

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, May 9, 2019
Commencing at 6:03 p.m.

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

MARGARITA GUTIERREZ
JOHN MEDINA, (Arrived at 6:09 p.m.)
MIGUEL ORTIZ, (Arrived at 6:38 p.m.)
ROSIO PENA, Alternate No. 1
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman,
(Arrived at 6:09 p.m.)
JOSEPH D. BONACCI, Chairman

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

LIBERO MAROTTA
DAVID W. PRESSEY

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant, (Left at 9:16 p.m.)
Community Housing and Planning Associates

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

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

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, S&R Realty Group, LLC

ANTHONY F. SARSANO, ESQ.,
Attorney for Applicant, David Nazar

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Maria E. Montalvo

ALAIN MULKAY, ESQ.,
Attorney for Applicant, 116 36th Street, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 1015 West Street, LLC

ANDREW SELEVAN, ESQ.,
Attorney for Applicant, Union City Funding, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Daisy Valenciano

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Eduardo Ochoa

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 2000 West Street, LLC

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

3 MS. DILLON: On the record.

4 THE SECRETARY: Please take notice that on
5 Thursday, May 9, 2019, at six p.m., a Regular
6 Meeting is scheduled for the Union City Board of
7 Adjustment, to be held in Municipal Chamber,
8 located on the Second Floor, 3715 Palisade
9 Avenue, Union City, New Jersey.

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

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

19 Can everybody kindly rise to salute the
20 flag?

21

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

24

25 THE SECRETARY: Thank you.

1

2 **ROLL CALL:**

3

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

6 Mr. Bonacci?

7 CHAIRMAN BONACCI: Here.

8 THE SECRETARY: Mr. Grullon?

9 Is absent.

10 Mr. Marotta?

11 Absent.

12 Ms. Gutierrez?

13 MS. GUTIERREZ: Here.

14 THE SECRETARY: Mr. Ortiz?

15 Is absent.

16 Mr. Pressey's absent.

17 Mr. Medina is absent.

18 Ms. Pena?

19 MS. PENA: Here.

20 THE SECRETARY: Ms. Perez?

21 MS. PEREZ: Here.

22 THE SECRETARY: Mr. Cetinich?

23 MR. CETINICH: Here.

24 THE SECRETARY: Ms. Watley?

25 MS. WATLEY: Here.

1 THE SECRETARY: Let the record indicate
2 there are six present.

3 * * *

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

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

5 That will be Mapal Zahan (sic), LLC, 514
6 14th Street.

7 MR. LOPEZ: Mr. Vallejo?

8 If you don't mind, can you go on to the
9 next one? One second, please. I have something
10 to discuss with the planner.

11 MS. PEREIRAS: My planner's on -- I think
12 he's parking. So if you want to call the first
13 one first.

14 THE SECRETARY: Can we have five minute
15 break time, please?

16 Thank you.

17 Mr. Chairman?

18 CHAIRMAN BONACCI: Yes.

19 THE SECRETARY: Thank you.

20

21 (Whereupon, the Board recessed from 6:05
22 p.m. to 6:08 p.m.)

23 * * *

24

25

1 **2000 West Street, LLC -**

2 **2000 West Street a/k/a 526 Monastery Place:**

3

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

6 THE SECRETARY: Mr. Chairman, are you
7 ready?

8 CHAIRMAN BONACCI: Yes, sir.

9 THE SECRETARY: On record, Debbie?

10 MS. DILLON: Yes.

11 THE SECRETARY: All right.

12 We are going back in records. We are going
13 to change a little bit tonight's agenda order.

14 We are going to call 2000 West Street, LLC.

15

16 (Whereupon, Vice Chairman Victor Grullon
17 and Board Member John Medina arrived at 6:09
18 p.m.)

19

20 THE SECRETARY: Mr. Alonso, please?

21 MR. ALONSO: Thank you.

22 Good evening, Mr. Chairman, members of the
23 Board.

24 For the record, Alvaro Alonso, Alonso
25 Navarette, on behalf of the applicant.

1 I've provided counsel with my proof of
2 publication and notices for jurisdictional
3 purposes.

4 THE SECRETARY: Mr. Alonso, allow me two
5 seconds, please?

6 Let's for the record, Mr. Grullon and Mr.
7 Medina, they are -- they are joined the meeting.

8 Thank you, Mr. Alonso.

9 MR. ALONSO: Thank you, Mr. Vallejo.

10 MR. PANEQUE: Let the record reflect the
11 following:

12 I've been provided by Mr. Alonso with an
13 Affidavit indicating that notice of tonight's
14 hearing with respect to the property located at
15 2000 West Street, also known as 526 Monastery
16 Place, was sent to all property owners within the
17 200 foot radius of said property on April 27.

18 I've also been provided with an Affidavit
19 from The Jersey Journal indicating that notice of
20 the meeting was published in The Jersey Journal
21 on April 27, 2019.

22 Said notice indicates that the property in
23 question is 2000 West Street. Notice is given
24 for tonight, Thursday, May 9, at six o'clock, at
25 3715 Palisade Avenue. So, the notice in the

1 paper does appear to be proper.

2 I've also been provided with a copy of the
3 notice that went out indicating the notice for
4 tonight's hearing at this location, with respect
5 to the property in question.

6 I've also been provided with a copy of the
7 Tax Assessor's list, which has a date of April
8 11, 2019, consisting of four pages of all
9 properties within the 200 foot radius of 200
10 (sic) West Street, also known as 526 Monastery
11 Place.

12 And the last thing I've been provided with
13 is the certified mail receipts, with a postmark
14 date of April 27.

15 Based on the documentation that has been
16 provided by Mr. Alonso, this Board has
17 jurisdiction to proceed and hear this matter.

18 MR. ALONSO: Thank you, Mr. Paneque.

19 MR. PANEQUE: Thank you, Mr. Alonso.

20 MR. ALONSO: Members of the Board, briefly,
21 this is an application that was previously
22 approved by this Board and construction has
23 commenced. Part of the application was to
24 construct an addition to the building.

25 If you recall, it was a -- a music studio

1 was part of the -- of the use. And we talked
2 about different artists that come from around the
3 world to -- to record at the studio.

4 Initially, during the presentation, we had
5 discussed the possibility of phasing the
6 construction so we could finish part of the
7 building, have it occupied and continue on with
8 the rest of the construction.

9 Construction has started, but the Building
10 Department has indicated that because the
11 Resolution does not provide for the phasing of
12 the construction, we must finish the entire
13 project at once.

14 So, we're essentially here seeking just to
15 amend that approval to allow us to phase it.

16 And I have Mr. Arencibia here. He's
17 prepared plans to show you how we intend to
18 complete Phase I and then how to complete Phase
19 II.

20 The other thing that I had asked for is
21 that we identify some of the prospective tenants
22 that we have. Mr. Arencibia is going to identify
23 them, also. We could include them in the
24 Resolution so that there's no issues, once the CO
25 for construction is -- is provided, that we could

1 get the COs for the use and occupancy by the
2 tenants.

3 So, with that said, I'll turn it over to
4 Mr. Arencibia, have him sworn in.

5 MS. DILLON: Yes.

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

8 MR. ARENCIBIA: I do.

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

11 MR. ARENCIBIA: Albert Arencibia.

12 MS. DILLON: Thank you.

13 CHAIRMAN BONACCI: Mr. Arencibia's
14 testified before the Board. We accept his
15 qualifications.

16 MR. ALONSO: Thank you, --

17 MR. ARENCIBIA: Thank you very much.

18 MR. ALONSO: -- Mr. Chairman.

19 Mr. Arencibia, you're the architect that
20 presented the original application.

21 Is that correct?

22 MR. ARENCIBIA: That is correct.

23 MR. ALONSO: Okay.

24 And as I indicated to the Board, we are
25 looking now just to phase the construction, so

1 | that we can complete one portion, have it
2 | occupied, and then continue it, but essentially
3 | there are no changes to the approvals.

4 | MR. ARENCIBIA: That is correct.

5 | MR. ALONSO: Okay.

6 | MR. ARENCIBIA: Everything's existing. The
7 | egress paths, everything is pretty much -- it's
8 | the same as it was before. We're basically
9 | trying to phase the project. That's basically
10 | what we're doing.

11 | During the process, we actually had a
12 | couple different tenants that we actually got
13 | approvals for. But again, so -- since those
14 | tenants are not the tenants proposing on, we want
15 | to be more specific with respect to the new
16 | tenants occupying the space.

17 | So, we would like to be, basically, clear
18 | that basically we're proposing on having a -- the
19 | Union City Music Project occupy some of the
20 | spaces in the building. The American Swiss
21 | Ballet occupy another space in the building. And
22 | the Centro Christiano Hechos 29 occupy a couple
23 | of the spaces in the building.

24 | Again, it's -- it's a mixed use building.
25 | Basically, businesses. So, basically, these --

1 | these all can fit within the building of the --
2 | of the premises.

3 | The residential portions of the building
4 | that we had previously stay exactly the same.
5 | There is no changes to that.

6 | And as far as what's gone on in the
7 | building so far, there was a fire alarm existing.
8 | We extended the fire alarm to all the areas that
9 | we had to do in order to do the existing first
10 | couple of floors. We also extended the sprinkler
11 | system, as required. And we also put in
12 | everything in place for the duct work and for the
13 | air conditioning for the first two floors.

14 | So, that's where we are as far as
15 | construction-wise. So, we did already begin the
16 | project, it's just a matter of trying to get the
17 | approval for the phasing so that we can go ahead
18 | and continue.

19 | MR. ALONSO: So, I'm going to ask you, at
20 | this point, just by reviewing the plans, please
21 | indicate to the Board what is the scope of work
22 | included in Phase I, and then that will be
23 | completed, occupied. And then, what portion will
24 | be included in Phase II.

25 | MR. ARENCIBIA: Okay.

1 On Phase I, basically we're proposing on
2 having the existing first floor basement tenant
3 and the first floor tenant occupy the spaces of
4 those -- of those areas. And we're also
5 proposing on the residential portion to be
6 finished up and be completed, so that the -- that
7 part of the second floor would be able to be
8 occupied.

9 As it is right now, the remainder of the
10 second floor space is sort of a large open roof,
11 and that, from there on up, will be part of the
12 areas that will be phased in in the future.

13 MR. ALONSO: Okay.

14 And your plans identify Phase I and Phase
15 II.

16 Is that correct?

17 MR. ARENCIBIA: That is correct.

18 MR. ALONSO: Okay.

19 And the phasing, in and of itself, does not
20 create or exacerbate any of the variances that
21 were previously granted.

22 MR. ARENCIBIA: That is correct. Yes.

23 MR. ALONSO: Okay.

24 So, essentially, it's the same project.
25 We're just looking to phase it.

1 MR. ARENCIBIA: That's correct, sir.

2 CHAIRMAN BONACCI: Okay.

3 Do you have any more testimony?

4 MR. ALONSO: I have all the prospective
5 tenants that are here, if you -- if the Board
6 wants to hear from them. I don't know if it's
7 necessary, because those uses were contemplated
8 with the original approvals.

9 CHAIRMAN BONACCI: Okay. I'm just a little
10 unclear.

11 Phase I you explained, and then, the Phase
12 II part?

13 MR. ARENCIBIA: The Phase II will be
14 basically the additional of the building. Right
15 now, we have the existing structure of the
16 building, which is going to remain in place.

17 CHAIRMAN BONACCI: Um hum.

18 MR. ARENCIBIA: And Phase II is going to be
19 the additional construction that was going to be
20 built above these floors --

21 CHAIRMAN BONACCI: So, that would be --

22 MR. ARENCIBIA: -- that are existing.

23 CHAIRMAN BONACCI: -- floor number --

24 MR. ARENCIBIA: Part of two.

25 CHAIRMAN BONACCI: Right.

1 MR. ARENCIBIA: And then, three.

2 CHAIRMAN BONACCI: Okay.

3 And as counselor said, you guys are not
4 seeking any new variances.

5 Right?

6 MR. ALONSO: We're not seeking new
7 variances and we're not expanding upon the
8 variances that was previously granted.

9 CHAIRMAN BONACCI: Okay.

10 MR. ALONSO: It's exactly the same
11 application.

12 CHAIRMAN BONACCI: And there's no -- this
13 doesn't trigger any change to the parking
14 requirements.

15 MR. ALONSO: No.

16 CHAIRMAN BONACCI: Okay.

17 Previously approved, the studio on West
18 Street, daycare, dance studio. That's what the
19 current use is --

20 MR. ARENCIBIA: Correct.

21 CHAIRMAN BONACCI: -- now?

22 Okay. And then, what are the upper floors
23 going to be used as?

24 MR. ARENCIBIA: The studio's going to be
25 the music studio is above too, so.

1 CHAIRMAN BONACCI: And then, downstairs
2 would be the daycare and the --

3 MR. ARENCIBIA: Well, daycare, no. It's
4 going to be -- the daycare is going to be vacated
5 by the -- the spaces that I -- I mentioned
6 before. There's going to be the Union City Music
7 Project, American Swiss Ballet and the Centro
8 Christiano Hechos. Those are going to be
9 occupying those previous uses that were not going
10 to be part of this application.

11 CHAIRMAN BONACCI: Okay.

12 And my other question is, you said that the
13 Building Department said you had to do everything
14 in one shot.

15 MR. ARENCIBIA: That's what they said.
16 They said that since it wasn't specifically
17 written on the Resolution, we got the approval
18 for the entire project. And they said, well, if
19 you don't -- not going to do the whole project at
20 once, we need to be able to get the go ahead from
21 the Zoning Board that we can approve part of it
22 to get the permits for the first part, before
23 going ahead and continuing the second part.

24 CHAIRMAN BONACCI: So, you're here to get
25 clarification on that.

1 MR. ARENCIBIA: Correct.

2 CHAIRMAN BONACCI: So that you can proceed.

3 MR. ARENCIBIA: That is correct.

4 MR. ALONSO: Right. Because typically, we
5 would come in for a project that we had multiple
6 -- multiple buildings in one project you'll have
7 -- you'll phase it.

8 In Phase I, will be building A, Phase II
9 would be building two and so -- and so forth.
10 This just happens to be one building, and because
11 of the -- the necessity to get these academies
12 and studios in place as soon as possible, we need
13 to finish that phase, get them up and -- up and
14 running, and then continue with the -- the rest
15 of the construction.

16 CHAIRMAN BONACCI: Okay.

17 I don't have any further questions.

18 MR. PANEQUE: Mr. Alonso and Mr. Arencibia,
19 for purposes of the next Resolution, which will
20 clarify the phasing aspect of it, I'm going to
21 ask Mr. Alonso, in your file, you provided us
22 with a copy of the Resolution that was done in
23 2016, which details the -- the floors, first
24 floor, second, third and fourth.

25 If you can pull that Resolution, and if we

1 | could have specific to that Resolution, what will
2 | be phased into Phase I and into Phase II, so
3 | there's no misinterpretation going forward as to
4 | what this Board is approving.

5 | If you have -- if you don't have it, I have
6 | the --

7 | MR. ALONSO: It's --

8 | MR. PANEQUE: -- attached to the
9 | application.

10 | MR. ALONSO: I think I have them right
11 | here.

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

14 | MR. PANEQUE: I'm referring to the
15 | Resolution from July 14th, 2016.

16 | MR. ALONSO: Actually, if you have it
17 | there, it's probably just easier.

18 | MR. PANEQUE: Okay. Let me just --

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

21 | MR. ALONSO: Mr. Arencibia, I'm going to
22 | show you the Resolution which was dated November
23 | 11, 2015 and identifies first floor, second
24 | floor, third floor, fourth floor. And I'm going
25 | to ask you to identify which aspects are part of

1 Phase I, and which aspects are part of Phase II.

2 MR. ARENCIBIA: Okay.

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

5 MR. ARENCIBIA: On the previous Resolution,
6 the first floor is all part of Phase I.

7 The second floor is part of Phase I.

8 The third floor is part of Phase I for the
9 residential -- for the two residential units and
10 the remainder of the space, which were the
11 studios were part -- are part of Phase II, as
12 well as the fourth floor, that's Phase II, as
13 well.

14 So, part of the third floor is Phase II and
15 part of the third floor is part of the Phase I.

16 On the drawings that we provided, it's
17 fairly clear, as far as the phase -- of Phase I
18 and Phase II. I don't know if maybe the Board
19 might want to make reference to the drawings in
20 the Resolution. That might be clearer for
21 everybody to -- to understand. Just a
22 suggestion.

23 MR. PANEQUE: Okay. No, that clears it up,
24 Mr. Arencibia.

25 Now, the tenants that are mentioned there

1 for the first and second floor, are those tenants
2 still the same tenants that we have in place, or
3 they've been replaced?

4 For example, on the second floor, we had J
5 and L Dance Studio.

6 MR. ARENCIBIA: Yes. No, that's been
7 replaced.

8 MR. PANEQUE: That's been replaced. And
9 that's noted on the new plans.

10 MR. ARENCIBIA: Correct.

11 MR. PANEQUE: Okay.

12 And on the first floor, are the tenants
13 noted also, as well?

14 MR. ARENCIBIA: Yes. The -- the Wall
15 Street Transcript, Corp. is no longer there
16 either. Mechanical rooms are still part of the
17 whole space. And we have tenant space 2, but
18 it's not Studio D.

19 So, it's new tenants based on the ones that
20 we've indicated today.

21 MR. PANEQUE: On the new plans.

22 MR. ARENCIBIA: Correct.

23 And those will be a part of phase -- those
24 tenants will be part of Phase I.

25 MR. ALONSO: But those tenants are not

1 identified on the plans themselves. That's why
2 we provided the names today.

3 Is that correct?

4 MR. ARENCIBIA: Correct. In order to
5 substitute the existing tenants that are shown on
6 the Resolution before.

7 MR. PANEQUE: Okay.

8 Now, what is the estimated time for
9 completion for Phase I and for Phase II?

10 MR. ARENCIBIA: For Phase I, well we
11 already started construction. So, if we -- if we
12 get the -- the permits for the remainder of Phase
13 I, probably I would say maybe within the year
14 we'd be done with that work.

15 MR. PANEQUE: Okay.

16 MR. ARENCIBIA: And then, Phase II, we
17 would have to do the drawings for that, present
18 it to the Board and get approvals for that
19 phasing, as well, too. So, probably about a
20 year, at least a year out before we commence that
21 part.

22 MR. PANEQUE: Okay.

23 The issue that I'm seeing, and this is a
24 legal issue for Mr. Alonso, is this Board's
25 approval are valid for one year from the day the

1 approval is given.

2 Now, we're -- we're approving something
3 which, in practice, will not even start a year
4 from now, based on the testimony that I've just
5 heard.

6 MR. ALONSO: Correct. And again, this is a
7 little different than what we normally see in
8 these applications.

9 MR. PANEQUE: Um hum.

10 MR. ALONSO: Typically, if we were going to
11 phase it from the beginning, we'd ask for
12 preliminary and final site plan approval. So,
13 you need preliminary approvals, which are good
14 for two or three years.

15 MR. SPATZ: I think it's three.

16 MR. ALONSO: Three years. So then --

17 MR. PANEQUE: But that's not what was done
18 here, though.

19 MR. ALONSO: -- you start -- it would start
20 Phase I, except that we need preliminary for the
21 full project and final for Phase I. So the clock
22 starts running on Phase I, we have three years
23 for the -- the balance of the preliminary
24 approvals, so we finish Phase I. We come back to
25 the Board, and say, everything's exactly the

1 same. We move now to convert that portion to a
2 final approval. You're going to say, okay, fine.
3 And then it starts again.

4 MR. PANEQUE: But it's not your intention
5 to come back before this Board to ask for
6 permission for Phase II.

7 MR. ALONSO: We were hoping not to.

8 MR. PANEQUE: Okay.

9 And -- and that's what I'm trying to avoid,
10 so I'll defer to Mr. Spatz. Any suggestions on
11 --

12 MR. SPATZ: Well, I mean, once they've
13 commenced -- the entire project has been
14 approved.

15 MR. PANEQUE: Correct.

16 MR. SPATZ: And once they've commenced work
17 on a part of the project, then I think that they
18 can continue however long it takes them to
19 complete it. It shouldn't --

20 MR. ALONSO: Right. And that was my
21 understanding --

22 MR. SPATZ: -- stop the clock.

23 MR. ALONSO: -- because it's not that it's
24 phasing, in terms of getting the work done,
25 having a --

1 MR. PANEQUE: Okay.

2 MR. ALONSO: -- CO issued so the tenants
3 can start occupying. But it's really all part of
4 --

5 MR. SPATZ: Right.

6 MR. ALONSO: -- one project.

7 MR. SPATZ: Right.

8 MR. ALONSO: And I think that's where the
9 confusion was with the Building Department.

10 MR. PANEQUE: So, we should have a
11 Resolution that allows you to receive
12 certificates of occupancy on Phase I.

13 MR. ALONSO: Correct.

14 MR. PANEQUE: And continue with the project
15 until completion of Phase II. And then, COs on
16 that when that is completed.

17 MR. ALONSO: Correct.

18 MR. PANEQUE: Okay. We'll try to word it
19 that way.

20 MR. ARENCIBIA: Okay.

21 MR. ALONSO: Thank you.

22 MR. ARENCIBIA: Sure.

23 MR. PANEQUE: That should work.

24 MR. SPATZ: Yes.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 CHAIRMAN BONACCI: So, the Resolution has
3 to say CO for Phase I. What about for Phase II?

4 MR. PANEQUE: Upon completion.

5 CHAIRMAN BONACCI: Okay. Got it.

6 MR. PANEQUE: Okay.

7 Open it to the public.

8 Any further questions?

9 CHAIRMAN BONACCI: Anybody from the Board,
10 any questions on this?

11 MR. MEDINA: I have a question.

12 CHAIRMAN BONACCI: Yup.

13 MR. MEDINA: So, in the basement, is the
14 daycare.

15 Right?

16 MR. ARENCIBIA: No. It's not going to be a
17 daycare now.

18 MR. MEDINA: I -- I just want to be clear
19 because I just want to be clear.

20 What is your -- the daycare? You have a
21 daycare.

22 Right?

23 MR. ARENCIBIA: No. There -- there was
24 going to be a daycare but there's not going to be
25 no daycare anymore.

1 MR. MEDINA: Oh, no daycare.

2 MR. ARENCIBIA: That's correct.

3 MR. MEDINA: Okay. So, in the basement,
4 what is going to be?

5 MR. ARENCIBIA: It's going to be one of the
6 -- one of the spaces that I indicated, the Union
7 City Music Project, American Swiss Ballet or the
8 Centro Christiano Hechos. One of those tenants.

9 MR. MEDINA: Okay. So no more daycare.

10 MR. ARENCIBIA: No, no daycare.

11 MR. MEDINA: All right. That's it.

12 Thank you.

13 MR. ARENCIBIA: Okay. No problem.

14 CHAIRMAN BONACCI: Okay.

15 Open to the public. Members of the public,
16 any questions on this application?

17 Okay.

18 Closed to the public.

19 So, I just have to make sure that we word
20 this correctly.

21 So, what you guys are seeking is a
22 Resolution and the Resolution is going to give
23 you a CO on Phase I. And then, you would receive
24 the certificate of occupancy on Phase II, upon
25 the completion.

1 MR. ALONSO: Correct. Because essentially,
2 we're seeking partial permits.

3 MR. ARENCIBIA: Correct. Otherwise, we
4 won't get the partial permit.

5 MR. ALONSO: Right. So we -- the Building
6 Department asked us, we need to apply for all the
7 permits at this time and start the work and we
8 won't get the CO. So, we want to only obtain
9 partial permits for the portion of Phase I. Once
10 that's completed, get the CO issued. And then,
11 apply for the balance of the permits. As Mr.
12 Arencibia indicated, he would have to continue
13 with the preparation of the construction
14 drawings.

15 CHAIRMAN BONACCI: Okay.

16 So, a Resolution that would allow you the
17 CO for Phase I, would give you what you need to
18 finish Phase I. And then, you would have to
19 maybe come back for the CO for Phase II.

20 MR. ALONSO: No. No. We would just
21 continue -- it's all one process, so instead of
22 getting all the permits up-front --

23 CHAIRMAN BONACCI: Um hum.

24 MR. ALONSO: -- we're getting partial
25 permits, doing that work, completing it, and

1 then, applying for the second set of permits for
2 the completion of the work and again, the CO.

3 MR. ARENCIBIA: The thing is basically, we
4 won't be able to move the tenants in if you
5 didn't get the CO for Phase I. So, it will be --

6 CHAIRMAN BONACCI: Okay.

7 MR. ARENCIBIA: -- years before we actually
8 get our tenants in.

9 CHAIRMAN BONACCI: And then, all the permit
10 stuff that you need, you guys take that up with
11 the Building Department.

12 Right?

13 MR. ALONSO: Correct.

14 MR. ARENCIBIA: Yes.

15 CHAIRMAN BONACCI: Okay. Am I missing
16 anything?

17 MR. PANEQUE: Yeah. I'm -- I'm at a loss.
18 Now you threw me for a loop because the permits
19 on Phase II won't be requested from the
20 inception?

21 MR. ARENCIBIA: No, because --

22 MR. ALONSO: No.

23 MR. ARENCIBIA: Because Phase II, we still
24 have to do the construction drawings for Phase
25 II.

1 MR. PANEQUE: Okay.

2 And that then brings me back to my original
3 question, are we going to exceed the time limit
4 which this Resolution would be valid?

5 Because I think the way you answered my
6 question, Mr. Spatz is, they're getting permits
7 now. But I --

8 MR. SPATZ: No.

9 MR. PANEQUE: -- just heard differently.

10 MR. SPATZ: I -- I think that on a project,
11 once you started construction, then, you continue
12 construction for however long it takes you to
13 complete it. Theoretically, it could take them
14 five years.

15 MR. PANEQUE: But they're not getting --
16 they're not --

17 MR. SPATZ: Well, they're --

18 MR. PANEQUE: -- doing permits on --

19 MR. ALONSO: No, but -- but you don't have
20 to.

21 MR. PANEQUE: -- Phase II.

22 MR. ALONSO: For example, for a large
23 project, sometimes you go in for demo permits and
24 footing and foundation permits. And while you're
25 doing that work, because it's a large project,

1 | it's take a long -- long period of time, the
2 | architect is continuing to work on the -- the
3 | balance of the drawings. And then, they'll start
4 | applying for the construction or the mechanicals
5 | and plumbing and electrical permits.

6 | So, you don't apply for all the permits.

7 | Is that correct, Mr. Arencibia?

8 | MR. ARENCIBIA: Yes.

9 | MR. ALONSO: So, essentially, this is the
10 | same.

11 | MR. ARENCIBIA: And the --

12 | MR. PANEQUE: I --

13 | MR. ARENCIBIA: The difference is that
14 | we're -- since it -- we're trying to occupy the
15 | space, we need COs after the first phase, and
16 | then before we go ahead and finalize everything.

17 | MR. PANEQUE: Yeah.

18 | The only thing I foresee the Building
19 | Department giving you some trouble with is, when
20 | you go in on the second phase, if you're
21 | exceeding the time limit of which this Resolution
22 | --

23 | MR. ALONSO: But the --

24 | MR. PANEQUE: -- gives the approval.

25 | MR. ALONSO: My -- yeah.

1 MR. PANEQUE: I -- I understand, but it's
2 being done in stages. So, I'll word the
3 Resolutions --

4 MR. ALONSO: Yeah.

5 MR. PANEQUE: -- in such a way that would
6 allow you to also apply for the permits
7 afterwards.

8 MR. ALONSO: Right.

9 My -- my position is that the time tolls,
10 because essentially it's one project, it's not
11 really -- it's not a preliminary and final
12 approval, it's one project that we're phasing it.

13 So, just as a -- in the scenario I just
14 indicated where you could -- you could obtain
15 permits for footings and foundations, and then,
16 obtain the balance of the permits, essentially
17 the same thing, except that we're getting COs for
18 the portion of the building that's completed, and
19 not effected by any of the Phase II construction.

20 MR. PANEQUE: So, Phase II to start within
21 two years?

22 MR. ARENCIBIA: I would say. Yes.

23 MR. ALONSO: Yeah.

24 MR. PANEQUE: Okay.

25 CHAIRMAN BONACCI: Okay.

1 So, being that the project was previously
2 approved by this Board, and for the sake of
3 helping move this along at the site, I'll make a
4 motion to approve the Resolution needed so that
5 the applicant can obtain the CO on Phase I of
6 this project.

7 So, I'll make a motion to approve the
8 application.

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

11 Seconded by Ms. Gutierrez.

12 Roll call on the motion.

13 Mr. Bonacci?

14 CHAIRMAN BONACCI: Yes.

15 THE SECRETARY: Mr. Grullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Ms. Pena?

22 MS. PENA: Yes.

23 THE SECRETARY: Ms. Perez?

24 MS. PEREZ: Yes.

25 THE SECRETARY: Mr. Cetinich?

1 MR. CETINICH: Yes.

2 THE SECRETARY: Seven in favor.

3 Motion carries.

4 MR. ALONSO: Thank you very much.

5 CHAIRMAN BONACCI: Mr. Vallejo?

6 I just need to clarify that with this
7 approval, they do have -- we're granting them
8 permission that they have two years to start
9 Phase II of this project, as well.

10 THE SECRETARY: Right.

11 Thank you.

12 CHAIRMAN BONACCI: So, I just want to put
13 that on the record.

14 MR. ARENCIBIA: Can I -- I don't know if
15 this works. I mean, is it possible that we can
16 continue construction now instead of waiting 30
17 days for memorialization for like two months,
18 waiting for everything to happen?

19 I don't know how that works.

20 MR. PANEQUE: That's up to the Building
21 Department.

22 MR. ALONSO: Yeah. We'll -- we'll discuss
23 it with the Building Department.

24 MR. ARENCIBIA: Okay.

25 All right.

1 THE SECRETARY: Thank you.

2 MR. ARENCIBIA: Thank you so much.

3 THE SECRETARY: Motion carries.

4 MR. ALONSO: Thank you.

5 MS. GUTIERREZ: Thank you.

6 MR. ARENCIBIA: Appreciate it.

7 THE SECRETARY: Thank you.

8 Mr. Alonso, stay there.

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1 **Eduardo Ochoa - 1719 Summit Avenue:**

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3 THE SECRETARY: Like I mention before, we
4 change a little bit the -- tonight's order.

5 Next application, Eduardo Ochoa, 1719
6 Summit Avenue.

7 Mr. Alonso, please?

8 MR. ALONSO: Is that the one that's going
9 to be -- that's something that's being adjourned.

10 THE SECRETARY: Going to be adjourned for
11 tonight?

12 MR. ALONSO: No, no.

13 CHAIRMAN BONACCI: This one's 1719 Summit.

14 MR. ALONSO: Correct. And I may need a
15 minute on that one, but the other one's going to
16 be adjourned.

17 CHAIRMAN BONACCI: 1015 West.

18 MR. ALONSO: 1015 West.

19 THE SECRETARY: Let's -- let's --

20 Okay.

21 Give me two seconds.

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

24

25

1 **1015 West Street, LLC - 601 11th Street:**

2

3 THE SECRETARY: All right.

4 For clarification of the record, we are
5 going to go to number 7 item on tonight's agenda.

6 1015 West Street, LLC.

7 Mr. Alonso?

8 MR. ALONSO: Yes.

9 Mr. Chairman, members of the Board, we were
10 previously here and unfortunately, my client is
11 traveling, and is not available for this evening.
12 So, he had requested that I ask for an
13 adjournment.

14 Notices were previously provided and the
15 Board has jurisdiction.

16 MR. PANEQUE: Mr. Alonso, do you waive the
17 statutory timeframe in which this Board can hear
18 your application?

19 MR. ALONSO: Yes.

20 MR. PANEQUE: Okay.

21 CHAIRMAN BONACCI: Okay.

22 I'll make a motion to adjourn this
23 application, 1015 West Street, to our next
24 meeting.

25 THE SECRETARY: Motion on the table to

1 adjourn this application by Mr. Bonacci.

2 VICE CHAIRMAN GRULLON: Second.

3 THE SECRETARY: Seconded by Mr. (sic)

4 Gutierrez -

5 Sorry -- Grullon.

6 Mr. Bonacci?

7 CHAIRMAN BONACCI: Yes.

8 THE SECRETARY: Mr. Grullon?

9 VICE CHAIRMAN GRULLON: Yes.

10 THE SECRETARY: Ms. Gutierrez?

11 MS. GUTIERREZ: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Ms. Pena?

15 MS. PENA: Yes.

16 THE SECRETARY: Ms. Perez?

17 MS. PEREZ: Yes.

18 THE SECRETARY: Mr. Cetinich?

19 MR. CETINICH: Yes.

20 THE SECRETARY: Seven in favor.

21 Motion carries.

22 No new notice required.

23 Let the record reflect that next meeting is

24 June 13, 2019.

25 Thank you, Mr. Alonso.

1 MR. ALONSO: Thank you.

2 MR. PANEQUE: Are we going back to the top?

3 THE SECRETARY: We going to the top.

4 Yes.

5 CHAIRMAN BONACCI: He's got one more there.

6 MR. PANEQUE: We'll go to the top one.

7 CHAIRMAN BONACCI: Okay.

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

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3 THE SECRETARY: Give me two seconds.

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

6 THE SECRETARY: All right.

7 Mr. Lopez?

8 MR. LOPEZ: Yes, sir.

9 THE SECRETARY: Are you ready?

10 MR. LOPEZ: Yes, sir.

11 THE SECRETARY: Mapal Zahan (sic), LLC, 514
12 14 Street.

13 Mr. Alonso (sic), please?

14

15 (Whereupon, Board Member Miguel Ortiz
16 arrived at 6:38 p.m.)

17

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

20 MR. PANEQUE: Mr. Vallejo, ready?

21 THE SECRETARY: Yeah, we ready.

22 MR. LOPEZ: Ready on this?

23 THE SECRETARY: Waiting for you, Mr. Lopez.

24 MR. LOPEZ: Thank you very much.

25 Mr. Chairman, members of the Board, Adolfo

1 Lopez appearing on behalf of the applicant in
2 this matter.

3 It is an application to legalize an
4 existing unit. It is somewhat different from
5 what is normally presented to the Board. This
6 property involves a front house and a rear house.
7 It is a -- it's an existing unit in --

8 MR. SPATZ: Miguel.

9 THE SECRETARY: Allow me one second --

10 MR. LOPEZ: Yes.

11 THE SECRETARY: -- Mr. Lopez.

12 Let the record indicate that Mr. Ortiz
13 joined the meeting at 6:40.

14 Thank you.

15 Go ahead, Mr. Lopez, please.

16 MR. LOPEZ: Thank you, Mr. Vallejo.

17 In any event, it's a legalization of a unit
18 that has been there, we think, probably 50 to 80
19 years. We have no idea. And the project will be
20 described, obviously, as part of the
21 presentation.

22 We have Mr. Valella, who is our architect,
23 and we have a planner, Mr. Leon -- John
24 Leoncavallo. And this is because it is an
25 expansion of a preexisting nonconforming use,

1 | because this would be a fourth unit.

2 | So, Mr. Chairman, Mr. Valella has been
3 | qualified numerous times before this Board. I
4 | would ask that you admit him --

5 | CHAIRMAN BONACCI: Absolutely.

6 | MR. LOPEZ: -- as an expert witness.

7 | CHAIRMAN BONACCI: We accept his
8 | qualifications.

9 | MR. LOPEZ: Thank you.

10 | CHAIRMAN BONACCI: Thank you.

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

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

14 | MR. VALELLA: I do.

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

17 | MR. VALELLA: Sure. Be happy to.

18 | Good evening.

19 | My name is Orestes Valella, V-A-L-E-L-L-A.

20 | Registered architect in the State of New
21 | York and New Jersey. And my professional offices
22 | are at 5809 Madison Street in West New York.

23 | MR. LOPEZ: Mr. Valella, did you prepare
24 | the plans that are before the Board this evening?

25 | MR. VALELLA: Yes.

1 MR. LOPEZ: Are you familiar with the site?

2 MR. VALELLA: Yes.

3 MR. LOPEZ: Did you visit the site in
4 anticipation of the preparation of the plans?

5 MR. VALELLA: Yes.

6 MR. LOPEZ: Can you please describe what
7 the overall project consists of?

8 MR. VALELLA: Sure. Be happy to.

9 As counsel mentioned, this is a project
10 that has a front building and a rear one. It's
11 three families in the front and an existing
12 apartment in the rear, which would be unit number
13 four that is before you.

14 The property is located on Block 72, Lot
15 22. It's on 14th Street, between Bergenline and
16 West.

17 The property itself is 25 by 121 and a half
18 feet in depth. And the front structure has the
19 existing three apartments. In the rear this must
20 have been, a hundred years ago, a carriage house,
21 even before cars. It could have easily been a
22 carriage house for a horse and buggy. And it has
23 an existing apartment in it and that is what is
24 before you.

25 The space is 886 square feet. And what

1 we're proposing to do is to renovate it. It's in
2 disrepair, and to bring it back to -- you know,
3 current living standards and current Code
4 requirements.

5 The apartment would be -- it has two
6 stories. We plan to raise the roof so that we
7 have better ceiling height on the second floor.
8 That -- the second floor originally must have
9 been what they called a loft. And I don't want
10 to get too historical in the old, but maybe that
11 was where the hay was stored originally.

12 So, we would like to raise the roof on that
13 and do a complete renovation of the apartment.

14 The ground floor would have the kitchen,
15 the mechanical room and the bathroom. The
16 bathroom, we are going to expand so that the unit
17 is ADA adaptable, as a -- which is a requirement.

18 The existing stairs will remain going up to
19 the second floor, where the two bedrooms are
20 located.

21 So, you know, the -- the footprint of the
22 building does not change. It stays intact. The
23 yards remain intact. What we would like to do is
24 to renovate the unit, raise the roof --

25 MR. PANEQUE: Mr. Valella, yeah. Hold on a

1 second.

2 You're speaking on a plan that the plan
3 that we have is completely different. And that's
4 why I had to walk up because Tom's Delicious
5 Pizza on our plans.

6 MR. SPATZ: Not that one.

7 MR. VALELLA: Oh, Tom's Delicious Pizza is
8 the -- that's a different project.

9 THE SECRETARY: Wait. Wait. Wait. I'm
10 sorry. That my bad.

11 MR. LOPEZ: Okay.

12 THE SECRETARY: I apologize.

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

15 THE SECRETARY: 514 14th Street.

16 MR. VALELLA: Yes.

17 THE SECRETARY: Mr. Lopez, please?

18 MS. GUTIERREZ: Okay.

19 THE SECRETARY: Thank you.

20 MR. LOPEZ: Well, the testimony -- the
21 players are not going to change. The plan is the
22 only thing that changed.

23 So, if you can continue. Start with a
24 basic description of the rear --

25 MR. VALELLA: Yes. Okay.

1 MR. LOPEZ: -- for the Board, now that they
2 have it before them.

3 MR. VALELLA: All right.

4 MR. PANEQUE: May I just suggest that we go
5 back to home plate and start?

6 MR. LOPEZ: Back to the beginning?

7 MR. PANEQUE: Yeah. Because everything
8 that you were saying, I was trying to catch up
9 and I wasn't matching.

10 MR. VALELLA: You weren't doing it.

11 MR. PANEQUE: You know, so okay?

12 MR. LOPEZ: So --

13 MR. PANEQUE: I'm saying, either he's in
14 another planet or I am.

15 MR. VALELLA: Could be.

16 MR. LOPEZ: Once again, Adolfo Lopez
17 appearing on behalf of the applicant.

18 It is a -- an application for legalization
19 of a rear unit. Because it is a fourth unit, it
20 would be a fourth unit, that we are seeking to
21 legalize, it would -- it is not a permitted use
22 in the zone. So, we would require a use variance
23 for the legalization of -- it's an existing unit.
24 It's been used, as we indicated, probably for 80
25 years or so. But it is not a permitted use, so

1 everything comes into play.

2 As indicated, Mr. Valella is our architect.
3 And our planner will be John Leoncavallo.

4 Now, Mr. Valella, if you could please
5 restart your presentation, just so we're clear.

6 MR. VALELLA: Sure. And I understand I'm
7 under oath.

8 Right? We're good?

9 MS. DILLON: Yes.

10 MR. LOPEZ: Yes.

11 MR. VALELLA: Okay. All right.

12 So, what you have before you is a property
13 on Block 72, which is Lot 22 on 14th Street.
14 That's between Bergenline and West.

15 And it is a little larger than normal. The
16 normal is 25 by 100. This is 25 by 121 and a
17 half.

18 At the front of the property is the
19 existing three family home. And that's all
20 kosher. We're not doing anything there.

21 What's before you is the existing carriage
22 house in the rear that has had a dwelling unit
23 there for decades and decades.

24 Our goal is to renovate that carriage house
25 so that it comes up to -- you know, meets local

1 standards and Building Codes, if you should
2 approve the project.

3 Now, what that would entail is we have a
4 two story structure, but the second floor is
5 substandard in height and I would like to raise
6 the ceiling to eight feet. It's probably at the
7 low point three, three and a half feet at the
8 moment. And on the inside, to basically do a gut
9 renovation, so that it comes up to Code.

10 One of the requirements, since this would
11 be the fourth dwelling unit is that the -- that
12 unit be ADA --

13 MR. LOPEZ: Adaptable.

14 MR. VALELLA: -- adaptable, so that a
15 handicapped person, if they rent, can use it.
16 So, for example, the kitchen would be accessible
17 and the bathroom would be rebuilt to accommodate
18 the wheelchair, as required.

19 The stair would remain and then, the two
20 bedrooms would remain on the second floor, but
21 with proper ceiling heights, at this point.

22 Our proposed height would be 23 feet,
23 altogether. We'd like to do an eight foot
24 ceiling on the second floor, which is very
25 normal. Presently, it's about three feet at the

1 low point, which is not acceptable.

2 But the -- the size of the carriage house,
3 which is what my belief is that this was
4 originally, would not change. The apartment is
5 886 square feet. And that stays intact. The
6 kitchen, living room space is 18 by 13. And the
7 two bedrooms are nine foot by close to 14 feet in
8 size. One bathroom on the ground level,
9 mechanical room.

10 So you know, we -- we would like your
11 permission to renovate this structure and bring
12 it up to Code, make it ADA adaptable, and have a
13 quality living unit here.

14 MR. LOPEZ: Mr. Valella, you indicated that
15 the intent of the project is to raise the roof on
16 the carriage house. Can you please tell us --
17 can you approximate what the overall height
18 increase would be, based upon --

19 MR. VALELLA: Yes.

20 MR. LOPEZ: -- a section --

21 MR. VALELLA: The section --

22 MR. LOPEZ: No, you have it as number eight
23 on your plan.

24 MR. VALELLA: Yes.

25 We would like to bring it to 23. It is

1 | presently approximately 22, the peak. So, about
2 | a three foot height increase overall on the
3 | structure itself.

4 | MR. LOPEZ: Do you believe that this height
5 | will have any type of adverse effect on
6 | neighbors?

7 | MR. VALELLA: No. I think it's been there
8 | for decades at 20. At 23, I don't think it will
9 | matter a whole lot.

10 | But the carriage house is visible from the
11 | street if you look through the space between the
12 | two structures. But only if you look and if you
13 | catch it at the right angle. So, it will not
14 | have a visual impact on the neighborhood. And
15 | hopefully, if we can renovate it, it should look
16 | much better than it does.

17 | MR. LOPEZ: Is it your opinion that from a
18 | use perspective, it -- it would be much better to
19 | have these -- the expanded size with the
20 | bedrooms, as opposed to everything consolidated
21 | into the first floor, which is what they have
22 | now?

23 | MR. VALELLA: Yes. And also -- you know,
24 | it -- if it's going to be used as a dwelling
25 | unit, it needs to be -- it needs to be renovated.

1 It is not up to Code --

2 MR. LOPEZ: And, --

3 MR. VALELLA: -- at this point.

4 MR. LOPEZ: -- Mr. Valella, can you
5 conceive of any other use for this building, the
6 way it is now?

7 MR. VALELLA: Well, originally, the only
8 other alternative would have been as a garage,
9 but we don't have access to -- to it. There's no
10 -- car won't -- would not fit in the back there.
11 So, no. There is no, short of a guest house, but
12 again, that's -- a residential unit is the only
13 use that I would think.

14 MR. LOPEZ: So, while I'm certainly not
15 asking you to guess, but the likelihood is that,
16 at some point, access to this was probably from
17 15th Street, because everything was built up on
18 14th Street, where the buildings are close to each
19 other.

20 Isn't that correct?

21 MR. VALELLA: Yes. Yeah, they could have
22 come in on 14th on a -- on a horse, either a horse
23 and buggy before. Who knows? But --

24 MR. LOPEZ: Okay.

25 MR. VALELLA: -- at this point, it's

1 | landlocked.

2 | MR. LOPEZ: All right.

3 | So, it can't be turned into a garage, at
4 | this point?

5 | MR. VALELLA: No, no. It cannot.

6 | MR. LOPEZ: Okay.

7 | I have no other questions for Mr. Valella
8 | at this point.

9 | CHAIRMAN BONACCI: You have a planner to
10 | testify --

11 | MR. LOPEZ: I do.

12 | CHAIRMAN BONACCI: -- too?

13 | MR. LOPEZ: I do.

14 | CHAIRMAN BONACCI: Okay. I'll save the
15 | questions for later, I think --

16 | MR. LOPEZ: Okay.

17 | CHAIRMAN BONACCI: -- that would be easier.
18 | What do you guys think?

19 | VICE CHAIRMAN GRULLON: Yes.

20 | MS. GUTIERREZ: Yes.

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

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

25 | Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. LEONCAVALLO: Yes, I do.

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

5 MR. LEONCAVALLO: First name is John. Last
6 name is Leoncavallo. It's starts with an L-E-O-N
7 all one word, C-A-V as in Victor, A-L-L-O.

8 My address is 388 Washington Road, my
9 office, Suite E, Sayreville, New Jersey.

10 MS. DILLON: Thank you very much.

11 MR. LOPEZ: And Mr. Chairman, Mr.
12 Leoncavallo has also been previously qualified as
13 an expert. We would ask that you admit him as an
14 expert planner.

15 CHAIRMAN BONACCI: We accept your
16 qualifications.

17 MR. LEONCAVALLO: Thank you.

18 CHAIRMAN BONACCI: Thanks for being here.
19 Thank you.

20 MR. LEONCAVALLO: I enjoy it.

21 MR. LOPEZ: Mr. Leoncavallo, you've seen
22 the proposed plans that were prepared by -- by
23 Mr. Valella and heard his testimony.

24 Is that correct?

25 MR. LEONCAVALLO: Yes.

1 MR. LOPEZ: Did you conduct a -- a planning
2 study of the area and the feasibility of this
3 proposed project?

4 MR. LEONCAVALLO: Yes. I looked at the
5 existing conditions. I looked at your Master
6 Plan, all use variances from the Board and the
7 Ordinance, the Zoning Ordinance in town.

8 MR. LOPEZ: And can you describe for -- can
9 you describe for us, from a planning perspective,
10 the feasibility of this project?

11 MR. LEONCAVALLO: Yes. I'll try to do it
12 quickly. I know you have a long agenda.

13 The area on 14th Street is predominantly
14 residential in nature, with a wide variety of
15 forms. I had -- I grew up here when I was a kid.
16 My aunt had a house on the next block. I used to
17 go down to the deli a lot with her. So, I know
18 that area very well. It's -- it's had a number
19 of characteristics for housing. It's got a
20 number -- a lot of three, four families, but
21 there are some two families, and mixed in one
22 families in the area.

23 But the property, I believe, was maybe a
24 carriage house, because it was built and there's
25 no access to it except from one side, the right

1 side, there's a small alleyway. But it's not
2 even good for a mini-car. You can't get even a
3 -- you know, a mini-car back there. So,
4 expansion of the back into something that would
5 be augmenting the three family up to a four
6 family is -- is what makes a lot of sense, at
7 this point.

8 The residential uses are mostly three
9 family, in that immediate area. If you go down
10 beyond that, there are a couple commercial uses
11 that are right on the intersection. One of them
12 I think is still a deli food area.

13 The use variance would be a -- we need --
14 we need a D relief, specifically, more as D-2 for
15 expansion of a nonconforming use.

16 The dimensional relief for the setbacks,
17 yard setbacks and lot coverage all exist and that
18 will not be -- all those conditions will not --
19 absolutely will not be exacerbated whatsoever.
20 They'll stay as is, except for the height of the
21 -- the back structure, which as we said, as the
22 architect says, needs to bring -- be brought up
23 to Code. So that has to be changed.

24 We have also a parking need, a parking
25 variance. We need -- require eight spaces, but

1 | there has been no -- there's no way to get any
2 | parking back there at all. The front brick
3 | building takes up a lot of room and then the --
4 | the back building is just -- there's no access to
5 | it. It is totally landlocked.

6 | The planning justifications for the relief
7 | I would submit are easily sustained on the four
8 | elements of the proof required under New Jersey
9 | case law, specifically Medici test case.

10 | Site suitability can accommodate these four
11 | units very well and has, actually, for many
12 | years, without any detriment to the neighborhood
13 | or to the -- to the public.

14 | The site actually has been taxed as, I
15 | found out, is a four unit development, and the
16 | town recognizes four units are there.

17 | The space of the fourth unit is reasonably
18 | roomy and provides a nice privacy area. Being in
19 | the back, you really have to -- from the -- from
20 | the street, you really got to look three times to
21 | really see the proper -- that back structure.
22 | You can't see it from one alleyway, but you can
23 | from the other, if you -- if you look real hard.

24 | So, it's a comfortable living environment
25 | back -- in the back there and it will be very

1 private for any -- for any resident.

2 The other element is special reasons. The
3 project responds to the planning goal of a
4 variety of housing types. There aren't too many
5 small one -- one family secondary units like this
6 in -- in the -- in the town.

7 It's an adaptive reuse, which, in terms of
8 planners, is an efficient use of the land or a
9 reasonable re-adaptation of a private use that
10 was there before. Like we said, we think it was
11 a carriage house. Maybe -- for maybe a horse or
12 two, but no carriages unless you had a very
13 narrow carriage.

14 And all of the above purposes of the
15 Municipal Land Use Law are carried out in --
16 especially generation of public -- public
17 welfare, sufficient space in the area for
18 residential uses, visual enhancement and
19 aesthetic appeal and efficient use of the land is
20 encouraged by the use of this as a readapt --
21 readaptive reuse.

22 The public impacts.

23 The fourth unit is accessible by means of
24 convenient pedestrian alleyway that we talked
25 about on the right side, to the street.

1 Vehicular access is really not feasible.

2 Alleyway is not wide enough at all, and parking
3 isn't practical however you look at it.

4 The fourth unit will comply with all
5 applicable fire and building codes when the
6 renovation is done.

7 And the parking is -- relief is justified
8 as an existing condition, and we also have the
9 availability of mass transit in the area, which
10 kind of offsets having no parking and the need
11 for a car.

12 Zone plan impacts then, are the relief
13 relates to a specific piece of property already
14 recognized as a four family, and the granting of
15 the relief is not tantamount to a rezone, does
16 not erode the integrity of the R zone whatsoever.

17 MR. LOPEZ: Do you see any negative
18 criteria associated with the project?

19 MR. LEONCAVALLO: Yes, the -- the negative
20 criteria comes from, as I said, the promotion of
21 the general welfare, sufficient space for
22 residential uses in -- in the -- in the borough
23 and -- or the city, and visual improvement to the
24 site as will be done under the renovation.

25 And specifically, also Purpose M under the

1 Municipal Land Use Law, to use, promote and
2 encourage efficient use of the land and the
3 property.

4 MR. LOPEZ: Do you think all these are
5 justifiable reasons then?

6 MR. LEONCAVALLO: Absolutely.

7 MR. LOPEZ: Okay.

8 I have no other questions of the expert,
9 Mr. Bonacci.

10 CHAIRMAN BONACCI: Okay.

11 Thank you.

12 Let's bring back up the architect. We'll
13 start with questions there.

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

16 CHAIRMAN BONACCI: Okay. Just give me one
17 second, guys.

18 I think the rear is what you guys want to
19 fix up.

20 MR. LOPEZ: The front is not to be touched
21 at all.

22 CHAIRMAN BONACCI: You guys want to do a
23 second floor in the rear. And you guys want to
24 do a two bedroom unit there.

25 Right?

1 MR. LOPEZ: Correct.

2 We want to expand the current second floor.
3 There is a second floor now, but the heights are
4 very restrictive.

5 CHAIRMAN BONACCI: Okay.

6 MR. VALELLA: It's substandard, the height.

7 CHAIRMAN BONACCI: So, in reading the
8 memorandum, there's a few things here that I just
9 need you guys to clarify.

10 So, the front structure right now is a
11 three family unit.

12 MR. VALELLA: Yes.

13 CHAIRMAN BONACCI: But, then, I heard
14 testimony that it's currently being used as a
15 four family unit. So, which one is it?

16 MR. LOPEZ: No. The -- the fourth unit, in
17 essence, is this unit that we're seeking to
18 expand.

19 CHAIRMAN BONACCI: Okay. So --

20 MR. LOPEZ: It's -- it's always been an
21 apartment. It's just not -- it's in disrepair
22 and rather than repair just the existing ground
23 level structure, for the reasons testified to by
24 the -- by the architect, we'd like to increase --
25 increase the height of the second level.

1 CHAIRMAN BONACCI: So, all that only
2 pertains to the rear structure.

3 MR. LOPEZ: Correct.

4 The front is three units and it's used as
5 three units.

6 CHAIRMAN BONACCI: Okay.

7 But in -- in the memorandum, I have here
8 that the front structure has the three family,
9 studio, and one bedroom. All of that's in the
10 front?

11 MR. LOPEZ: In the front.

12 CHAIRMAN BONACCI: So, the front building
13 has a three family structure.

14 MR. LOPEZ: The front building has a three
15 family structure, with --

16 CHAIRMAN BONACCI: A studio, also.

17 MR. LOPEZ: With --

18 CHAIRMAN BONACCI: Is there a studio there,
19 too?

20 MR. LOPEZ: No. There's -- the studio is
21 the one in the back. The front has --

22 MR. VALELLA: Can I --

23 MR. LOPEZ: Go ahead.

24 MR. VALELLA: Can I interject?

25 MR. LOPEZ: Yeah.

1 MR. VALELLA: Okay. I'm sorry.

2 All right. The front existing to remain,
3 no alteration is a three family. It has three
4 dwelling units.

5 Apartment number one, which is 1,210 square
6 feet and that is an existing four bedroom
7 apartment.

8 Apartment 2B, I'm using the -- the numbers
9 on the doors, is an exist -- on the second floor,
10 is an existing two bedroom -- 2B is an existing
11 three -- three bedroom apartment. And that is
12 723 square feet.

13 And apartment 2F in the front is an
14 existing studio. And that's 416 square feet.

15 CHAIRMAN BONACCI: Okay.

16 MR. VALELLA: So, those are the three
17 units. It's the one on the ground and two on the
18 second.

19 CHAIRMAN BONACCI: Okay. So, let me try
20 this again.

21 So, the front structure, you're saying is
22 three units.

23 MR. VALELLA: Three units.

24 CHAIRMAN BONACCI: One is a four bedroom.

25 MR. VALELLA: Right.

1 CHAIRMAN BONACCI: Second floor has a three
2 bedroom apartment.

3 MR. VALELLA: And a studio.

4 CHAIRMAN BONACCI: And a studio. And that
5 studio and the three bedroom apartment are both
6 on the second floor.

7 MR. VALELLA: Yes.

8 CHAIRMAN BONACCI: Okay.

9 So, there's a four bedroom, the three
10 bedroom, and the studio, all in the front
11 structure.

12 MR. VALELLA: Yes, sir.

13 CHAIRMAN BONACCI: Okay.

14 MR. VALELLA: And then, the two bedroom is
15 proposed, that's the carriage house.

16 CHAIRMAN BONACCI: Now, we're going to do
17 two bedrooms in the rear.

18 MR. VALELLA: Right.

19 CHAIRMAN BONACCI: Let me just take a look
20 at that memo again.

21 VICE CHAIRMAN GRULLON: Mr. Chairman, if I
22 may?

23 CHAIRMAN BONACCI: Yeah.

24 VICE CHAIRMAN GRULLON: Can you clarify
25 again the bedroom count, according to the site

1 plans? It doesn't match the table that you have
2 in here.

3 MR. LOPEZ: Yeah. I think there's a --
4 you're right, Mr. Grullon. There's a discrepancy
5 between --

6 MR. VALELLA: Yes, I know. I know. I'll
7 go through it.

8 VICE CHAIRMAN GRULLON: Yeah, like you have
9 --

10 MR. VALELLA: The -- the ground floor
11 apartment is a four bedroom. It has three apart
12 -- three bedrooms on the ground floor, and then
13 there's the fourth apart -- fourth bedroom at the
14 -- in the basement. Or three at ground level,
15 but that's where the -- it's a duplex unit. You
16 go into apartment number one, you can go down,
17 and that's the fourth bedroom for --

18 VICE CHAIRMAN GRULLON: So it has a
19 basement?

20 MR. VALELLA: Yeah. Yeah. That's --
21 that's where the fourth bedroom is located.

22 Then, on the second floor is the studio
23 apartment in the front. And the apartment 2B,
24 which is in the rear of the second floor, is a
25 three bedroom.

1 Now, my office put dining room and living
2 room. But it -- it's really a three bedroom.

3 CHAIRMAN BONACCI: So, where is this
4 basement apartment?

5 MR. VALELLA: The -- there's no basement
6 apartment. There is a bedroom in the basement.
7 It's not really a basement, it's a ground level
8 condition.

9 CHAIRMAN BONACCI: Does anybody live there?
10 Is that --

11 MR. VALELLA: That -- that's part of
12 apartment number one. That's part of apartment
13 number one. It's interconnected with an internal
14 stair to -- to the lower level.

15 VICE CHAIRMAN GRULLON: You know, I see
16 that you have, as a bedroom, something that looks
17 like a mechanical room.

18 MR. VALELLA: Yeah. That's a mechanical
19 room. That's not a bedroom.

20 VICE CHAIRMAN GRULLON: It's not a bedroom?

21 MR. VALELLA: That's a mechanical room.

22 MR. LEONCAVALLO: I think you have to
23 remember, you have here, my information or
24 research shows it's 1902, this -- the front
25 structure was built. So, there was -- it was a

1 | little different --

2 | CHAIRMAN BONACCI: Yeah.

3 | MR. LEONCAVALLO: -- obviously, back then.

4 | CHAIRMAN BONACCI: Sure. Is there people
5 | living there now?

6 | MR. LOPEZ: Yes.

7 | CHAIRMAN BONACCI: Okay. So how --

8 | MR. LOPEZ: The front -- the front is fully
9 | occupied.

10 | CHAIRMAN BONACCI: Okay. So, how's it
11 | being used right now?

12 | Four bedroom is being used as a four
13 | bedroom.

14 | MR. LOPEZ: Correct.

15 | CHAIRMAN BONACCI: And then, on the second
16 | floor, it's being used as a three bedroom
17 | apartment.

18 | MR. VALELLA: Three and a studio.

19 | CHAIRMAN BONACCI: And a studio. And that
20 | basement is connected to --

21 | MR. VALELLA: The ground floor apartment,
22 | via an internal stair that is a private stair.
23 | It's not a separate dwelling unit.

24 | CHAIRMAN BONACCI: Okay.

25 | So, if you're going to label these

1 apartment one, two, three, how does the basement
2 fit into that?

3 MR. VALELLA: The basement is part of one.

4 CHAIRMAN BONACCI: Part of one. So, it's
5 part of the four bedroom.

6 MR. VALELLA: Yes.

7 CHAIRMAN BONACCI: Okay.

8 MR. VALELLA: Yeah.

9 CHAIRMAN BONACCI: So, the basement's part
10 of the four bedroom.

11 MR. VALELLA: Yes.

12 CHAIRMAN BONACCI: And then on the second
13 floor, you got the three bedroom and the studio.

14 MR. VALELLA: Right.

15 CHAIRMAN BONACCI: And then in the rear,
16 you just want to raise the height and do a two
17 bedroom.

18 MR. VALELLA: Yes. It's an existing
19 dwelling unit, but in disrepair, it's not
20 habitable. But that's what we'd like to do.

21 CHAIRMAN BONACCI: Is the rear unit being
22 used -- occupied right now?

23 MR. VALELLA: No.

24 MR. LOPEZ: It was vacated when the issue
25 came up, when they submitted the plans. The

1 | issue came up with the Building Department as to
2 | the legality of the unit. It was vacated at the
3 | time so that work can be carried out.

4 | CHAIRMAN BONACCI: Okay.

5 | The issue that I see here is that according
6 | to Mr. Spatz's memorandum, the four family
7 | dwellings are not permitted in the R zone.

8 | So that's why you would need --

9 | I'm sorry.

10 | Mr. Carvallo (sic) had testified earlier
11 | that you guys needed a D-2 variance.

12 | Correct?

13 | MR. LEONCAVALLO: D relief and specifically
14 | -- you know, D-2.

15 | CHAIRMAN BONACCI: D-2.

16 | MR. LEONCAVALLO: Expansion -- it's a
17 | nonconforming use.

18 | CHAIRMAN BONACCI: Do -- do you need D-1
19 | also?

20 | MR. LEONCAVALLO: You do need D-1.

21 | CHAIRMAN BONACCI: Okay.

22 | MR. LEONCAVALLO: In my opinion, you need
23 | D-1.

24 | CHAIRMAN BONACCI: Okay.

25 | I'm just asking because I heard D-2, but I

1 | didn't hear you ask for the D-1 variance, so --

2 | MR. LEONCAVALLO: D-1 is usually general --
3 | you know, relief from something that you're not
4 | permitted to have. So, and then, it's -- more
5 | specific with D-2 for an expansion of a
6 | nonconforming use.

7 | CHAIRMAN BONACCI: Now, just correct me if
8 | I'm wrong, you need the D-1 because the four
9 | family dwellings are not permitted in the R zone.

10 | MR. LOPEZ: Correct.

11 | CHAIRMAN BONACCI: Okay.

12 | So, it's not just all about that rear
13 | structure, it's also about that four family
14 | dwelling that you have in the front structure.

15 | MR. LOPEZ: Well, once you --

16 | MR. VALELLA: No. No. We don't have a
17 | four family in the front. We have a three family
18 | in the front.

19 | MR. LEONCAVALLO: It conforms to the -- to
20 | the zoning.

21 | MR. VALELLA: It's not a four family, it's
22 | a three family presently.

23 | CHAIRMAN BONACCI: Okay.

24 | MR. VALELLA: And we're asking for a fourth
25 | unit in the rear.

1 MR. LOPEZ: Yeah, Mr. Chairman, the fourth
2 unit is what makes it -- makes us require a use
3 variance because four units are not permitted in
4 the zone, limited to between one and three
5 families in the zone.

6 CHAIRMAN BONACCI: Okay.

7 I -- I heard testimony that the three
8 family was going to be made a four family
9 structure.

10 MR. LOPEZ: No, no. If -- if that was the
11 case, it was our mistake, certainly.

12 CHAIRMAN BONACCI: Because that's what I
13 heard --

14 MR. LOPEZ: No.

15 CHAIRMAN BONACCI: -- in the testimony.
16 That's the only reason I'm asking the question.

17 MR. LOPEZ: No, no, no.

18 To be clear, the front -- the front
19 structure remains unchanged. And it's a three
20 unit structure and it will continue to be a three
21 unit structure.

22 The -- all the proposed work would be
23 strictly to the rear; that rear structure. And
24 that's what we're seeking to expand, just to make
25 it a more habitable space. But it had been

1 | previously used, apparently not recognized, but
2 | had been used as an apartment for many, many
3 | years.

4 | MR. VALELLA: If I may?

5 | CHAIRMAN BONACCI: Um hum.

6 | MR. VALELLA: Just an example, let's assume
7 | you choose to deny the application --

8 | CHAIRMAN BONACCI: I'm just trying to get
9 | an --

10 | MR. VALELLA: No, no.

11 | CHAIRMAN BONACCI: -- understanding --

12 | MR. VALELLA: No, no. I understand.
13 | That's why I'm trying to give you this example.

14 | -- it would remain a three family
15 | structure. That will not change. It's a three
16 | family.

17 | MR. LEONCAVALLO: Front.

18 | MR. VALELLA: Remains.

19 | Now, it can go from a three to a four, if
20 | you choose to approve the carriage house.

21 | CHAIRMAN BONACCI: Yeah. I'm looking at
22 | this as two structures, two different -- you
23 | know, things.

24 | MR. VALELLA: Yes. Okay. So it's --

25 | CHAIRMAN BONACCI: So, if you guys --

1 MR. VALELLA: -- a three and a one.

2 CHAIRMAN BONACCI: -- are not going to
3 change that first structure, then that's separate
4 from what you're asking for, and what you're
5 really asking for is all the relief is for that
6 second --

7 MR. LOPEZ: Exclusively, correct.

8 CHAIRMAN BONACCI: Right.

9 MR. VALELLA: Exactly. Exactly.

10 MR. LEONCAVALLO: It's like a guest house
11 -- you know, separate, detached guest house.

12 CHAIRMAN BONACCI: But the problem that we
13 have is that it's not permitted in the R zone.

14 MR. LEONCAVALLO: Right. And that's why
15 we're here for D-1 relief.

16 MR. LOPEZ: What the --

17 CHAIRMAN BONACCI: So --

18 MR. LOPEZ: The difficulty that this
19 presents for a property owner is that you have
20 the structure there.

21 CHAIRMAN BONACCI: Um hum.

22 MR. LOPEZ: It's obviously -- it's not
23 something that was built illegally. It's always
24 been part of this property. And those are the --
25 the difficult cases that you're relegating this

1 structure just to be an abandoned structure with
2 no use.

3 CHAIRMAN BONACCI: You want to do something
4 with it. I -- I understand. You don't want to
5 just see it --

6 MR. LOPEZ: If -- if not --

7 CHAIRMAN BONACCI: -- take up space.

8 MR. LOPEZ: Correct.

9 MR. VALELLA: Well, not only that, it has
10 been used, for decades and decades, as a dwelling
11 unit. It's not like you have an empty garage, a
12 barn that, please, let me get an apartment here.

13 You know, whatever social impact this
14 dwelling unit will have, has occurred 30, 40
15 years ago.

16 MR. LOPEZ: Yes. Will be no change to the
17 zone, because the neighborhood is already
18 accustomed to this use of the space.

19 MR. VALELLA: Right.

20 MR. LOPEZ: Except now it's being done
21 legally.

22 CHAIRMAN BONACCI: And then, the other
23 issue that I have, and I'm sure members of the
24 Board might have the same one, is that -- you
25 know, you need a total of eight parking spaces

1 are required, and now, if we're adding to the
2 bedroom count, we're increasing that total.

3 MR. LOPEZ: No. We're not -- that -- the
4 count that you have is for the spaces that -- the
5 total number of bedrooms that we are seeking.
6 The reason we have to show the eight spaces is
7 that part of the presentation, when you're
8 seeking to expand a nonconforming use, you must
9 look at the overall property and the total
10 effects, even on the front structure that's not
11 being touched. But the eight parking spaces are
12 what we would require for everything, if you
13 approve -- if you approve the changes to the rear
14 structure.

15 And -- and again, the impact is already
16 built into the neighborhood, in essence. It's
17 been used, the only difference is perhaps one
18 bedroom more now.

19 CHAIRMAN BONACCI: Okay.

20 And then, again, to the memo, the site plan
21 should indicate the correct revision date,
22 meaning that the bedroom shown in the basement of
23 the front building, which you guys just kind of
24 clarified that, actually appears to be a utility
25 room. And apartment 2B appears to be a one

1 bedroom unit, not a three bedroom unit.

2 MR. VALELLA: Right.

3 CHAIRMAN BONACCI: And that's listed in the
4 parking calculation also.

5 MR. VALELLA: It's listed as a three.

6 CHAIRMAN BONACCI: Okay.

7 MR. LOPEZ: In -- in other words, it's even
8 higher, the calculation is even higher than the
9 use as shown, because there are less bedroom on
10 the diagram, which is how it's currently being
11 used. But Mr. Valella was careful and took the
12 possibility that they would use one of these
13 rooms as bedrooms.

14 CHAIRMAN BONACCI: Okay.

15 I'm just going to open it up to see if
16 there's any questions, members of the Board.

17 VICE CHAIRMAN GRULLON: Mr. Valella, is the
18 rear unit occupied right now?

19 MR. VALELLA: No. No, it's not being
20 occupied. It has been, for a long time, but not
21 presently.

22 VICE CHAIRMAN GRULLON: Did they use it as
23 an apartment, previously?

24 MR. VALELLA: Yes.

25 MR. LOPEZ: Mr. Grullon, if I may?

1 When -- when the property owner went to the
2 Building Department seeking to expand this is
3 when he realized, and he was told by the Building
4 Department that they don't -- they don't have it,
5 they don't recognize it as a fourth unit. At
6 that point, the tenant was asked to vacate the
7 premises so they can come to the Board. It is
8 vacant for that reason.

9 VICE CHAIRMAN GRULLON: And the existing
10 condition is a one bedroom unit.

11 MR. LOPEZ: The existing condition is a one
12 bedroom unit.

13 VICE CHAIRMAN GRULLON: And how high is the
14 ceiling now?

15 MR. VALELLA: The ceiling goes from about
16 three feet to about 12 feet. So, the three feet
17 is substandard. It's not --

18 VICE CHAIRMAN GRULLON: No, I mean, the --
19 the structure.

20 MR. VALELLA: The structure's --

21 VICE CHAIRMAN GRULLON: From the ground.

22 MR. VALELLA: -- about 20 feet.

23 VICE CHAIRMAN GRULLON: Twenty feet.

24 MR. LOPEZ: And we're proposing
25 approximately --

1 MR. VALELLA: Twenty-three.

2 MR. LOPEZ: -- 23. So, an increase of
3 three feet.

4 CHAIRMAN BONACCI: It appears, from the
5 plans, that you guys are trying to make that rear
6 structure in height mimic the other structure.

7 Would that be a safe assumption?

8 MR. PANEQUE: Yup.

9 CHAIRMAN BONACCI: To make them look equal?

10 MR. VALELLA: No. The -- the new -- the
11 carriage house, even once we raise it, is still
12 about a story below the one in the front.

13 CHAIRMAN BONACCI: Okay.

14 MR. VALELLA: Because the one in the front
15 is really a three story structure.

16 CHAIRMAN BONACCI: I'm just going to open
17 it up to --

18 MR. PANEQUE: Well, before you do that, Mr.
19 Lopez, your testimony on the D-1 variance, there
20 was no mention of a request for two principal
21 structures on one lot, which is prohibited under
22 our Ordinance.

23 Is that part of your request?

24 MR. LOPEZ: Well, I thought that, based on
25 the testimony of the experts --

1 Yes, absolutely.

2 MR. PANEQUE: Okay.

3 MR. LOPEZ: But based on the testimony of
4 the experts, that there are two structures on --
5 on the property. Absolutely.

6 MR. PANEQUE: Yeah. The testimony is quite
7 clear, but the request is to have this Board
8 legalize, or approve two principal structures on
9 --

10 MR. LOPEZ: On one --

11 MR. PANEQUE: -- one lot.

12 MR. LOPEZ: -- lot.

13 MR. PANEQUE: Okay.

14 You can open it now.

15 CHAIRMAN BONACCI: Members of the public?

16 Anybody have any questions on this
17 application?

18 MR. PANEQUE: Closed to the public.

19 CHAIRMAN BONACCI: Closed to -- closed to
20 the public.

21 You mind giving me like two -- two minutes
22 to talk to Mr. Spatz?

23 MR. LOPEZ: Absolutely.

24 CHAIRMAN BONACCI: Okay.

25 MS. DILLON: Want me to go off the record?

1 MR. PANEQUE: Off the record.

2

3 (Whereupon, the Board recessed from 7:16
4 p.m. to 7:19 p.m.)

5

6 MR. LOPEZ: Back on the record?

7 MS. DILLON: Yes.

8 MR. PANEQUE: Yeah.

9 CHAIRMAN BONACCI: I just want to thank you
10 guys for clarifying that, because I was a little
11 confused with all the counts.

12 MR. LOPEZ: It is a little bit strange.

13 CHAIRMAN BONACCI: With that being said --

14 MR. LOPEZ: If we could just put on the
15 record that, Mr. Chairman, there was a conference
16 with Mr. Spatz, as a planner, for whatever
17 clarification the Board needed.

18 Is that correct?

19 CHAIRMAN BONACCI: Yes.

20 So, now that that's been cleared up, I'm
21 going to make a motion to approve the
22 application, being that this has been in
23 existence for so many years.

24 MR. VALELLA: Decades.

25 CHAIRMAN BONACCI: There's no detriment to

1 the neighborhood. And if anything, it's going to
2 be brought up to Code and provide more living
3 space for members of the community.

4 MR. VALELLA: And also --

5 CHAIRMAN BONACCI: So, with that I'd like
6 to make --

7 MR. VALELLA: -- ADA adaptable.

8 CHAIRMAN BONACCI: Right.

9 So, I'd like to make a motion to approve
10 the application.

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

13 Seconded by Ms. Gutierrez.

14 Roll call on the motion.

15 Mr. Bonacci?

16 CHAIRMAN BONACCI: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Mr. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Ms. Pena?

1 MS. PENA: Yes.

2 THE SECRETARY: Mrs. Perez?

3 MS. PEREZ: Yes.

4 THE SECRETARY: Seven in favor.

5 Motion carries.

6 MR. VALELLA: Thank you.

7 MR. LOPEZ: Thank you very much.

8 MS. GUTIERREZ: You're welcome.

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1 **Maria E. Montalvo - 523 48th Street:**

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3 MR. PANEQUE: Mr. Vallejo, I've been
4 advised by Mr. Lopez that he's seeking an
5 adjournment.

6 That would be on your case for Montalvo,
7 Mr. Lopez?

8 MR. LOPEZ: That's correct.

9 MR. PANEQUE: If we could call out of order
10 case number 5?

11 THE SECRETARY: Give me one second, Mr.
12 Paneque.

13 Okay.

14 Change a little bit the order -- tonight's
15 order to Maria Montalvo, 523 48th Street.

16 Mr. Lopez, please?

17 MR. LOPEZ: You may not need even to
18 distribute.

19 If -- if I may, Mr. Chairman, members of
20 the Board?

21 This was a -- we had a full hearing on this
22 matter. And the issue came up as to whether or
23 not there was a prior Resolution approving the
24 unit.

25 If you will recall, it was a minor

1 expansion of about 170 feet, and a reconfiguring
2 of the front with brick and so on. But there was
3 some concern as to whether or not the unit that
4 we're seeking to expand was previously approved.

5 Unfortunately, it was my former partner who
6 did this. I don't have those records. Mr. Diaz
7 was unable to find the file because it's longer
8 than we are required to keep it.

9 We've made a -- an OPRA request to the
10 Building Department for records, because if there
11 was a prior approval, there must have been a
12 Resolution with any plans that were submitted.
13 And we're just -- the hearing was concluded. I'm
14 just asking for an adjournment to get that --
15 whatever information the Building Department has
16 to present it to this Board.

17 CHAIRMAN BONACCI: Are you confident that
18 you guys can get that for the next meeting?

19 MR. LOPEZ: I believe so. I mean, if we
20 can't, it -- it will present a problem for my
21 client, obviously, and -- and we may have to
22 withdraw the application.

23 CHAIRMAN BONACCI: Are -- are you willing
24 to waive the statutory time limit?

25 MR. LOPEZ: Absolutely, Mr. Chairman.

1 CHAIRMAN BONACCI: Okay.

2 So, I'll make a motion to adjourn this
3 application, hopefully, to the next meeting.

4 THE SECRETARY: Motion to adjourn this
5 application for June 13 meeting --

6 VICE CHAIRMAN GRULLON: Second.

7 CHAIRMAN BONACCI: -- by Mr. Bonacci.

8 Seconded by Mr. Grullon.

9 Roll call on the motion.

10 Mr. Bonacci?

11 CHAIRMAN BONACCI: Yes.

12 THE SECRETARY: Mr. Grullon?

13 VICE CHAIRMAN GRULLON: Yes.

14 THE SECRETARY: Ms. Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Mr. Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Ms. Pena?

21 MS. PENA: Yes.

22 THE SECRETARY: Ms. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Seven in favor.

25 Motion carries.

1 MR. LOPEZ: Thank you very much, as always.

2 Thank you.

3 THE SECRETARY: New notice -- no new notice
4 required.

5 Right?

6 MR. PANEQUE: No new notice required. No.
7 It's a continuation.

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

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1 **1117 Summer Ave., LLC - 1117-19 Summit Avenue:**

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3 THE SECRETARY: We are going to next
4 application on tonight's agenda, one -- 1117
5 Summer Avenue, LLC, 1117-19 Summit Avenue.

6 Ms. Pereiras, please?

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

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

12 I have a certification as to publication
13 and service, signed by Ms. Pereiras, indicating
14 that notice of tonight's hearing with respect to
15 the property located at 1116 (sic) Summit Avenue,
16 was sent to all property owners within the 200
17 foot radius of said property on or about April
18 26, 2019.

19 I've also been provided with an Affidavit
20 of Publication from The Jersey Journal, with a
21 publication date of April 27. Said notice that
22 was published indicates that notice of tonight's
23 hearing on May 9, with respect to the property at
24 1117 Summit Avenue was given, and said meeting to
25 take place at 3715 Palisade Avenue. So, that

1 notice appears to be proper.

2 I've also been provided with the tax list
3 from the Tax Assessor's Office, for all property
4 owners within 200 foot radius of 1117-19 Summit
5 Avenue. Said tax list is consisting of three
6 pages and is dated April 16.

7 I've also been provided with the certified
8 mail receipts, with a stamp mark date of April
9 26, as well as the green cards that have come
10 back to date.

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

14 MS. PEREIRAS: Thank you, counsel.

15 Good evening, Mr. Chairman, members of the
16 Board.

17 May it please the Board, Bianca Pereiras on
18 behalf of the applicant, for property located at
19 1117-1119 Summit Avenue, also known as Block 56,
20 Lots 1 and 2.

21 The application before the Board this
22 evening is to legalize a basement apartment. We
23 have tenants in this unit and the hope is to not
24 have to displace them, but bring this property or
25 this unit, in particular, up to Code.

1 We have two experts to testify before the
2 Board, and I'd like to begin the presentation
3 with our architect, Mr. Orestes Valella.

4 MS. DILLON: Mr. Valella was previously
5 sworn.

6 MS. PEREIRAS: Thank you.

7 Mr. Valella, are you familiar with the
8 property located at 1117-1119 Summit Avenue?

9 MR. VALELLA: Yes.

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

12 MR. VALELLA: Yes.

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

15 MR. VALELLA: Sure.

16 This is a corner building on the corner of
17 Summit and 12th Street. It's Block 56 and it
18 comprises Lots 1 and 2.

19 This is an existing mixed use, three story
20 building, with retail on the ground floor and
21 apartments upstairs.

22 There are a total of 13 dwelling units
23 current. And the basement apartment before you
24 would be number 14.

25 This -- I think the best place to start is

1 with the second page, which has the -- which has
2 the existing conditions.

3 On the ground floor, there are four retail
4 stores facing 12th Street and facing Summit, and
5 also the thirteenth dwelling unit is there, as
6 well.

7 Then, the second floor has additional
8 apartments and as well as the third floor. All
9 of that on the ground, second and third is all
10 existing, and it's all to remain. It's shown to
11 you for information purposes, but no work is
12 contemplated.

13 The work occurs in the basement. And the
14 -- the existing basement apartment had, when it
15 was brought to my attention, had a couple of
16 deficiencies that I was very uncomfortable with.
17 There are four existing bedrooms, and they have
18 no windows. And I was very uncomfortable with
19 that.

20 The apartment is 1320. However, it did
21 have possibilities. There is, from 12th Street,
22 direct access into the apartment, with an
23 exterior door. So, that, I thought, would be a
24 safe condition. And there were window
25 opportunities, not within the apartment, but on

1 the side facing the alleyway and 12th Street,
2 which I thought we could use as a window
3 opportunity.

4 So, I -- we propose and, in fact, this one,
5 we actually consulted with the Building
6 Department before coming to you because of our
7 life safety concerns about it. So, we got their
8 input, as well.

9 So, we went from a four bedroom to a one
10 bedroom. And the -- the area of the apartment is
11 still 1320. Our new bedroom now would have an
12 egress window facing the side, which has a 13 and
13 a half foot width. So -- and directly accessible
14 from 12th Street. So, it -- you know, now, will
15 meet Code in terms of emergency access to the
16 bedroom. It still retains the entrance from the
17 alleyway directly into the apartment. And now,
18 it would be living room, dining room, kitchen,
19 bedroom. So, a pretty nice big apartment with a
20 seven foot ceiling. So, we went from a four
21 bedroom to a one.

22 So, a complete renovation would have to
23 take place, but now I am -- you know, not only
24 myself, but the Building Department, we were both
25 comfortable to proceed before you.

1 You know, we -- we had a situation where I
2 -- I just wasn't comfortable bringing before you
3 dwelling units, an apartment without windows in
4 -- in the bedrooms. So, now, we've reduced it
5 from four to one and -- and I'm comfortable
6 presenting to you something for approval.

7 But, basically, it's an apartment.

8 MR. PANEQUE: Mr. Valella, if I may just
9 interrupt a second?

10 MR. VALELLA: Sure.

11 MR. PANEQUE: Because there's -- there's
12 something that we need to clarify before we
13 proceed with this application.

14 Okay?

15 We have a memo from the Building
16 Department, which indicates that the Building
17 Department recognizes this property as a 12 unit
18 structure, plus one commercial.

19 MS. GUTIERREZ: Um hum.

20 MR. PANEQUE: Okay?

21 MS. PEREIRAS: I -- I believe that was a
22 typo on the front page.

23 MR. PANEQUE: Well --

24 MS. PEREIRAS: I just was given a copy of
25 this.

1 MR. PANEQUE: Yeah.

2 MS. PEREIRAS: If I turn to the second
3 page, I think it verifies that there are, in
4 fact, 13 residential units --

5 MR. PANEQUE: There are not.

6 MS. PEREIRAS: -- in that building.

7 MR. PANEQUE: And -- and the second page --

8 MS. PEREIRAS: Um hum.

9 MR. PANEQUE: -- there -- there's a store
10 on the ground floor, without any residential
11 unit. Okay. And this -- I'm looking at your map
12 --

13 Strike that.

14 I'm looking at your plan and your plan
15 shows that the thirteenth unit was now located in
16 the rear of the store. That thirteenth unit did
17 not exist when this tax assessment was done,
18 according to that. We have two units on the
19 second floor.

20 MS. PEREIRAS: Um hum.

21 MR. PANEQUE: Actually, we have --

22 CHAIRMAN BONACCI: One, one, is one.

23 MR. PANEQUE: -- six units on the second
24 floor and six units on the third floor.

25 On the first floor, according to the tax

1 record, it's listed as a store, not residential.
2 So, that's why I was comparing the plan. Now, on
3 the plan, they have unit 13 in the rear.

4 MS. PEREIRAS: Um hum.

5 MR. PANEQUE: Which appears to have been an
6 add on, which the -- the -- according to the
7 Building Department, it's not recognized.

8 So, your application is to go from 13 to
9 14.

10 MS. PEREIRAS: That is correct.

11 MR. PANEQUE: But that's an improper
12 notice, if you're also looking to legalize that
13 thirteenth unit.

14 MS. PEREIRAS: Right. We noticed to
15 legalize one unit, not two units.

16 MR. PANEQUE: Correct.

17 MS. PEREIRAS: Um hum.

18 MR. PANEQUE: But according to the Building
19 Department, you only have 12 units that are --
20 that are legal. That leads me to believe that
21 this thirteenth unit is not a legal unit, --

22 MS. PEREIRAS: Okay.

23 MR. PANEQUE: -- unless you have a CO to
24 show me otherwise.

25 MS. PEREIRAS: We probably do, because as

1 Mr. Valella mentioned, we sat with the Building
2 Department on this and we went through all the
3 drawings and there was no issue whatsoever with
4 the other unit.

5 So, I'm guessing there is some
6 documentation and that this was maybe something
7 that wasn't updated. But I can't --

8 MR. PANEQUE: Okay. Now --

9 MS. PEREIRAS: I don't have those records
10 in front of me.

11 MR. PANEQUE: Yeah. I mean, also, if you
12 go to the top of your --

13 MS. PEREIRAS: Um hum.

14 MR. PANEQUE: -- tax, see how it says 12
15 units, one commercial, 12C, 1U?

16 MS. PEREIRAS: Yes.

17 MR. PANEQUE: I mean, 12 --

18 MS. PEREIRAS: Um hum.

19 MR. PANEQUE: -- 12U, 1C.

20 MS. PEREIRAS: Um hum. I do see that.

21 MR. PANEQUE: Three story.

22 MS. PEREIRAS: Right.

23 MR. PANEQUE: Okay?

24 So, for this Board to hear this application
25 that's asking to go to -- from 13 to 14, we need

1 clarification on how this thirteenth unit came to
2 be, whether it's legal, it may be if we have a
3 CO. If it's not, then we need a modification of
4 the request to go from 12 to 14.

5 MS. PEREIRAS: Understood.

6 Understood.

7 MR. PANEQUE: Okay.

8 And I -- I didn't mean to cut you off but
9 --

10 MR. VALELLA: No, no.

11 MR. PANEQUE: -- we would have gone 30
12 minutes, just to bring this out.

13 MR. VALELLA: No, no.

14 MS. PEREIRAS: We appreciate it.

15 MR. VALELLA: I appreciate it.

16 MS. PEREIRAS: Yeah.

17 MR. VALELLA: I appreciate it.

18 MS. PEREIRAS: We'd rather have this
19 resolved.

20 MR. VALELLA: It's fundamental.

21 MS. PEREIRAS: Exactly. And -- and like I
22 said, I believe we have those documentations.
23 I'll have to check with the client and see what
24 he has in his records.

25 MR. PANEQUE: Okay.

1 Would you, based on that, like to request
2 that this matter be carried to the next meeting?

3 MS. PEREIRAS: Absolutely.

4 MR. PANEQUE: Okay.

5 MR. VALELLA: Well, I have one further
6 question.

7 You mentioned one commercial unit. There
8 are -- what -- what's up with that?

9 MR. PANEQUE: The -- the commercial units
10 --

11 MR. VALELLA: Are okay?

12 MR. PANEQUE: My understanding is, and Mr.
13 Spatz, there's no issue, as long as you have a
14 commercial space, that could be subdivided. You
15 could have two different stores.

16 The issue becomes how this residential unit
17 in that rear ground floor --

18 MR. VALELLA: Understood.

19 MR. PANEQUE: -- came to be. We have no
20 record from the 1973 or '74 tax assessment that
21 it was ever there.

22 MR. VALELLA: Understood.

23 MR. PANEQUE: Okay?

24 MR. VALELLA: All right.

25 Thank you.

1 MR. PANEQUE: So, is there an application,
2 Ms. Pereiras?

3 MS. PEREIRAS: Yes. If we could carry this
4 matter to next month, so hopefully we can do that
5 additional research.

6 MR. PANEQUE: Okay.

7 CHAIRMAN BONACCI: Do you agree to waive
8 the time limit?

9 MS. PEREIRAS: Absolutely.

10 CHAIRMAN BONACCI: Okay.

11 I'll make a motion to adjourn this to the
12 next meeting.

13 THE SECRETARY: Motion by -- to adjourn
14 this application for the next meeting by Mr.
15 Bonacci.

16 Seconded by Ms. Gutierrez.

17 Roll call on the motion to adjourn this
18 application for June 13, 2019.

19 Mr. Bonacci?

20 CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Mr. Gullon?

22 VICE CHAIRMAN GRULLON: Yes.

23 THE SECRETARY: Ms. Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Ms. Pena?

5 MS. PENA: Yes.

6 THE SECRETARY: Ms. Perez?

7 MS. PEREZ: Yes.

8 THE SECRETARY: Seven in favor.

9 Motion carries.

10 MS. PEREIRAS: Thank you very much.

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

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1 **S&R Realty Group, LLC - 146-148 49th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, S and R Realty Group, LLC, 146-
5 148 49th Street.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Thank you.

8 Again, Bianca Pereiras on behalf of the
9 applicants, S and R Realty Group, LLC.

10 If the Board may recall, we had actually
11 presented at last month's meeting. You heard
12 testimony from our architect, as well as our
13 planner.

14 There was a question posed by this Board as
15 to whether we will reduce the unit -- the bedroom
16 size, or going from three bedrooms down to two,
17 at which point we posed a question to the Board.
18 A lot of the direction that we're getting from
19 the Planning Board, who we appear in front of
20 regularly, is that Union City is looking for
21 three bedrooms.

22 And so, we posed that question to you to
23 see what direction this Board would like us to
24 take, not only on this application, but going
25 forward on other applications. And this Board

1 asked for an adjournment for that purpose, to
2 discuss this with the Planning Board.

3 I hope those discussions took place.

4 I do have my architect and my planner here
5 in case the Board has any questions for them, but
6 we did conclude our testimony at the last
7 meeting.

8 CHAIRMAN BONACCI: You mind bringing me up
9 to speed because --

10 MS. PEREIRAS: Not a problem at all.

11 CHAIRMAN BONACCI: -- with all these
12 applications --

13 MS. PEREIRAS: I understand. Very happy
14 to.

15 CHAIRMAN BONACCI: -- they don't always
16 stick.

17 MS. PEREIRAS: I'll call our architect, Mr.
18 Manuel Pereiras.

19 MS. DILLON: Please raise your right hand.

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

22 MR. PEREIRAS: I do.

23 Manny Pereiras, P-E-R-E-I-R-A-S, with
24 Pereiras Architects Ubiquitous, 1116 Summit
25 Avenue, Union City.

1 MS. DILLON: Thank you.

2 MS. PEREIRAS: And for purposes of the
3 record, Mr. Pereiras has --

4 CHAIRMAN BONACCI: Abso --

5 MS. PEREIRAS: -- been qualified in the
6 past.

7 CHAIRMAN BONACCI: Absolutely.

8 MS. PEREIRAS: Mr. Pereiras, are you
9 familiar with the property at 146-148 49th Street?

10 MR. PEREIRAS: I am.

11 MS. PEREIRAS: And did you prepare the
12 drawings before the Board?

13 MR. PEREIRAS: I have.

14 MS. PEREIRAS: Would you kindly describe
15 the project for the Board?

16 MR. PEREIRAS: I'm not going to go through
17 the whole thing, unless you want me to?

18 CHAIRMAN BONACCI: Right. No. Just
19 briefly on --

20 MR. PEREIRAS: But here's basically what it
21 is.

22 CHAIRMAN BONACCI: Yeah.

23 MR. PEREIRAS: There's an existing two
24 family house there. It's two lots conforming
25 completely, 25 by a hundred, each of them. We're

1 proposing to tear down the existing house and
2 build two houses, exactly as per spec, as to the
3 Master Plan.

4 Everything conforms exactly to the -- the
5 Master Plan. Five foot rear, two foot one side,
6 three foot on the other, ten feet along the
7 front. It's -- the ground floor is parking.
8 Compliant six parking spaces as per the Master
9 Plan diagram. And then, we have three floors
10 above that, with one apartment on each of those
11 floors that are three bedrooms each.

12 So, everything is to spec, exactly what
13 kind of the city wants and needs and the
14 direction that was given to us.

15 CHAIRMAN BONACCI: Okay.

16 So, I think there was two things, now that
17 I recall.

18 The one thing was the bedroom count.

19 MR. PEREIRAS: Yes.

20 CHAIRMAN BONACCI: And the second thing,
21 what did the Planning Board say, if anything,
22 about tearing down the existing structure?

23 MR. PEREIRAS: That's kind of like a non-
24 zoning issue. If the client wanted to get a
25 demolition permit tomorrow, he's perfectly

1 | entitled to do so. And -- and he may do so, in
2 | fact, regardless of the -- the Board's decision
3 | tonight. So, that -- that could happen. It's
4 | not a zoning issue.

5 | CHAIRMAN BONACCI: Yeah. No. I
6 | understand. Is it the -- the owner himself
7 | that's tearing down his own building to do this?
8 | Just out of curiosity.

9 | MR. PEREIRAS: Yes.

10 | MS. PEREIRAS: Yes.

11 | MR. PEREIRAS: It's -- it's not an outside
12 | developer buying this property. It's the owner,
13 | whose owned this property for awhile, that he
14 | wants to demolish it and -- and build.

15 | VICE CHAIRMAN GRULLON: So, that's what we
16 | want to know.

17 | MR. PEREIRAS: Yeah.

18 | VICE CHAIRMAN GRULLON: Is the owner that
19 | --

20 | MR. PEREIRAS: Oh, yeah.

21 | VICE CHAIRMAN GRULLON: Is your client the
22 | owner of the property?

23 | MR. PEREIRAS: Yeah. It's not someone --
24 | he's not selling this at all. He's owned this
25 | for a long time and he wants to continue owning

1 | this property. Yeah.

2 | CHAIRMAN BONACCI: Okay.

3 | MR. PEREIRAS: And he owns lots of property
4 | in Union City. A great landlord, good person.

5 | CHAIRMAN BONACCI: And this would still
6 | fall under the category of low density
7 | residential?

8 | MR. PEREIRAS: Yes.

9 | MS. PEREIRAS: Yes.

10 | MR. PEREIRAS: It does.

11 | CHAIRMAN BONACCI: Okay.

12 | And then --

13 | MR. PEREIRAS: It's two primary structures
14 | on one lot. We have a D-1 variance. The planner
15 | testified on that. Because of that, but it meets
16 | all the requirements of the Master Plan.

17 | CHAIRMAN BONACCI: Okay.

18 | And you need -- you need the height
19 | variance.

20 | MR. PEREIRAS: Yes.

21 | CHAIRMAN BONACCI: And tell me a little bit
22 | about the parking again.

23 | MR. PEREIRAS: Be very happy to.

24 | It's -- the -- the diagram that was
25 | provided to us in the Master Plan, that's what we

1 provided. So, it's exactly that.

2 CHAIRMAN BONACCI: Okay.

3 I don't have any more questions.

4 VICE CHAIRMAN GRULLON: The -- is the owner
5 of the property living in the property now?

6 MR. PEREIRAS: He does not live there. No.

7 VICE CHAIRMAN GRULLON: Doesn't live there.

8 MR. PEREIRAS: He does not live there.

9 There's a -- there's a tenant.

10 VICE CHAIRMAN GRULLON: For how -- for how
11 long does he own the property?

12 MR. PEREIRAS: I could find out.

13 A VOICE: 2006.

14 MR. PEREIRAS: 2006.

15 VICE CHAIRMAN GRULLON: And you're keeping
16 the bedroom count as -- as in your proposal,
17 three?

18 MR. PEREIRAS: I believe that's the right
19 thing for Union City.

20 VICE CHAIRMAN GRULLON: Three bedroom.

21 MR. PEREIRAS: Whatever this Board suggests

22 --

23 VICE CHAIRMAN GRULLON: Just the -- just
24 the congestion in that -- in that area, with
25 parking and density of the uptown part of the

1 city, is one of the most dense population there.

2 MR. PEREIRAS: We'll do whatever the Board
3 recommends and suggests. We think that it's
4 appropriate. I think that Union City needs three
5 bedroom apartments. It's something that the --
6 the Master Plan is suggesting to us to do and
7 that's why we're -- we're moving forward with
8 this.

9 But we're open to whatever you recommend.

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

12 MR. PANEQUE: Off the record.

13

14 (Whereupon, the Board recessed from 7:43
15 p.m. to 7:44 p.m.)

16

17 MS. DILLON: On the record.

18 CHAIRMAN BONACCI: Members of the Board?

19 Members of the public?

20 Closed to the public.

21 Thank you guys for being patient, for going
22 to the Planning Board, and for providing parking.
23 And it seems as though this is a beneficial use
24 to the members of the community.

25 With that being said, I'd like to make a

1 motion to approve the application.

2 THE SECRETARY: Motion on the table to
3 approve the application by Mr. Bonacci.

4 VICE CHAIRMAN GRULLON: Second.

5 THE SECRETARY: Second by Mr. Grullon.

6 Roll call on the motion to approve this
7 application.

8 Mr. Bonacci?

9 CHAIRMAN BONACCI: Yes.

10 THE SECRETARY: Mr. Grullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Ms. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Mr. Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Ms. Pena?

19 MS. PENA: Yes.

20 THE SECRETARY: Ms. Perez?

21 MS. PEREZ: Yes.

22 THE SECRETARY: Seven in favor.

23 Motion carries.

24 MS. PEREIRAS: Thank you all very much.

25 MR. PEREIRAS: Thank you, everyone.

1 MS. PEREIRAS: Thank you.

2 MS. GUTIERREZ: You're welcome.

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

5 CHAIRMAN BONACCI: Off the record, guys?

6 THE SECRETARY: Yes.

7 CHAIRMAN BONACCI: Okay.

8
9 (Whereupon, the Board recessed from 7:47
10 p.m. to 7:51 p.m.)

11

12 MS. DILLON: On the record.

13 THE SECRETARY: Thank you.

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1 **Union City Funding, LLC - 530 28th Street:**

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3 THE SECRETARY: We are going to change a
4 little bit tonight's order.

5 We are going to go now to Union City
6 Funding, LLC, 530 28th Street.

7 Mr. Selevan, please?

8 CHAIRMAN BONACCI: Number 8?

9 MR. PANEQUE: Number 8.

10 MR. SELEVAN: Good evening.

11 Andrew Selevan, appearing for Union City
12 Funding, LLC.

13 I'd like to withdraw my application for
14 tonight.

15 MR. PANEQUE: For the Board's edification,
16 I had an opportunity to speak at sidebar with Mr.
17 Selevan. And Mr. Selevan provided to me copies
18 of his notice. There are some issues that have
19 been brought to his attention which need to be
20 corrected on the notice.

21 So, instead of withdrawing your
22 application, Mr. Selevan, I believe what you may
23 want to ask for this Board to do is to carry you
24 to the next meeting, in order to send out the
25 proper notices.

1 Is that correct?

2 MR. SELEVAN: Yes. Correct.

3 MR. PANEQUE: Okay.

4 And your application is not withdrawn, it's
5 just being carried.

6 MR. SELEVAN: Understood. Yes.

7 MR. PANEQUE: Okay.

8 So, the -- the request from Mr. Selevan is
9 to carry the application for him to provide the
10 proper notice to all the property owners within
11 the 200 foot radius.

12 CHAIRMAN BONACCI: Mr. Selevan, do you
13 agree to waive the statutory time limit?

14 MR. SELEVAN: Yes.

15 CHAIRMAN BONACCI: Okay.

16 So, I'll make a motion to adjourn this to
17 our next meeting. And our --

18 THE SECRETARY: Motion --

19 CHAIRMAN BONACCI: -- next meeting is June
20 13th.

21 MR. SELEVAN: Thank you.

22 THE SECRETARY: Motion to adjourn this
23 application by Mr. Bonacci.

24 Any second the motion?

25 By Ms. Gutierrez.

1 Roll call on the motion.

2 Mr. Bonacci?

3 CHAIRMAN BONACCI: Yes.

4 THE SECRETARY: Mr. Grullon?

5 VICE CHAIRMAN GRULLON: Yes.

6 THE SECRETARY: Ms. Gutierrez?

7 MS. GUTIERREZ: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Ortiz?

11 MR. ORTIZ: Yes.

12 THE SECRETARY: Ms. Pena?

13 MS. PENA: Yes.

14 THE SECRETARY: Ms. Perez?

15 MS. PEREZ: Yes.

16 THE SECRETARY: Seven in favor.

17 Motion carries.

18 Thank you.

19 MR. SELEVAN: Thank you.

20 CHAIRMAN BONACCI: You're welcome.

21 MS. GUTIERREZ: You're welcome.

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

24 * * *

25

1 **David Nazar - 1003 Bergenline Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, David Nazar, 1003 Bergenline
5 Avenue.

6 Mr. Sarsano, please?

7 MR. PANEQUE: Thank you, sir.

8 MR. SARSANO: You're welcome.

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

11 CHAIRMAN BONACCI: What's the address?

12 MR. PANEQUE: This is 1003 Bergenline.

13 CHAIRMAN BONACCI: Got it.

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

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

19 I have a copy of the notice that went out
20 to all property owners within the 200 foot radius
21 of 1003 Bergenline Avenue.

22 I have an Affidavit of Service from a
23 Constance Savino, indicating that she is the
24 legal secretary to the law office of Anthony
25 Sarsano and that all notices went out to all

1 property owners within the 200 foot radius of
2 1003 Bergenline Avenue on April 26th, 2019.

3 I have the tax list from the Tax Assessor's
4 Office, consisting of three pages, with a date of
5 April 17, 2019.

6 I have a copy of the Affidavit of
7 Publication from The Jersey Journal, indicating
8 that notice was published on April 26 for the
9 property at 1003 Bergenline Avenue. Said notice
10 indicates that the hearing will be held tonight,
11 May 9, at 3715 Palisade Avenue.

12 I also been provided with the certified
13 mail receipts, with a postmark date of April 26,
14 as well as the green cards that have come back
15 and the envelopes that have come back to date.

16 Based -- based on the documentation, this
17 Board has jurisdiction to proceed and hear this
18 matter.

19 MR. SARSANO: Okay.

20 Thank you, Mr. Paneque.

21 My name is Anthony Sarsano.

22 I represent the applicant in this matter.

23 This application has the objective of
24 legalizing a second floor residential unit at the
25 address in question.

1 I intend to call two witnesses. One will
2 be the architect, Ms. Rosas, and my planner.

3 I'd like to call my first witness at this
4 time.

5 Ms. Rosas?

6 CHAIRMAN BONACCI: That's your architect or
7 planner?

8 MR. SARSANO: Architect.

9 CHAIRMAN BONACCI: Okay.

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

12 MS. DILLON: Please raise your right hand.

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

15 MS. ROSAS: Yes.

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

18 MS. ROSAS: My name is Carola Rosas,
19 C-A-R-O-L-A, last name is R-O-S-A-S.

20 MS. DILLON: Thank you.

21 MR. SARSANO: I ask for a stipulation as to
22 my client's -- I should say my architect's
23 credentials. She's testified before this Board
24 on many occasions.

25 CHAIRMAN BONACCI: Okay, we -- we accept

1 her qualifications.

2 Thank you.

3 MS. ROSAS: Thank you.

4 MR. SARSANO: Thank you, Mr. Chairman.

5 Ms. Rosas, were you asked to provide
6 drawings for a project that is currently before
7 the Board?

8 MS. ROSAS: Yes.

9 MR. SARSANO: At this location?

10 MS. ROSAS: Yes.

11 MR. SARSANO: Did you go to the location?

12 MS. ROSAS: Yes, I did.

13 MR. SARSANO: Would you give the Board an
14 overview of exactly --

15 MS. ROSAS: Um hum.

16 MR. SARSANO: -- exactly what those plans
17 entail?

18 MS. ROSAS: Sure.

19 If you could refer to your plan?

20 I have a diagram, on the top right corner,
21 right, it's a plot plan. So, this lot is an
22 interior lot. It measures 25 feet by 75 feet, a
23 total of 1,875 square feet. The existing zoning
24 district is a CN, which is neighborhood
25 commercial, where mixed use is a permitted use.

1 And what we have here is a two story commercial
2 building.

3 What we're proposing to do is legalize the
4 one bed -- one three bedroom apartment on the
5 second floor, so therefore, converting commercial
6 to mixed use. Commercial on the first floor to
7 remain and residential three bedroom apartment
8 we're proposing legalization.

9 MR. SARSANO: Have there been any changes
10 to the plans, or to the building?

11 MS. ROSAS: No. This is the way it is
12 presently used right now.

13 Let me go a bit further.

14 The square footage is 1544 square feet on
15 the lot. There's two floors, that's a total of
16 3,088 square feet. There's no basement to this
17 premises.

18 So as for -- as for the building setback,
19 the front yard is on a zero lot line. The side
20 yard is zero and three feet, and the rear yard is
21 zero.

22 So, basically, there's no change in bulk.
23 The bulk will remain as is.

24 So, you can refer to the diagram in the
25 middle, which is diagram number one, is the

1 commercial space. Basically, it's an open space.
2 Toward the rear of the commercial space, there's
3 a boiler room. A boiler room has a door that has
4 access to an egress passageway, that leads all
5 the way to the front of the building.

6 And the second floor, diagram number two,
7 the main entrance to the apartment is a side
8 stairway. And when you get to the top, we're
9 proposing a scuttle with a hatch, which doesn't
10 have it presently, but for egress purposes, in
11 case of fire, there's a way for people to run out
12 from the stair.

13 So, once -- this apartment is about 1,544
14 square feet. And includes a living area, which
15 is in front of a balcony, existing, three
16 bedrooms. Each of the bedrooms have egress
17 windows, which will conform to egress
18 requirements. And that's right over the egress
19 passageway. And there's also a kitchen and a
20 dining area, and toward the rear of the building,
21 is a dining area.

22 So, basically, there's no change in bulk.
23 And the variance that we are requesting is for
24 the lot area, which is 1875; the lot depth, which
25 is 75 feet; a rear yard of zero feet; parking is

1 zero; lot coverage is 82 percent.

2 And -- and we're also going to provide
3 additional fire rating, which is a separation
4 between commercial, generally done, commercial
5 and residential, fire -- smoke detectors,
6 upgrading -- upgrading whatever's necessary in
7 order to make a safe space.

8 So, again, there's no change to the bulk.
9 The bulk will remain as is.

10 If you have any questions?

11 CHAIRMAN BONACCI: I think we'll hear from
12 the planner and then save the questions for after
13 all the testimony.

14 MS. ROSAS: Okay.

15 MR. LEONCAVALLO: Hello, again.

16 MS. DILLON: Name for the record.

17 MR. LEONCAVALLO: John, last name start's
18 with an L, Leoncavallo, L-E-O-N-C-A-V-A-L-L-O.

19 MS. DILLON: And he has been previously
20 sworn.

21 CHAIRMAN BONACCI: Yup. We accept. Yeah.

22 MR. LEONCAVALLO: Thank you.

23 CHAIRMAN BONACCI: Um hum.

24 MR. SARSANO: Mr. Cavallo (sic), were you
25 asked to review the plans that are the subject of

1 | this application?

2 | MR. LEONCAVALLO: Yes, I was.

3 | MR. SARSANO: Did you have an opportunity
4 | to check out Ms. Rosas' drawings?

5 | MR. LEONCAVALLO: I did not get a copy of
6 | that, but I --

7 | MR. SARSANO: If you want to --

8 | MR. LEONCAVALLO: I'm familiar with it.

9 | MR. SARSANO: Okay.

10 | MR. LEONCAVALLO: We talked.

11 | MR. SARSANO: Would you please give the
12 | Board concise opinion with respect to this
13 | project?

14 | MR. LEONCAVALLO: Okay. I'll try to be as
15 | concise as possible.

16 | The overview.

17 | The site has one tax lot. It's Block 47,
18 | Lot 21, and it's developed as a two story
19 | building, one residential unit over a street
20 | retail use.

21 | The area is Bergenline Avenue between 10th
22 | and 11th. The surrounding uses have residences on
23 | -- over the -- over the street retail in most
24 | cases.

25 | The plan is simply to legalize the

1 longstanding use of the site. No physical
2 changes, as has been talked about by the
3 architect, are envisioned for the bulk
4 requirements. And no physical changes are
5 proposed for any other uses there.

6 The zoning considerations are, it's a
7 commercial neighborhood district. Apartments are
8 permitted over the retail in this zone. The --
9 the use relief is required for the residential
10 use. This is technically based on the
11 definitions in the Zoning Ordinance.

12 The Ordinance says that apartments are
13 defined as four or more units. So, technically,
14 this is a mixed use building, with a residential
15 apartment over a commercial use.

16 And this was, as -- as far as I can tell,
17 unintentional -- unintentionally not listed.

18 Based on the understanding, the intent --
19 was never to prevent fewer units on the upper
20 floors. And we've talked to the city about this
21 and this is a -- needs a fix, as a -- because it
22 is a glitch that has to be worked out in the
23 Ordinance. So, that -- that has to be done.

24 The dimensional relief and parking relief
25 are also required, but they are all existing

1 conditions. So, we're going to let them sit as
2 is.

3 The planning justifications for use relief
4 here is legally, it can sustain, in my opinion,
5 the four elements of proof under the Medici test
6 and under New Jersey case law.

7 Site suitability is -- the residential use
8 is permitted over retail in the zone. The
9 residential use is existing in the space for
10 many, many years. And the residential use on the
11 upper floors is common throughout the whole
12 district. Very common.

13 The special reasons proof is that the
14 residential use is -- on the upper floor advances
15 the Master Plan goal for a fixed use -- a mixed
16 use, I mean, on -- on Bergenline Avenue.

17 The residential use on the upper floor is
18 consistent with the rest of the neighborhood.

19 And above all, the -- promoted purposes of
20 the Municipal Land Use Law, especially promoting
21 general welfare, sufficient space for residential
22 uses and mixed uses, visual design and
23 enhancement, and encouragement of efficient use
24 of the land are promoted by this application.

25 The zone plan impacts.

1 There is not a substantial detriment from
2 this zone plan. The residential is allowed over
3 retail in many instances.

4 The only relief really that is needed is
5 there's too few units on the upper floors. The
6 project should be bigger and more dense, density,
7 or a more dense project is allowed or permitted.

8 So, that's -- that's why we have to fix --
9 the city has to fix the glitch, come up with an
10 opportunity of how to do that. And I think we
11 can go ahead with our project and we meet the
12 requirements of the D-1 use variance.

13 MR. SARSANO: Nothing further.

14 CHAIRMAN BONACCI: That's -- that's all
15 your testimony.

16 Right?

17 MR. LEONCAVALLO: Yes.

18 CHAIRMAN BONACCI: Okay.

19 Members of the Board?

20 Open to the public.

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

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

25 MR. PRICE: I do.

1 MS. DILLON: Please state --

2 MR. PRICE: Larry Price.

3 MS. DILLON: -- your name and address for
4 the record.

5 MR. PRICE: Larry Price, 1006 Palisade.

6 Did we get a memo from the Building
7 Department on this property?

8 MR. PANEQUE: We did.

9 MR. PRICE: And it said one commercial
10 unit?

11 MR. PANEQUE: Yes.

12 CHAIRMAN BONACCI: Yup.

13 MR. PRICE: I'll just make a comment.

14 Justin Mercado was, most of you probably
15 know --

16 CHAIRMAN BONACCI: I don't know.

17 MR. PRICE: -- was a member of this Board
18 for years.

19 MS. GUTIERREZ: Um hum.

20 MR. PRICE: And anyway, Justin lived in
21 Hasbrouck Heights, which was a little
22 inconvenient, because members of this Board have
23 to be residents of the city.

24 So, when Justin crossed me one time, I got
25 after him and we went to court, and Justin said,

1 oh, I live at 1003 Bergenline Avenue. His
2 stepmother lived upstairs. So, the judge sort of
3 crossed her eyes and swallowed that, but Justin
4 got off the Board.

5 It would have been -- I wish I knew then
6 what I know now, because a member of the Zoning
7 Board was living in an illegal apartment, or
8 claiming to live in an illegal apartment. I wish
9 I had known that then.

10 Anyway, I don't understand, frankly, what
11 all this is about. I mean, I -- I heard the --
12 whatever. I don't think it's -- it's a CN zone.
13 You got a commercial use on the ground floor,
14 which is allowed. You got a residential use
15 upstairs, which is allowed, above the ground
16 floor.

17 My advice is, don't stress over this one
18 too much. But could I have a copy of that memo?
19 I've got to write Justin.

20 MS. GUTIERREZ: Oh, my God.

21 CHAIRMAN BONACCI: Thanks, Mr. Price.

22 MS. GUTIERREZ: Oh, my God.

23 CHAIRMAN BONACCI: Okay.

24 So, with that being said, it's very
25 consistent with the neighborhood. Seems to meet

1 the safety standards for fire, emergency egress,
2 as testified before by Ms. Rosas, and promotes
3 the general welfare of the residential standards,
4 by making it mixed use.

5 Closed to the public, by the way. Sorry
6 about that.

7 So, with that, I make a motion to approve
8 this application.

9 THE SECRETARY: Motion to approve the
10 application --

11 VICE CHAIRMAN GRULLON: Second.

12 THE SECRETARY: -- by Mr. Bonacci.

13 Seconded by Mr. Ortiz.

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

16 Mr. Bonacci?

17 CHAIRMAN BONACCI: Yes.

18 THE SECRETARY: Mr. Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Ms. Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Ms. Pena?

2 MS. PENA: Yes.

3 THE SECRETARY: Ms. Perez?

4 MS. PEREZ: Yes.

5 THE SECRETARY: Seven in favor.

6 Motion carries.

7 CHAIRMAN BONACCI: Carlos?

8 THE SECRETARY: Thank you.

9 Good night, Mr. Sarsano.

10 CHAIRMAN BONACCI: Five minutes?

11 THE SECRETARY: Five minute break?

12 Five minute break.

13 Off the record.

14 Thank you.

15

16 (Whereupon, the Board recessed from 8:10
17 p.m. to 8:23 p.m.)

18

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

21 THE SECRETARY: Back on record?

22 Let me know, Debbie.

23 Right?

24 MS. DILLON: Yes. Yes.

25 THE SECRETARY: May I have your attention,

1 please?

2 Back in business.

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1 **116 36th Street, LLC - 116 36th Street:**

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3 THE SECRETARY: 1116 (sic) 36th Street,
4 LLC.

5 Mr. Mulkay, please?

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

8 Alain Mulkay, M-U-L-K-A-Y, on behalf of the
9 applicant.

10 I've submitted the Affidavit of Service and
11 Notice of Publication to the Board Attorney.

12 I would ask that he acknowledge receipt,
13 review it and acknowledge to the Board that
14 everything is in order and the Board has
15 jurisdiction.

16 MR. PANEQUE: Thank you, Mr. Mulkay.

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

19 MR. PANEQUE: For the record, I've been
20 provided with the following documents:

21 I have an Affidavit of Service, which is
22 signed by a Teresa Pacheco from the office of
23 Mulkay and Rendo, indicating that notice of
24 tonight's hearing was given to all property
25 owners within the 200 foot radius of the property

1 in question, 116 36th Street. Said notices went
2 out on April 9th.

3 I've also been provided by -- with a copy
4 of the notice that was served on all property
5 owners.

6 And I've been provided with the Affidavit
7 of Publication from The Jersey Journal,
8 indicating that notice of tonight's hearing on
9 May 9th with respect to the property at 116 36th
10 Street was given on -- or published on April 12,
11 giving notice that the meeting would take place
12 at the Municipal Building, 3715 Palisade Avenue.

13 I've also been provided with the Tax
14 Assessor's list, with respect to all property
15 owners within the 200 foot radius of 116 36th
16 Street, consisting of ten pages, with a date of
17 March 21st, 2019.

18 And now, I understand why there are so many
19 certified receipts.

20 MR. MULKAY: It is a big mailing.

21 MR. PANEQUE: I've also been provided with
22 the certified mail receipts, with a postmark date
23 of April 9, as well as the green cards that have
24 come back to date and the envelopes that have
25 come back.

1 Based on the documentation that has been
2 provided by Mr. Mulkay, this Board has
3 jurisdiction to proceed and hear this matter.

4 MR. MULKAY: Mr. Chairman, this is a
5 proposal to convert an existing warehouse into
6 five residential units.

7 I have two experts this evening, Mr. Albert
8 Arencibia, who has been recognized by this Board
9 many times before as an expert. He's our
10 architect. And I would ask that the Board
11 recognize him as an expert.

12 CHAIRMAN BONACCI: We accept your
13 qualifications, --

14 MR. ARENCIBIA: Thank you so much.

15 CHAIRMAN BONACCI: -- Mr. Arencibia.
16 Thank you.

17 MR. MULKAY: You have him sworn in -- sworn
18 in or not?

19 MR. PANEQUE: We're good.

20 MR. MULKAY: We're good?

21 MR. PANEQUE: I just needed a packet to
22 review.

23 MR. MULKAY: Okay.

24 MS. DILLON: Mr. Arencibia has been
25 previously sworn --

1 MR. MULKAY: Okay.

2 MS. DILLON: -- this evening.

3 MR. MULKAY: Okay.

4 MS. DILLON: He continues under oath.

5 MR. MULKAY: Mr. Arencibia, your office
6 prepared the plans and visited the site.

7 Correct?

8 MR. ARENCIBIA: Yes, we have.

9 MR. MULKAY: Can you explain to the Board
10 what the scope of the project is and what we're
11 proposing here?

12 MR. ARENCIBIA: Yes. Absolutely.

13 Good evening everyone, again.

14 Yes. Basically, this is a very good
15 application because basically what it does is it
16 puts an old existing structure that was
17 nonconforming before and puts it back into the
18 rent rolls of the town.

19 Before it was an industrial building and
20 now it is an industrial building in a residential
21 zone. So now this building now is going to be
22 residential, so it's going to be compliant with
23 the residential zone, albeit it is five units
24 we're proposing, whereas three -- three units
25 would be allowed, three bedroom units. I mean,

1 | excuse me. Three residential units be allowed.

2 | But the fact that we have an existing oversized
3 | property and structure, it seems to be quite well
4 | fitting with the way we're designed the building.

5 | Right now, basically, the building is
6 | actually zero lot line in the front, along the
7 | sides, along the rear and the sides. There is a
8 | cut out section in the front where they used to
9 | have a loading dock area. So right now, it's all
10 | asphalt area there. So, we're proposing on using
11 | that recessed area and the asphalt in the front
12 | to provide for parking for the residential units
13 | of the building itself.

14 | Again, the existing shell of the structure
15 | will remain. We will be doing some changes, but
16 | it will be pretty much minimal because as we are
17 | zero lot line on all sides of the building
18 | itself, the windows will remain and we'll be
19 | utilizing those existing windows for the
20 | residential uses of the building itself.

21 | On sheet T100 you basically see sort of the
22 | site plan of the building. We also show some of
23 | the proposed lighting. Again, the lighting's
24 | going to be basically defining the access and the
25 | entrance into the actual building itself.

1 On the -- on the sidewalk, we're proposing
2 on putting a tree grate, in order to soften up
3 sort of the landscaping in the front of the
4 building. Since we are a zero lot line, we
5 really do not have any more room for any more
6 additional landscaping in the front.

7 Basically, the application is for three two
8 bedroom units, and two one bedroom units.

9 The proposed condition on the first floor,
10 what you have is, you have the -- the entrance,
11 the recessed area where we're going to propose to
12 put five -- five spots, including a handicap spot
13 for the -- to comply with the ADA requirements of
14 the building itself.

15 MR. MULKAY: Mr. Arencibia, are you
16 referring to plans that are marked A102 right
17 now.

18 Correct?

19 MR. ARENCIBIA: That is correct.

20 MR. MULKAY: Okay.

21 MR. ARENCIBIA: And if you see the one
22 section of the actual building that projects out,
23 flush with the street, proposing on putting four
24 cars there and tandem parking in that location.

25 The area behind there is going to be sort

1 of the entrance in the building. So, sort of the
2 corner of the L is going to be used for the
3 access to the entrance of the lobby, mailboxes.
4 And of course, there is a change in height in the
5 building itself. So, in order to accommodate the
6 -- the ADA compliant requirements, we're
7 proposing on having a handicap ramp to the
8 entrance, as well as also an entrance stairs.
9 You can go up through the handicap ramp and the
10 -- or the stairs, go into the lobby, secured
11 lobby. That's where there will be the mailboxes
12 for the residential units.

13 You walk in through that entrance, and
14 there you'll have access to two of the apartments
15 there. The apartment to the left hand side will
16 be basically a two bedroom unit. And the
17 apartment on the right hand side, facing the
18 rear, will be one bedroom.

19 Again, the nice -- apartments have nice
20 size. They will be one bedroom units, 750 square
21 feet. It has an open kitchen layout, hot --
22 washer/dryer, hot water heater. Again, units on
23 the ground floor are going to be fully ADA
24 compliant, ADA bathroom, and also a bedroom.

25 One of the things we've done, the bedroom

1 at the rear has an existing window facing the
2 adjacent property. And we also have an area, in
3 the rear that -- that we're proposing on taking
4 down and creating sort of like an outdoor, like a
5 -- like an outdoor space for -- for the bedrooms.
6 They can have little -- small little yard. It
7 will be visually blocked from the neighbors,
8 because you -- the existing wall on the outside.
9 We are going to maintain that, so it will create
10 like a -- sort of like -- like a quiet patio,
11 with some landscape area. So, it will be open to
12 -- to above. So, that's one of the construction
13 issues that we're going to be doing in the
14 building is taking out that one section of the
15 roof above, in order to provide this nice, open
16 space for the units on the ground floor.

17 As you go up the stairs, it takes you up to
18 the hallway and there you can have access to the
19 other three units. Again, the other two bedroom
20 unit is directly above the two bedroom unit on --
21 on the rear of the property to the left.

22 Configuration is the same.

23 The other one bedroom unit, again, is to
24 the rear of the building, to the right hand side.
25 Same configuration as the lower unit.

1 And then, we have the additional two
2 bedroom unit that's facing the front of the
3 street on that long L section that comes out to
4 the -- to the street itself.

5 If you go the sheet A200, we show the front
6 elevation of the building. We have the existing
7 and we also show the front elevation of the
8 building.

9 As you could see here, on A201, the
10 existing overhead canopy that was basically the
11 loading dock area, we're going to maintain that.
12 Sort of keep it as sort of like an industrial
13 brick building, kind of give it like a lofty kind
14 of space, look, feel. So, we're going to try and
15 maintain that look.

16 And you'll see on that front elevation,
17 we're proposing on putting a new door, the garage
18 door, in order to provide the two internal
19 parking spaces. And you could see it also on the
20 elevation in front, you could see the steps going
21 up, and you could also see in the shadow line,
22 you can see the -- the handicap ramp going to one
23 side and going back up again to the entrance of
24 the building itself.

25 Again, we're going to dress up the entrance

1 of the actual lobby itself, as we're making that
2 as a new opening at the entrance, so it will have
3 a nice little like wood finish on the outside,
4 some like flush mounted light fixtures are going
5 to be up and down, so there will be no spillage
6 of light onto the neighbors at all. So, we're
7 going to maintain it to the -- to the actual
8 space itself.

9 With respect to the opening at the rear, if
10 you look at the rear elevation four, the proposed
11 elevation shows where the new opening's going to
12 be there. So that way, that will basically be
13 open to the sky above and you'll be able to get
14 light and air into those little courtyards that
15 are somewhat enclosed from the outside, but open
16 from the units themselves. So, it gives a nice
17 privacy to the area.

18 That's pretty much it in a nutshell.

19 CHAIRMAN BONACCI: Mr. Mulkay, do you have
20 any other testimony tonight?

21 MR. MULKAY: I have a planner who's here to
22 testify.

23 You'd like -- you'd like to hear him?

24 CHAIRMAN BONACCI: Sure.

25 MS. DILLON: Please just state your name

1 for the record.

2 MR. LEONCAVALLO: John, last name
3 Leoncavallo. Third time I'm spelling it so,
4 L-E-O-N-C-A-V-A-L-L-O.

5 MS. DILLON: He's -- he's okay.

6 MR. ARENCIBIA: He's okay?

7 MS. DILLON: Yeah.

8 MR. ARENCIBIA: Oh, sorry. You're okay,
9 I'm not.

10 MR. LEONCAVALLO: You're okay.

11 MS. DILLON: He's going to stand right
12 there.

13 MR. LEONCAVALLO: He's a good architect.

14 MR. ARENCIBIA: Want me to stand here?
15 Does that help?

16 MS. DILLON: No.

17 MR. ARENCIBIA: Oh.

18 MR. MULKAY: Mr. Cavallo's (sic) been
19 previously recognized by this Board --

20 CHAIRMAN BONACCI: Yup.

21 MR. MULKAY: -- as an expert. I would ask
22 that you continue to recognize him as such.

23 CHAIRMAN BONACCI: Yes, sir.

24 MR. LEONCAVALLO: Thank you.

25 CHAIRMAN BONACCI: Absolutely.

1 MR. MULKAY: Mr. Cavallo (sic), you've had
2 an opportunity to review the plans and review the
3 -- the proposal.

4 Correct?

5 MR. LEONCAVALLO: Yes.

6 MR. MULKAY: Did you develop an opinion as
7 to the zoning impact of this proposal?

8 MR. LEONCAVALLO: Yes.

9 MR. MULKAY: Could you give the Board your
10 opinion?

11 MR. LEONCAVALLO: In -- in two or three
12 words, the zoning is really, really pretty good
13 in terms of what you get here. You're getting a
14 readaptive use of a really old building that has
15 gone through a transformation.

16 So, the -- there's two tax lots in here,
17 Lot 16 and 17. And it's -- the development was a
18 two story industrial warehouse building. I think
19 there was one two doors to the south that was
20 similar to this and it had been renovated
21 completely. So, this will have the same look as
22 that, or even better.

23 So, the zoning -- this is conversion to
24 allow five residential units, two -- three two
25 bedrooms and two one bedrooms, which equal five.

1 First floor has two units. Nine parking spaces.
2 We need a variance for that. Second floor has
3 three -- three units.

4 It's in the R residential low density zone.
5 The zoning relief is, again, in converting a five
6 unit multi-family, whereas only three are
7 permitted in -- in this zone.

8 The density -- the dimensional variances
9 for yard setbacks and lot coverage don't change
10 at all. So, nothing gets -- is worsening with
11 this application, in terms of those criteria.

12 The parking relief is to permit nine
13 spaces, whereas 9.6 is required under RSIS. So,
14 we need about half a parking space. We really
15 need a whole parking space because the space that
16 they put in here is really not usable. But the
17 local Code is -- is met.

18 The justifications for the use variance are
19 met again under the four elements of proofs under
20 the New Jersey case law.

21 Site suitability.

22 This is a retrofit -- fit and which is
23 always better, and the adaptive reuse is
24 excellent on this particular application.

25 The site has a huge high rise building and

1 I do have, if you want to maybe just hand out
2 some of these.

3 MR. MULKAY: I'm going to hand out
4 pictures. I'm going to mark them A-1.

5

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

8

9 MR. LEONCAVALLO: The -- the pictures we're
10 -- the photo we're going you is an aerial, bird's
11 eye view that shows the building in the front
12 with a red dot. That's our -- the building we're
13 talking about. Behind that is a -- I believe
14 it's a seven or eight story multi-family
15 building, with a garage on the bottom for
16 parking.

17 Yeah, there may not be enough. I think the
18 copying machine ran out of ink.

19 So, that building, though, if you share
20 those pictures, you can see is huge. So, it's
21 definitely a -- a resident -- and most of those
22 structures in that area are residential multi-
23 families. The two next to the building in
24 question, I believe, there's two single peak
25 roof. Those are single families.

1 So, the building -- the area is already
2 multi-family.

3 Special reasons.

4 The residential use is more in harmony with
5 the residential area than the existing non-
6 residential use. It's one of the last dinosaurs
7 to go by the wayside. Adaptive reuse, again, is
8 always favored as an efficient use of the land.

9 The renovation, renewal and vitality is
10 improved by the visual quality of the site, which
11 is excellent. And above all, the purposes of the
12 Municipal Land Use Law, especially A, G, I, and N
13 are emphatic here and -- and important.

14 The public impacts will be that there will
15 be an improved site relationship with the
16 neighbors and the residential use, which should
17 make everybody happy. The site is designed to
18 functionally and safely and efficiently, by the
19 architect, and will be under the -- all Building
20 Codes and will meet all Building Codes.

21 Parking deficiency is de minimis, with half
22 a -- half a space or one space. And the further
23 justification by conformance to local Codes is in
24 -- in the works here.

25 All the dimensional relief is simply a

1 function of the existing building. There is no
2 changes to the -- the footprint, except for some
3 height, maybe.

4 The zoning impacts are the site is more in
5 conformance now with this application and with
6 the -- with the zone plan. And it -- the zone
7 plan now is residential.

8 The 2009 Master Plan and the 2018
9 Reexamination Report acknowledged a reuse of
10 industrial uses for residential uses as a primary
11 policy of this city and any other cities.

12 The development promotes the Master Plan
13 and municipal land use goals for a variety of
14 housing types.

15 And I think it's an excellent application
16 and I would request that you approve the
17 application.

18 MR. MULKAY: Just -- just one question.

19 Based -- this property does involve two
20 lots.

21 Correct?

22 MR. LEONCAVALLO: Yes.

23 MR. MULKAY: And in the zone, three
24 families are permitted -- permitted on each of
25 the lots.

1 Correct?

2 MR. LEONCAVALLO: Yes.

3 MR. MULKAY: So, in essence, if this
4 building was demolished, we'd be able to
5 construct six residential units instead of five.

6 MR. LEONCAVALLO: And -- and you would lose
7 the readaption of the building.

8 MR. MULKAY: Okay.

9 MR. LEONCAVALLO: Which is important.

10 CHAIRMAN BONACCI: Yeah. Allow me if I
11 may?

12 But originally -- you know, my whole
13 perspective on it was that you guys wanted a five
14 family dwelling in an area that -- you know, only
15 permitted four. But then, I became aware that in
16 reality, we could make it two lots, two three --
17 you know, and then it's six.

18 MR. MULKAY: Correct.

19 CHAIRMAN BONACCI: So, I think that this is
20 a better proposal and it's a more suitable
21 application and it's less intrusive. You're
22 providing nine parking spaces. It's handicapped
23 accessible. It's ADA compliant.

24 But I just want to open it up to members of
25 the Board, in case they have any questions on the

1 application.

2 Okay.

3 MR. PANEQUE: Open to the public.

4 CHAIRMAN BONACCI: Open to the public.

5 Closed to the public.

6 So, yeah, with that being said, ADA
7 compliant, there's no substantial detriment to
8 the public good, and it meets all the safety and
9 emergency standards, and a beneficial use.

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

12 THE SECRETARY: Motion on the table to
13 approve the application by Mr. Bonacci.

14 VICE CHAIRMAN GRULLON: Second.

15 THE SECRETARY: Seconded by Mr. Grullon.

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

18 Mr. Bonacci?

19 CHAIRMAN BONACCI: Yes.

20 THE SECRETARY: Mr. Grullon?

21 VICE CHAIRMAN GRULLON: Yes.

22 THE SECRETARY: Ms. Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Ms. Pena?

4 MS. PENA: Yes.

5 THE SECRETARY: Ms. Perez?

6 MS. PEREZ: Yes.

7 THE SECRETARY: Seven in favor.

8 Motion carries.

9 Thank you, Mr. Mulkay.

10 MR. MULKAY: Thank you.

11 MR. ARENCIBIA: Thank you very much,
12 everybody.

13 Appreciate it.

14 MS. GUTIERREZ: You're welcome.

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

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1 **Daisy Valenciano - 538 36th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Daisy Valenciano, 538 36th
5 Street.

6 Ms. Pereiras, please?

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

9 MR. PANEQUE: For the record, I've been
10 provided by Ms. Pereiras with a certification as
11 to publication and service, signed by Ms.
12 Pereiras, indicating that notice of tonight's
13 hearing with respect to the property located at
14 538 36th Street was sent to all property owners
15 within the 200 foot radius on or about April 26.

16 I've also been provided with an Affidavit
17 of Publication from The Jersey Journal, giving
18 notice of tonight's hearing, located at this
19 location, with respect to the property at 538 36th
20 Street. Notice was published on April 27.

21 I have also received a copy of the Tax
22 Assessor's list, with respect to all property
23 owners in the 200 foot radius of 538 36th Street,
24 consisting of six pages, with a date of April 17,
25 2019.

1 I've also been provided with the certified
2 mail receipts with a postmark date of April 26,
3 as well as the envelopes that have come back to
4 date.

5 Based on the documentation provided, this
6 Board has jurisdiction to proceed and hear this
7 matter.

8 MS. PEREIRAS: Thank you, counsel.

9 Again, Bianca Pereiras, on behalf of the
10 applicant, Daisy Valenciano, for property at 538
11 36th Street.

12 The application before the Board this
13 evening is to convert an existing two story --
14 what was a two story home into a clothing
15 boutique.

16 Ms. Valenciano has had a clothing boutique
17 on the same street for over 20 years. She's been
18 renting space down the street and now the goal is
19 to stop renting and occupy and have her clothing
20 boutique in her own property.

21 We have one expert to testify before the
22 Board this evening, and that is our architect,
23 Mr. Manual Pereiras.

24 MR. PEREIRAS: I recognize I am still under
25 oath.

1 MS. PEREIRAS: Mr. Pereira, are you
2 familiar with 513 (sic) 36th -- 538 36th Street?

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 for the Board?

9 MR. PEREIRAS: I'd be happy to.

10 For purposes of the record, I put the same
11 drawings that were submitted to the Board on the
12 easel to my left. I'll be using that to
13 demonstrate the project.

14 Counsel described it perfectly fine.
15 There's an existing boutique less than 200 feet
16 away. She wanted to move close. She -- we're
17 converting a two family house, removing both
18 residences, and making it into a beautiful little
19 clothes boutique store.

20 In order to do that and make it function
21 properly, we're going to do a small addition to
22 the back and do some real renovations to the
23 façade of the building.

24 First on the lot, it's 25 foot wide and
25 it's 72.25 feet in depth. So, we have an

1 existing nonconformity for the lot depth.

2 And -- and of course, consequently, the lot
3 area, as well. We're at 1,878 square feet,
4 whereas 2,500 is required.

5 And then, on the front yard, we're looking
6 to extend the porch to make it more commercial,
7 in essence, but still blend in very well with the
8 neighborhood. So, we're keeping that porch line
9 with the -- the rest of the neighborhood. And
10 then, we're doing an addition to square off the
11 back of the house, which I'm going to describe in
12 the next drawing.

13 So, right now, the existing house juts in
14 in a very weird angle. We're looking to,
15 basically, demolish everything that's there and
16 make the addition further back, where we're going
17 to have an ADA compliant bathroom and fitting
18 rooms, like dressing rooms along the back of the
19 property.

20 The addition is, on this end, it's 29 feet
21 ten inches, but that's a little deceptive,
22 because you only -- we're only going back 13 foot
23 six from this point over.

24 The second floor, we are making that
25 addition on the second floor, as well, squaring

1 out what's there, so that they could have an
2 office for the -- for the retail below. They're
3 going to have a retail component on that second
4 part of the -- the floor there. And then,
5 another bathroom and a kitchenette on the top
6 floor, kitchenette for the employees.

7 We are breaking the front of the façade and
8 creating a new fenestration. So, we're going to
9 have new windows, so that she could display some
10 -- some dresses and different clothes along the
11 front. Same thing on the second floor, so that
12 there's nice large windows. And again, that
13 porch portico awning is going to be extended from
14 one property to the other and put small signage
15 along that. Very clever, very thin, very
16 boutique like signage.

17 And the addition on the side that you could
18 see on this portion, is basically going to just
19 be vinyl siding that's going to be continued and
20 look -- and make it look nice and continuous and
21 clean.

22 I'm open for your questions.

23 CHAIRMAN BONACCI: Can you give us the
24 square footage of the commercial spaces?

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

1 The entire square footage of the ground
2 floor is 1,222 square feet. We're basically
3 adding 619 square feet of addition.

4 CHAIRMAN BONACCI: That's for each one?

5 MR. PEREIRAS: Well, it's only one
6 commercial space. We're not asking for two. So,
7 it's 1,222 for the ground floor. And the second
8 floor is actually the same exact footprint. So,
9 it's that square footage twice.

10 CHAIRMAN BONACCI: Okay.

11 MR. PEREIRAS: So, in total we have 2,444
12 square feet.

13 CHAIRMAN BONACCI: Okay.

14 Thank you so much.

15 Okay.

16 I don't have any more questions.

17 Thank you.

18 VICE CHAIRMAN GRULLON: The parking
19 requirement for the commercial space.

20 MR. PEREIRAS: Um hum. Obviously, we don't
21 provide parking on the site. There's no
22 opportunity to provide parking on the site. It's
23 -- it's -- basically, if this was a two family
24 house before, with two bedrooms each, we would be
25 required to have four parking spaces. Now, at

1 2,225 square feet, we are required to have seven
2 parking spaces. So, we're expanding on that
3 nonconformity. However, the business doesn't
4 demand it. It's not a business like -- that
5 you're having clients coming in and out all the
6 time. This is a very boutique, very kind of
7 select shop. It's not something that's going to
8 have a huge influx of people. I think it would
9 be actually a reduction in parking.

10 And a good thing to point out that the most
11 difficult time to park there, in that
12 neighborhood, is actually at nighttime, when
13 people are coming home. That's actually going to
14 be alleviated because the business hours are
15 different. So, when people are home, it's
16 actually reducing four cars off the street,
17 potentially, at that time. And we have the new
18 parking structure literally two -- less than 50
19 feet away that's going to provide a lot of
20 parking.

21 VICE CHAIRMAN GRULLON: The proposed
22 application, there's going to be no -- no
23 variance needed. No variance.

24 MR. PEREIRAS: Yes, it is. It's a D-1
25 variance.

1 VICE CHAIRMAN GRULLON: I don't have any
2 more questions.

3 CHAIRMAN BONACCI: Okay.

4 Open to the public.

5 MR. PRICE: Larry Price, 1006 Palisade.
6 Still under oath.

7 MS. DILLON: Speak up, Mr. Price.

8 MR. PRICE: Sorry.

9 MS. DILLON: Don't make Mrs. Dillon work so
10 hard now.

11 MR. PRICE: Yes, Mrs. Dillon.

12 What's this house used for now?

13 MR. PEREIRAS: Two family house.

14 MR. PRICE: And there are two families
15 living or were to there -- there were?

16 MR. PEREIRAS: There were. I'm not sure at
17 this precise moment there are. But there were
18 two families living there, at one point.

19 MR. PRICE: Okay. Okay.

20 I mean, you're inserting a commercial use
21 into a residential zone. Are you sure you don't
22 want to have a little planning testimony, because
23 this Board has to grant a D-1 use variance, and
24 that's a very tough proof.

25 People have been known to take these

1 matters to court, --

2 CHAIRMAN BONACCI: Who would that be?

3 MR. PRICE: -- in fact.

4 MR. PEREIRAS: If this Board wouldn't mind,
5 I'd like a two minute recess so I could speak to
6 the public?

7 MR. PANEQUE: To the public?

8 MR. PEREIRAS: To --

9 MS. PEREIRAS: To the client?

10 MR. PEREIRAS: To the client.

11 CHAIRMAN BONACCI: Would -- would it be a
12 lot to get that kind of testimony?

13 MR. PEREIRAS: It's just an added cost for
14 the client that --

15 CHAIRMAN BONACCI: Go for it. Yeah.

16 MR. PEREIRAS: -- is a difficult added cost
17 so --

18 CHAIRMAN BONACCI: Why don't you guys take
19 your two minutes?

20 MR. PEREIRAS: Okay.

21 MS. PEREIRAS: Sure.

22 MR. PEREIRAS: All right.

23 MR. PANEQUE: Off the record.

24 MR. PEREIRAS: Off the record.

25

1 (Whereupon, the Board recessed from 8:50
2 p.m. to 8:52 p.m.)

3

4 MS. DILLON: On the record.

5 MS. GUTIERREZ: Back to business.

6 MS. PEREIRAS: Mr. Chairman, in light of
7 the public's comments, we would like to provide
8 planning testimony. If this Board would deem it
9 acceptable, we'd like to carry this matter until
10 next month.

11 CHAIRMAN BONACCI: Sure.

12 MS. GUTIERREZ: Um hum.

13 CHAIRMAN BONACCI: So that would be --

14 MR. PANEQUE: June 13th.

15 CHAIRMAN BONACCI: That's it. And it's
16 okay to waive the statutory time limit?

17 MS. PEREIRAS: Of course.

18 CHAIRMAN BONACCI: All right.

19 Okay. I'll make a motion to adjourn this
20 to the next meeting, with the condition that they
21 provide testimony of a --

22 VICE CHAIRMAN GRULLON: Planner.

23 CHAIRMAN BONACCI: -- planner.

24 THE SECRETARY: Motion on the table to
25 adjourn this application for June 13, 2019, no

1 new notice required, by Mr. Bonacci.

2 Seconded by Ms. Gutierrez.

3 Roll call on the motion.

4 Mr. Bonacci?

5 CHAIRMAN BONACCI: Yes.

6 THE SECRETARY: Mr. Grullon?

7 VICE CHAIRMAN GRULLON: Yes.

8 THE SECRETARY: Ms. Gutierrez?

9 MS. GUTIERREZ: Yes.

10 THE SECRETARY: Mr. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Mr. Ortiz?

13 MR. ORTIZ: Yes.

14 THE SECRETARY: Mr. Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Ms. Pena?

17 MS. PENA: Yes.

18 THE SECRETARY: Ms. Perez?

19 MS. PEREZ: Yes.

20 THE SECRETARY: Seven in favor.

21 Motion carries.

22 MS. PEREIRAS: Thank you all very much.

23 Have a good night.

24 THE SECRETARY: Thank you.

25 MS. GUTIERREZ: Good night.

1 Happy Mother's Day.

2 MS. PEREIRAS: Thank you.

3 You, too.

4 MS. GUTIERREZ: Thank you.

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1 **Eduardo Ochoa - 1719 Summit Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Eduardo Ochoa, 1719 Summit
5 Avenue.

6 Mr. Alonso, please?

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

9 THE SECRETARY: Go ahead.

10 Mr. Alonso, please?

11 MR. ALONSO: Thank you.

12 Good evening, members of the Board.

13 Once again, Alvaro Alonso, Alonso
14 Navarette, on behalf of the applicant.

15 I have provided counsel with my proof of
16 publication and notices for jurisdictional
17 purposes.

18 MR. PANEQUE: Thank you, Mr. Alonso.

19 Let the record show I've been provided with
20 the following documentation:

21 I have an Affidavit of public -- for
22 notices that were signed by Mr. Alonso,
23 indicating that notice with respect to the
24 application at 1719 Summit Avenue went out to all
25 property owners within the 200 foot radius on

1 April 27 of this year.

2 I have an Affidavit of Publication from The
3 Jersey Journal, indicating that -- with respect
4 to the property in question, 1719 Summit Avenue,
5 notice was given for tonight, May 9, at six p.m.,
6 at this location, 3715 Palisade Avenue, with the
7 appropriate variances sought.

8 I also have a copy of the notice that went
9 out to all property owners, as well as the tax
10 list from the Tax Assessor's Office, consisting
11 of three pages, with a date of April 24th.

12 I also have been provided with the
13 certified mail receipts with a postmark date of
14 April 27.

15 Based on the documentation that has been
16 provided, this Board has jurisdiction to proceed
17 and hear this matter.

18 MR. ALONSO: Thank you, Mr. Paneque.

19 This is a different type of application.
20 This is an appeal under Subsection A initially.
21 Depending what happens on the appeal, then maybe
22 we'll have to request the variance.

23 But we're basically appealing the
24 determination of the Building Department that a
25 ground floor rear apartment is illegal.

1 My client purchased the property in 2015,
2 by way of background, at which time he was under
3 the impression that it was two units, plus the
4 commercial. That's the famous Tommy's Delicious
5 Pizza that Mr. Valella was testifying to earlier
6 today.

7 MR. VALELLA: For 20 minutes.

8 MR. ALONSO: For 20 minutes.

9 So, there was a pizzeria in the front, an
10 apartment in the rear, and apartment upstairs.

11 My client -- and the reason why we're here
12 is after he purchased the property, just
13 recently, the tenant vacated. He went to the
14 Building Department to apply for permits to
15 renovate the -- the unit. The Building
16 Department evidently acknowledged there is an
17 apartment there, issued the building permits.

18 My client did the construction. Throughout
19 the construction process, you have inspections.
20 So, the Building Department went and did all the
21 inspections, passed everything. And at the time
22 that they were ready to issue the Certificate of
23 Occupancy for the completion of the construction,
24 they indicated and believe that it's an illegal
25 apartment.

1 So, the -- the construction is complete. It
2 is completely up to Code, was completely
3 renovated. We just need to appeal the
4 determination as to whether or not it's a legal
5 apartment.

6 With that said, I have some documents that
7 I wanted to present to you as proof that this has
8 been an existing apartment for quite some time.

9
10 (Whereupon, Letter dated 12/13/14 from
11 David C. Russo, Esq. was received and marked as
12 Exhibit A-1.)

13
14 (Whereupon, Portion of Agreement of Sale (2
15 Pages), December 2014 was received and marked as
16 Exhibit A-2.)

17
18 (Whereupon, Agreement to Terminate Lease
19 dated 11/19/14 was received and marked as Exhibit
20 A-3.)

21 (Whereupon, Letter of Attornment was
22 received and marked as Exhibit A-4.)

23
24 (Whereupon, Tax Search Document (Priority
25 Search Services) was received and marked as

1 Exhibit A-5.)

2

3 (Whereupon, Deed dated 1/16/15 (1 page) was
4 received and marked as Exhibit A-6.)

5

6 (Whereupon, Fire Safety Certificate (1
7 page) dated 1/6/15 was received and marked as
8 Exhibit A-7.)

9

10 (Whereupon, Department of Health
11 Certificate (1 page), dated 5/28/96 was received
12 and marked as Exhibit A-8.)

13

14 (Whereupon, Community Development Agency,
15 Certificate of Occupancy #96-05-0171, dated
16 6/5/96 was received and marked as Exhibit A-9.)

17

18 (Whereupon, Community Development Agency,
19 Certificate of Continued Occupancy #96-05-0171
20 dated 5/29/96 was received and marked as Exhibit
21 A-10.)

22

23 (Whereupon, Tax Assessor Record (2 pages),
24 dated 2/1/1991 was received and marked as Exhibit
25 A-11.)

1

2 MR. ALONSO: I did not represent my client
3 when he purchased the property. He was
4 represented by Mr. Russo.

5 Mr. Russo sent a letter December 13, which
6 I marked as A-1, 2014, to the Building
7 Department, asking for confirmation that it's a
8 two -- two residential units plus one commercial
9 unit, indicating that the client was purchasing
10 the property and that's the way that they were
11 purchasing it.

12 They requested some kind of confirmation.
13 The Building Department never responded either
14 way.

15 And I'm going to provide all these to your
16 counsel.

17 A-2 is just a copy of the -- the relevant
18 portion of the Contract for Sale, which indicates
19 that my client was acknowledging that he was
20 purchasing a first floor apartment, a second
21 floor apartment, as well as the -- the commercial
22 unit.

23 A-3 is an agreement by the then landlord,
24 the prior landlord with the tenant to vacate the
25 -- the ground floor commercial space, and whether

1 or not they're going to stay in the second floor
2 apartment. So, again, this goes to the -- the
3 second unit.

4 We also -- what's called a Letter of
5 Attornment at the time of closing, confirming
6 that the -- the tenant in the rear was paying --
7 was paying rent.

8 A-5 is a tax search, which indicates that
9 the property is taxed as one commercial unit and
10 two residential units.

11 I provided a copy of the deed from 2015 as
12 -- marked as A-6, just to acknowledge the fact
13 that they purchased the property in 2015 and just
14 prior to purchasing, the Fire Department
15 inspected the property and it passed. So,
16 obviously, all the units there, they found to be
17 legal.

18 Historically, there -- there are some other
19 documents.

20 In 1996, which I marked as A-8, from the
21 Department of Health. There's a certification as
22 to the first floor rear apartment. So, the City
23 acknowledged it back in '96.

24 Also, 1996, marked as A-7 (sic), from the
25 --

1 MS. DILLON: Wait, wait, wait. Let's --

2 MR. ALONSO: I'm sorry?

3 MS. DILLON: You said A-7 was the Fire
4 Certificate.

5 MR. ALONSO: A-7 was the Fire Certificate.
6 A-8 was from the Department of Health.

7 MS. DILLON: Right. And then, you just
8 said A-7 again. You mean A-9?

9 MR. ALONSO: A-9. I'm sorry.

10 MS. DILLON: Okay.

11 MR. ALONSO: A-9, which is dated June 5,
12 1996, Community Development Agency for City of
13 Union City, again acknowledging the first floor
14 apartment.

15 A-10 is also from the Community Development
16 Agency, Union City. It's a Certificate of
17 Continued Occupancy for the rent -- rental of the
18 first floor rear apartment.

19 And then, finally, I have an old tax
20 assessment, which I marked as A-11.

21 On the second page is a handwritten note
22 which -- which indicates that the property was
23 built in 1958. There's a first floor store,
24 which at the time was a barbershop, a first floor
25 apartment, and a second floor apartment.

1 So, this has been --

2 CHAIRMAN BONACCI: Mr. Alonso, what year
3 did you say that that one was? That last
4 document?

5 MR. ALONSO: I -- I don't know. It's not
6 dated, but it's an old -- it's an old assessment.

7 MR. PANEQUE: May I take a look at the last
8 --

9 MR. ALONSO: Sure.

10 MR. PANEQUE: -- document?

11 MR. ALONSO: I'm going to give you this
12 whole package and that would be the last one.

13 Now, I did receive today a copy of a memo
14 that was issued by the Building Department, which
15 to me, really is not clear because on the first
16 page it says that this was originally a one unit
17 structure. So, originally means probably when it
18 was originally built. It doesn't say that it's
19 currently a one unit structure.

20 Also, if you look at it, on the second page
21 of that document, there's a -- a little entry
22 there. It says 1S, F, 1U, H; 1S means it's one
23 story. The building -- the property is two story
24 and it says one unit. And F is -- stands for --
25 it's a frame structure. So, at one time, when it

1 was originally constructed, it was a one story
2 frame structure with one unit. Currently,
3 there's a two story structure. So, this document
4 doesn't reflect the -- the current use. There's
5 no question by the Building Department that the
6 second floor is legal. The apartment's legal.
7 There's no question that the commercial unit is
8 legal. It's only the unit in the back.

9 So, I don't think that this memo that was
10 issued by the Building Department is dispositive
11 as to the legal use of the property today.

12 CHAIRMAN BONACCI: Again, it says here
13 4/17/1979.

14 MR. ALONSO: Correct.

15 CHAIRMAN BONACCI: Which is when it was
16 purchased. So, between '79 and now is probably
17 when that other level was added.

18 MR. ALONSO: Correct. And then, at some
19 time the commercial space was added, which that
20 A-10 indicates, at that time, was a barbershop.
21 And then, now, it's a -- it's a pizzeria, as well
22 as the -- the rear unit.

23 CHAIRMAN BONACCI: And then, you have that
24 other documentation that goes back to 1996.

25 MR. ALONSO: Correct.

1 And my client did, he tried to do the right
2 thing through his attorney. He did send that
3 letter, which I provided as A-1, confirming --
4 asking for confirmation and we never received a
5 rejection. And my client continued. The -- the
6 Fire Department, after that letter was issued,
7 went and inspected it and issued the -- the
8 certificates.

9 So, we were always under the impression and
10 that's why he went ahead and applied for the
11 permits to do the renovation. It was issued, so
12 still believed that it was a legal unit.

13 CHAIRMAN BONACCI: And you had said that
14 his work is complete.

15 MR. ALONSO: The work is complete.

16 CHAIRMAN BONACCI: Right.

17 MR. ALONSO: All the inspections have
18 passed. We were ready to issue the Certificate
19 of Occupancy and that's when they raised the
20 issue as to whether or not it's -- based on this
21 memo, potentially, an illegal apartment.

22 CHAIRMAN BONACCI: I'm just going to let
23 counsel just look --

24 MR. ALONSO: Sure.

25 CHAIRMAN BONACCI: -- at the documentation

1 and then --

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

4 MR. PANEQUE: The document which you marked
5 A-11 does have a date on it.

6 MR. ALONSO: Oh, it does? I didn't -- I
7 didn't see it.

8 MR. PANEQUE: Yeah. It's February 1st,
9 1991.

10 MR. ALONSO: Okay.

11 MR. PANEQUE: So, we know that the document
12 that the Building Department is relying on is
13 probably part of the 1974-'73 tax records that
14 they keep closed files. So, at that time, it
15 appears to be a one story structure.

16 Sometime thereafter, there was the
17 commercial barbershop with the rear structure.

18 What is very perplexing --

19 MR. ALONSO: Plus -- plus this second
20 addition.

21 MR. PANEQUE: Well, there's no mention of
22 the second addition on this document. The second
23 addition is not mentioned until this document.
24 However, I do note that that second floor is just
25 a handwritten notation, with no schematic.

1 | There's no sketch --

2 | MR. ALONSO: Correct.

3 | MR. PANEQUE: -- of the second floor. Why
4 | that's so, they should have drawn at least the
5 | dimensions of the second floor.

6 | That raises the question of when that
7 | second floor came into existence. It doesn't
8 | seem to have been there back in 1970 -- well, it
9 | is dated, '73.

10 | MR. ALONSO: Okay.

11 | MR. PANEQUE: It doesn't seem to be in the
12 | schematic plan in the 1991, although they do make
13 | a notation on the side margins there. So,
14 | there's a lot of open ended questions for which
15 | we have no answers.

16 | The reality is that what we have there now,
17 | as Mr. Alonso has indicated through his
18 | representation to the Board, as well as Mr.
19 | Valella's testimony, is that we have a mixed use,
20 | consisting of a commercial establishment, which
21 | is the pizzeria, a rear apartment, which is
22 | behind the pizzeria, and a second floor unit.
23 | So, it's a two residential and one commercial
24 | mixed use property.

25 | MR. ALONSO: That's correct.

1 MR. PANEQUE: Sitting on a lot that's how
2 -- how big, Mr. Alonso?

3 MR. VALELLA: Twenty-five by close to a
4 hundred, 96.66.

5 MR. PANEQUE: Okay.

6 So, it's almost a conforming lot, for all
7 intents and purposes.

8 And this is on the R-1 residential zone.

9 MR. VALELLA: This is in the CN
10 neighborhood commercial.

11 MR. PANEQUE: Okay.

12 So, in the CN.

13 Mr. Spatz, the CN does allow for mixed use?

14 MR. SPATZ: It does allow for mixed use.

15 But as with the earlier case --

16 MR. PANEQUE: Um hum.

17 MR. SPATZ: -- the current Ordinance
18 requires a minimum of four units to be a
19 permitted use.

20 MR. PANEQUE: All right.

21 MR. SPATZ: The prior Ordinance -- you
22 know, from '74 to now, did not have any
23 limitation on the number of units, but it did
24 permit mixed use in that zone --

25 MR. PANEQUE: Okay.

1 MR. SPATZ: -- as well.

2 MR. PANEQUE: So, if this Board deemed fit
3 to approve this, we would then be approving the
4 mixed two residential units plus one commercial
5 in a CN zone, and --

6 MR. SPATZ: Right.

7 MR. PANEQUE: -- it would need approval
8 from this Board, because it doesn't raise to the
9 status of four units.

10 MR. SPATZ: That's --

11 CHAIRMAN BONACCI: It's R zone.

12 MR. SPATZ: That's correct.

13 CHAIRMAN BONACCI: It's R zone.

14 MR. SPATZ: Well, if you --

15 MR. PANEQUE: No. CN.

16 MR. SPATZ: If you found that this was a
17 mixed use, with one commercial and two
18 residential, prior to --

19 MR. PANEQUE: Yeah.

20 MR. SPATZ: -- 1974, it -- it wouldn't
21 actually even matter. You would just be saying
22 --

23 MR. PANEQUE: Well --

24 MR. SPATZ: -- certifying it as a
25 preexisting nonconforming use.

1 MR. ALONSO: Or actually -- actually prior
2 --

3 MR. PANEQUE: And that's the appeal portion
4 of Mr. --

5 MR. ALONSO: Correct.

6 MR. PANEQUE: -- Alonso's application. My
7 -- my --

8 MR. ALONSO: It's not -- not even prior to
9 '74, it's prior to the adoption of the latest
10 Ordinance, which created the CN zone, with the
11 new requirements, which was -- what year was
12 that? It wasn't too long ago.

13 MR. SPATZ: Well, yeah.

14 MR. PRICE: When was it created? March
15 23rd, 2012.

16 MR. SPATZ: 2012.

17 MR. ALONSO: Right. So, if you --

18 MR. SPATZ: Right.

19 MR. ALONSO: If you find that --

20 MR. SPATZ: Create --

21 MR. ALONSO: -- this existed prior to 2012

22 --

23 MR. SPATZ: Right.

24 MR. ALONSO: -- you're basically certifying
25 that --

1 MR. SPATZ: Right.

2 MR. ALONSO: -- that was in existence --

3 MR. SPATZ: Right.

4 MR. ALONSO: -- prior -- prior to --

5 MR. SPATZ: Right. Because that's when it
6 needed the four units versus any number of units.

7 MR. PANEQUE: Okay.

8 MR. SPATZ: So, yes. That's when it would
9 have created that nonconforming issue.

10 MR. PANEQUE: Well, the -- the evidence
11 that's been presented is that at least we have a
12 1991 tax assessment record that shows that there
13 was that rear residential unit there. And it's
14 clearly stated first floor store, barbershop, and
15 one apartment.

16 MR. ALONSO: Actually, two. It's --

17 MR. PANEQUE: Well, one apartment.

18 MR. ALONSO: In the rear and then --

19 MR. PANEQUE: I'm talking about the --

20 MR. ALONSO: And then --

21 MR. PANEQUE: -- the ground floor. And
22 then, second floor one apartment.

23 MR. ALONSO: Correct.

24 MR. PANEQUE: And they even list the number
25 of bedrooms. It's -- the -- the apartment in the

1 rear is a three, one, one.

2 MR. ALONSO: Correct.

3 MR. PANEQUE: And then, the apartment in
4 the second floor is a four, two, two.

5 MR. ALONSO: Correct.

6 MR. PANEQUE: Ah, two, one.

7 MR. ALONSO: Correct.

8 MR. PANEQUE: Okay.

9 So, if this Board deems fit to accept the
10 evidence that's been presented that as of 1991,
11 those units existed, then Mr. Alonso's
12 application is to have a determination made by
13 this Board that since it's existed prior to the
14 adoption of the CN current neighborhood, which
15 requires four units, then the property is legally
16 a mixed residential two units with one
17 commercial.

18 MR. ALONSO: Correct.

19 And -- and basically, certifying that. And
20 then, upon that approval, then the Building
21 Department would just issue the Certificate of
22 Occupancy --

23 MR. PANEQUE: Okay.

24 MR. ALONSO: -- to close out those permits.

25 MR. PANEQUE: Questions?

1 CHAIRMAN BONACCI: Any -- any questions
2 from members of the Board?

3 Open to the public.

4 MR. PRICE: For the --

5 Larry Price, 1006 Palisade.

6 Question?

7 It's one commercial and two apartments.

8 Right? Your notice said one and three. That's
9 just a typo?

10 MR. ALONSO: Can I see that?

11 CHAIRMAN BONACCI: I didn't see it.

12 No. One commercial, two residential.

13 That's what I got.

14 MR. PANEQUE: He's talking about the
15 notice.

16 CHAIRMAN BONACCI: Oh.

17 MR. PRICE: I'm reading from the -- one
18 commercial unit and three residential units.
19 Doesn't matter.

20 MR. ALONSO: That's correct. It's a
21 typographical error.

22 MR. PRICE: Yeah. Okay.

23 MR. PANEQUE: Okay. So if we could have
24 that on the record --

25 MR. ALONSO: Yes.

1 MR. PANEQUE: -- Mr. Alonso.

2 It should be reflected as you're applying
3 to have the Board approve the legalization of one
4 commercial, which is Tommy's Delicious Pizza, is
5 it?

6 MR. ALONSO: I believe so. I -- I'm -- I'm
7 starving.

8 MR. PANEQUE: And two residential units.

9 MR. ALONSO: Correct.

10 MR. PANEQUE: Okay.

11 CHAIRMAN BONACCI: So, it seems to me that
12 the --

13 Oh, I'm sorry.

14 Mr. Price?

15 MR. PANEQUE: Mr. Price has the floor
16 still.

17 Right?

18 MR. PRICE: Yeah, comments, too.

19 I think I'm going to -- though it pains me,
20 I'm going to echo what Mr. Alonso said.

21 MR. ALONSO: Can I have a seat a minute?

22 MR. PRICE: I went back into my records to
23 check the Zoning Ordinance that existed between
24 1974 and 19 -- 2012. And one of the things is it
25 was R zone then. Okay. And two units was a

1 permitted use. Okay.

2 There was also another thing, which was a
3 conditional use permitted in residential zones,
4 of commercial uses, which were -- quote, unquote
5 -- neighborhood uses. You know, neighborhood
6 service or retail establishment, which I guess a
7 barbershop would be.

8 So, my feeling is that on -- in 2012, the
9 barbershop, or if it turned into a pizzeria at
10 that point, was a conditionally permitted use,
11 and the two apartments, it was a residential
12 zone. They were -- they were permitted uses.

13 Okay. Then we got the Land Development
14 Ordinance and suddenly the -- suddenly the
15 conditionally permitted use, the -- the pizzeria,
16 now became a permitted use because it's -- it's
17 now CN zone. And the apartment on the ground
18 floor now became a prohibited use because it's on
19 the ground floor.

20 But on the other hand, assuming it existed
21 in 2012 and I don't think there's much doubt
22 about that, it would be a preexisting
23 nonconforming use under the Land Development
24 Ordinance.

25 And the only thing that would mean is they

1 | can't expand the apartment, but other than that,
2 | it would be -- it would be a permitted -- you
3 | know, it -- it is a preexisting nonconforming
4 | use.

5 | MR. PANEQUE: Thank you, Mr. Price.

6 | CHAIRMAN BONACCI: Thank you.

7 | MR. PANEQUE: Make sure you write this one
8 | down because you won't get --

9 | MR. ALONSO: Yeah. I'm going to order the
10 | transcript.

11 | MR. PANEQUE: Yeah.

12 | CHAIRMAN BONACCI: You should order Mr.
13 | Price some pizza.

14 | MR. ALONSO: I'll call Tommy's Delicious
15 | right after this.

16 | CHAIRMAN BONACCI: Closed to the public.

17 | Mr. Alonso, so it seems as though the
18 | applicant has made -- you know, a concerted
19 | effort to communicate with the Building
20 | Department. You guys have already finished the
21 | work and it meets the safety standards and
22 | compliance, and you guys have documentation going
23 | back to '91 of what it's recognized as. And it
24 | seems to be a beneficial use, with no substantial
25 | detriment.

1 So, with that, I would like to make a
2 motion to approve the application.

3 THE SECRETARY: Motion on the table to
4 approve the application by Mr. Bonacci.

5 Seconded by Ms. Gutierrez.

6 Roll call on the motion to approve this
7 application.

8 Mr. Bonacci?

9 CHAIRMAN BONACCI: Yes.

10 THE SECRETARY: Mr. Gullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Ms. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Ms. Pena?

17 MS. PENA: Yes.

18 THE SECRETARY: Ms. Perez?

19 MS. PEREZ: Yes.

20 THE SECRETARY: Seven in favor.

21 Motion carries.

22 MR. VALELLA: Thank you.

23 Happy Mother's Day.

24 MS. GUTIERREZ: Thank you.

25 Thank you.

1 Have a good night.

2 MR. ALONSO: Thank you.

3 Happy -- happy Mother's Day everybody.

4 MS. GUTIERREZ: Thank you.

5 MR. PANEQUE: We got to do the Resolutions.

6 Thank you, sir.

7 CHAIRMAN BONACCI: Good luck.

8 MR. PANEQUE: Safe trip.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

2

3 (1) Regular Meeting held on April 11, 2019

4

5 THE SECRETARY: Okay.

6 Approval of previous meeting minutes of
7 April 11, 2019.

8 Can I have a motion to adopt the previous
9 meeting minutes?

10 Motion by Ms. Gutierrez.

11 Seconded by Mr. Ortiz.

12 Roll call on the motion.

13 Mr. Bonacci?

14 CHAIRMAN BONACCI: Yes.

15 THE SECRETARY: Mr. Grullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Ms. Pena?

22 MS. PENA: Yes.

23 THE SECRETARY: Ms. Perez?

24 MS. PEREZ: Yes.

25 THE SECRETARY: Mr. Cetinich?

1 MR. CETINICH: Yes.

2 THE SECRETARY: Seven in favor.

3 Motion carries.

4

5 (Whereupon, David Spatz left the meeting at
6 9:16 p.m.)

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1 **RESOLUTIONS:**

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3 (1) Hung Fat, Inc., 1214 Summit Ave., Block 58,
4 Lots 26, 27, 28. Applicant proposes the addition
5 of new residential units changing the apartment
6 count from five approved to nine residential
7 units. Approved

8

9 THE SECRETARY: We are going to
10 Resolutions now.

11 Adoption of Resolution number 1.

12 Hung Fat, Inc., 1214 Summit Avenue.

13 This application was approved on February
14 14, 2019.

15 Members allowed to vote on this Resolution:
16 Mr. Bonacci, Mr. Grullon, Ms. Gutierrez, Mr.
17 Pressey's absent, and Mr. Ortiz.

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

20 CHAIRMAN BONACCI: I'll make a --

21 THE SECRETARY: Motion by Mr. Ortiz.

22 Seconded by Ms. Gutierrez.

23 Roll call on the motion.

24 Mr. Bonacci?

25 CHAIRMAN BONACCI: Yes.

1 THE SECRETARY: Mr. Grullon?

2 VICE CHAIRMAN GRULLON: Yes.

3 THE SECRETARY: Ms. Gutierrez?

4 MS. GUTIERREZ: Yes.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: Four in favor.

8 Motion carries.

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1 **RESOLUTIONS:**

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3 (2) 132-134 49th Street, LLC, 132-134 49th
4 Street, Block 286, Lots 12 and 13. Change of use
5 from two family to a four family home. **Approved**

6

7 THE SECRETARY: We are going to Resolution
8 number 2.

9 132-134 49th Street, LLC.

10 This application was approved at the
11 previous meeting.

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

14 VICE CHAIRMAN GRULLON: Motion.

15 THE SECRETARY: Motion by Mr. Grullon.

16 Second by?

17 Ms. Gutierrez.

18 Roll call on the motion.

19 Mr. Bonacci?

20 CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Mr. Grullon?

22 VICE CHAIRMAN GRULLON: Yes.

23 THE SECRETARY: Ms. Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Mr. Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: Ms. Pena?

3 MS. PENA: Yes.

4 THE SECRETARY: Ms. Perez?

5 MS. PEREZ: Yes.

6 THE SECRETARY: Mr. Cetinich?

7 MR. CETINICH: Yes.

8 THE SECRETARY: Seven in favor.

9 Motion carries.

10 * * *

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RESOLUTIONS:

(3) Calles 519 11th Street, 519 11th Street, LLC, Block 47, Lot 9. Applicant proposes to legalize an apartment. **Approved**

(4) 527 39th Street, 527 39th Street, LLC, Block 224, Lot 45. Construction of a new three family house. **Approved**

(5) 1219 Bergenline Avenue, LLC, 1219 Bergenline Avenue, Block 60.02, Lot 4. New construction of a mixed-use building with three residential units and 1295.46 of commercial space. **Approved**

(6) Donna Jacobsen, 311 43rd Street, Block 246, Lot 24. Applicant proposes the legalization of a basement apartment. **Approved**

THE SECRETARY: We are going now to Resolutions 3, 4, 5 and 6.

Resolution number 3.

Calles 519 11th Street.

Resolution number 4.

527 39th Street.

Resolution number 5.

1219 Bergenline Avenue.

1 And number 6.

2 Donna Jacobsen, 311 43rd Street.

3 Can I have a motion to adjourn (sic) these
4 four Resolution?

5 Motion by Mr. Bonacci.

6 Second --

7 MR. PANEQUE: To approve?

8 THE SECRETARY: To approve the Resolution.

9 MS. GUTIERREZ: To approve.

10 THE SECRETARY: Yes, sir.

11 MR. PANEQUE: Not adjourn.

12 THE SECRETARY: Motion to approve these
13 Resolution by Mr. Bonacci.

14 Seconded by Ms. Gutierrez.

15 Roll call on the motion to approve these
16 Resolutions.

17 Mr. Bonacci?

18 CHAIRMAN BONACCI: Yes.

19 THE SECRETARY: Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Mr. (sic) Pena?

1 MS. PENA: Yes.

2 THE SECRETARY: Mrs. Pena?

3 Yes?

4 MS. PENA: Yes.

5 THE SECRETARY: Thank you.

6 Ms. Perez?

7 MS. PEREZ: Yes.

8 THE SECRETARY: Mr. Cetinich?

9 MR. CETINICH: Yes.

10 THE SECRETARY: Seven in favor.

11 Motion carries.

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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. Ortiz.

7 Seconded --

8 MS. GUTIERREZ: Second.

9 THE SECRETARY: Seconded by Ms. Gutierrez.
10 All in favor, say aye.

11

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

13

14 THE SECRETARY: The ayes have it.

15 Thank you.

16 Have a good night.

17 Let the record show that the meeting has
18 ended.

19 All right.

20

21 (Whereupon, the proceedings were concluded
22 at 9:22 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, May 9, 2019 and
10 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon