

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
 :
 : PROCEEDINGS
 :
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City Hall
 3715 Palisade Avenue
 Union City, New Jersey

Thursday, January 10, 2019
 Commencing at 6:04 p.m.

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

MARGARITA GUTIERREZ
 JOHN MEDINA
 MIGUEL ORTIZ, (Arrived at 6:39 p.m.)
 DAVID W. PRESSEY
 VICTOR M. GRULLON, Vice Chairman
 JOSEPH D. BONACCI, Chairman,
 (Left at 7:04 p.m.)

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

LIBERO MAROTTA

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, Andrew Sabora

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Mapal Zahan, LLC

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, 1208-1214 NYA Corp.

MARIO GONZALEZ, JR., ESQ.,
Attorney for Applicant,
Ministerio Rio de Amor, Inc.

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Ankur Patel

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Hung Fat Inc.

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Nabila Tadros

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 1117 Summer Ave., LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
Forest Wood Investments, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Jose Avalos

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Jose Carballo

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Andrew Sapora

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1 THE SECRETARY: All right.

2 May I have your attention, please?

3 Please take notice that on Thursday,
4 January 10, 2019, 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 Chambers,
7 located on the Second Floor, 3715 Palisade
8 Avenue, Union City, New Jersey.

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

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

18 Before we start the meeting, can everybody
19 rise to salute the flag, please?

20

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

23

24 THE SECRETARY: Thank you.

25

1 **ROLL CALL:**

2

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

5 Libero Marotta?

6 Absent.

7 Joseph Bonacci?

8 MR. BONACCI: Here.

9 THE SECRETARY: Victor Grullon?

10 MR. GRULLON: Here.

11 THE SECRETARY: Margarita Gutierrez?

12 MS. GUTIERREZ: Here.

13 THE SECRETARY: Miguel Ortiz?

14 He's absent at this time.

15 He's on his way.

16 David Pressey?

17 MR. PRESSEY: Here.

18 THE SECRETARY: John Medina?

19 MR. MEDINA: Here.

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

22 We have a full quorum for tonight's
23 meeting.

24 * * *

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1 **REORGANIZATION:**

2

3 THE SECRETARY: We are going to the
4 Reorganization Meeting to elect Chair and Vice
5 Chairperson.

6 Can I have a motion to nominate a
7 Chairperson?

8 MR. GRULLON: Make a motion to nominate
9 Joseph Bonacci.

10 THE SECRETARY: Joseph -- nomination to
11 nominate as Chairperson to Mr. Bonacci by Mr.
12 Grullon.

13 MS. GUTIERREZ: And I'm seconding.

14 THE SECRETARY: Second by Ms. Gutierrez.

15 Roll call on the motion to --

16 Is any other motion?

17 See no other motion.

18 We are going to roll call on the
19 nomination.

20 Mr. Bonacci?

21 MR. BONACCI: Yes.

22 THE SECRETARY: Mr. Grullon?

23 MR. GRULLON: Yes.

24 THE SECRETARY: Ms. Gutierrez?

25 MS. GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Pressey?

2 MR. PRESSEY: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Five in favor.

6 Motion carries.

7 Congratulation, Mr. Bonacci --

8 CHAIRMAN BONACCI: Thank you.

9 THE SECRETARY: -- as the Chairperson.

10 CHAIRMAN BONACCI: Thank you.

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

13 THE SECRETARY: Can I have a motion to
14 nominate a Vice Chairperson?

15 Motion by Mr. Pressey.

16 MR. PRESSEY: Mr. Victor Grullon.

17 THE SECRETARY: Nominated --

18 MS. GUTIERREZ: And I'm seconding.

19 THE SECRETARY: -- Mr. Grullon as Vice
20 Chairperson, by Mr. Pressey.

21 Seconded by Ms. Gutierrez.

22 Roll call on the motion.

23 MR. PANEQUE: Any other --

24 THE SECRETARY: Mr. Bonacci?

25 CHAIRMAN BONACCI: Yes.

1 MR. PANEQUE: Any other nominations?

2 THE SECRETARY: Is there any other
3 nominations?

4 See no other -- seeing no other
5 nominations.

6 We are going to roll call on the nomination
7 of Mr. Pressey.

8 Seconded by Ms. Gutierrez.

9 And that's Mr. Gullon as a Vice
10 Chairperson.

11 Mr. Bonacci?

12 CHAIRMAN BONACCI: Yes.

13 THE SECRETARY: Mr. Gullon?

14 MR. GRULLON: Yes. Accept.

15 THE SECRETARY: Mr. --

16 Ms. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Pressey?

19 MR. PRESSEY: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Five in favor.

23 Motion carries.

24 Congratulation, Mr. Gullon --

25 MS. GUTIERREZ: Congratulations, Gullon.

1 THE SECRETARY: -- as Vice Chairperson.

2 VICE CHAIRMAN GRULLON: Thank you.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

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3 (1) Special Meeting held on November 29, 2018
4 and a Regular Meeting held on December 13, 2018

5

6 THE SECRETARY: All right.

7 We are going to the previous meeting
8 minutes from November 29, 2018 and December 13,
9 2018.

10 Can I have a motion to approve the previous
11 meeting minutes?

12 Motion by --

13 MS. GUTIERREZ: Make a motion.

14 THE SECRETARY: -- Ms. Gutierrez.

15 Any second on the motion?

16 CHAIRMAN BONACCI: Second.

17 THE SECRETARY: Second by Mr. Bonacci.

18 Roll call on the motion.

19 Mr. Bonacci?

20 CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Grullon?

24 VICE CHAIRMAN GRULLON: I abstain on the
25 November 29 meeting. I was absent, I didn't get

1 to read the minutes.

2 But yes on the December meeting.

3 THE SECRETARY: December? Okay. Right.

4 Abstain on November.

5 Mr. Pressey?

6 MR. PRESSEY: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Motion carries.

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1 **RESOLUTIONS :**

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3 (1) Segundo Mora, 526 40th Street, Block 234,
4 Lot 18. Legalization of existing basement
5 apartment. **Approved**

6 (2) 1707 Palisade Ave, LLC, 1707 Palisade Ave.,
7 Block 89, Lot 4. Applicant seeks to construction
8 a new three family. **Approved**

9 (3) Yonus Jasari, 118-120 18th Street, Block
10 178, Lots 24, 25. Applicant proposes the
11 construction of a new three story single family
12 dwelling. **Approved**

13

14 THE SECRETARY: We are going to Resolution
15 now. We have eight Resolution on tonight's
16 agenda.

17 Resolution 1, 2, and 3.

18 Number 1.

19 Segundo Mora, 526 40th Street.

20 Second Resolution.

21 1707 Palisade Avenue, LLC, 1707 Palisade
22 Avenue.

23 Third Resolution.

24 Yonus Jasari, 118-120 18th Street.

25 All these Resolution was approved at

1 November 29 meeting.

2 Can I have a motion to adopt these
3 Resolution?

4 MS. GUTIERREZ: I'll make a --

5 THE SECRETARY: Motion --

6 MS. GUTIERREZ: -- motion.

7 THE SECRETARY: -- by Ms. Gutierrez.

8 Any second the motion?

9 CHAIRMAN BONACCI: Second.

10 THE SECRETARY: Second by Mr. -- Mr.
11 Bonacci.

12 Roll call on the motion.

13 Mr. Bonacci?

14 CHAIRMAN BONACCI: Yes.

15 THE SECRETARY: Ms. Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Grullon?

18 VICE CHAIRMAN GRULLON: Abstain.

19 THE SECRETARY: What did he say?

20 I'm sorry.

21 Can you say again?

22 MR. SPATZ: He said abstain.

23 VICE CHAIRMAN GRULLON: Abstain.

24 THE SECRETARY: You abstain?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: I'm sorry.

2 Mr. Pressey?

3 MR. PRESSEY: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

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

8 Motion carries.

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1 **RESOLUTIONS:**

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3 (4) A1 Ventures, LLC, 418 11th Street, Block 52,
4 Lot 23. Applicant proposes the construction of a
5 new three family house. **Denied**

6

7 THE SECRETARY: We are going now to
8 adoption -- I'm sorry -- adoption of Resolution
9 number 4.

10 A1 Ventures LLC, 418 11th Street.

11 This application was denied on November 29,
12 2018 meeting.

13 Can I have a motion to approve the deny
14 Resolution?

15 MS. GUTIERREZ: I make a motion.

16 THE SECRETARY: Motion by Ms. Gutierrez.

17 Any second on the motion?

18 CHAIRMAN BONACCI: Second.

19 THE SECRETARY: Second by Mr. Bonacci.

20 Roll call on the motion.

21 Mr. Bonacci?

22 CHAIRMAN BONACCI: Yes.

23 THE SECRETARY: Ms. Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Mr. Grullon?

1 VICE CHAIRMAN GRULLON: Abstain.

2 THE SECRETARY: Abstain.

3 Mr. Pressey?

4 MR. PRESSEY: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Four in favor, one
8 abstained.

9 Motion carries.

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1 **RESOLUTIONS:**

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3 (5) 314 Forty Third Street, LLC/Robert Ledonne,
4 314 43rd Street, Block 251, Lot 8. Applicant
5 requests an interpretation/determination that the
6 existing building consists of five units.

7 **Approved**

8 (6) 111 35th Street, LLC, 111 35th Street, Block
9 208, Lots 44, 45, 46. Subdivision into three new
10 lots. Construction of three new three family
11 homes. Adjourned on 11/01/2018. **Approved**

12 (7) 1208-10 Summit Ave., LLC, 1208-1210 Summit
13 Avenue, Block 58, Lots 24-25. Proposed new
14 storage room, gym and lounge on second floor, for
15 residents use only. Proposed new management
16 office on second floor. **Approved**

17

18 THE SECRETARY: We are going to Resolution
19 number 5, 6 and 7.

20 Number 5.

21 314 Forty Third Street, LLC/Robert Ledonne,
22 314 43rd Street.

23 Resolution number 6.

24 111 35th Street, LLC, 111 35th Street.

25 Number 7.

1 1208-1210 Summit Avenue, LLC, 1208-1210
2 Summit Avenue.

3 All these three Resolutions was approved on
4 December 13, 2018 meeting.

5 Can I have a motion to adopt these
6 Resolution, 5, 6 and 7?

7 VICE CHAIRMAN GRULLON: Make a motion.

8 THE SECRETARY: Motion by Mr. Grullon.

9 MS. GUTIERREZ: I'm seconding.

10 THE SECRETARY: Second by Ms. Gutierrez.

11 Roll call on the motion.

12 Mr. Bonacci?

13 CHAIRMAN BONACCI: Yes.

14 THE SECRETARY: Ms. Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Mr. Pressey?

19 MR. PRESSEY: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Five in favor.

23 Motion carries.

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1 **REVISED RESOLUTION:**

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3 (8) 4415-4421 NY Ave, LLC, 4415-4421 New York
4 Avenue. This matter was memorialized on April 6,
5 2017; however, we require an amendment to the
6 Resolution. We would like to discuss same with
7 the Board members, their counsel and planner on
8 the record. If acceptable to the Board, the
9 Resolution will be modified and memorialized at
10 next month's meeting. Approved

11

12 THE SECRETARY: We are going to adoption of
13 Resolution number 8.

14 Is a revise -- revised Resolution, 4415-
15 4421 NY Avenue, LLC, 4415-4421 New York Avenue.

16 This revised Resolution was approved on
17 December -- December 13, 2018 meeting.

18 Can I have a motion to adopt this
19 Resolution?

20 VICE CHAIRMAN GRULLON: Make a motion.

21 THE SECRETARY: Motion by Mr. Grullon.

22 MS. GUTIERREZ: Seconding.

23 THE SECRETARY: Second by Ms. Gutierrez.

24 Roll call on the motion.

25 Mr. Bonacci?

1 CHAIRMAN BONACCI: Yes.

2 THE SECRETARY: Ms. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Grullon?

5 VICE CHAIRMAN GRULLON: Yes.

6 THE SECRETARY: Mr. Pressey?

7 MR. PRESSEY: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Five in favor.

11 Motion carries.

12 MR. PANEQUE: Mr. Vallejo, if I may just
13 have a second before we commence?

14 There is a full house here tonight.

15 There's a lot of public members in the back that
16 are standing.

17 If you're sitting in a bench that has
18 space, please make some more space so we can have
19 some?

20 And raise your hand indicating that there's
21 space there, so that the people in the back can
22 come in and sit. If you have a space? Those
23 people in the back.

24

25 (Whereupon, The Secretary addressed the

1 audience in Spanish.)

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3 MR. PANEQUE: There's some spaces here in
4 the front seat.

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

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

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3 THE SECRETARY: We are going to tonight's
4 first application.

5 Andrew Sapora, 411 42nd Street.

6 This application was adjourned on December
7 13, 2018.

8 Mr. Alonso, please?

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

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

13 Congratulations, Mr. Chairman --

14 CHAIRMAN BONACCI: Oh, thanks.

15 MR. ALONSO: -- Mr. Vice Chairman.

16 As Mr. Vallejo has indicated, notices were
17 presented back in December. We're here to
18 present the application today.

19 Essentially, what we have is we have a -- a
20 structure, a single structure in the R zone,
21 residential zone, which is a former warehouse.
22 My client purchased the property in 2005.

23 At the time that he purchased the property,
24 it was used as a residence. The prior owner
25 lived in it for about 12 years. My client has

1 lived in it for the past 13 years.

2 We've discovered that there is no CO for a
3 residential use. So, we're here in order to
4 convert that.

5 We don't need any D variances. The use is
6 permitted as a one family dwelling. There is no
7 proposed construction with respect to the
8 footprint. So, all the existing variances are
9 existing and not going to be expanded upon
10 whatsoever. So basically, to legalize it as a --
11 as a residential structure.

12 The Board has jurisdiction because a one
13 family house does not require a site plan
14 approval and we only need some C variances, the
15 bulk variances. So, that's what gives you the
16 jurisdiction.

17 I have Mr. Carballo, who is our architect.
18 I also -- Mr. Sapora is also here, if the Board
19 has any questions of the owner, but it's not my
20 intention to call him as a witness this evening.

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

23 MS. DILLON: Please raise your right hand.

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

1 MR. CARBALLO: Yes, I do.

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

4 MR. CARBALLO: Sure.

5 Jose Carballo, C-A-R-B-A-L-L-O.

6 MS. DILLON: Thank you.

7 MR. ALONSO: Mr. Chairman, Mr. Carballo has
8 been before the Board.

9 CHAIRMAN BONACCI: Yeah.

10 MR. ALONSO: If we go through his
11 qualifications?

12 CHAIRMAN BONACCI: We accept your
13 qualifications.

14 MR. CARBALLO: Thank you, Mr. Chairman,
15 members of the Board.

16 MR. ALONSO: Okay.

17 Mr. Carballo, as I indicated to -- to the
18 Board, this is a single structure on this lot.

19 I'm going to tell -- I'm going to ask you
20 to explain the lot and where it's located.

21 MR. CARBALLO: Sure.

22 MR. ALONSO: The use of the property and
23 how we propose to legalize it as a one family.

24 MR. CARBALLO: Certainly.

25 So, the lot is located at 411 42nd Street.

1 And the lot itself, where this property sits,
2 doesn't have any direct frontage on 42nd Street.

3 It appears, if you look at the survey that
4 we show in the plan, it appears that at some
5 point the lot was subdivided and there's a
6 building in front, and there's this building in
7 the back.

8 As Mr. Alonso explained, the building's
9 been there for a long time. We're not -- as per
10 this application, we're not requesting any
11 additions, alterations or enlargement at all of
12 this property. So, the building will remain as
13 is.

14 Again, if you look at the survey, you're
15 going to see that the only way to access this
16 building is through an easement with a property
17 next door to the south of it. That easement is
18 intact and is shown on the -- on the plans.

19 And if you look at the plans that we
20 provided, basically, they are existing
21 conditions. Again, there's nothing new being
22 done to -- to this building. It's a two story
23 building.

24 First floor, we have a two parking -- a two
25 car parking garage, some storage, some utility

1 space. And then, upstairs on the second floor,
2 there's a two bedroom unit. That's basically all
3 there is to -- to this building, to -- to this
4 project today.

5 If you look at some of the photos, and I
6 try to show as many photos as I could so you
7 could understand the condition of this building,
8 but the telltale is the lower left hand corner
9 photo, which says view from the street. You can
10 actually see that there's a building in front of
11 it. Our building is behind it. And then, you
12 could see the easement through the -- in between
13 the two -- two buildings.

14 That easement serves not only my client's
15 property, this property, but the one to the left.
16 So, again, it is a common easement.

17 Again, no -- no changes, no modifications
18 are contemplated under this -- under this
19 application.

20 The lot size is 1459 square feet, where
21 2500 is required. That is due to the subdivision
22 that occurred -- you know, whenever it did. We
23 don't know.

24 The width, at 25.17 feet, as opposed to the
25 25 required, needs no variance.

1 The depth is 58 feet. We're required a
2 hundred, so that's a variance.

3 The front yard, which is the front yard to
4 the property itself, not necessarily fronting on
5 the street, is three feet, where we're required
6 ten. That's a -- that's a variance.

7 The two side yards, two and combined five
8 feet, zero and zero, so we need variances for
9 that.

10 The building coverage at 89. And again,
11 we're not adding, we're not doing anything to
12 this building. It needs a variance.

13 And then, the lot coverage is a hundred
14 percent, it's fully covered, versus 80, 85 which
15 is what it's required by the zone.

16 All these variances are preexisting. We're
17 not exacerbating any -- any one of them. So,
18 this is the project that we have here for you
19 tonight.

20 MR. ALONSO: And -- and the use that the
21 Building Department has it registered as, this is
22 a warehouse use --

23 MR. CARBALLO: That --

24 MR. ALONSO: -- is not permitted in the
25 zone.

1 Correct?

2 MR. CARBALLO: That is -- that is correct.

3 MR. ALONSO: And --

4 MR. CARBALLO: We're --

5 MR. ALONSO: And the one family is
6 permitted, so we're bringing it closer to
7 conformity with what the zone requires.

8 MR. CARBALLO: That's as far as the use is
9 concerned, yes.

10 CHAIRMAN BONACCI: Mr. Alonso, do you have
11 any additional testimony?

12 MR. ALONSO: I don't.

13 My -- my client is here if the Board has
14 any specific questions with respect to the
15 ownership, but I don't intend to call him as a
16 witness.

17 CHAIRMAN BONACCI: Okay.

18 Can you just go over for us, real quick,
19 the variances that you guys would require from
20 this Board tonight?

21 MR. CARBALLO: Certainly.

22 Again, they're all preexisting variances.

23 We're required the area, the depth of the
24 lot, front, one side, both sides, setbacks, rear
25 setback and building coverage, as well as lot

1 coverage.

2 Again, all preexisting conditions.

3 CHAIRMAN BONACCI: Okay. All preexisting.

4 And Mr. Alonso, you said that your client
5 had -- has had the property since 2005.

6 MR. ALONSO: Correct.

7 CHAIRMAN BONACCI: And it's been used as
8 residential since that time?

9 MR. ALONSO: That's correct. He personally
10 occupies it.

11 CHAIRMAN BONACCI: Okay.

12 MR. ALONSO: And when he purchased it, the
13 -- the prior owner lived in it for approximately
14 12 years.

15 CHAIRMAN BONACCI: Okay.

16 I guess I'm just a little confused on where
17 the whole warehouse thing came from because the
18 memo (sic) department has it as originally a two
19 unit structure, but it doesn't mention anything
20 about it being a warehouse.

21 MR. ALONSO: Right. That's what my -- and
22 I could have my client come up and testify with
23 respect to that, but he was notified that it was
24 an --

25 CHAIRMAN BONACCI: Okay.

1 MS. DILLON: Just --

2 MR. ALONSO: -- illegal occupancy.

3 MS. DILLON: -- right in front the
4 microphone, sir.

5 MR. SAPORA: Hi.

6 MS. DILLON: Sir, please raise your right
7 hand.

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

10 MR. SAPORA: Yes.

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

13 MR. SAPORA: Andrew Sapora, A-N-D-R-E-W,
14 S-A-P-O-R-A.

15 MS. DILLON: Thank you.

16 MR. SAPORA: Thank you.

17 MR. ALONSO: Mr. Sapora, you -- you're the
18 applicant and the owner of the property.

19 Correct?

20 MR. SAPORA: Correct.

21 MR. ALONSO: And you -- as I indicated to
22 the Board, you reside in the property since 2005.

23 MR. SAPORA: Yes.

24 MR. ALONSO: And the prior owner resided
25 there approximately 12 years, to your knowledge?

1 MR. SAPORA: That's what I knew. Yeah.

2 MR. ALONSO: Okay.

3 Now, there's a structure in the front,
4 which is a separate lot, and you do not own that
5 lot.

6 Is that correct?

7 MR. SAPORA: That's correct.

8 MR. ALONSO: That has two units.

9 MR. SAPORA: I'm not sure how many units.

10 MR. ALONSO: Okay. It's -- it's
11 residential.

12 MR. SAPORA: It's more than one. It's a
13 residential multi -- multi-property.

14 MR. ALONSO: Right.

15 MR. SAPORA: Multi -- but more than one
16 unit in it. Yeah.

17 MR. ALONSO: Okay.

18 And when you purchased your property, you
19 were under the understanding there was
20 residential, but you have come to learn that it's
21 actually listed as a warehouse.

22 MR. SAPORA: Right. I've gone through the
23 records. It had a couple different -- industrial
24 or commercial over the years.

25 CHAIRMAN BONACCI: Okay.

1 MR. SAPORA: Going way back.

2 CHAIRMAN BONACCI: Go ahead. I'm sorry.

3 MR. ALONSO: Yeah. And that's basically
4 our understanding, through the Building
5 Department, is that they have it as -- as
6 warehouse use.

7 CHAIRMAN BONACCI: Okay.

8 Just to clarify, so I'm looking at this one
9 here.

10 MR. ALONSO: The survey. Correct.

11 MR. CARBALLO: Um hum.

12 CHAIRMAN BONACCI: You guys are tax lot
13 24.01.

14 MR. SAPORA: No.

15 MR. CARBALLO: That is correct.

16 CHAIRMAN BONACCI: 24.02?

17 MR. SAPORA: Zero two.

18 CHAIRMAN BONACCI: So, my -- I guess my
19 question is, you share the easement with the
20 building that's in front of that.

21 MR. ALONSO: Correct.

22 CHAIRMAN BONACCI: Which is tax lot 24.01.

23 MR. SAPORA: To clarify, the -- the
24 easement is shared in two different ways. It's
25 --

1 CHAIRMAN BONACCI: Okay.

2 MR. SAPORA: The driveway is split down the
3 middle and 409 -- the address 409, the building
4 to the right as you drive out of the driveway, is
5 -- they own -- they own half of the driveway and
6 the owner -- the other owner is the building in
7 front of me, 411 front.

8 CHAIRMAN BONACCI: Okay.

9 MR. SAPORA: So, they share the ownership
10 of the driveway property. And then, I have -- I
11 have an easement for use of the whole thing. And
12 I share responsibility with the front building
13 for the half that's on that side.

14 CHAIRMAN BONACCI: Okay.

15 MR. SAPORA: I don't own it, but I share
16 responsibility for it.

17 CHAIRMAN BONACCI: Another thing, with the
18 memo from the Building Department, when it says
19 here two unit structure, am I supposed to
20 interpret that as the garage bottom floor and
21 then -- or these two lots that we're talking
22 about?

23 MR. CARBALLO: I would say it qualifies
24 more as a two story structure than a two unit
25 structure.

1 CHAIRMAN BONACCI: Okay.

2 MR. PANEQUE: As a point of clarification
3 for the Chairman, as well as the applicant, the
4 memo that Mr. Martinetti provided refers to Lot
5 24.01.

6 MR. SAPORA: Um hum.

7 MR. PANEQUE: So, they're referring to the
8 front structure, which would be also keeping with
9 the testimony that's been provided by the
10 applicant that the front structure is a multiple
11 dwelling, which is a two unit structure.

12 So, we have as a -- probably a two family
13 in the front building.

14 CHAIRMAN BONACCI: Okay.

15 MR. PANEQUE: And then, the rear building,
16 which is what we have here before this Board, is
17 a one family, consisting of two floors.

18 CHAIRMAN BONACCI: Okay.

19 MR. PANEQUE: Parking on the ground floor
20 and residential on the second.

21 MR. CARBALLO: Sure.

22 CHAIRMAN BONACCI: I was trying to make
23 sense of --

24 MR. SAPORA: Yeah.

25 CHAIRMAN BONACCI: -- all of that.

1 MR. CARBALLO: No, no. I get it.

2 CHAIRMAN BONACCI: Yeah.

3 MR. CARBALLO: And if you -- if you look at
4 the photos that I've provided on the drawings,
5 you can that as an industrial building, it's all
6 brick. It's the old style industrial building.
7 So, that's -- that's the difference.

8 CHAIRMAN BONACCI: Okay.

9 MR. SAPORA: And I --

10 Yeah, I was surprised when you said it was
11 list -- that someone was referring to it as a two
12 unit building, because it really was a one
13 kitchen, two bedrooms. That's all.

14 MR. CARBALLO: Um hum.

15 CHAIRMAN BONACCI: Okay.

16 You guys have any testimony for the -- the
17 owner, the applicant?

18 MS. GUTIERREZ: Uh huh.

19 CHAIRMAN BONACCI: Okay. I think we're
20 done with your client.

21 Thank you --

22 MR. SAPORA: Thank you.

23 CHAIRMAN BONACCI: -- for providing your
24 testimony.

25 MR. SAPORA: Thanks.

1 CHAIRMAN BONACCI: Would you be able to
2 give us any testimony on the fire evac, safety
3 situation there?

4 MR. CARBALLO: Well, there's a -- even
5 though we don't front on the street, there's a --
6 a driveway, there's an easement that actually
7 allows full access to the street.

8 As far as the building itself, it's all
9 masonry. I mean, this building is -- is fire
10 rated, just because of the nature of -- of its
11 construction.

12 It's a single family. It's two stories.
13 We have the means of egress. We are okay.

14 CHAIRMAN BONACCI: Okay. Members of the
15 Board?

16 Open to the public.

17 Anybody has any questions, comments on this
18 application?

19 Okay.

20 Being that you guys are taking it from a
21 warehouse, which is a non-permitted use, to
22 residential -- you know, I see that as an
23 inherently beneficial aspect that you guys are
24 providing to the community.

25 And also, it seems to meet all the safety

1 and fire standard, safety standard.

2 So, with that, I'd like to make a motion to
3 approve the application.

4 THE SECRETARY: Motion on the table to
5 approve the application by Chairman Bonacci.

6 MS. GUTIERREZ: And I second it.

7 THE SECRETARY: Seconded by Ms. Gutierrez.

8 Roll call on the motion to approve this
9 application.

10 Mr. Bonacci?

11 CHAIRMAN BONACCI: Yes.

12 THE SECRETARY: Ms. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Grullon?

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Mr. Pressey?

17 MR. PRESSEY: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Five in favor.

21 Motion carries.

22 MR. ALONSO: Thank you very much.

23 Have a good evening.

24 MR. CARBALLO: Thank you, everybody.

25 Happy New Year.

1 MS. GUTIERREZ: Thank you.

2 You, too.

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

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1 **Mapal Zahan, LLC - 514 14th Street:**

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3 THE SECRETARY: Mr. Paneque?

4 MR. PANEQUE: Yes, sir.

5 THE SECRETARY: Let me know when you're
6 ready.

7 MR. PANEQUE: Ready.

8 THE SECRETARY: Mapal Zahan, LLC, 514 14th
9 Street.

10 Mr. Diaz, please?

11 MR. LOPEZ: Good evening.

12 Adolfo Lopez appearing on behalf of the
13 applicant.

14 Mr. Chairman, members of the Board, I'm
15 going to have to respectfully request an
16 adjournment in this matter. We referred the
17 matter to -- to a different planner. We hired
18 Mr. Izquierdo to be our planner. In his review
19 of the architectural drawings, Mr. Izquierdo is
20 -- has made recommendations that we modify them
21 to provide a better project.

22 So, if we could just have until the next
23 meeting?

24 We have jurisdiction, we just need to
25 submit new plans. No change in the -- in the

1 | proposal, just the layout will be somewhat
2 | different, and we think it will be a better
3 | project.

4 | So, respectfully, we would ask for an
5 | adjournment until the next meeting.

6 | CHAIRMAN BONACCI: Mr. Diaz (sic), I just
7 | need to ask --

8 | MR. PANEQUE: No, Lopez.

9 | MR. LOPEZ: Oh, I'm sorry.
10 | Adolfo Lopez.

11 | CHAIRMAN BONACCI: I'm -- I'm so sorry.

12 | MR. LOPEZ: I'm appearing for --

13 | CHAIRMAN BONACCI: I'm so sorry.

14 | MR. LOPEZ: -- my former partner.

15 | CHAIRMAN BONACCI: Sorry about that.

16 | I just wanted to ask you, are you willing
17 | to -- you want to adjourn, but are you willing to
18 | forfeit the time -- you know, like the 30 -- it's
19 | 120 --

20 | MR. LOPEZ: Absolutely.

21 | CHAIRMAN BONACCI: Okay.

22 | MR. LOPEZ: Yes. I will waive --

23 | MR. PANEQUE: Statutory time limits.

24 | MR. LOPEZ: -- the statutory requirements
25 | for decision.

1 CHAIRMAN BONACCI: Okay.

2 I make a motion to adjourn.

3 MR. LOPEZ: Thank you very much.

4 THE SECRETARY: Motion to adjourn this
5 application for February 14, by Chairman Bonacci.

6 Any second on the motion?

7 VICE CHAIRMAN GRULLON: Second the motion.

8 THE SECRETARY: Second by Mr. Grullon.

9 Roll call on the motion.

10 Mr. -- Mr. Bonacci?

11 CHAIRMAN BONACCI: Yes.

12 THE SECRETARY: Ms. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Grullon?

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Mr. Pressey?

17 MR. PRESSEY: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes. Yes.

20 THE SECRETARY: Five in favor.

21 Motion carries.

22 MR. LOPEZ: Thank you very much.

23 THE SECRETARY: No new --

24 MR. LOPEZ: Having --

25 THE SECRETARY: -- notice required.

1 MR. LOPEZ: Sometimes you have to say, you
2 have to be careful what you ask for. February
3 14, my wife is not going to be very happy, but --

4 MR. PRESSEY: Thirteen. Thirteen.

5 MR. LOPEZ: Thirteen?

6 MR. MEDINA: Thirteen?

7 MR. LOPEZ: Oh. Thirteen or 14?

8 MS. GUTIERREZ: No, 14. Fourteen.

9 MR. PRESSEY: Fourteen.

10 MR. SPATZ: Fourteen.

11 MR. PRESSEY: Oh, boy.

12 THE SECRETARY: Fourteen.

13 MR. SPATZ: Fourteen.

14 MR. LOPEZ: Fourteen? Fourteen.

15 MS. GUTIERREZ: Fourteen.

16 MR. SPATZ: Same with all of us.

17 THE SECRETARY: Make sure you came in red.

18 MR. LOPEZ: Extra flowers. Yes.

19 MS. GUTIERREZ: Cancel.

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

22 MR. PRESSEY: I'll be away. I'm on
23 vacation.

24 Sorry. I won't be here.

25 MS. GUTIERREZ: We'll see what happens.

1 We have time to cancel. Don't worry about
2 it.

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

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1 **1208-1214 NYA Corp. - 1208-1214 New York Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 1208-1214 NYA Corporation.

5 Mr. Lopez, please?

6 MR. LOPEZ: Thank you.

7 Good evening, Mr. Chairman, ladies and
8 gentlemen of the Board.

9 Mr. Chairman, one preliminary question.
10 Does -- do you expect any additional members to
11 be present this evening?

12 THE SECRETARY: Mr. Ortiz is on the -- on
13 his way.

14 MR. LOPEZ: I have a use variance, which
15 would require exactly five votes. I'm entitled
16 to a larger Board, if -- at my choosing,
17 obviously, or I can choose to proceed. So, I was
18 just trying to figure out if --

19 MR. PANEQUE: Just --

20 THE SECRETARY: Yeah. He's on his way.

21 MR. PANEQUE: -- as a point of edification
22 for your benefit, although we do expect Mr. Ortiz
23 to come in within the next 15 minutes or so, our
24 Chairman is under the weather, and he's only
25 playing the super-trooper here tonight.

1 MR. LOPEZ: We will --

2 MR. PANEQUE: And so --

3 MR. LOPEZ: We will certainly -- we will
4 proceed.

5 MR. PANEQUE: No. I'm just saying that if
6 we do get Mr. Ortiz --

7 MR. LOPEZ: We may lose the --

8 MR. PANEQUE: -- we will lose Mr. Bonacci.

9 CHAIRMAN BONACCI: So either way, you're
10 going to have the same number.

11 MR. PANEQUE: So, yeah.

12 CHAIRMAN BONACCI: For this --

13 MR. PANEQUE: Either that, or you can carry
14 it, if you want.

15 MR. LOPEZ: We will -- we will proceed with
16 the application.

17 MR. PANEQUE: Okay.

18 CHAIRMAN BONACCI: Okay.

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

21 MR. PANEQUE: And Mr. Lopez, we need to
22 establish jurisdiction.

23 MR. LOPEZ: We do. We do.

24 MR. PANEQUE: Yeah.

25 MR. LOPEZ: This is the first -- first time

1 | this application is on.

2 | Mr. Paneque, I would propose -- I would
3 | offer the following jurisdictional documents.

4 | MR. PANEQUE: Thank you, sir.

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

7 | MR. PANEQUE: For the record, I've been
8 | provided by Mr. Lopez with the following
9 | documentation:

10 | I have an Affidavit of Service indicating
11 | that notice of tonight's hearing with respect to
12 | the property located at 1208-14 New York Avenue,
13 | Union City, New Jersey, was sent to all property
14 | owners within 200 foot radius on or about
15 | December 6th, 2018, as well as having been
16 | published in The Jersey Journal.

17 | Said Affidavit is signed by Mr. Luis E.
18 | Diaz and it's notarized by attorney Anna Noris,
19 | of his office.

20 | I've also been provided with an Affidavit
21 | of Publication from The Jersey Journal,
22 | indicating that said notice was published on
23 | December 7, 2018 and the notice reads: to all
24 | property owners in the vicinity of 1208-1214,
25 | notice of tonight's hearing for the 10th of

1 January at -- to be held at the Municipal
2 Building, 3715 Palisade Avenue.

3 So, the notice does appear on its face to
4 be proper.

5 I've also been provided with a copy of the
6 notice that went out, and said notice indicates
7 that the hearing will take place tonight, the 10th
8 of January, at six o'clock, at the Municipal
9 Building, 3715 Palisade Avenue.

10 I've also been provided with a copy of the
11 Tax Assessor's list, consisting of five pages
12 from the Union City Tax Assessor's Office.

13 I've also been provided by Mr. Lopez with
14 the certified receipts, certified mail receipts,
15 with a date of December 5th, 2018, read into them,
16 as well as the green cards that have come back to
17 date.

18 Based on the documentation that's been
19 provided by Mr. Lopez, this Board has
20 jurisdiction to proceed and hear this matter.

21 Thank you, Mr. Lopez.

22 MR. LOPEZ: Thank you, Mr. Paneque.

23 Mr. Chairman, members of the Board, this
24 project, preliminarily, is here exclusively for
25 one purpose. It is a use variance only.

1 As you will hear from the presentation, the
2 -- the only reason it's a use variance is because
3 the second floor contains a portion which is used
4 as warehouse space.

5 The -- the addition of apartments, per se,
6 would be a permitted use. It would normally not
7 be a problem, if the entire second floor were
8 residential. In this case, we have a bit of a
9 mix, given to the prior nature of the space. And
10 for that reason, we need a use variance.

11 Other than that, parking, as you can see,
12 will be exactly the same. There's absolutely no
13 change. This is a fantastic building. It's
14 relatively new. It is all steel and masonry. It
15 is a very, very safe. It is fully sprinklered.

16 Unfortunately, it was built to be a
17 furniture store. This is on the corner of 13th
18 Street and New York Avenue. It was Manito
19 Furniture for many, many years. It's been sold
20 to my client. My client operates a supermarket
21 on the ground floor space.

22 My expert this evening, for both
23 architectural and for planning, is Mr. Izquierdo,
24 who has previously testified numerous times
25 before this Board.

1 I would ask, Mr. Chairman, if you would
2 consider him as an expert witness.

3 CHAIRMAN BONACCI: We do. We do.

4 Mr. Izquierdo, thanks --

5 MR. IZQUIERDO: Thank you, --

6 CHAIRMAN BONACCI: -- for being here.

7 MR. IZQUIERDO: -- Mr. Bonacci.

8 CHAIRMAN BONACCI: And we accept your
9 qualifications.

10 So, Mr. Izquierdo's going to be providing
11 testimony as both --

12 MR. LOPEZ: As an architect and as a
13 planner.

14 CHAIRMAN BONACCI: Okay.

15 MS. DILLON: Let me swear him in.

16 MR. LOPEZ: Yeah.

17 MS. DILLON: Do you affirm the testimony
18 you're about to give this Board is the whole
19 truth?

20 MR. IZQUIERDO: I do.

21 MS. DILLON: Please state your name for the
22 record.

23 MR. IZQUIERDO: My name is Jose Izquierdo,
24 New Jersey architect 09143, New Jersey planner
25 03385.

1 MS. DILLON: Thank you.

2 MR. LOPEZ: Mr. Izquierdo, the -- the plans
3 that are before the Board for consideration this
4 evening, were they prepared by you?

5 MR. IZQUIERDO: Yes, they were.

6 MR. LOPEZ: And are you familiar with the
7 site that -- are you familiar with the site
8 that's being proposed?

9 MR. IZQUIERDO: Yes, I am.

10 MR. LOPEZ: Did you visit the site prior to
11 the preparation of these plans?

12 MR. IZQUIERDO: Yes, I am.

13 MR. LOPEZ: And are you ready to testify
14 this evening concerning this project?

15 MR. IZQUIERDO: I am.

16 MR. LOPEZ: Can you briefly describe the
17 project in its general nature, prior to going
18 into details?

19 MR. IZQUIERDO: Good evening, members of
20 the Board, and congratulations, Mr. Bonacci, Mr.
21 Grullon and thank you for -- for your service.

22 As counselor indicated, this is a use
23 variance with the -- with the only provision that
24 every use in the building is allowed. It's just
25 that in the location of the uses as they exist --

1
2 (Whereupon, Miguel Ortiz arrived at 6:39
3 p.m.)
4

5 MR. IZQUIERDO: -- they are not allowed.

6 The intent of the Code, of the Zoning
7 Ordinance, when it says to have commercial on the
8 ground floor of the CN -- we're in the commercial
9 neighborhood zone --

10 I'm sorry.

11 MS. GUTIERREZ: Mr. Vallejo?

12 THE SECRETARY: Yes.

13 MS. GUTIERREZ: Miguel arrive.

14 THE SECRETARY: Allow me one second.

15 Let the record indicate we have six members
16 present now. Mr. Ortiz arrive at 6:40.

17 Thank you.

18 CHAIRMAN BONACCI: You guys keep going.

19 MR. LOPEZ: Okay.

20 MR. IZQUIERDO: Thank you.

21 CHAIRMAN BONACCI: It's in the CN zone.

22 MR. LOPEZ: It's in the CN zone.

23 MR. IZQUIERDO: The commercial neighborhood
24 zone.

25 Actually, what -- New York Avenue, the

1 portions that are zoned CN promotes to have a
2 ground floor consisting solely of commercial and
3 the upper floors to be residential.

4 In this case, the -- the building as was
5 originally constructed was a furniture store.
6 And Mr. Manito used to have the showroom on the
7 ground floor and the -- and the warehouse on the
8 second floor.

9 Additionally to that, when this building
10 was built, it had a lot of environmental issues,
11 because this used to be a gas station. And
12 because it used to be a gas station, the soil was
13 contaminated and was encapsulated. Therefore, no
14 basement was constructed.

15 If Mr. Manito had been given the option of
16 building a basement, and putting all the
17 furniture on the ground floor, he would have used
18 that, as well.

19 MR. LOPEZ: Mr. Izquierdo, you say this
20 because you are -- you were involved in the
21 presentation of those original plans.

22 Isn't that correct?

23 MR. IZQUIERDO: No. Mr. Carballo was the
24 architect for this building. What happens is, I
25 presented before this Board, back in --

1 MR. LOPEZ: Right.

2 MR. IZQUIERDO: -- 2005, a building which
3 was a multi-family building to be erected on this
4 building. And that was a prior approval.

5 MR. LOPEZ: And that's --

6 MR. IZQUIERDO: But I --

7 MR. LOPEZ: -- your knowledge of this.

8 MR. IZQUIERDO: That is my knowledge.

9 MR. LOPEZ: Okay.

10 MR. IZQUIERDO: And additionally to that, I
11 own the -- the -- I have a copy of the survey
12 when this was a gas station. So, I have seen the
13 survey of the gas station, and I also saw the
14 survey of what this building is.

15 Okay.

16 So, continuing to that, building the
17 basement was a problem because of the
18 contamination and whatnot. No basement was
19 built. And this building is essentially a slab
20 on grade, with steel columns, masonry walls, with
21 a concrete and steel floor, fully sprinklered,
22 and the second floor is all warehouse.

23 Because of the conditions of groceries and
24 whatnot, the owner does not need 5,500 square
25 feet of warehouse on the second floor. And

1 | basically, when you go there, it's like instead
2 | of stacking the rice up, he has rice everywhere
3 | because it's huge.

4 | So, there is an opportunity here to provide
5 | some housing and to provide three apartments, all
6 | two bedrooms, and they would all be conforming.

7 | However, the intent of the Ordinance, when
8 | it says commercial floor on the ground floor, and
9 | then once you establish residential, all
10 | residential up is so that the residential tenants
11 | do not mix with the commercial tenants because
12 | it's -- it's not a prudent -- sound and prudent
13 | planning principles. It's not.

14 | In this case, the residential would be
15 | along New York Avenue and --

16 | MR. LOPEZ: Thirteenth.

17 | MR. IZQUIERDO: -- and 13th Street.

18 | Between New York Avenue and -- and 13th Street,
19 | facing the avenues.

20 | The warehouse portion is only going to be
21 | in the rear part of the building, not facing any
22 | street.

23 | Right -- there were four drawings submitted
24 | with the application, SP1, A1, A2, and A3. The
25 | pertinent drawing to see is drawing A2. And that

1 has the second floor plan.

2 The building has a stair directly from the
3 outside, from New York Avenue, that lets access
4 to this second floor. That is shown in drawing
5 A2. That is the existing concrete stair leading
6 directly from New York Avenue up in an enclosed
7 concrete block stairway to the second floor. And
8 that's going to be the -- the access, the entry
9 to the residential units and the residential
10 units alone.

11 The warehouse is not going to enter through
12 those stairs. Those stairs are strictly
13 dedicated to the residential use. And as such,
14 it meets the intent of the Ordinance in
15 separating the uses.

16 In order to completely separate the uses,
17 we're adding an additional second stair, so that
18 the residential use, both the main stair with the
19 intercom and everything leading up is only
20 residential and the means of egress of those
21 three apartments, a second means of egress, of a
22 sprinklered concrete building, so that there is
23 absolutely no mixing of the residential and the
24 warehouse portions.

25 As such, the layout meets the intent of the

1 -- of the Master Plan and of the Zoning
2 Ordinance.

3 MR. LOPEZ: Mr. Izquierdo, where -- now
4 that -- on the access, what would the access to
5 the warehouse space come from?

6 MR. IZQUIERDO: There is an existing stair
7 that connects the supermarket to the warehouse.
8 It's a very wide stair. It's like five feet, six
9 feet wide, and it has a conveyor belt on the one
10 side, to take the merchandise up --

11 MR. LOPEZ: And it is --

12 MR. IZQUIERDO: -- from --

13 MR. LOPEZ: -- internal.

14 MR. IZQUIERDO: Internal completely, so
15 that the supermarket loading dock, they unload
16 the merchandise, they bring it to the ground
17 floor, they have a little staging area there.
18 And then, through the conveyor, it goes up to the
19 second floor.

20 And the warehouse is going to continue, but
21 it's going to be very reduced. I basically have,
22 on the second floor on the warehouse, the
23 existing freezer, the existing cooler and the
24 existing cooler for beverages. All of these
25 things, normally, in a supermarket, like I say,

1 | would be on the -- on the basement, but no
2 | basement was constructed on this building.

3 | A parking variance is required only in the
4 | sense that presently, there are 24 parking spaces
5 | required. Fifteen for the supermarket and nine
6 | for the warehouse, because the warehouse has 5500
7 | square feet and there's one space required for
8 | every 600 square feet.

9 | So, I have nine required for the warehouse
10 | and 15 for the supermarket. That's 24.

11 | MR. LOPEZ: And under --

12 | MR. IZQUIERDO: Okay?

13 | MR. LOPEZ: Under the --

14 | MR. IZQUIERDO: On the proposed, the
15 | supermarket will still have 15. The warehouse
16 | will require three, because I'm close to like
17 | 1800 square feet. And the apartments would
18 | require six; three two bedrooms at 2.1 each,
19 | that's six.

20 | So, the existing requirements, in terms of
21 | zoning for the parking is exactly -- it's
22 | identical to what we're proposing to do.

23 | In terms of the parking spaces that are
24 | provided, there are six onsite parking spaces and
25 | four frontage spaces are allowed to be counted by

1 -- by the Zoning Ordinance, at 23 feet. And
2 that's on page 92, according to the standard on
3 A3.

4 MR. LOPEZ: Mr. Izquierdo, let me stop you
5 one second.

6 Relating to the parking, how was the
7 project proposed to you relating to the uses of
8 those spaces after -- after closure hours of the
9 supermarket?

10 MR. IZQUIERDO: The supermarket, I think,
11 opens at eight o'clock in the morning, I think he
12 said, and it closes at eight o'clock at night.

13 So, once the -- the supermarket is closed,
14 those six parking spaces are going to be given to
15 the three rentals so that they're each going to
16 have two parking spaces. But then, when the
17 restaurant (sic) opens at eight, they have to
18 move the spaces out, so they go to work.

19 MR. LOPEZ: And this is just really -- this
20 type of testimony is only on the practical
21 application.

22 The issue of the -- of the parking is what
23 the original testimony was by Mr. Izquierdo.
24 It's just some additional information for the
25 Board that these spaces are available after hours

1 for the tenants.

2 MR. IZQUIERDO: Exactly.

3 So, the project meets a positive criteria
4 because right now, we have the possibility of
5 creating three units, totally up to Code, in a
6 sprinklered building. It's going to have an
7 independent egress, the circulations are going to
8 be separated.

9 These six -- these three units are going to
10 have their parking spaces, so they're not going
11 to have absolutely any impact on the -- on the
12 neighborhood.

13 The building has a loading space, so that
14 loading space can be used both for the
15 supermarket. And since the owner of the
16 supermarket is the owner of the building and is
17 going to be the lessor of these three units,
18 there's absolutely no conflict or any -- you know
19 --

20 I have nothing further.

21 MR. LOPEZ: And please go into the exist --
22 the preexisting nonconforming aspects of the --
23 of the building.

24 There's a side yard and a rear yard issue,
25 I believe.

1 Is that correct?

2 MR. IZQUIERDO: Yes. The -- the building,
3 even with the new use, meets all the zoning
4 criteria for the commercial neighborhood zone,
5 with the exception of the side yard and the rear
6 yard.

7 And essentially, it's because the side
8 yard, on schedule CN on page 99, says that we're
9 required to have zero feet side yard, but if we
10 provide it, it has to be five.

11 And we have -- we don't have zero feet. We
12 have, actually, 2.9 feet on one side and we have
13 three feet on the other side. So, we never have
14 five, but we don't have zero.

15 And the rear yard required is 20 feet. And
16 because this is a corner -- a corner lot, you can
17 -- you -- I don't know which one is the rear
18 yard, so I have a side yard of three feet and I
19 have another side yard. I'm calling that the
20 rear yard of 8.2 feet existing.

21 MR. LOPEZ: But these are all existing.
22 There's no modification to the overall building.

23 MR. IZQUIERDO: We're not doing anything
24 exterior to the building, other than the
25 construction of the new exit stairs.

1 MR. LOPEZ: That would conclude your
2 testimony?

3 MR. IZQUIERDO: I believe so.

4 MR. LOPEZ: If there -- if --

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

7 MR. LOPEZ: If there are any questions of
8 Mr. Izquierdo?

9 CHAIRMAN BONACCI: Not yet, but if you
10 would just -- you know, stay up here, just in
11 case one of them is for you.

12 MR. LOPEZ: Yup.

13 CHAIRMAN BONACCI: I just need to ask Mr.
14 Spatz a question.

15 MR. SPATZ: Yes.

16 CHAIRMAN BONACCI: Okay. Mr. Spatz, they
17 have the square footage of the two bedroom units;
18 unit 201; 794; unit 202; 755; and unit 203 is
19 1016.

20 I just want to ask you if that meets the
21 standards for a two bedroom apartment, with
22 square footage?

23 MR. SPATZ: Because there are only three
24 units, they're not required to meet the standard,
25 but it does meet the standard. That is what --

1 | for an apartment, whether it be four units or
2 | more, that is the -- beyond the size that's
3 | required for a two bedroom apartment.

4 | CHAIRMAN BONACCI: Okay.

5 | And then, my other question is, since it's
6 | going to be commercial on the ground floor and
7 | then residential on another floor on top of it,
8 | does that trigger any sort of handicap
9 | requirement?

10 | MR. SPATZ: I don't believe it does, but
11 | again, that'd be something that would be reviewed
12 | by the Building Department.

13 | CHAIRMAN BONACCI: Okay.

14 | MR. SPATZ: And if they required any
15 | changes, they'd need to come back. But -- but
16 | that is something that the Building Department
17 | would handle.

18 | MR. LOPEZ: Mr. Chairman, I think Mr.
19 | Izquierdo can address that.

20 | CHAIRMAN BONACCI: Okay.

21 | MR. IZQUIERDO: No. ADA criteria and
22 | accessibility for the accessible route is only
23 | triggered when you have four units or more.

24 | CHAIRMAN BONACCI: Okay.

25 | MR. LOPEZ: Four residential units.

1 MR. IZQUIERDO: Four residential units or
2 more and -- and all commercial.

3 So, the supermarket is totally accessible,
4 has the handicap bathroom and everything. But
5 the three units upstairs do not have to be
6 handicap accessible.

7 CHAIRMAN BONACCI: Okay.

8 So, the hours of operation for the
9 supermarket are eight a.m. to eight p.m.

10 That's what you testified?

11 MR. IZQUIERDO: Or eight to -- eight to
12 nine, eight to ten, sometimes, I think.

13 CHAIRMAN BONACCI: So then, at that time
14 period, there would be 15 spaces --

15 MR. IZQUIERDO: There --

16 CHAIRMAN BONACCI: -- that are available
17 for the tenants.

18 MR. IZQUIERDO: There are six spaces onsite
19 --

20 CHAIRMAN BONACCI: Oh, six.

21 MR. IZQUIERDO: -- available to the
22 tenants.

23 CHAIRMAN BONACCI: Okay.

24 MR. IZQUIERDO: And the Code allows me to
25 count, also, four spaces that are triggered by

1 frontage of a non -- nonresidential nature onto
2 New York Avenue and gives me another four.

3 But essentially, what I'm -- what I'm
4 testifying as to the parking is the exact number
5 of parking spaces that are existing are exactly
6 the ones that are being proposed, because
7 essentially, the ones required for the existing
8 conditions are identical to the ones required for
9 the proposed condition.

10 CHAIRMAN BONACCI: Okay.

11 Okay. I had -- I don't have any more
12 questions for Mr. Izquierdo.

13 Members of the Board?

14 VICE CHAIRMAN GRULLON: I have a question
15 of Mr. Izquierdo.

16 Could you explain the layout, the parking
17 lot? Are they indoor -- indoor parking?

18 MR. IZQUIERDO: No. What happens, the
19 second floor is bigger than the ground floor.
20 So, these six parking spaces are under a roof,
21 under the second floor. So, they are covered but
22 it's not a garage. They have a roof but no
23 walls.

24 So, from 13th Street, as you're driving
25 west, you just make a left into the parking

1 spaces. You have five parking spaces and one
2 accessible, which is the accessible route from
3 the handicapped apartment to the supermarket.

4 MR. LOPEZ: They are shown on -- on A3, Mr.
5 Grullon.

6 MR. IZQUIERDO: They're also shown on SP1.

7 VICE CHAIRMAN GRULLON: There's just --
8 just one curb cut for the --

9 MR. IZQUIERDO: That's the existing curb
10 cut. There's no new curb cut, no work on the
11 sidewalk. It's just interior partitions.

12 VICE CHAIRMAN GRULLON: And the -- the
13 parking spaces, one, two, three and four, is
14 probably -- is that the front of the building?

15 MR. IZQUIERDO: That's the front of the
16 building and they're -- they're only labeled
17 because I'm allowed to count them toward the
18 parking requirements for zoning purposes. It's
19 not that we own the spaces and they're not going
20 to be -- they're metered --

21 VICE CHAIRMAN GRULLON: Okay.

22 MR. IZQUIERDO: -- spaces.

23 VICE CHAIRMAN GRULLON: These -- these are
24 on-street parking.

25 MR. LOPEZ: Yes.

1 MR. IZQUIERDO: They're on-street parking.
2 They're metered spaces, and they belong to the
3 City. I'm just allowed to count them.

4 VICE CHAIRMAN GRULLON: Okay.

5 Thank you, Mr. Izquierdo.

6 CHAIRMAN BONACCI: Mr. Pressey?

7 VICE CHAIRMAN GRULLON: Mr. Pressey?

8 MR. PRESSEY: Mr. Izquierdo, when the
9 supermarket opens, say about eight o'clock in the
10 morning --

11 MS. GUTIERREZ: Um hum.

12 MR. PRESSEY: -- and the residents are
13 there, they have to move their car?

14 MR. IZQUIERDO: They have to move out.

15 MR. LOPEZ: Have to.

16 MR. PRESSEY: What about the weekends, when
17 they don't work?

18 MR. LOPEZ: I --

19 MR. IZQUIERDO: Oh, they -- they --

20 MR. LOPEZ: The intended -- the -- as a
21 matter of fact, those spaces that will be leased
22 to the tenants will be on -- exclusively on that
23 condition, more to alleviate the overnight
24 parking, which is the issue, on weekends, on even
25 days. If they're not going to work, they'll

1 still have to move their cars. Yeah.

2 MR. IZQUIERDO: Yeah. Tenants only can --
3 can only park there at night, because the
4 supermarket is open seven days a week.

5 MR. LOPEZ: And again, this -- this is
6 practical information. It's not what we are --

7 MR. IZQUIERDO: Yes.

8 MR. PRESSEY: Yeah. No. I understand
9 that.

10 MR. LOPEZ: -- relying upon for -- for
11 purposes of -- of the zoning. However, it's a
12 practical consideration that they're available.

13 And actually, in discussing this with Mr.
14 Izquierdo, he made a comment, which I'll ask him
15 to repeat, but essentially, something along the
16 lines that better that the spaces be filled at
17 night. Empty spaces, sort of, overnight create
18 problems.

19 MR. PRESSEY: Problems.

20 MR. IZQUIERDO: These -- these spaces are
21 accessible to anybody. Anybody who comes to the
22 supermarket is just going to find a parking
23 space. He's going to park and he's going to do
24 his groceries right here.

25 So, at night, we don't have these spaces

1 closed off. So, if these spaces are just open,
2 it creates a problem because they're vacant, and
3 nobody's supposed to be using them. However, if
4 these -- if these parking spaces are assigned on
5 a -- on a lease document to these tenants, saying
6 you could only use them when the supermarket is
7 not open, it allows those parking spaces to be
8 occupied at night, which is, I believe, it's a
9 better safety condition than just having these
10 parking spaces vacant. It leads to all sorts of
11 loitering, I believe.

12 MR. PRESSEY: Thank you.

13 CHAIRMAN BONACCI: Any members of the
14 Board?

15 Open to the public?

16 Open to the public?

17 Okay.

18 No questions?

19 Closed to the public.

20 Mr. Izquierdo, so like, in reality, more
21 likely scenario would be one of the tenants is
22 occupying the grocery's parking space and then
23 those outside spots are where the shoppers would
24 occupy, would be a more likely scenario.

25 Right?

1 Just to piggyback off of Mr. Pressey's
2 comment.

3 MS. GUTIERREZ: Um hum.

4 CHAIRMAN BONACCI: Is if somebody was to
5 park in --

6 MR. IZQUIERDO: The owner has to police
7 that.

8 CHAIRMAN BONACCI: Right.

9 MR. IZQUIERDO: The owner has to police
10 that. Given --

11 CHAIRMAN BONACCI: But in a -- in a --

12 MR. IZQUIERDO: Given natural conditions
13 and everything --

14 CHAIRMAN BONACCI: Right.

15 MR. IZQUIERDO: -- of course, the tenants
16 are going to stay there.

17 CHAIRMAN BONACCI: But in a scenario like
18 that, it would almost be more convenient, because
19 it really wouldn't make a difference. The person
20 who's staying upstairs would be occupying the --
21 the grocery store's parking.

22 MR. IZQUIERDO: When the supermarket start
23 -- starts seeing that those parking spaces are
24 not occupied -- not being occupied by their
25 patrons, then the -- the receipts, the gross

1 receipts of the supermarket are going to suffer.
2 And the main income of this building is the
3 supermarket. It is not the -- the three rentals
4 upstairs.

5 CHAIRMAN BONACCI: Okay.

6 MR. LOPEZ: Mr. Bonacci, I guess the
7 benefit here is that, under this proposed
8 scenario, the property owner is in control of all
9 of the spaces.

10 MR. IZQUIERDO: Correct.

11 MR. LOPEZ: And they can be used in
12 accordance with the regulations that he puts into
13 effect.

14 MR. IZQUIERDO: And he can penalize them as
15 he sees fit.

16 CHAIRMAN BONACCI: Okay.

17 MR. LOPEZ: Well, he's in direct control.
18 Exactly. He can have them towed, because they're
19 not complying with the agreement.

20 If it's just the wild west, and it's open
21 to anyone --

22 CHAIRMAN BONACCI: Right.

23 MR. LOPEZ: -- he has no control over that,
24 and then it's constantly calling the police to
25 have them removed and it creates a situation

1 | that's -- that's not as reliable as what we are
2 | proposing.

3 | CHAIRMAN BONACCI: I just want to make
4 | clear, so the four spots that you're counting
5 | towards the total that are metered, just wanted
6 | to clarify -- you know, for the record --

7 | MR. LOPEZ: Um hum.

8 | CHAIRMAN BONACCI: -- that those aren't
9 | going to be spots that are going to be part of
10 | any sort of --

11 | MR. IZQUIERDO: No. What happens is --

12 | CHAIRMAN BONACCI: -- agreement between
13 | tenants and the owner of the building.

14 | MR. IZQUIERDO: No.

15 | MR. LOPEZ: Correct. Those -- those are
16 | City owned spots.

17 | CHAIRMAN BONACCI: Right.

18 | MR. LOPEZ: Based on the Ordinance, they
19 | can be counted for parking requirement.

20 | MR. IZQUIERDO: Even for the existing
21 | condition.

22 | So, the existing condition where I have 15
23 | for the supermarket and nine for the warehouse,
24 | the Code allows me to say, I have six here, plus
25 | these four.

1 CHAIRMAN BONACCI: Okay.

2 MR. IZQUIERDO: In both the existing
3 conditions, I'm allowed to count them, just for
4 zoning purposes.

5 CHAIRMAN BONACCI: Okay.

6 I don't have any more questions.

7 I just want to -- before I make a motion, I
8 just want to say that this almost helps to meet
9 the Zoning Ordinance requirements a little bit
10 more because this is the CN zone. And as the
11 previous use, was only commercial and really no
12 neighborhood residential occupancy.

13 MR. LOPEZ: This is more in the lines with
14 what the --

15 CHAIRMAN BONACCI: Well --

16 MR. LOPEZ: -- intent of the zone is.

17 CHAIRMAN BONACCI: Yeah.

18 MR. LOPEZ: Correct.

19 MR. IZQUIERDO: Yeah.

20 CHAIRMAN BONACCI: So, and you know, the
21 fact that you mentioned earlier, Mr. Izquierdo,
22 how the tenants would have a separate entryway.

23 MR. IZQUIERDO: Totally separate.

24 CHAIRMAN BONACCI: And it wouldn't come
25 into -- you know, it wouldn't effect anything

1 | that's going on with the grocery store.

2 | MR. IZQUIERDO: And the three units all
3 | face the street. The warehouse faces both
4 | streets right now. The warehouse will not face
5 | either street.

6 | CHAIRMAN BONACCI: I just would like to --
7 | you know, add that if we make a motion -- you
8 | know, if you could provide some sort of a safety
9 | mechanism for people that are pulling in and out,
10 | just to make sure that it doesn't effect any sort
11 | of pedestrians.

12 | Is there anything you can do about that?

13 | MR. LOPEZ: Mr. Bonacci, I would -- in --
14 | in that realm, I would offer the following:

15 | That is very common of this Board. More so
16 | for garage spaces with a door.

17 | CHAIRMAN BONACCI: Right.

18 | MR. LOPEZ: This is wide open. So, the
19 | issue of -- of visibility, which is one of the
20 | reasons why this Board --

21 | CHAIRMAN BONACCI: It's wide open.

22 | MR. LOPEZ: This is --

23 | CHAIRMAN BONACCI: It's not a garage.

24 | MR. IZQUIERDO: We can provide a concave
25 | mirror that will allow, and then there can be

1 signage indicated, please observe oncoming
2 traffic from -- from concave mirror. And that
3 will be visible. I will locate a concave mirror
4 in a -- in a location --

5 CHAIRMAN BONACCI: I mean, I --

6 MR. LOPEZ: But that's --

7 CHAIRMAN BONACCI: I know the location. I
8 know the site. But I'm just trying to remember.

9 MR. IZQUIERDO: Of people backing up.

10 CHAIRMAN BONACCI: Yeah. And also, too, in
11 that parking spot, that you said there's an
12 overhang, that's the way it's currently used now?

13 MR. IZQUIERDO: Yes.

14 MR. LOPEZ: Correct.

15 CHAIRMAN BONACCI: Okay. So, you already
16 have this going on over there.

17 MR. LOPEZ: Correct.

18 CHAIRMAN BONACCI: Got it.

19 MR. LOPEZ: Mr. Bonacci, it would be --

20 CHAIRMAN BONACCI: Okay.

21 MR. LOPEZ: The mirror would, in essence,
22 be more for the use of -- of one space, the one
23 all the way at the corner.

24 CHAIRMAN BONACCI: Right.

25 MR. LOPEZ: All the other ones have

1 complete and open visibility. But, certainly, we
2 can -- if we make that part of the Resolution, --

3 CHAIRMAN BONACCI: All right.

4 MR. LOPEZ: -- Mr. Paneque?

5 MR. PANEQUE: Not a problem, Mr. Lopez.

6 CHAIRMAN BONACCI: So, being that it helps
7 further meet the Zoning Ordinance by adding a
8 residential element to the space, I'd like to
9 make a motion to grant the application.

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

11 THE SECRETARY: Motion to grant the
12 application by Mr. Bonacci.

13 VICE CHAIRMAN GRULLON: Second.

14 THE SECRETARY: Second by Mr. Grullon.

15 Roll call on the motion to approve this
16 application.

17 Mr. Bonacci?

18 CHAIRMAN BONACCI: Yes.

19 THE SECRETARY: Ms. Gutierrez?

20 MS. GUTIERREZ: Yes, with all the
21 conditions.

22 THE SECRETARY: Mr. Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Mr. Pressey?

25 MR. PRESSEY: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Mr. Ortiz?

4 MR. ORTIZ: Yes, with all the stated
5 conditions.

6 THE SECRETARY: Six in favor. Six in
7 favor.

8 Motion carries.

9 MR. LOPEZ: Thank you very much.

10 MR. PRESSEY: Thank you.

11 MS. GUTIERREZ: Thank you.

12 THE SECRETARY: Thank you, Mr. --

13 CHAIRMAN BONACCI: Mr. --

14 THE SECRETARY: -- Lopez.

15 CHAIRMAN BONACCI: -- Vallejo, before we
16 move on, I just want to make a motion to -- in my
17 absence, make a motion to make Mr. Grullon the
18 Chairman for the rest of tonight's meeting.

19 THE SECRETARY: Yeah, that's automatically
20 will be.

21 Right, Mr. Paneque?

22 MR. PANEQUE: That is correct.

23 THE SECRETARY: All right.

24 Can I have a five minute break, please?

25 Thank you.

1 Off the record.

2

3 (Whereupon, Chairman Joseph Bonacci left
4 the meeting at 7:04 p.m.)

5

6 (Whereupon, the Board recessed from 7:04
7 p.m. to 7:11 p.m.)

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1 **Ministerio Rio de Amor, Inc. - 529-533 3rd Street:**

2

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

5 Hello?

6 On record.

7 For the record, let's reflect that Mr.
8 Bonacci is -- he left for the rest of the -- the
9 meeting.

10 And let's also the record indicate there
11 are five members present.

12 Next application on tonight's agenda,
13 Ministerio Rio de Amor, Inc., 529-533 3rd Street.

14 Mr. Gonzalez, please?

15 MR. GONZALEZ: Good evening, respected
16 members of the Union City Board of Adjustment,
17 counsel.

18 My name is Mario Gonzalez with Gonzalez Law
19 Group. Would be remiss not to thank our legal
20 family here in Union City, as well as respected
21 members of this community for their assistance in
22 preparing this application.

23 Tonight, we're representing Ministerio
24 called -- Ministerio -- a church called
25 Ministerio Rio de Amor concerning their

1 application for relief, through the granting of
2 needed variances which would accommodate their
3 continued use of property they currently occupy
4 at 529-533 3rd Street in Union City, as a house of
5 worship, a conditionally approved use of the
6 property according to our present zoning
7 criteria.

8 I'd like to offer up to counsel the
9 original cert, attorney certification, as well as
10 an Affidavit of Publication, and also a list
11 provided by the Tax Assessor's Office, the
12 database triple checked, and the documents -- the
13 receipts for all the documents that were mailed
14 including the -- the return receipts.

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

16 Let the record reflect as following:

17 I've been provided by Mr. Gonzalez with a
18 certification as to publication and service,
19 indicating that notice of tonight's hearing was
20 provided to all property owners within the 200
21 foot radius of 529-533 3rd Street in Union City,
22 New Jersey.

23 Notice indicates that the meeting scheduled
24 for January 10th, at six p.m. The certification
25 also indicates that said notice was published in

1 the local newspaper, The Jersey Journal.

2 I've also been provided with a copy of an
3 Affidavit from The Jersey Journal indicating that
4 publication was made on December 18, 2018.

5 The notice is in reference to 529-533 3rd
6 Street and it indicates that tonight, January 10,
7 starting at six p.m., a hearing will be held by
8 this Board with respect to this property at the
9 location of 3715 Palisade Avenue, for a house of
10 worship request. And the application will be
11 requesting certain variances.

12 I've also been provided with a list from
13 the Tax Assessor's Office, with a date of
14 December 10, 2018, consisting of five pages. And
15 all property owners within the 200 foot radius of
16 529-31 3rd Street.

17 I've also been provided with the certified
18 mail receipts, with a postmark date of December
19 19, as well as the green cards and envelopes that
20 have come back to date.

21 Based on the documentation provided by Mr.
22 Gonzalez, this Board has jurisdiction to proceed
23 and hear this matter.

24 MR. GONZALEZ: Thank you.

25 In light of the inherent beneficial nature

1 of its current use, as my first witness tonight,
2 I'd like to call Reverend Ludwing Landaverde to
3 the stand.

4 Please state your name for the record.

5 MS. DILLON: I'm sorry. I need to --

6 MR. GONZALEZ: I'm sorry.

7 MS. DILLON: -- swear him in.

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

10 MS. DILLON: Please raise your right hand.

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

13 REVEREND LANDAVERDE: Yes.

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

16 REVEREND LANDAVERDE: Ludwing Landaverde,
17 L-U-D-W-I-N-G.

18 MS. DILLON: L-U-D --

19 REVEREND LANDAVERDE: W-I-N-G.

20 MS. DILLON: Yes.

21 REVEREND LANDAVERDE: Landaverde,
22 L-A-N-D-A-V-E-R-D-E.

23 MS. DILLON: Thank you.

24 MR. GONZALEZ: Please state your
25 affiliation with Ministerio Rio de Amor, the

1 applicant in this proceeding.

2 REVEREND LANDAVERDE: Yes.

3 MR. GONZALEZ: Please state your
4 affiliation with the --

5 REVEREND LANDAVERDE: I'm the senior pastor
6 of the church.

7 MR. GONZALEZ: What is the physical address
8 of the church?

9 REVEREND LANDAVERDE: 529-533 3rd Street.

10 MR. GONZALEZ: Is this location where
11 services and all other internal church events are
12 conducted?

13 REVEREND LANDAVERDE: Yes.

14 MR. GONZALEZ: How long has Ministerio Rio
15 de Amor been meeting at this location?

16 REVEREND LANDAVERDE: We've been there nine
17 years, going to ten.

18 MR. GONZALEZ: Okay. It started in what
19 year?

20 2009?

21 REVEREND LANDAVERDE: 2009. Yes.

22 MR. GONZALEZ: Okay.

23 Can you briefly describe what the church
24 does at this location?

25 REVEREND LANDAVERDE: All right. We

1 | primarily do religious services. We've also done
2 | a lot of community work. We do -- we have youth
3 | mentoring, couple counseling, help the community.
4 | We collect food for the poor and many people in
5 | the city. And you know, different events,
6 | helping kids. Summer camps and different
7 | activities to help the community out.

8 | MR. GONZALEZ: Okay.

9 | Let me go on to ask you some questions on
10 | logistical matters.

11 | When is your primary or most highly
12 | attended religious service conducted?

13 | REVEREND LANDAVERDE: That would be on
14 | Sundays.

15 | MR. GONZALEZ: And is it just one service?

16 | REVEREND LANDAVERDE: One service, yes.

17 | MR. GONZALEZ: What is the starting time of
18 | the service and how long does it run?

19 | REVEREND LANDAVERDE: It's 11, it runs to
20 | one o'clock. It's two hours.

21 | MR. GONZALEZ: Okay.

22 | What would you say is the average
23 | attendance at the Sunday service?

24 | REVEREND LANDAVERDE: It's like 80 people,
25 | including childrens (sic).

1 MR. GONZALEZ: Okay.

2 Of those typically in attendance at this
3 service, what are the typical number of vehicles
4 represented by those in attendance?

5 REVEREND LANDAVERDE: Twelve cars.

6 MR. GONZALEZ: Is this the only service
7 that you have during the week?

8 REVEREND LANDAVERDE: On Sunday, yes. But
9 we do have on Thursdays.

10 MR. GONZALEZ: And what is the time -- what
11 are the times for that service?

12 REVEREND LANDAVERDE: From eight p.m. to
13 9:30 p.m. and we also have multi-service on
14 Saturdays.

15 MR. GONZALEZ: Okay.

16 I'm going to ask you --

17 REVEREND LANDAVERDE: It's 7:30 to nine
18 o'clock.

19 MR. GONZALEZ: Okay.

20 What are the average attendance for both of
21 these services?

22 REVEREND LANDAVERDE: Thirty people.

23 MR. GONZALEZ: And what -- what is -- and
24 what is the typical number of cars represented by
25 those attending those services?

1 REVEREND LANDAVERDE: I would say like six
2 cars.

3 MR. GONZALEZ: Okay.

4 No further questions for this witness.

5 VICE CHAIRMAN GRULLON: We going to leave
6 it for the end.

7 Do you have any more witness?

8 MR. GONZALEZ: Yes, I do.

9 VICE CHAIRMAN GRULLON: Could you call them
10 in?

11 Thank you.

12 MR. GONZALEZ: Thank you very much.

13 VICE CHAIRMAN GRULLON: We're just going to
14 leave it for the end. If we have question, we
15 call them.

16 MR. GONZALEZ: I'd like to call Jorge
17 Fernandes to the stand.

18 MS. DILLON: Hi. Just, you can just go
19 right in front of there.

20 Please raise your right hand.

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

23 MR. FERNANDES: I do.

24 MS. DILLON: Will you please state your
25 name and spell it for the record?

1 MR. FERNANDES: Jorge Fernandes, J-O-R-G-E,
2 last name F-E-R-N-A-N-D-E-S.

3 I'm a registered architect in the State of
4 New Jersey.

5 MS. DILLON: Thank you.

6 MR. GONZALEZ: We've prepared an expert
7 witness qualification summary. We ask that it be
8 marked as Exhibit 1.

9 MR. PANEQUE: We'll mark that, Mr.
10 Gonzalez, but we would like you also to voir dire
11 your expert on the record, so -- for the
12 edification of the Board in making a
13 determination --

14 MR. GONZALEZ: Absolutely.

15 MR. PANEQUE: -- as to whether he's going
16 to be qualified.

17 Okay.

18 Thank you.

19

20 (Whereupon, Expert Witness Qualification
21 Summary of Jorge P. Fernandes, Dr. Bahman
22 Izadmehr and Michael D. Kauker was received and
23 marked as Exhibit A-1.)

24

25 MR. GONZALEZ: Mr. Fernandes, I'm showing

1 | you what has been marked Exhibit 1.

2 | I'd like you to examine the document for a
3 | moment, as it pertains to information about you,
4 | found on the first and on the third pages of the
5 | document.

6 | MR. FERNANDES: That is correct.

7 | MR. GONZALEZ: Can you describe what is
8 | written on the first page of this document, as it
9 | pertains to you?

10 | MR. FERNANDES: It is my resume. It shows
11 | that I am licensed in the State of New Jersey, my
12 | license number, my education --

13 | MR. GONZALEZ: What is -- what is your
14 | license number?

15 | MR. FERNANDES: 21AI02068400.

16 | MR. GONZALEZ: Okay.

17 | MR. FERNANDES: And it shows that I was a
18 | graduate of New Jersey Institute of Technology,
19 | Bachelor of Architecture in 2010.

20 | I've been working in the field of
21 | architecture for ten years.

22 | I've worked in low-rise, mid-rise
23 | residential, as well as some commercial
24 | buildings, and I've appeared as a witness in a
25 | few boards across the State, although it is my

1 first time in Union City.

2 MR. GONZALEZ: Okay.

3 And what is on the third page?

4 MR. FERNANDES: Third page is the -- again,
5 my resume that I typed up and it's the same
6 information.

7 MR. GONZALEZ: Okay.

8 Do you affirm that this information is
9 correct?

10 MR. FERNANDES: Yes, it is.

11 MR. GONZALEZ: Okay.

12 I would like to tender Mr. Jorge Fernandes
13 as an expert in the field of architecture,
14 sufficiently qualified to provide testimony
15 before this Board this evening regarding the
16 matter at hand.

17 VICE CHAIRMAN GRULLON: We accept your
18 qualifications, Mr. Fernandes.

19 Welcome.

20 MR. FERNANDES: Thank you.

21 MR. GONZALEZ: I -- I'm going to refer to
22 Exhibit 2.

23 I'm going to provide it, but Exhibit 2 is
24 actually just the drawings that have already been
25 provided to the Board.

1 MR. PANEQUE: If they've already been
2 provided, Mr. Gonzalez, we have those.

3 MR. GONZALEZ: Okay.

4 MR. PANEQUE: Okay? So, we don't want to
5 clutter the record with more exhibits that we
6 already have.

7 MR. GONZALEZ: Okay.

8 MR. PANEQUE: Thank you.

9 MR. GONZALEZ: You're looking at the
10 drawings.

11 Did you generate these drawings?

12 MR. FERNANDES: Yes. I worked for Alzra
13 Design, LLC, at the time that these drawings were
14 prepared.

15 MR. GONZALEZ: Do they actually represent
16 the physical conditions of the property as they
17 currently exist?

18 MR. FERNANDES: Yes, they do.

19 MR. GONZALEZ: Mr. Fernandes, can you
20 please describe the scope of work given to you as
21 an architect that precipitated the creation of
22 these drawings?

23 MR. FERNANDES: The scope of work that was
24 given to me was that this was an existing church
25 space, located in this -- in this building here.

1 And I was to go there and document the existing
2 conditions, so as to we could present to the
3 Board.

4 MR. GONZALEZ: In performing under the
5 scope of work, did you find that it necessitated
6 any physical changes to the property as it
7 currently exists?

8 MR. FERNANDES: No. I feel like -- I feel
9 that the plan, as it currently exists, has ample
10 egress and it seems to work -- it seems to have
11 been working for ten years for the church. So, I
12 really don't think that we -- we need to do any
13 changes to it.

14 MR. GONZALEZ: There were some observations
15 you made on those drawings regarding variances
16 required in order to conform to its conditional
17 use as a house of worship.

18 Can you speak to that, please?

19 MR. FERNANDES: Well, most of the -- the
20 variances that are -- that are here -- I mean, I
21 would rather have the planner speak about the
22 variances.

23 MR. GONZALEZ: Okay.

24 MR. FERNANDES: But I can say that most of
25 them are generated by the -- by the condition of

1 the building, the size of the building, and are
2 not things that we can change.

3 MR. GONZALEZ: Again, because it's
4 existing.

5 MR. FERNANDES: It's existing. Yes.

6 MR. GONZALEZ: Okay.

7 In your professional opinion, as an
8 architect, can the site accommodate the proposed
9 conditional use as a house of worship, even
10 though it does not meet all the requirements of
11 the conditional use required by Code?

12 MR. FERNANDES: I believe it can.

13 MR. GONZALEZ: Does the site represent non
14 -- is the site's present nonconforming status not
15 materially affect, in your opinion, the
16 appropriateness of this site for its use as a
17 church?

18 MR. FERNANDES: No. I think -- I think the
19 use is appropriate. It's -- it's providing all
20 the services required by a church. It's
21 providing ample -- ample safety, by providing
22 three means of egress where two would be
23 required.

24 So, I think that it's, for all intents and
25 purposes, it's -- it can operate as a church.

1 MR. GONZALEZ: Okay.

2 You made an observation, also, on parking.

3 Is that correct?

4 MR. FERNANDES: I did assist the traffic
5 engineer --

6 MR. GONZALEZ: Okay.

7 MR. FERNANDES: -- about parking. I would
8 rather --

9 MR. GONZALEZ: We have him present.

10 Okay. All right.

11 That is basically all the questions that I
12 have for this witness.

13 VICE CHAIRMAN GRULLON: Do you have another
14 witness?

15 MR. GONZALEZ: Yes, I do.

16 VICE CHAIRMAN GRULLON: We're going to
17 leave all questions for the end.

18 MR. GONZALEZ: Okay.

19 Move on to the next witness.

20 Thank you.

21 MR. FERNANDES: Thank you.

22 VICE CHAIRMAN GRULLON: Thank you.

23 MR. GONZALEZ: I'd like to call Dr. Bahman,
24 as engineer, to the stand.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MS. DILLON: Sir, please raise your right
3 hand.

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

6 DR. IZADMEHR: Yes, I do.

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

9 DR. IZADMEHR: Sure. Good evening.

10 My name is Bahman Izadmehr, is spelled
11 B-A-H-M-A-N, the last name is I-Z-A-D-M-E-H-R.

12 MS. DILLON: Thank you.

13 MR. GONZALEZ: Mr. -- Dr. Izadmehr, what is
14 your profession?

15 DR. IZADMEHR: I'm a civil engineer and
16 also a traffic and structural engineer.

17 MR. GONZALEZ: Where are you currently
18 employed?

19 DR. IZADMEHR: I'm employed by Development
20 Engineering, but when I did this study, I was
21 employed by Ace Engineering Group.

22 MR. GONZALEZ: I have already presented
23 Exhibit number 1, which the member -- Board
24 members have, but could you describe to us your
25 educational background, your experience --

1 DR. IZADMEHR: Sure.

2 MR. GONZALEZ: -- in the area of traffic
3 engineering for qualification?

4 DR. IZADMEHR: Sure.

5 THE SECRETARY: I got it. It's okay.

6 DR. IZADMEHR: Oh, thank you.

7 I am a civil engineer with a bachelors and
8 graduate degrees from University of Texas in
9 Austin.

10 I have been practicing the discipline of
11 civil engineering and transportation and
12 structural engineering since 1980.

13 I am a registered -- licensed registered
14 professional engineer in the State of New Jersey.
15 I have practiced in New York, New Jersey and
16 Texas, and other states.

17 I have appeared almost before every
18 planning and zoning board, including this
19 particular Board, roughly about eight, nine years
20 ago. And my -- my license is current, is active.
21 And I have also testified many times before this
22 Board as a traffic engineer expert.

23 MR. GONZALEZ: You're -- you're also a
24 professor at NJIT?

25 DR. IZADMEHR: Yes. I have been a

1 professor at NJIT, as well as Rutgers University.
2 I have done -- I have taught civil engineering
3 classes in graduate school, as well as done
4 research in the area of traffic -- engineering
5 and traffic safety.

6 VICE CHAIRMAN GRULLON: We accept your
7 qualifications.

8 DR. IZADMEHR: Thank you.

9 MR. GONZALEZ: Okay.

10 Thank you so much.

11 I'd like to draw your attention to -- I
12 have Exhibit 3, but actually it's part -- in
13 order not to get more paperwork around, it's part
14 of the application and it is a report that was
15 included in -- in the application that was
16 generated by Dr. Izadmehr.

17 I'd like to just ask some questions and
18 then --

19 DR. IZADMEHR: Sure.

20 MR. GONZALEZ: I'd like to voir dire the
21 report, I guess, right? We can do that?

22 MR. PANEQUE: Yes.

23 MR. GONZALEZ: Okay.

24 Are you -- are you familiar with this?

25 DR. IZADMEHR: Yes, I am.

1 MR. GONZALEZ: What is it?

2 DR. IZADMEHR: It's a parking and traffic
3 impact analysis that my firm, under my
4 supervision, performed back in May of 19 -- 2018.
5 And this is a report summarizing the result of
6 that study.

7 MR. GONZALEZ: Can you please outline to
8 the Board the scope of the work given to you, and
9 your conclusions regarding the subject
10 application?

11 DR. IZADMEHR: Sure.

12 And knowing that this particular building
13 that was described by my colleague, the architect
14 of the project, did not have any onsite parking
15 spaces, we performed an actual survey of
16 available parking spaces, either occupied or
17 unoccupied, within two blocks of the church
18 building.

19 So, we summarized those surveys that were
20 occurred on a Sunday in early May, from 10:30 to
21 11:30. And the reason we chose that time so that
22 we can capture the early comers, because as the
23 pastor testified earlier, the church services
24 occur on a Sunday at 11 o'clock. So,
25 specifically, we started at 10:30.

1 And then, also, we extended this survey for
2 an hour. So, we did it in two half hour blocks.
3 We ended our parking survey around 11:30, again,
4 to capture the people who come late.

5 So, if you look at the data, which is
6 summarized in this report, in my report, you will
7 see there were less parking spaces available
8 after ten, but is still a lot of parking spaces
9 available that the people who come to the church
10 services could utilize.

11 And also, we found out that there is
12 neighborhood parking, a recreational facility
13 that have a lot of parkings (sic) available on 2nd
14 Street.

15 So, all in all, we found out that there are
16 a lot more parking spaces available than the
17 church service goers would require. And as the
18 pastor testified earlier, there are -- if I
19 remember correctly, I believe he said there are
20 30 cars that would come on a --

21 No, 12 cars, I'm sorry, 12 cars.

22 -- 30 parishioners on a Saturday and
23 Thursday. That's where I got the 30, that would
24 come to the service. But 80 people would come to
25 the service on a Sunday. So, this is what we

1 call a neighborhood church. So that means people
2 usually walk from the neighboring residences to
3 this church. So, it's not a regional church that
4 would -- that people would take either public
5 transportation or they would drive to it.

6 So, most people here basically walk to the
7 church. And there are a few people who would
8 love to come to this church because they have
9 probably relatives coming to the church, or they
10 have some sort of an affiliation with this
11 church, so they would drive.

12 And those people who drive, based on the
13 testimony that the pastor gave, is only 12. But
14 we have much, much more parking spaces available
15 than 12.

16 So, basically, parking is not an issue.
17 And even after we finished our survey on a
18 Sunday, we drove around and there were still a
19 lot of parking spaces available, even at 11:45,
20 12 o'clock, that Sunday.

21 So, and then we don't really see any
22 problem during the Saturday evening service, as
23 well as on a Thursday evening service.

24 So, that was the main part of our traffic
25 parking study.

1 And, also, we did a traffic projection,
2 because you also want to know if there are any
3 traffic issues during the peak hours, namely
4 morning rush hour and afternoon rush hour.

5 But the church doesn't have any service.
6 So, even though if church office staff come to
7 the work, there is very, very few travelers to
8 the church. And namely, two would come in, if
9 this church had full time staff -- you know? And
10 one would go out.

11 So, basically, based on trip generations
12 done by national and international trade group
13 called Institute of Transportation Engineers,
14 ITE, you would expect only three people to drive
15 to this church in the morning.

16 I'm sorry.

17 In the after -- in the morning. Yeah, in
18 the morning.

19 And then, during the peak hour, basically,
20 would be zero, because everybody would be gone.

21 So, basically, there are really no traffic
22 issues at all during the peak hours. And on
23 Sunday services, based on the testimony that we
24 heard from the pastor, there was only 12 cars
25 come -- would come to this church. And we did

1 not see any traffic congestion at all on the
2 neighboring roadways.

3 And we conclude that there were plenty of
4 parking spaces, on-street parking spaces
5 available.

6 So, that would conclude my testimony of the
7 traffic and parking study.

8 MR. GONZALEZ: I'd like to ask you several
9 questions, in terms of using the proposed site
10 for one of the allowable condition -- conditional
11 uses as a house of worship, just for the record.

12 Again, based on your study, in your
13 professional opinion, does the local roadway
14 network have sufficient capacity to handle the
15 anticipated traffic volume generated by the
16 continued use of the subject property as a
17 church?

18 DR. IZADMEHR: Definitely. Yes.

19 MR. GONZALEZ: Does the availability of
20 on-street parking, as detailed in your study,
21 make it so that there is no anticipated negative
22 impact on the surrounding on-street parking
23 conditions?

24 DR. IZADMEHR: That's correct.

25 MR. GONZALEZ: Does the present amount of

1 on-street parking available during the times of
2 the applicant's proposed use provide sufficient
3 parking for the demands of the church goers?

4 DR. IZADMEHR: Yes. In fact, at 11:30,
5 there were 24 parking spaces available after
6 arrival of the parishioners to the church
7 services on a Sunday. So --

8 MR. GONZALEZ: And base --
9 Thank you.

10 DR. IZADMEHR: Yeah.

11 MR. GONZALEZ: Based on the results of your
12 study, as outlined on page four of your report,
13 will there be any negative impact on the
14 neighborhood or motoring public if the facility
15 is used to its full capacity?

16 DR. IZADMEHR: No.

17 And if I may add, this church isn't being
18 -- has been in service for over nine, ten years,
19 I believe. And as far as I know, the City has
20 not received any complaints, particularly from
21 the church goers.

22 So, that is an indication that there has
23 been no negative impact of this church -- you
24 know, existence in the neighborhood.

25 MR. GONZALEZ: Excellent.

1 Thank you very much.

2 DR. IZADMEHR: You're welcome.

3 VICE CHAIRMAN GRULLON: Thank you.

4 DR. IZADMEHR: You're welcome.

5 MR. GONZALEZ: Thank you. Thank you very
6 much, Doctor.

7 DR. IZADMEHR: Sure.

8 MS. DILLON: I need to take the microphone.

9 MR. GONZALEZ: I'd like to call Michael D.
10 Kauker to the stand, please.

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

13 MS. DILLON: Mr. Kauker, please raise your
14 right hand.

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

17 MR. KAUKER: I do.

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

20 MR. KAUKER: Michael D. Kauker, last name
21 is spelled K-A-U-K-E-R.

22 MS. DILLON: Thank you.

23 MR. PANEQUE: You could recognize him.

24 VICE CHAIRMAN GRULLON: Yes, we accept your
25 qualifications. He's been here before on many --

1 many occasions.

2 MR. KAUKER: Thank you.

3 MR. GONZALEZ: Okay.

4 So, qualifications have been stipulated.

5 Have you had the opportunity to review the
6 application submitted by the applicant for use of
7 the property in question?

8 MR. KAUKER: I have.

9 In preparation for my testimony this
10 evening, I had an opportunity to review the plans
11 that were submitted to the Board, the traffic
12 study that was prepared by the traffic engineer,
13 in addition to visiting the site, looking at the
14 surrounding area, as well as reviewing the Master
15 Plan and Zoning Ordinance of Union City.

16 MR. GONZALEZ: Can you please provide your
17 expert opinion as a planner in the -- on the
18 proposed use of this space as a house of worship,
19 making sure to outline the criteria needed for
20 approval of a conditional use and for the
21 variances being requested.

22 MR. KAUKER: Certainly.

23 Just briefly, I know the Board's familiar
24 and heard testimony with respect to the site, but
25 I'll just briefly go over it from a zoning

1 standpoint.

2 The property itself is located in the RM,
3 which is the medium density residential district.
4 The property is identified as Block 9, Lots 21,
5 22 and a portion of 23 in Union City's tax
6 records.

7 Currently, the property is occupied by a
8 one story masonry building. It's -- the building
9 itself is currently used by the church. The
10 church is actually looking to legalize its use.
11 It's been used for nine years as a church.

12 Just with respect to the history of the --
13 the propose -- or the property, it's also my
14 understanding that three years prior to that --
15 that when this church has been there, there was
16 another church that operated on this property.
17 Before that, it operated as a repair shop for
18 buses.

19 So, that's just a brief history of the use
20 of the property.

21 With respect to the surrounding conditions,
22 the property -- or the surrounding area is
23 comprised of a mix of land uses. The property is
24 bounded by 3rd Street to the north, a three family
25 dwelling to the east, a warehouse building to the

1 west, and a six story apartment building to the
2 south of the property.

3 As I mentioned before, the applicant
4 proposes to legalize the occupancy of the
5 existing one story building as a house of
6 worship.

7 Houses of worship are permitted -- are
8 permitted as a conditional use in the RM zone.
9 I'll speak a little bit more about that later.

10 From a zoning standpoint, a house of
11 worship is one that's known as inherently
12 beneficial use, which is one that's universally
13 considered of importance. And also, one that
14 typically serves the public good, as well.

15 I'm not going to go over the hours of
16 operation of the proposed use, as -- as the
17 pastor had done that before. But one thing I
18 would note is that it's a relatively limited use,
19 as it's only used for -- has one service on a
20 Sunday, one service on a Thursday evening, that's
21 weekly. And then, once a month, it has a service
22 on a Saturday evening, as well.

23 So, I would submit to the Board that the
24 use in terms of its intensity is one that is
25 relatively low.

1 If -- just for comparison purpose, if you
2 look at some of the uses that are permitted in
3 the Zoning Ordinance, it permits one, two family,
4 three -- three family dwellings, but also permits
5 low-rise and mid-rise apartment buildings.

6 So, what I would submit to the Board is
7 that -- you know, you have a very limited use in
8 the use of the church. As I said, it only
9 operates limited hours, three days a week.
10 Really, two days a week and then, the third day,
11 once per month.

12 So, compared to other uses that are
13 permitted in this zone, I think that this is a
14 less intense use.

15 I had an opportunity, as I mentioned
16 before, to review the Master Plan. The Master
17 Plan was recently a reexamination to the Master
18 Plan document, was recently adopted in November
19 of 2018.

20 A review of the plan, I found that this
21 proposal is consistent with a number of goals and
22 objectives of both the Reexamination Report, as
23 well as the 2009 Master Plan document.

24 Number one.

25 It provides a balance of land use, mix of

1 | land uses, and balanced development patterns in
2 | appropriate locations.

3 | Another goal it furthers is to accommodate
4 | community facilities.

5 | Also to discourage nonconforming uses in
6 | residential and commercial areas. I think that
7 | the house of worship is -- is more compatible
8 | than obviously the former use of the property,
9 | which was a mechanic shop, a repair shop for
10 | buses.

11 | And then, overall, to improve the quality
12 | of life of Union City residents.

13 | As I mentioned before, this is inherently
14 | -- inherently beneficial use, one that inherently
15 | serves the public good.

16 | As I mentioned, we're located in the RM
17 | residential district. The proposed use is one
18 | that's permitted as a conditional use.

19 | Now, the conditional use has a number of
20 | standards. We do not meet all of the standards
21 | for the conditional use. I'll go over those
22 | briefly in a minute.

23 | If we don't meet all the standards for a
24 | conditional use, we're required to appear before
25 | the Zoning Board and obtain a D3 conditional use

1 variance.

2 Now, the burden of proof for a D3 -- D3
3 variance is different than it is for a D1.
4 Instead of showing that the site is particularly
5 suited, what we need to show is that the site can
6 still accommodate the use, notwithstanding the
7 fact that it does not meet or deviates from the
8 standards pertaining to the conditional use.

9 There -- I'm just -- there are a number of
10 standards. I'm just going to go over the ones
11 that we do not comply with.

12 We don't comply with the minimum front yard
13 requirement. We don't comply with the minimum
14 side yard requirement. We do not comply with
15 maximum lot coverage. We do not comply with
16 maximum building coverage.

17 If the Board likes, I'll go over that in
18 more detail, but for purposes of a conditional
19 use variance, as I said before, you have to take
20 all those factors into consideration and
21 determine whether or not this site can still
22 accommodate the use, notwithstanding the fact
23 that it doesn't meet those deviations.

24 One of the unique considerations with
25 respect to this use is the primary reason we do

1 not meet those requirements. Again, they're --
2 they're basically building requirements, with
3 respect to building setbacks, building coverage.
4 The reason being is because we have an existing
5 building on the property.

6 Because of that existing building, that --
7 or that presents itself with a unique
8 circumstance related to this property.

9 Given the fact that there is an existing
10 building on the property, it's been there for a
11 number of years, this use has existed within this
12 property for a number of years, it's my opinion
13 that the property can accommodate the use.

14 One of the other issues I'll take a look at
15 in a minute is the parking situation, which also
16 the traffic engineer provided testimony on.

17 The deviation from those requirements are
18 also mitigated, as I mentioned before, because
19 the site has been in operation as a house of
20 worship for a number of years, nine years with
21 this church, three years for the prior.

22 The existing -- or the place of worship
23 will be more compatible with existing uses. And
24 also, the existing building is one that's an old
25 -- it's almost like an old block building, but an

1 old warehouse building and it -- and it's very
2 easily adaptable and can accommodate the proposed
3 house of worship use.

4 As far as I know, there have been no
5 incidents with -- related to the use that's been
6 there. I mean, the fact that it's operated nine
7 years without causing any problem, I think is
8 indicative of the fact that the site can
9 accommodate the proposed use, as well.

10 Also, all of the use will be contained
11 inside the building. And again, I just want to
12 reiterate that the use of the property will be
13 limited to primarily two days a week, and then a
14 third day once a month.

15 Now moving on to the parking requirement.
16 We do require a variance for parking. The
17 Ordinance would require 28 parking spaces where
18 none are proposed. And again, this is really an
19 existing condition of the site. Therefore, I
20 think it would be a hardship for the applicant to
21 try to provide parking, because of the unique
22 circumstance of the existing building that's
23 located on the property.

24 Parking is mitigated because there is
25 limited demand for parking, as testified to by

1 the traffic engineer. You also heard testimony
2 from the pastor that limited vehicles utilize
3 this use, most of the -- most of the congregants
4 that go to the church live within the area and
5 walk.

6 In addition, the applicant -- I'm -- sorry,
7 not the applicant, but the traffic engineer
8 testified to the fact and did an analysis that
9 there is also sufficient street parking in the
10 vicinity of the project that can accommodate the
11 parking needs of this facility, of the church
12 facility.

13 Finally, the applicant must make a showing
14 of the negative criteria for both the D3 and the
15 C variance. Essentially, the negative criteria
16 consists of two parts.

17 The first part, we must show that there
18 will not be a substantial detriment to the public
19 good, which is namely the surrounding area.

20 And then, secondly, there will not be a
21 substantial impairment to the intent and purpose
22 of the zone plan and the Zoning Ordinance of the
23 community.

24 I would submit to the Board that based upon
25 the fact that we're dealing with an existing

1 structure, a use that has actually been in
2 operation on the site for a number of years, and
3 given the nature of the developed area that this
4 property is located in, that there would not be
5 any detriment to the neighboring properties.

6 I would also submit that given the
7 testimony from the traffic engineer and the
8 traffic report, that there would not be a
9 significant increase in traffic resulting from
10 the project; that the parking demand can be
11 satisfied. The limited parking demand can be
12 satisfied from parking on the street.

13 In addition, I would also like to point out
14 that if you were to redevelop this property with,
15 say, a low-rise or mid-rise apartment building,
16 you would definitely generate more traffic from
17 this site than what you would have under what's
18 proposed currently.

19 Finally, I would submit to the Board that
20 we do not substantially impair the zone plan or
21 Zoning Ordinance. I went over a number of goals
22 and objectives from the Master Plan that I feel
23 that we do comply with.

24 And in addition to that, the use itself is
25 being located or is occupying an existing

1 structure. So, given the fact that it's an
2 existing structure, even it does no -- even
3 though it does not meet all of the requirements
4 for the conditional use standards, it's something
5 that can be accommodated within the Ordinance,
6 and I think it's something that is appropriate,
7 given the existing conditions of the other
8 structures in the immediate area.

9 So, finally, for those reasons, it's my
10 opinion that the positive criteria for the D3
11 conditional use variance are met, along with the
12 C variance for parking.

13 I do feel that the site can accommodate the
14 proposed use, as I mentioned before, because of
15 the fact that there's an existing building on the
16 site. It's a very limited intensity -- intensity
17 type use.

18 So, for those reasons, I feel that the
19 positive criteria outweigh the negative, and I do
20 feel confident that the Board could grant the
21 requested variances.

22 Thank you.

23 MR. GONZALEZ: Just a question of a
24 hypothetical nature, because I think it's
25 probably appropriate.

1 Any use of this property, in your
2 professional opinion, any alternate use of this
3 property would require parking variance.

4 Is that correct?

5 MR. KAUKER: Yeah. Any -- any use of the
6 property, yes, would require a parking variance.

7 MR. GONZALEZ: Okay.

8 So parking --

9 MR. KAUKER: Yes.

10 MR. GONZALEZ: -- variance would have to be
11 granted no matter who used this.

12 MR. KAUKER: That -- that is correct. Yes.

13 MR. GONZALEZ: Thank you.

14 VICE CHAIRMAN GRULLON: Thank you, Mr.
15 Kauker.

16 MR. GONZALEZ: No further questions.

17 VICE CHAIRMAN GRULLON: Do you have any
18 other witness or --

19 MR. GONZALEZ: No, those are my witnesses.

20 VICE CHAIRMAN GRULLON: No more witnesses?

21 At this point, we want to call the first
22 gentleman, the Reverend, if he can come to the
23 front, so we can ask question.

24 MS. DILLON: Right in front of the
25 microphone, Reverend.

1 VICE CHAIRMAN GRULLON: Just for
2 clarification, could you testify again, just to
3 refresh our memory, about how many -- you know,
4 every day that you're going to have, how many
5 people you're going to have in that church?

6 REVEREND LANDAVERDE: That will be on
7 Sundays, around -- around 80 people.

8 VICE CHAIRMAN GRULLON: Around 80 people.

9 REVEREND LANDAVERDE: Yes.

10 VICE CHAIRMAN GRULLON: You say, are you --
11 before you mentioned that that would be probably
12 about 30 vehicles.

13 MR. GONZALEZ: Twelve.

14 REVEREND LANDAVERDE: Twelve. Twelve.

15 VICE CHAIRMAN GRULLON: Twelve? Okay.

16 REVEREND LANDAVERDE: Yeah.

17 VICE CHAIRMAN GRULLON: And what are the
18 hours of operation on Sundays?

19 REVEREND LANDAVERDE: From 11 to one.

20 VICE CHAIRMAN GRULLON: Eleven to one.
21 Just for like two hours?

22 REVEREND LANDAVERDE: Two hours. Yes.

23 VICE CHAIRMAN GRULLON: Two hours.

24 And the other day, that is weekly.

25 REVEREND LANDAVERDE: Thursdays.

1 VICE CHAIRMAN GRULLON: Thursdays.

2 REVEREND LANDAVERDE: From eight to 9:30.

3 VICE CHAIRMAN GRULLON: From eight to 9:30.

4 And as the planner say that the Saturdays
5 is only once a month.

6 REVEREND LANDAVERDE: Yes.

7 VICE CHAIRMAN GRULLON: And is that a
8 regular activity that you have there, like a
9 church type or is that --

10 REVEREND LANDAVERDE: Yes. It's a monthly
11 meeting that we have. Yes.

12 VICE CHAIRMAN GRULLON: Around how many
13 people do you have there?

14 REVEREND LANDAVERDE: Like 30 people.

15 VICE CHAIRMAN GRULLON: Thirty. Okay.

16 And again, the church been operating for
17 how many years?

18 REVEREND LANDAVERDE: Nine years, going to
19 ten.

20 VICE CHAIRMAN GRULLON: Nine years.

21 And previous to that, what did they have in
22 there?

23 REVEREND LANDAVERDE: There was another
24 church.

25 VICE CHAIRMAN GRULLON: Another church that

1 operates for like --

2 REVEREND LANDAVERDE: Three years. I think
3 three years.

4 VICE CHAIRMAN GRULLON: Okay.

5 And would you say that most of the people
6 attending the church are there from the community
7 or they come from --

8 REVEREND LANDAVERDE: Yeah. They actually
9 are here. A lot of people of the community --
10 from the community. And you know, some people
11 come from outside the -- the town, but most of
12 the people is from the community.

13 VICE CHAIRMAN GRULLON: Okay.

14 Would you say that many of them walk to
15 church?

16 REVEREND LANDAVERDE: Yes. I mean, you
17 have some testimony here, you want to hear, we
18 have some people who want to --

19 VICE CHAIRMAN GRULLON: We're going to give
20 them the opportunity to speak.

21 REVEREND LANDAVERDE: Okay.

22 VICE CHAIRMAN GRULLON: I just want to see,
23 do you have any question for this --

24 MR. MEDINA: Yeah. I have a question.

25 Beside the church, is going to be a

1 workshop.

2 Right?

3 REVEREND LANDAVERDE: What was that?

4 MR. MEDINA: A workshop on the -- on the
5 church?

6 REVEREND LANDAVERDE: Before the church?

7 MR. MEDINA: Yeah.

8 REVEREND LANDAVERDE: Used to an auto
9 mechanic shop. Yes.

10 MR. MEDINA: So, at this moment, the church
11 is open right now?

12 REVEREND LANDAVERDE: Yes. It's been open
13 for nine years now, then three years before with
14 another church. Another people, yes.

15 MR. MEDINA: And how many people, at this
16 moment, will you have in church can fit on the
17 church?

18 REVEREND LANDAVERDE: I would say like 120
19 people, maybe. Well, right now, we have 80
20 people on the church. Yes.

21 MR. MEDINA: And how many feet -- square
22 feet is exactly this property?

23 MR. GONZALEZ: Maybe we could -- can we ask
24 that to the architect --

25 VICE CHAIRMAN GRULLON: We --

1 MR. GONZALEZ: -- if we can?

2 VICE CHAIRMAN GRULLON: We're going to ask
3 the architect.

4 MR. GONZALEZ: Yeah. I don't know if he
5 would know.

6 REVEREND LANDAVERDE: Yeah. I think 5,000
7 square feet, but I'm not sure. And that would be
8 --

9 MS. DILLON: I'm sorry. Repeat that,
10 please.

11 REVEREND LANDAVERDE: I think 5,000 square
12 feet.

13 MS. DILLON: Okay.

14 REVEREND LANDAVERDE: I think. But that
15 would be the architect who have those notes.

16 VICE CHAIRMAN GRULLON: No, we're going to
17 ask that question to the architect.

18 MR. MEDINA: All right.

19 Thank you.

20 VICE CHAIRMAN GRULLON: Okay.

21 Thank you.

22 REVEREND LANDAVERDE: Any other questions?
23 That's it?

24 Thank you.

25 VICE CHAIRMAN GRULLON: We're going to open

1 to the public at the end.

2 At this point, Mr. Fernandes, the
3 architect, can you come up, please?

4 Mr. Fernandes, could you testify about the
5 existing condition of the lot right now?

6 MR. FERNANDES: Sure.

7 VICE CHAIRMAN GRULLON: What's there?

8 MR. FERNANDES: The square footage of the
9 actual church area is 5,265 square feet. It is
10 -- if you look on S-1 --

11 VICE CHAIRMAN GRULLON: Yes.

12 MR. FERNANDES: -- which is the site plan,
13 it shows the -- the entire building that goes on
14 3rd Street, as well as Paterson Plank Road. But
15 the church only occupies the two spots on the
16 left that are Lot 21 and Lot 22, number 529 and
17 531. That -- that is the church space. The
18 other ones are other tenant spaces.

19 So, if you look on the floor plan, you have
20 the entry foyer, which gives you access to the
21 main assembly room, which is two -- 2,231 square
22 feet. I'm showing here 96 seats and which is
23 pretty much capacity. I'm -- I know the pastor
24 said that he has 80 occupants, 80 parishioners at
25 any one time.

1 MR. GONZALEZ: For the record, and we can
2 have the pastor come back and clarify, that
3 includes children, the 80 number. We can have
4 that testimony as to why the seats are --

5 VICE CHAIRMAN GRULLON: Yeah.

6 MR. GONZALEZ: -- are empty. That's why
7 because it includes children.

8 MR. FERNANDES: Yes, because they have some
9 -- they have some rooms for children. For
10 instance, they have a reading room, 113 square
11 feet; they have two classrooms, 146 square feet
12 each; they -- they take about nine children in
13 there. And there's also the choir and the
14 members of the congregation that would stay in
15 the -- in the pulpit.

16 There -- there are some -- there is a
17 kitchen, break room, which obviously wouldn't be
18 used during services. It would be used after or
19 before. And an office, bathrooms and a room -- a
20 crying room and an office for the pastor that,
21 obviously, is only used when he's -- when he's
22 not performing services.

23 Like I said before, this -- this floor plan
24 has three exits. It has one all the way on the
25 left, the bottom left. It has the main entrance,

1 | which also can serve as an exit. And it has a --
2 | another exit that's on the right, all the way on
3 | the right, right by the kitchen and break room.
4 | You can go through that door and go through a
5 | corridor to the front, into the street.

6 | So, you -- in order to evacuate this --
7 | this assembly room, it would be -- it would be
8 | very easy.

9 | VICE CHAIRMAN GRULLON: Thank you.

10 | MR. FERNANDES: In a timely manner.

11 | VICE CHAIRMAN GRULLON: Is this -- I'm
12 | looking at sheet S-1.

13 | MR. FERNANDES: Um hum.

14 | VICE CHAIRMAN GRULLON: Is this a proposed
15 | plan or this is existing condition?

16 | MR. FERNANDES: This is existing, exactly
17 | as it is today.

18 | VICE CHAIRMAN GRULLON: Okay.

19 | Are you proposing any construction inside
20 | the church or any renovation or --

21 | MR. FERNANDES: No, because they already
22 | have this whole place finished. They have
23 | lights, they have exit signs, they have
24 | everything that you would need to -- to operate
25 | the space.

1 VICE CHAIRMAN GRULLON: Okay.

2 Thank you, Mr. Fernandes.

3 MR. FERNANDES: Thank you.

4 VICE CHAIRMAN GRULLON: If you can bring
5 the traffic expert? The traffic, the traffic
6 expert that you have. The engineer.

7 MR. GONZALEZ: Our traffic expert?

8 VICE CHAIRMAN GRULLON: Yes, please.

9 MR. GONZALEZ: Doctor?

10 DR. IZADMEHR: Yeah. Yeah.

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

13 VICE CHAIRMAN GRULLON: As you testified,
14 the church is being operated for like nine years?

15 DR. IZADMEHR: Yes.

16 VICE CHAIRMAN GRULLON: And you did your
17 traffic study and you say that on those days that
18 you did your traffic study, you didn't find any
19 impact to traffic or any -- you know, like issues
20 with parking spaces?

21 DR. IZADMEHR: No. As it was -- I
22 testified and others testified, the highest use
23 of this existing church is on Sundays from 11 to
24 one, for two hours, Sunday service, which
25 attracts as high as 80 congregates and also 12

1 vehicles.

2 And as I testified, even after the service
3 has started for over 45 minutes, we found there
4 were still 26 spaces free on the streets -- you
5 know, within walking distance of the church.

6 So, we did not see any issue whatsoever for
7 parking.

8 And I'm pretty sure there will be no issue
9 at all for Saturday service, which happens once a
10 month, as well as on Thursdays, Thursday
11 evenings.

12 VICE CHAIRMAN GRULLON: Sure.

13 DR. IZADMEHR: And in terms of traffic, no.
14 Based on ITE trip generation that I have
15 collected traffic data from all of the country
16 for churches, this church will generate, at most,
17 three vehicles coming to the church in the
18 morning, during the rush hour.

19 But in this case, I talked to the pastor,
20 nobody walks there in the mornings. So, it's
21 basically zero in this case. But again, that
22 three is an indication of a national -- you know,
23 a study, that shows three people would come of
24 this size. Of course, if the church is bigger,
25 more active, there will be exceptions.

1 And in the afternoon, during the rush hour,
2 zero basically.

3 VICE CHAIRMAN GRULLON: For the study that
4 you made, you made on a day that the church was
5 in session?

6 DR. IZADMEHR: Yes. Yes. On a Sunday.

7 VICE CHAIRMAN GRULLON: On a Sunday.

8 DR. IZADMEHR: Which the church was in
9 session. That's why we specifically came there
10 at 10:30. I mean, we were there earlier than
11 10:30 just driving around, just becoming
12 familiar. But we actually started our parking
13 counts exactly at 10:30, and we finished at
14 11:30. We still made a couple of more rounds,
15 just to make sure parking is still available for
16 people who would come, let's say, at 12 p.m.
17 So, the church was in session and we didn't
18 see any issue whatsoever for on-street parking
19 space availability.

20 VICE CHAIRMAN GRULLON: Thank you.

21 DR. IZADMEHR: You're welcome.

22 VICE CHAIRMAN GRULLON: And any question
23 from the member of the Board?

24 My last question will be for Mr. Kauker.

25 DR. IZADMEHR: I will -- I will keep it.

1 Yes.

2 MS. DILLON: Just keep it on, but don't
3 speak because it is live.

4 DR. IZADMEHR: Sure.

5 VICE CHAIRMAN GRULLON: Mr. Kauker?

6 MR. KAUKER: Yes.

7 VICE CHAIRMAN GRULLON: You gave us a lot
8 of testimony, and very good presentation of --
9 you know, how -- how the benefit outweigh the
10 negative --

11 MR. KAUKER: Um hum.

12 VICE CHAIRMAN GRULLON: -- on this
13 application.

14 But I just want to know, the previous use,
15 which was -- could you compare the previous use,
16 the repair shop to a church use type? How -- how
17 would that impact the neighborhood?

18 MR. KAUKER: Well, first of all, repair use
19 was a nonconforming use. So, that use was not
20 permitted. So, in terms of compatibility, a
21 house of worship, which is permitted as a
22 conditional use, is definitely a better fit than
23 the former repair use. Obviously, with a repair
24 use, it was my understanding they worked on
25 buses, which are pretty large vehicles. You

1 | probably have a lot of noise, --

2 | VICE CHAIRMAN GRULLON: Sure.

3 | MR. KAUKER: -- you know, that's associated
4 | with that. And you know, probably some refuse,
5 | as well.

6 | And then, it could also create an issue for
7 | parking and for transportation --

8 | VICE CHAIRMAN GRULLON: Yes.

9 | MR. KAUKER: -- on the street, as well.

10 | VICE CHAIRMAN GRULLON: That's what I
11 | wanted to ask you.

12 | The parking situation, comparing a repair
13 | shop, which is like -- like commercial use.

14 | MR. KAUKER: Right.

15 | VICE CHAIRMAN GRULLON: Compared to the
16 | church type use, would that be the same count of
17 | vehicles?

18 | MR. KAUKER: I'm not sure. I didn't do a
19 | calculation of the requirement.

20 | VICE CHAIRMAN GRULLON: Mr. Spatz?

21 | MR. KAUKER: But it's based upon the square
22 | footage.

23 | VICE CHAIRMAN GRULLON: The requirement of
24 | that, the count, parking requirement for a -- for
25 | a commercial -- for a commercial space in that

1 location?

2 MR. SPATZ: I don't have my Ordinance with
3 me. It would be considered as -- as a heavy
4 commercial or an industrial space. And so,
5 really not that many cars would be required for
6 that.

7 There would be a greater parking
8 requirement for the church, but in terms of
9 traffic and impact from the heavier vehicles
10 versus passenger vehicles, the church would have
11 a lesser impact from that point of view.

12 VICE CHAIRMAN GRULLON: Thank you, Mr.
13 Spatz.

14 Thank you, Mr. Kauker.

15 MR. KAUKER: Thank you.

16 VICE CHAIRMAN GRULLON: That's all I have.
17 Any question from the member of the Board?
18 We don't have any more question at this
19 time.

20 We want to open it to the public.

21 Any member of the public wants to --

22 MS. GUTIERREZ: Step forward.

23 VICE CHAIRMAN GRULLON: -- would like
24 comments for this application, come forward.

25 MS. KATO: I have a question.

1 MS. DILLON: Just come forward.

2 VICE CHAIRMAN GRULLON: Members of the
3 public.

4 MS. DILLON: No, no, no, ma'am.
5 Come to the microphone.

6 MS. KATO: Okay.

7 VICE CHAIRMAN GRULLON: For this
8 application.

9 MS. DILLON: Please raise your --

10 MS. KATO: So --

11 MS. DILLON: Ma'am? Ma'am?

12 MS. GUTIERREZ: Ma'am?

13 MS. KATO: Excuse me?

14 MS. DILLON: Please raise your right hand.

15 MS. KATO: Yes.

16 MS. DILLON: Do you affirm the testimony
17 you're about to give this Board is the whole
18 truth?

19 MS. KATO: Yes.

20 MS. DILLON: Can you state your name and
21 spell it for the record?

22 MS. KATO: Keiko Kato, K-E-I-K-O --

23 MS. DILLON: K-E-I --

24 MS. KATO: K-O.

25 MS. DILLON: Last name?

1 MS. KATO: Kato, K-A-T as Tom, O.

2 MS. DILLON: And your address.

3 MS. KATO: 38 Morton Street, Apartment 4A,
4 New York, New York 10014.

5 MS. DILLON: Thank you.

6 MS. KATO: So, can I start my question?

7 MS. DILLON: Yes, ma'am.

8 MS. KATO: Yes. I am the owner of the
9 neighbor's, Lot 33 Block 9, 200 Paterson Plank
10 Road. So, I receive a letter and they indicated,
11 like -- so, like something about minimum front
12 yard setback, rear yard setback, minimum side
13 yard setback, maximum building coverage, blah,
14 blah, blah. And then, what I listen to --

15 MS. DILLON: You need to -- you need to
16 repeat that.

17 VICE CHAIRMAN GRULLON: Yes.

18 MS. DILLON: And speak slowly.

19 MS. GUTIERREZ: Slowly.

20 MS. DILLON: We're making a --

21 VICE CHAIRMAN GRULLON: You have to speak
22 slow.

23 MS. DILLON: -- verbatim record.

24 MS. KATO: Okay.

25 So, I received a letter. In the letter

1 | stating the whatever application is -- is
2 | including like the D3 conditional use variance
3 | for minimum front yard setback, rear yard
4 | setback, minimum side yard setback, maximum
5 | building coverage and the maximum lot coverage,
6 | as well as the granting of an off-street parking
7 | variance.

8 | So, all that I heard today is really the
9 | perimeter size, --

10 | MR. GONZALEZ: Um hum.

11 | MS. KATO: -- it still doesn't change at
12 | all. Right?

13 | MR. GONZALEZ: Correct. At all.

14 | MS. KATO: So means whatever you guys
15 | approve today, existing building will remain as
16 | is, use remains as is.

17 | MR. GONZALEZ: No change.

18 | MS. KATO: Perimeter, the size of the lot
19 | doesn't change at all. So means, can I ask them
20 | it doesn't affect to my property?

21 | VICE CHAIRMAN GRULLON: The planner could
22 | answer that question --

23 | MR. GONZALEZ: Yes.

24 | VICE CHAIRMAN GRULLON: -- about the side
25 | yard?

1 MR. GONZALEZ: She wants to know if -- if
2 it would -- she's the owner of this -- of this
3 property.

4 MR. KAUKER: Neighboring property.

5 MR. GONZALEZ: And she wants to know --

6 MR. KAUKER: Right.

7 MR. GONZALEZ: -- if it would affect --

8 MS. KATO: Yeah.

9 MR. GONZALEZ: -- negatively affects her
10 property.

11 MS. DILLON: Mr. Kauker, just you step --

12 MR. KAUKER: Sure.

13 MS. DILLON: -- in front of the mic for me.
14 Thank you.

15 MR. KAUKER: They'll -- the impact will be
16 no different as it's been for the last number of
17 years. So, it's -- as they said, there's no
18 change to the building. The side yard --

19 MS. KATO: Um hum.

20 MR. KAUKER: -- setback is what exists
21 today. So, there's going to be no change to the
22 building, no enlargement. You will not notice a
23 difference.

24 MS. KATO: Okay.

25 Thank you very much.

1 MR. KAUKER: You're welcome. You're
2 welcome.

3 VICE CHAIRMAN GRULLON: Thank you.

4 MS. GUTIERREZ: Thank you.

5 VICE CHAIRMAN GRULLON: Thank you.

6 Any other member of the public?

7 No other member of the public.

8 Closed to the public.

9 MR. PANEQUE: If I may?

10 VICE CHAIRMAN GRULLON: Sure.

11 MR. PANEQUE: Mr. Gonzalez, I know that you
12 have a number of the parishioners from the church
13 here tonight. I don't know if you just want to
14 make a statement, if anybody's here in support of
15 the church, if they just want to stand up and --
16 and show that, as a -- as a show of demonstration
17 to the Board? Or if anybody here is opposed to
18 it, also stand up.

19 But I'll leave that up to you.

20 MR. GONZALEZ: Thank you very much.

21 VICE CHAIRMAN GRULLON: Sure.

22 MR. GONZALEZ: Just addressing the -- the
23 public here, all those that would like this to be
24 approved, would you please raise your hand?

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. GONZALEZ: You can lower your hands.

3 All those opposed, would you please raise
4 your hand?

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

7 MR. GONZALEZ: Thank you very much.

8 MR. PANEQUE: Thank you.

9 The Board will take note that the members
10 of the public that are here, and there are quite
11 a number of them, there was a great showing in
12 support of your application.

13 MR. GONZALEZ: Thank you.

14 MR. PANEQUE: Okay.

15 VICE CHAIRMAN GRULLON: Yeah. Now, that we
16 see the great support that you have on this -- on
17 this church, and no one opposing the application,
18 and as -- as you stated on the record, that the
19 church has been operating for nine years, and it
20 hasn't provided any negative impact to the
21 community, and it's providing service to the
22 community that benefit the community, I will make
23 a motion to grant this application.

24 THE SECRETARY: Motion to grant the
25 application by Mr. Grullon.

1 MS. GUTIERREZ: Second it.

2 THE SECRETARY: Second by Ms. Gutierrez.

3 Roll call on the motion to approve this
4 application.

5 Ms. Gutierrez?

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: Mr. Grullon?

8 VICE CHAIRMAN GRULLON: Yes.

9 THE SECRETARY: Mr. Pressey?

10 MR. PRESSEY: Yes.

11 THE SECRETARY: Mr. Medina?

12 MR. MEDINA: Yes.

13 THE SECRETARY: Mr. Ortiz?

14 MR. ORTIZ: Yes.

15 THE SECRETARY: Five in favor.

16 Motion carries.

17 (Applause.)

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

20 THE SECRETARY: Two minute break.

21 MR. PANEQUE: Two minute break.

22 THE SECRETARY: Two minute break.

23 MR. PANEQUE: For the Board, two minute
24 break.

25 VICE CHAIRMAN GRULLON: Two minute break.

1 THE SECRETARY: Two minute break.

2

3 (Whereupon, the Board recessed from 8:08
4 p.m. to 8:14 p.m.)

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1 **Ankur Patel - 205 New York Avenue:**

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3 THE SECRETARY: All right.

4 Back on record.

5 Next application on tonight's agenda, Ankur
6 Patel, 205 New York Avenue.

7 Ms. Pereiras, please?

8 MR. PANEQUE: For the record, I've been
9 provided by Ms. Pereiras with the following
10 documentation:

11 I have a certification as to publication
12 and service, giving notice of -- indicating that
13 notice of tonight's hearing was given to all
14 property owners within the 200 foot radius of 205
15 New York Avenue on December 27th.

16 I also have an affidavit from The Jersey
17 Journal, indicating that notice was published on
18 December 21st of -- giving notice of tonight's
19 hearing, for 205 New York Avenue, meeting to take
20 place at 3715 Palisade Avenue as required.

21 I've also been provided with copies of the
22 certified mail receipts, with a postmark date of
23 December 27, as well as the Tax Assessor's list
24 with a date of December 18th, consisting of three
25 pages, and the green cards that have come back to

1 date and the envelopes.

2 Based on the information provided, this
3 Board has jurisdiction to proceed and hear this
4 matter.

5 MS. PEREIRAS: Thank you --

6 MR. PANEQUE: Thank you, Ms. Pereiras.

7 MS. PEREIRAS: -- very much, Mr. Paneque.

8 Good evening and Happy New Year.

9 MS. GUTIERREZ: Happy New Year.

10 MR. PRESSEY: Happy New Year, too.

11 MS. PEREIRAS: May it please the Board,
12 Bianca Pereiras, on behalf of Ankur Patel.

13 This is in related -- related to 205 New
14 York Avenue.

15 This Board is very familiar with this
16 block. Back in 2014, this block was devastated
17 by a fire, a fire that started at the corner, and
18 then the five homes that were next to it were
19 demolished and destroyed.

20 This Board has seen some of these
21 applications come before the Board in the past.
22 In fact, this Board approved recently, back in
23 November, one at 203 New York Avenue; one at 207
24 New York Avenue, back in -- that was November,
25 2018; 203 was approved back in December, 2016;

1 and 211 and 209 were approved in September of
2 2017.

3 This is the one remaining spot. We are
4 looking to construct a single family.

5 We have one expert to testify before the
6 Board, and that is our architect, Mr. Manuel
7 Pereiras.

8 MS. DILLON: Please raise your right hand.

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

11 MR. PEREIRAS: I do.

12 Manny Pereiras, P-E-R-E-I-R-A-S, with
13 Pereiras Architects Ubiquitous, 1116 Summit
14 Avenue.

15 MS. DILLON: Thank you.

16 MS. PEREIRAS: And for purposes of the
17 record, Mr. Pereiras has testified before the
18 Board in the past.

19 VICE CHAIRMAN GRULLON: Yes, we accept your
20 qualification.

21 MS. PEREIRAS: Thank you very much.

22 VICE CHAIRMAN GRULLON: Happy New Year.

23 MR. PEREIRAS: Happy New Year, everyone.

24 MS. GUTIERREZ: Happy New Year.

25 MS. PEREIRAS: Mr. Pereiras, are you

1 familiar with the property at 205 New York
2 Avenue?

3 MR. PEREIRAS: I am.

4 MS. PEREIRAS: And did you prepare the
5 drawings before the Board this evening?

6 MR. PEREIRAS: I have.

7 MS. PEREIRAS: And would you kindly
8 describe the project?

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

10 For purposes of the record, the drawings
11 that you see before me on the right in an easel
12 are the same drawings that were submitted before
13 the Board.

14 Counsel made a good description of what
15 we're doing. There are two properties
16 immediately to the south of this. This house is
17 identical to both those properties. One is
18 already constructed, came out to be a beautiful
19 single family house. The one in the middle is
20 approved already by this Board and will be
21 similar. And now, you have this one, so it
22 creates a really nice frontage. I think it's
23 going to become one of the most beautiful blocks
24 in Union City, once all of this is complete, and
25 I'm very happy to present this project.

1 Let's talk about the site, first and
2 foremost. The site itself is what triggers all
3 the variances we have today. It is actually only
4 16 feet wide. There is no space available, as I
5 said, under construction already on one end and
6 on the other side, it's another approved drawing.
7 So, there's no way the applicant can expand the
8 size of his lot in any way. So, we're limited by
9 that 16 feet in width.

10 And the depth of the house is 79.83. The
11 rear lot, to the -- to the west is already a
12 developed lot, as well. So, there's no
13 opportunity to expand the lot in that direction
14 either.

15 So, we're faced with a lot that's 16 by
16 79.83 and that triggers a lot width variance, it
17 triggers a lot area variance, and it triggers
18 lot depth variances.

19 So, that -- and consequently, it triggers
20 everything else that we have that we're
21 proposing, and I'll walk through that list, as
22 well.

23 But what we're looking to do is to put a
24 building on this lot. We are proposing a 17 foot
25 front yard setback. The reason we're doing 17

1 feet is so that we could fit a car right on the
2 apron, so that we could have a car parked inside
3 the building, and a car outside, satisfying a
4 parking demand of two cars, taking the cars off
5 the street and satisfying it within this
6 property.

7 We have a zero side yard setback on both
8 sides of this building. However, we're taking
9 extreme caution in order to make sure that this
10 is a safe situation. It is going to be a two
11 hour fire wall on both sides of this building.
12 And since we're the architects on the one to the
13 south, we could tell you that we're building a
14 two hour fire wall on that -- along that wall, as
15 well.

16 So, a fire, the way it was, will be very
17 difficult to happen again, because it's going to
18 be strongly separated with these fire wall
19 partitions.

20 The depth of the rear yard is only 11 feet,
21 which is -- triggers another variance. And
22 that's because we have a small lot. Our building
23 is only 51 foot ten, but that only gives us 11
24 feet in the rear yard, which the rear yard is
25 supposed to be 25 percent of the entire lot.

1 We're shy of that. So, that's another small
2 variance that we have for rear yard.

3 There -- the additional variances that we
4 are speaking about is building coverage, because
5 60 percent is the maximum permitted in the zone
6 and we're at 65 percent, 829. But that -- if we
7 were to take -- that's really a hardship because
8 if we were to make this any smaller, the house
9 would become very unlivable.

10 And that leads us to the floor plan. I
11 could show you what we did.

12 On the ground floor, we're providing indoor
13 parking. I'm actually turning to sheet Z02. The
14 first drawing all the way along the left is the
15 ground floor plan. You could see that from the
16 street -- from the sidewalk, you have a stair
17 that leads you up to the floor above. And you
18 have a garage along the front. And you could see
19 the car that's on the apron and the car that's
20 inside the garage.

21 If you take the stairs from the -- from the
22 sidewalk up, you're led to the second floor,
23 which is the entire living space. You have a
24 living room, dining room and kitchen. It's an
25 open floor plan. You walk in, you see the entire

1 space, you see the windows along the back,
2 becomes very beautiful. It takes something
3 that's very small and makes it feel very big and
4 grandiose.

5 If you take the stairs from that space up,
6 you have the bedroom for two children. Along the
7 top, the third floor, with two bathroom -- well,
8 a bathroom each of them and their own closet.
9 And if you take the stairwell down, you have the
10 master suite on the lower level behind the garage
11 so that you have a nice sized bedroom. It's
12 10.10 by 16.2, with its own walk-in closet and
13 its own bathroom.

14 The façade of the building is very simple,
15 very elegant. It's simply a brick flat façade,
16 with accentuated window headers, and a nice
17 cornice along the top. And then, the garage door
18 and the stairs.

19 So, it's very simple and it's going to fit
20 well with the neighborhood. And what we doing
21 is, we're not matching the same brick. We're
22 going to have a brick that's slightly different
23 color, but that goes well, so that it creates a
24 nice pattern in the neighborhood.

25 The sides, you don't see the two sides,

1 north and south. And then, the rear is vinyl
2 siding.

3 And that really concludes my testimony.
4 It's a very simple application, but I -- I'll
5 expand on it however you need.

6 VICE CHAIRMAN GRULLON: You're the only
7 witness?

8 MR. PEREIRAS: I am.

9 MS. PEREIRAS: Yes.

10 VICE CHAIRMAN GRULLON: Mr. Pereira, could
11 you testify on the safety of the building?

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

13 This is constructed to meet the standards
14 of actually the International Building Code, not
15 the Residential Code, because the -- the nature
16 of its size, since it's three stories and it's on
17 the property line.

18 So, it's the strictest code in the nation.

19 It is going to be built with fire walls,
20 two hour fire walls on both the north and the
21 south side.

22 It is going to be alarmed with a fire alarm
23 system that is interconnected throughout the
24 building.

25 All egress requirements are compliant and

1 extremely easy. Bedrooms, you could escape
2 through emergency escape windows. The highest
3 level is three stories up, so you're not talking
4 about a very tall escape path. And the exit,
5 since the building is so short, it's only 51 feet
6 in depth, at any point you could exit straight
7 out the front, extremely safe as far as building
8 standards.

9 VICE CHAIRMAN GRULLON: And also, could you
10 tell us about the -- how would that be compared
11 to the other -- the -- if you will fit with the
12 characteristic of the block?

13 MR. PEREIRAS: Absolutely.

14 Well, first and foremost, it's a very
15 beautiful block, both on the -- the east side and
16 the west side.

17 What we're building now on the west side of
18 the block, you have two other properties that are
19 going to be literally identical to this. No
20 differences whatsoever. So, it definitely fits
21 well with that.

22 What's going to be built slightly to the
23 north, that's under construction right now, it's
24 slightly different, but it blends very well with
25 this. The setbacks are very similar. The other

1 ones are a little bit shorter, a little bit
2 wider, but it works very well with the
3 neighborhood.

4 And if you look at across the street, the
5 scale of it, the -- the width, the narrowness,
6 the materiality, it's all brick. It works very
7 well with the neighborhood.

8 VICE CHAIRMAN GRULLON: I don't have any
9 more question.

10 Do you guys have any question, members of
11 the Board?

12 MR. MEDINA: No.

13 MS. GUTIERREZ: No.

14 VICE CHAIRMAN GRULLON: At this point, I'm
15 just going to open it to the public. Open to the
16 public.

17 Mr. Price?

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

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

22 MR. PRICE: I do.

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

25 MR. PRICE: Larry Price, 1006 Palisade

1 Avenue.

2 MS. DILLON: Thank you.

3 MR. PRICE: You've heard this remark
4 before, so I'll make it very quick.

5 This is probably not the most beautiful
6 block in Union City yet, because it's still a
7 work in progress, but it's going to be one of the
8 most beautiful blocks in Union City.

9 I wish I could have convinced Mr. Patel
10 that the two buildings at the end should be
11 identical. You're going to have a streetscape
12 there that's going to be very nice. You're going
13 to have three identical row houses --

14 MS. GUTIERREZ: Um hum.

15 MR. PRICE: -- and similar -- two more
16 similar.

17 And you know, they're going to be new and
18 it -- it's going to be a lovely neighborhood.
19 So, I would endorse the -- the application.

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

21 MR. ORTIZ: Thank you, Mr. Price.

22 MS. GUTIERREZ: Thank you.

23 VICE CHAIRMAN GRULLON: Thank you, Mr.
24 Price.

25 Any other member of the public?

1 No one else.

2 Closed to the public.

3 Taking in consideration that the
4 construction meet the safety standard, and is in
5 line with the other houses in the neighborhood, I
6 make a motion to grant this application.

7 THE SECRETARY: Motion to grant the
8 application by Mr. Gullon.

9 MS. GUTIERREZ: Second.

10 THE SECRETARY: Seconded by Ms. Gutierrez.

11 Roll call on the motion to grant this
12 application.

13 Ms. Gutierrez?

14 MS. GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Gullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: 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 MS. PEREIRAS: Thank you all very much.

1 MS. GUTIERREZ: You're welcome.

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

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1 **Hung Fat Inc. - 1214 Summit Avenue:**

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3 THE SECRETARY: All right.

4 Next -- next application on tonight's
5 agenda, Hung Fat, Inc., 1214 Summit Avenue.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Thank you.

8 Again, Bianca Pereiras on behalf of the
9 applicant.

10 The Board may recall this application we
11 had presented back in November. We heard several
12 comments from this Board and we asked for a
13 continuation, so that we could maybe modify.

14 We are still working on those drawings. We
15 are modifying them to hopefully comply with all
16 the requests that this Board made of us.

17 So, I respectfully request that this matter
18 be carried until next month, if possible.

19 MR. PANEQUE: Ms. Pereiras, along with your
20 request, do you also, on behalf of your client,
21 waive the statutory time limits that are
22 required?

23 MS. PEREIRAS: Absolutely.

24 MR. PANEQUE: Okay.

25 Is there a motion based on the request to

1 adjourn the application?

2 That would be February 14th, Mr. Vallejo?

3 THE SECRETARY: Yes, Mr. Paneque.

4 MR. PANEQUE: To February 14th.

5 VICE CHAIRMAN GRULLON: I make a motion to
6 adjourn it.

7 THE SECRETARY: Motion --

8 MR. MEDINA: Second.

9 THE SECRETARY: -- to adjourn this
10 application by -- February 14, 2019 by Mr.
11 Grullon.

12 Seconded by Mr. Medina.

13 Roll call on the motion to adjourn this
14 application for February 14, 2018 (sic).

15 Ms. Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Grullon?

18 VICE CHAIRMAN GRULLON: Yes.

19 THE SECRETARY: Mr. Pressey?

20 MR. PRESSEY: 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 MS. PEREIRAS: Thank you, again.

3 MS. GUTIERREZ: You're welcome.

4 MR. PRESSEY: Good night.

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1 **Nabila Tadros - 1207 Summit Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Nabila Tadros, 1207 Summit
5 Avenue.

6 MS. PEREIRAS: Again, Bianca Pereiras, on
7 behalf of the applicant.

8 We submitted our jurisdictional submissions
9 at the November 29th meeting.

10 The application before the Board this
11 evening is to bring this property more in
12 compliance with the zone.

13 This is located on Summit Avenue, where we
14 have a laundromat on the ground floor, and we are
15 looking to legalize two apartments above.

16 We have one expert to testify before the
17 Board and that is our architect, Mr. Manuel
18 Pereiras.

19 MR. PANEQUE: Okay.

20 Just as a point for the Board, all that was
21 done at the last meeting, in -- in November, was
22 to take jurisdiction over this application. So,
23 there's been no testimony.

24 I know that Mr. Grullon --

25 MS. GUTIERREZ: Grullon was --

1 MR. PANEQUE: -- was absent for that
2 meeting, but since there's no testimony, then we
3 can all participate, everybody who's here
4 tonight. Okay?

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

7 MS. PEREIRAS: Mr. Pereiras, are you
8 familiar with the property located at 1207 Summit
9 Avenue?

10 MR. PEREIRAS: I am.

11 MS. PEREIRAS: And did you prepare the
12 drawings before the Board?

13 MR. PEREIRAS: I have.

14 And for purposes of the record, I recognize
15 I am still under oath.

16 MS. PEREIRAS: And would you kindly
17 describe the project for the Board?

18 MR. PEREIRAS: I will, happily.

19 We have a condition. Actually, you saw a
20 very similar thing earlier today. We have a
21 condition where everything in the building is
22 existing. We have an existing laundromat on the
23 ground floor, and we have two apartments above on
24 two additional floors. We're looking to legalize
25 these conditions.

1 Officially, and before the Building
2 Department, the records and the tax records
3 indicate that the second and third floor are
4 office space currently, but they were converted
5 to residential many years ago and have been used
6 as such for -- for about a decade now. And we're
7 here to legalize that situation.

8 We have a building that's located in the CN
9 zone. It's along Summit Avenue, between 12th and
10 13th Street on the west side. It's a laundromat
11 on the ground floor, as you could see here. We
12 have a very vocal signage there that tells you to
13 sing. And then we have two levels. The two
14 levels above are all residential.

15 We're not looking to make any changes to
16 the façade of the building, but we are looking to
17 do some changes inside. Those changes are
18 limited only to life safety changes.

19 We're going to upgrade the -- the alarm
20 system. We're going to upgrade the fire ratings,
21 but we're not changing anything as far as layout.
22 What we have is a bedroom along the front of the
23 building. We have a den, we have a living area
24 with a small home office along the side of it.
25 And then, we have a dining room along the rear of

1 it.

2 The very similar layout on the floor above,
3 with a little variation. They don't have the
4 home office along here. But then, we have the --
5 the same layout, the kitchen, the -- the dining
6 room, the living room, den and bedroom.

7 The -- we do not need an additional means
8 of egress. There is a stair along the rear of
9 the property that leads to the commercial space
10 below. It does not lead to a public right-of-
11 way, but Code permits us to maintain that and use
12 that, only the windows as an emergency escape
13 along there.

14 And the primary entrance to this building
15 is located at a door, which is at the right. So,
16 there's a nice separation between commercial and
17 the residential. The residential is pushed to
18 the right, that leads you to the two floors
19 above.

20 Beyond that, we're not making any changes.
21 I want to list through the variances that we
22 have.

23 We have a site that is conforming in --
24 slightly not conforming. Whereas a 2,500 square
25 foot lot size is required, we have a 2,192 square

1 foot lot. That is because we have a lot depth of
2 only 87.98 feet. So, we have a variance for lot
3 depth and for lot area. We have exist -- and
4 both are existing nonconformities.

5 We have a variance for lot -- for minimum
6 rear yard, whereas 20 feet is required, based on
7 25 percent -- because we're in the CN zone, but
8 we only have seven feet, 11 inches. That's,
9 again, another preexisting condition.

10 In addition to that, we have a maximum
11 building coverage, and that's a function of the
12 smaller lot size. Eighty percent is what's
13 permitted on-site, we have 86.3 percent. Again,
14 another existing nonconformity, because we're not
15 making any changes. What we're looking to do is
16 really change this from office space to
17 residential. The residential is less of an
18 impact than I believe from the office space. It
19 suits better. It's actually what the zone is
20 requesting, in the CN zone. We want residential
21 above, because we want to activate the -- you
22 know, our business streets so that we have
23 business on the -- on the ground floor and
24 residential above. It keeps use constant so that
25 there's not a vacant building.

1 During the day, you have commercial. It's
2 occupied. During night, you have people living
3 upstairs. It really helps community and it helps
4 build the community. The residents support the
5 commercial neighborhood and the commercial
6 neighborhood, in turn, supports the residents.

7 So, it's something that's definitely in
8 turn -- in looking towards the Master Plan. It's
9 inline with that, and it's inline with our Zoning
10 Ordinance as well, and we ask you to consider it.

11 VICE CHAIRMAN GRULLON: The existing
12 condition, they have an office space, commercial
13 on top?

14 MR. PEREIRAS: So, legally, it's --

15 VICE CHAIRMAN GRULLON: On the upper floor?

16 MR. PEREIRAS: It's considered office
17 space, but the reality is that it has been
18 residential apartments for many years now.

19 VICE CHAIRMAN GRULLON: According to the
20 Building Department's memo, the lot is being used
21 only as a commercial.

22 MR. PEREIRAS: It is legally only a
23 commercial.

24 VICE CHAIRMAN GRULLON: And it's on the CN
25 zone.

1 MR. PEREIRAS: That is correct.

2 VICE CHAIRMAN GRULLON: What's permitted is
3 a commercial, residential over a commercial
4 space.

5 MR. PEREIRAS: That's correct. And that's
6 what --

7 VICE CHAIRMAN GRULLON: And that's what
8 you're proposing to -- the changes that you're
9 proposing.

10 MR. PEREIRAS: Yes.

11 VICE CHAIRMAN GRULLON: On the safety
12 standard, you say you're going to bring the --
13 the building up to Code.

14 MR. PEREIRAS: Correct.

15 So, luckily, there -- the building was
16 built well because it was a commercial -- for
17 commercial use. It's actually a very strong
18 building. They even had -- at one point, there
19 was a gym on the second floor, even.

20 However, it needs to comply with
21 residential standards for a multi-family, R2,
22 standards. And we will be complying with that.
23 So there's going to be a new fire rated
24 separation between the commercial and the second
25 floor above.

1 And so, we're doing a lot of updates as far
2 as building safety and life safety concerns,
3 including a fire alarm system.

4 VICE CHAIRMAN GRULLON: I don't have any
5 more question.

6 Any other member of the Board have any
7 question for Mr. Pereiras?

8 MR. ORTIZ: Nope.

9 VICE CHAIRMAN GRULLON: At this point, I
10 want to open to the public.

11 Any member of the public?

12 Mr. Price?

13 Okay.

14 So, taking in consideration that this
15 building is in the CN zone and CN zone would
16 require to have residential over a commercial
17 space, and also the -- you're going to have the
18 opportunity to revise the safety standard for the
19 resident and all the fire -- you know, elements
20 of the building, I make a motion to grant the
21 application.

22 THE SECRETARY: Motion to grant the
23 application by Mr. Grullon.

24 MS. GUTIERREZ: I'm seconding.

25 THE SECRETARY: Seconded by Ms. Gutierrez.

1 Roll call on the motion to approve this
2 application.

3 Ms. Gutierrez?

4 MS. GUTIERREZ: Yes.

5 THE SECRETARY: Mr. Grullon?

6 VICE CHAIRMAN GRULLON: Yes.

7 THE SECRETARY: Mr. Pressey?

8 MR. PRESSEY: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Mr. Ortiz?

12 MR. ORTIZ: Yes.

13 THE SECRETARY: Five in favor.

14 Motion carries.

15 MS. PEREIRAS: Thank you very much.

16 MS. GUTIERREZ: You're welcome.

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1 **1117 Summer Ave., LLC - 1117-19 Summit Avenue:**

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

5 MR. PANEQUE: The next application -- I
6 believe Ms. Pereiras has an application to be
7 made to the Board for an adjournment?

8 MS. PEREIRAS: Yes.

9 Bianca Pereiras on behalf of 1117 Summit
10 (sic) Avenue, LLC.

11 Unfortunately, my only witness, Mr. Vallejo
12 (sic), had to leave early, so I do not have a
13 witness to present this evening, and I
14 respectfully ask this matter be carried until the
15 next month's meeting.

16 MS. DILLON: Excuse me?

17 Is it Summer Avenue or Summit Avenue?

18 MS. PEREIRAS: Summit.

19 MS. DILLON: Summit?

20 MS. PEREIRAS: It is Summit.

21 THE SECRETARY: 1117 Summer Avenue, LLC,
22 that the corporation.

23 MS. PEREIRAS: Hold on.

24 Let -- let me double check that, because I
25 call it Summit because it's on Summit Avenue.

1 THE SECRETARY: And the address is --

2 MS. PEREIRAS: But it might have been --

3 MR. MEDINA: Yes. It is. Yes.

4 MS. PEREIRAS: It might have been recorded

5 --

6 MR. MEDINA: It's supposed to be Summit.

7 MS. PEREIRAS: -- incorrectly.

8 Hold on.

9 MR. MEDINA: Yeah, it is.

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

12 MR. MEDINA: It's Summit Avenue.

13 MS. PEREIRAS: It is 1117 Summer Avenue,
14 LLC.

15 THE SECRETARY: LLC. Right.

16 Just for the record, for clarification,
17 1117 Summer Avenue, LLC, 1117-19 Summit Avenue.

18 Thank you.

19 MR. PANEQUE: Ms. Pereiras?

20 MS. PEREIRAS: That is correct.

21 MR. PANEQUE: As part of your request for
22 an adjournment, do you waive the statutory time
23 limits that are required?

24 MS. PEREIRAS: Yes, I do.

25 THE SECRETARY: Can I have a motion to

1 adjourn this application for February 14, 2019?

2 No new notice required.

3 Motion by Mr. Pressey.

4 MS. GUTIERREZ: Second.

5 THE SECRETARY: Seconded by Ms. Gutierrez.

6 Roll call on the motion to adjourn this
7 application for February 14, 2019.

8 Ms. Gutierrez?

9 MS. GUTIERREZ: Yes.

10 THE SECRETARY: Mr. Grullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Mr. Pressey?

13 MR. PRESSEY: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Mr. Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Five in favor.

19 Motion carries.

20 MS. PEREIRAS: Thanks, again.

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1 **Forest Wood Investments, LLC - 418 6th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Forest Wood Investment, LLC,
5 418 6th Street.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Bianca Pereiras on behalf of
8 the applicant.

9 This application is improperly before this
10 Board. It should go before the Planning Board,
11 so I ask to withdraw it from the Board of
12 Adjustments, and hopefully schedule it with Mr.
13 Vallejo in front of the Planning Board at a --

14 THE SECRETARY: Right. You're withdrawing
15 this application, then.

16 Right?

17 MS. PEREIRAS: From the Board of
18 Adjustments.

19 THE SECRETARY: Okay.

20 Right, you need to submit a new letter from
21 the Zoning Officer.

22 MS. PEREIRAS: Yes. I've requested a new
23 denial letter.

24 I'm waiting for that.

25 THE SECRETARY: Thank you.

1 All right.

2 MS. PEREIRAS: Thank you.

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1 **Jose Avalos - 2412 Central Avenue:**

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3 THE SECRETARY: All right.

4 Let's go to the number 10 application on
5 tonight's agenda, Jose Avalos, 2412 Central
6 Avenue.

7 MS. PEREIRAS: Again, Bianca Pereiras, on
8 behalf of the applicant, Jose Avalos, for 2412
9 Central Avenue, also known as Block 136, Lot 6.

10 At November's meeting, we submitted our
11 jurisdictional proofs, however no presentation
12 has begun.

13 The applicants in -- in this project is
14 proposing to reconfigure an existing restaurant.
15 Right now, we have a legal restaurant and one
16 family. We're reconfiguring the restaurant and
17 adding another unit. So, if approved by this
18 Board, we will have two residential units and one
19 commercial.

20 We have one expert to testify before the
21 Board, and that is Mr. Pereiras, our architect.

22 MR. PEREIRAS: For purposes of the record,
23 I recognize that I am still under oath.

24 MS. PEREIRAS: Mr. Pereiras, are you
25 familiar with 2412 Central Avenue?

1 MR. PEREIRAS: I am.

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

4 MR. PEREIRAS: I have.

5 MS. PEREIRAS: And would you kindly
6 describe the proposed project?

7 MR. PEREIRAS: I'd be very happy.

8 Mr. Avalos, who is present in the audience
9 behind me, came to our office. He runs this
10 restaurant and he owns this building, and he knew
11 that the building needed help. It wasn't very
12 attractive.

13 If you look at the photograph --

14 MS. GUTIERREZ: It's a wonderful
15 restaurant.

16 MR. PEREIRAS: -- one of the major issues
17 is that you have the entrance to the floors
18 above, and the restaurant, the entrance to the
19 restaurant right in the middle of the building,
20 so that it splits that restaurant in half and it
21 makes it very awkward for seating, for the
22 attractiveness of the building.

23 He also wanted the apartments above to --
24 to be a little bit nicer. And what we're
25 proposing to do -- and really tidy up the

1 building.

2 The building is a two story building
3 overall. However, there are one story portions
4 and then there's a one story shed.

5 What we're looking to do is very simply to
6 square off this building and make it -- the
7 entire building two stories in -- in size.

8 We're not looking to propose -- increase
9 any of the -- the side yards.

10 However, from a technical standpoint, we
11 are expanding on them because the building sits
12 on the property line, so we are expanding on the
13 side yard setback. And since we are continuing
14 in squaring off that corner in the back, we are
15 expanding on a rear yard setback, as well as
16 expanding on the lot coverage issues.

17 And let me just talk through it. It seems
18 like it's a -- it's a pattern tonight. Every lot
19 that we've been talking about is undersized in
20 some way. This is no exception.

21 We have a lot that is 85 feet in deep, even
22 though it meets the 25 feet in width. So, we
23 have a variance -- a preexisting variance for lot
24 depth. And we have a preexisting variance for
25 lot area. Our lot area is 2,125 square feet.

1 The front yard is also deficient in the
2 sense that we have a -- it's basically on the
3 property line and I can't say that it's
4 prevailing, because the building next to it is
5 set back about seven feet. So, we're asking for
6 a variance, a preexisting variance there, even
7 though we're not expanding it in any way.

8 Side yards, we have zero on both sides, as
9 I mention. In height, we're in compliance. In
10 building coverage, we are at 83.4 percent,
11 whereas the 60 percent is the maximum required on
12 the property.

13 From a parking standpoint, we are asking
14 for variances. The preexisting restaurant and
15 the apartment above didn't have any parking.
16 We're technically expanding on that because we're
17 adding a commercial unit -- a residential unit.
18 So, we are expanding the parking requirement by
19 two. And however, the site does not accommodate
20 parking in any way because of its limited size
21 and the preexisting building along it.

22 Let me turn now the page and see what we're
23 planning to do.

24 On this drawing, we have the elevations of
25 the building, a few photographs, so you could

1 | really understand the character of Central
2 | Avenue, along there. And then, the floor plans
3 | for the building.

4 | The floor plan, as you can see, by removing
5 | those stairs and pushing it to the right, a
6 | significant cost endeavor. However, it really
7 | beautifies it and allows us to have a beautiful
8 | façade, where we could open up the glass, so that
9 | it -- the restaurant becomes inviting, so people
10 | could see in and the restaurant could see out,
11 | which makes it a lot more welcoming. And I think
12 | it's very important. Right now, it's dark, it's
13 | kind of dingy. This is going to make a
14 | significant difference.

15 | We're making the façade flat. We're
16 | expanding on the brick along the front of it, to
17 | make it a lot more attractive, doing the signage
18 | a lot cleaner, and a flat above the -- the
19 | storefront.

20 | And then, above, we're really not making
21 | any changes. That's all preexisting from the
22 | back, from the front.

23 | The rear of the building, you could see
24 | that it's actually just being squared away and
25 | introducing windows so that the bedrooms could

1 have nice ample windows along the back.

2 You could see in the floor plan, it's a big
3 open floor plan. We're doing new structure to
4 expand it and have a nice restaurant. We're
5 keeping the kitchen along the back, with the
6 service bar along the front, small area for
7 storage, but now we are going to have a nice
8 ample kitchen, that's going to service the
9 restaurant, a great convenience for the
10 community.

11 And then, above, when you go up the stairs,
12 along the corner of the building, and you're led
13 to two apartments. They're mirror images of each
14 other. It's two bedrooms along the -- the rear
15 and along the front. And then, the living,
16 dining room, kitchen area in the center of the
17 building, with a bathroom each. They're very
18 small, efficient, comfortable apartments.
19 They're at two bedrooms and they're 827 square
20 feet for the one in the rear, and a two bedroom,
21 720 square feet along the front of the building.

22 That really concludes my testimony. We
23 have a situation where we are really in
24 conformance with what the zone -- what we're do
25 -- what we're expanding on, which is residential,

1 is really more in keeping with what the
2 neighborhood is, which is R, low density
3 residential.

4 A three family would be permitted. We do
5 have the restaurant, which would be an expansion
6 of D2. But it's a preexisting condition. We're
7 not looking to change that condition in any way,
8 other than making it more efficient and more
9 beautiful, which I think is an added benefit for
10 the neighborhood. It definitely adds to the
11 positive criteria and provides the neighborhood
12 with an aesthetic that is a lot nicer.

13 And as we were talking about earlier, in
14 other applications, it really gives us the
15 opportunity to bring this building up to Code.

16 We're going to be updating fire ratings,
17 we're going to be updating the fire alarm and the
18 system, really making a safer structure, which is
19 good for not only the inhabitants of the
20 buildings, but the neighbors on both sides.

21 VICE CHAIRMAN GRULLON: Mr. Pereiras, you
22 mentioned that the owner of the property is
23 present here.

24 MR. PEREIRAS: Yes.

25 VICE CHAIRMAN GRULLON: Could you bring him

1 to --

2 MS. PEREIRAS: Of course.

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

4 MS. PEREIRAS: Mr. Avalos?

5 MS. DILLON: Right in front of the
6 microphone there, sir.

7 Please raise your right hand.

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

10 MR. AVALOS: Yes.

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

13 MR. AVALOS: Jose Avalos.

14 MS. PEREIRAS: J.

15 MR. AVALOS: J --

16 MS. DILLON: Okay. I'm sorry.

17 I -- I have your spelling.

18 MR. AVALOS: Okay.

19 MS. DILLON: Thank you.

20 Just step closer to the mic.

21 Thank you.

22 VICE CHAIRMAN GRULLON: Mr. Avalos, just
23 one question that I have.

24 For how long did you own the property?

25 MR. AVALOS: Sixteen years, from 2004.

1 VICE CHAIRMAN GRULLON: Okay.

2 And is the restaurant -- did you always
3 have the restaurant there at that location?

4 MR. AVALOS: Yes.

5 VICE CHAIRMAN GRULLON: Yeah. Okay. Okay.
6 Existing --

7 Thank you, --

8 MR. AVALOS: You're welcome.

9 VICE CHAIRMAN GRULLON: -- Mr. Avalos.
10 Thank you.

11 MR. PEREIRAS: I want to clarify something
12 that I did on the drawings, and I just want to
13 kind of show.

14 My office, we design a lot of restaurants.
15 We've been doing restaurants all over the state
16 lately. For some reason, a whole lot.

17 And we -- we design the areas, and one of
18 the specific terms where they serve the drinks,
19 meaning like Coke or soda, and where they serve
20 -- service that, we call it a service bar. It's
21 not a bar, but it is a service bar.

22 MR. MEDINA: Yeah.

23 MR. PEREIRAS: It is the -- the area where
24 they serve the -- all the beverages and the food
25 coming out.

1 So, I hope that I'm not misleading --

2 VICE CHAIRMAN GRULLON: Sure.

3 MR. PEREIRAS: -- in the word bar.

4 VICE CHAIRMAN GRULLON: I was a little
5 concerned with the word bar.

6 MR. PEREIRAS: Absolutely. This is not a
7 bar, by any means. I hope you can tell by the
8 design of the building. It's really -- it's a
9 restaurant, a hundred percent. And the service
10 bar is only where they're serving out the -- the
11 food and the --

12 MR. MEDINA: That's nice.

13 VICE CHAIRMAN GRULLON: Okay.

14 MR. MEDINA: Something different.

15 VICE CHAIRMAN GRULLON: And --

16 MR. MEDINA: Nice.

17 VICE CHAIRMAN GRULLON: Mr. Pereira, the
18 -- the square footage of the restaurant. Is that
19 changing?

20 MR. PEREIRAS: Yes, it is changing, because
21 remember that the -- and I'm going to turn to the
22 site plan, currently, there is a shed across the
23 entire back here and a one story. So, we're
24 squaring this off. So, it is changing. And that
25 change technically -- that also triggers a

1 parking variance because more square footage of
2 the restaurant increases the parking demand, that
3 is true, but the changes that we're doing really
4 are opening up the restaurant. They're really
5 making it convenient, beautiful and I think it's
6 an added benefit for the neighborhood.

7 VICE CHAIRMAN GRULLON: And the -- the
8 amount of apartments there, the existing
9 condition. Are there two apartments?

10 MR. PEREIRAS: It's one apartment right
11 now. Legally.

12 MS. GUTIERREZ: Oh.

13 VICE CHAIRMAN GRULLON: You're requesting
14 to increase to two apartment.

15 MR. PEREIRAS: We're asking for two
16 apartments.

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

19 VICE CHAIRMAN GRULLON: Could you just
20 review again the safety -- you know, proposed
21 condition of the building?

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

23 Since we're adding an apartment, we're
24 going to be complying with the strictest aspects
25 of the International Building Code 2015.

1 In that sense, we're going to be upgrading
2 all our fire alarm systems, as well as all our
3 fire ratings.

4 So, we're going to be creating a two hour
5 fire rating between the restaurant and the floor
6 above. We are creating a one hour fire rating
7 separation between apartments. We are creating a
8 one hour stairwell for egress. We're creating
9 emergency escape windows out of the bedrooms.
10 This will be safe and meet all the requirements
11 and standards of today's Code.

12 VICE CHAIRMAN GRULLON: Okay.

13 I don't have any more question.

14 Do you have any question?

15 MR. PRESSEY: Mr. Pereiras, you mentioned
16 something earlier about parking.

17 MR. PEREIRAS: Yes. So, the existing site
18 that we have has no availability to parking.
19 There's nowhere to park.

20 However, this restaurant is really a
21 neighborhood convenience. The people who come to
22 this restaurant are from the neighborhood. You
23 don't have people driving over there.

24 So, it's really a variance that we request
25 of this Board and we ask this Board to consider

1 it.

2 In addition to that, we really want
3 residential above. And it's typical of this
4 neighborhood, especially Central Avenue. You
5 don't see -- there are no garages there. There's
6 no opportunity to make a garage.

7 It's a hardship that preexists and we ask
8 you to take consideration and grant that
9 variance.

10 MR. PRESSEY: Thank you.

11 MS. GUTIERREZ: Mr. Pereiras, what's the
12 size of the apartments?

13 MR. PEREIRAS: They are 720, I believe.
14 I'll tell you for sure. Seven hundred and twenty
15 square feet for the one along the front and 827
16 square feet for the one along the rear, which is
17 --

18 MS. GUTIERREZ: That's going to be -- the
19 second one is for -- for two bedroom?

20 MR. PEREIRAS: They're both for two
21 bedrooms.

22 MS. GUTIERREZ: They're both for two
23 bedrooms.

24 Okay.

25 Thank you.

1 MR. PEREIRAS: You're welcome.

2 VICE CHAIRMAN GRULLON: Any more question?

3 At this time, I'm going to open it to the
4 public.

5 Any member of the public want to step
6 forward?

7 MS. GUTIERREZ: No.

8 VICE CHAIRMAN GRULLON: No -- no one from
9 the public.

10 Closed to the public.

11 MR. PANEQUE: I just want to bring the
12 following to the attention of the Board.

13 We have a Building Department memo that
14 indicates that the Building Department has this
15 property as a two unit structure and commercial
16 space.

17 They've also attached the -- what appears
18 to be the assessment form, going back to at least
19 prior to 19 -- probably seventy-something. I
20 can't tell from the -- but at one point, this
21 property did consist of two residential units,
22 plus the commercial space.

23 MS. GUTIERREZ: Plus the commercial.

24 MR. PANEQUE: So, somewhere along the line,
25 it appears that the two units were combined into

1 one.

2 And the application really is to go back to
3 what the Building Department has in front of it.

4 Okay?

5 VICE CHAIRMAN GRULLON: Thank you,
6 counselor.

7 So, again, taking in consideration that
8 it's going to have the opportunity to review the
9 safety standard for the building and also the --
10 to propose -- increase this building to two
11 apartments, was existing condition, according to
12 the memo from the Building Department, I will
13 make a motion to grant this application.

14 THE SECRETARY: Motion to grant the
15 application by Mr. Grullon.

16 MS. GUTIERREZ: Second.

17 THE SECRETARY: Seconded by Mr. Ortiz.

18 Roll call on the motion to approve this
19 application.

20 Ms. Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Mr. Pressey?

25 MR. PRESSEY: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: He say yes?

4 MR. SPATZ: Yes.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: Five in favor.

8 Motion carries.

9 MS. PEREIRAS: Thank you very much.

10 MS. GUTIERREZ: You're welcome.

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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. Pressey.

7 MS. GUTIERREZ: I'm second.

8 THE SECRETARY: Second -- no, second by
9 Mrs. -- Mr. Medina.

10 MR. ORTIZ: Yes.

11 MR. MEDINA: Yes.

12 THE SECRETARY: All in favor?

13

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

15

16 THE SECRETARY: The ayes have it.

17 Thank you.

18 MS. GUTIERREZ: Good night.

19 THE SECRETARY: Have a good night,
20 everyone.

21 Let the record show the meeting has ended.

22

23 (Whereupon, the proceedings were concluded
24 at 8:55 p.m.)

25

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, January 10, 2019
10 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon