has no parking? Okay. It
15 -- but -- but the problem is, it's there. It
16 exists. We have to live with it.

17 And I'm kind of grateful to -- the guy who
18 owns it now was not the guy who created the mess.
19 He's -- he's kind of the guy who cleaned up the
20 mess.

21 And my feeling is, I'm kind of agreeable to
22 working -- you know, cutting a little slack to a
23 guy who does that kind of benefit for Union City.

24 So you know, this -- this -- you know, he's
25 got an empty floor on the second floor.

1 Originally, it was supposed to be -- Tadros, who
2 was the original developer, was going to put a
3 gym and a pool hall. He had a pool hall
4 downstairs toward --

5 Anyway, now, of course, Tadros, I think is
6 still in the slammer, so they will not be -- you
7 know, it's that kind of building. Whatever.

8 They're not going to be putting a pool hall
9 in there, and so what do you use the space for?
10 And so, well, okay. This is -- this is a
11 reasonable use and we probably owe the owner a
12 favor for taking care of a mess.

13 So, I would endorse the application. It's
14 a little irregular but I would -- I would endorse
15 it.

16 VICE CHAIRMAN BONACCI: Thank you.

17 MR. PRICE: Thank you.

18 MR. ORTIZ: Thank you, Mr. Price, for that
19 comment.

20 MS. GUTIERREZ: Thank you, Mr. Price.

21 VICE CHAIRMAN BONACCI: Any other members
22 from the public?

23 MS. GUTIERREZ: Wow.

24 VICE CHAIRMAN BONACCI: Closed to the
25 public.

1 Okay.

2 Before I make a motion, I just wanted to
3 say that I -- you know, I -- I do agree with Mr.
4 Price, and also, with -- with what Ms. Hartmann
5 said. It's improving the quality of life for the
6 tenants that currently live there.

7 Appears to be a more suitable and practical
8 use, and all the changes, as Mr. Arencibia has
9 stated earlier, would be made to the interior.
10 So, there would be no detriment to the Master
11 Plan for this approval.

12 So, with that said, I just wanted to say
13 also that it proposes a more beneficial use to
14 the welfare of not only the community, but the
15 tenants who live there and no substantial
16 detriment would be shown.

17 I'd like to make a motion to approve the
18 application.

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

21 MS. GUTIERREZ: And I second it.

22 THE SECRETARY: Seconded by Ms. Gutierrez.

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

25 Mr. Bonacci?

1 VICE CHAIRMAN BONACCI: Yes.

2 THE SECRETARY: Ms. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Grullon?

5 MR. GRULLON: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Mr. Ortiz?

9 MR. ORTIZ: Yes.

10 THE SECRETARY: Five in favor.

11 Motion carries.

12 Thank you and good night.

13 MR. ARENCIBIA: Thank you very much.

14 THE SECRETARY: Happy New Year.

15 Merry Christmas.

16 MR. MULKAY: Thank you.

17 MS. GUTIERREZ: You're welcome.

18

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

21 * * *

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1 **ADJOURNMENT :**

2

3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 Motion by Ms. Gutierrez.

7 Seconded by Mr. Grullon.

8 All in favor?

9

10 (Whereupon, there was a chorus of ayes.)

11

12 THE SECRETARY: The ayes have it.

13 Thank you and have a good night.

14 Let the record show that the meeting has
15 ended.

16

17 (Whereupon, the proceedings were concluded
18 at 7:33 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, December 13, 2018
10 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon