

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Thursday, July 11, 2019
Commencing at 6:10 p.m.

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

MARGARITA GUTIERREZ
MIGUEL ORTIZ, (Arrived at 6:14 p.m.)
DAVID W. PRESSEY
ROSIO PENA, Alternate No. 1
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4,
(Left at 8:41 p.m.)
VICTOR M. GRULLON, Vice Chairman

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

LIBERO MAROTTA
JOHN MEDINA
JOSEPH D. BONACCI, Chairman

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates,
(Left at 7:18 p.m.)

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

PATRICK A. ASCOLESE, ESQ.,
Attorney for Applicant, 310 4th Street, LLC

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

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

ANTHONY F. SARSANO, ESQ.,
Attorney for Applicant, Ezy Corp.

ALAIN MULKAY, ESQ.,
Attorney for Applicant,
The Residences at New York Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Sip Inka, LLC

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

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

3 Please take notice that on Thursday, July
4 11, 2019, at six p.m., a Regular Meeting is
5 scheduled for the Union City Board of Adjustment,
6 to be held in Municipal Chamber, located on the
7 Second Floor, 3715 Palisade Avenue, Union City,
8 New Jersey.

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

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

18 Before we roll call for tonight's meeting,
19 can everybody kindly rise to -- to the Pledge of
20 Allegiance?

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 -- roll call for
5 tonight's meeting.

6 Mr. Bonacci is absent.

7 Mr. Grullon?

8 VICE CHAIRMAN GRULLON: Yes. Here.

9 THE SECRETARY: Mr. Marotta is absent.

10 Ms. Gutierrez?

11 MS. GUTIERREZ: Here.

12 THE SECRETARY: Mr. Ortiz is on his way; at
13 this time he's absent.

14 Mr. Pressey?

15 MR. PRESSEY: Here.

16 THE SECRETARY: Mr. Medina is absent.

17 Ms. Pena?

18 MS. PENA: Here.

19 THE SECRETARY: Ms. Perez?

20 MS. PEREZ: Present.

21 THE SECRETARY: Mr. Cetinich?

22 MR. CETINICH: Present.

23 THE SECRETARY: Mrs. Watley?

24 MS. WATLEY: Present.

25 THE SECRETARY: Let the record indicate

1 | that there have been seven present.

2 | We have a full quorum for tonight's
3 | meeting.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on June 13, 2019.

4

5 THE SECRETARY: Approval of previous
6 meeting minutes, June 13, 2019.

7 Can I have a motion?

8 MS. GUTIERREZ: I'll make --

9 THE SECRETARY: Motion --

10 MS. GUTIERREZ: -- a motion.

11 THE SECRETARY: Motion by Ms. Gutierrez.

12 Second?

13 Any second?

14 Second by Mr. Pressey.

15 Roll call on the motion.

16 Mr. Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Ms. Pena?

23 MS. PENA: Yes.

24 THE SECRETARY: Ms. Perez?

25 MS. PEREZ: Yes.

1 THE SECRETARY: Mr. Cetinich?

2 MR. CETINICH: Yes.

3 THE SECRETARY: Ms. Watley?

4 MS. WATLEY: Yes.

5 THE SECRETARY: Seven in favor.

6 Motion carries.

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1 **310 4th Street, LLC - 308-310 4th Street:**

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3 THE SECRETARY: Item number one on
4 tonight's agenda, 310 4th Street, LLC, 308-310 4th
5 Street.

6 Mr. Ascolese, please?

7 MR. ASCOLESE: Good evening, counsel,
8 members of the Board.

9 Patrick Ascolese on behalf of the
10 applicant, 310 4th Street, LLC.

11 We're here tonight requesting the first --

12 A CITIZEN: Excuse me.

13 No disrespect. We can't hear anything
14 that's being said.

15 MR. ASCOLESE: We're -- I'm here tonight
16 requesting a first extension of the Zoning Board
17 Resolution approvals that were granted on March
18 9, 2017.

19 The developer has been working diligently
20 with the City to begin construction, get permits
21 approved.

22

23 (Whereupon, Miguel Ortiz arrived at 6:14
24 p.m.)

25

1 MR. ASCOLESE: During that process, some
2 time has passed.

3 MR. ORTIZ: Good evening.

4 MR. ASCOLESE: As a result, the developer
5 is requesting --

6 THE SECRETARY: Allow me one second,
7 please. I'm sorry to interrupt.

8 Let the record indicate that Mr. Ortiz
9 joined the meeting.

10 Thank you.

11 We have eight Board members now.

12 MR. ASCOLESE: As a result --

13 VICE CHAIRMAN GRULLON: Mr. Ascolese,
14 you're requesting for a one year extension for
15 this?

16 MR. ASCOLESE: Correct.

17 VICE CHAIRMAN GRULLON: And the reason
18 again, for the record, for the extension?

19 MR. ASCOLESE: They're in the process of --
20 of working through the permitting process with
21 the Building Department. Some delays have come
22 up. The builder is otherwise ready, willing and
23 able to begin construction -- you know,
24 immediately, once those issues are resolved.
25 This is more precautionary, of an abundance of

1 caution, to preserve their -- their application
2 approvals.

3 VICE CHAIRMAN GRULLON: In this case, the
4 applicant is only requesting for an extension.

5 MR. PANEQUE: Correct.

6 VICE CHAIRMAN GRULLON: Do we have it to
7 open to the public?

8 MR. PANEQUE: You can open it to the
9 public. They request that --

10 VICE CHAIRMAN GRULLON: Because I do see
11 that we have members of the public here.

12 MR. PANEQUE: Um hum. You can open it --

13 VICE CHAIRMAN GRULLON: We know that you're
14 requesting one year extension of this
15 application, we're going to open it to the
16 public, because we have some member of the public
17 that want to express opinion on this.

18 MR. PANEQUE: Okay.

19 VICE CHAIRMAN GRULLON: Do -- or any member
20 of the Board has any question for -- for the
21 applicant? This request is for a one year
22 extension on this application.

23 No member of the Board?

24 At this time, I want to open it up to the
25 public.

1 MS. DILLON: Just right in front of this
2 microphone, ma'am.

3 Please raise your right hand.

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

6 MS. SIPPO: I do.

7 MS. DILLON: Your name and address for the
8 record, and if you can please spell your name?

9 MS. SIPPO: Dorothy, D-O-R-O-T-H-Y, Sippo,
10 S-I-P-P-O.

11 MS. DILLON: And your address?

12 MS. SIPPO: 318 4th Street.

13 MS. DILLON: Thank you.

14 MS. SIPPO: Union City.

15 Okay.

16 I'm here today because I received this
17 letter from the lawyers representing the owners
18 of that property. And I was concerned, the first
19 part talks about requesting approval to extend
20 until March 9th, 2021. But it also says, if
21 necessary, applicant also requests any other
22 variances, approvals, and/or waivers that may be
23 required for said project.

24 Now, my understanding was that March 9th,
25 2017, everyone agreed what would happen. So, I

1 don't understand why they're talking about any
2 other variances, approvals, and/or waivers that
3 may be required for said project.

4 MR. PANEQUE: If I may, Ms. Sippo?

5 I did have an opportunity to speak to
6 counsel for the applicant, Mr. Ascolese. His
7 application to the Board this evening is only
8 requesting the extension.

9 MS. SIPPO: Um hum.

10 MR. PANEQUE: There's no modification
11 whatsoever being presented.

12 And, in fact, I know you were having a
13 difficulty sitting in the back, with the hearing
14 as well as the other members from the public, but
15 he only asked for an extension, nothing else.

16 MS. SIPPO: I just was reading --

17 MR. PANEQUE: Yeah.

18 MS. SIPPO: -- what was sent to us.

19 MR. PANEQUE: Probably, and I'm not
20 speaking for Mr. Ascolese, but it's -- it's a
21 generic notice that gets sent out. But when he
22 stood up here before the Board, the only request
23 was to extend it to the next extension date,
24 which would be the March of 2020.

25 MS. SIPPO: In order to implement --

1 MR. PANEQUE: This Board will not grant any
2 changes --

3 MS. SIPPO: Right.

4 MR. PANEQUE: -- whatsoever to --

5 MS. SIPPO: Implement the approved --

6 MR. PANEQUE: -- previous plans.

7 MS. DILLON: Let him finish, please.

8 MS. SIPPO: -- plans.

9 MR. PANEQUE: Yeah.

10 MS. SIPPO: To implement the approved
11 plans.

12 MR. PANEQUE: Correct. No changes
13 whatsoever are being addressed to the Board, nor
14 is the --

15 MS. SIPPO: Okay.

16 MR. PANEQUE: -- Board entertaining any
17 changes at this time.

18 MS. SIPPO: Okay.

19 MR. PANEQUE: The only request is to extend
20 it, which they're entitled to.

21 MS. SIPPO: Um hum.

22 MR. PANEQUE: This is their first request.
23 And it would -- even though we're in July
24 already, July 11th, the extension would only carry
25 them to the anniversary date, which would be in

1 March of --

2 MS. SIPPO: Um hum.

3 MR. PANEQUE: -- 2020.

4 Okay?

5 MS. SIPPO: '20. Is it one year or two
6 years?

7 MR. PANEQUE: It's a one year extension.

8 MS. SIPPO: Oh, because here, it said two
9 years.

10 MR. PANEQUE: Like I said, he could ask for
11 -- he's only getting a one year extension.

12 MS. SIPPO: Oh, okay.

13 MR. PANEQUE: Okay.

14 MS. SIPPO: All right.

15 And I have a colleague, a neighbor.

16 MR. PANEQUE: Sure.

17 MS. SIPPO: Thank you.

18 MR. PANEQUE: Anybody else?

19 VICE CHAIRMAN GRULLON: Anybody else want
20 to step forward?

21 MS. DILLON: Right here, sir.

22 Sir, please raise your right hand.

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

25 MR. GOMEZ: Yes, ma'am.

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

3 MR. GOMEZ: My name is Miguel or Mike
4 Gomez. I live at 322 4th Street, Union City.

5 MS. DILLON: G-O-M-E-Z?

6 MR. GOMEZ: Yes, ma'am.

7 MS. DILLON: You said Miguel or Mike?

8 MR. GOMEZ: My full name is Miguel.

9 MS. DILLON: Okay.

10 MR. GOMEZ: My parents don't even call me
11 that.

12 MS. DILLON: Thank you.

13 MR. GOMEZ: It's very simple. I thought
14 that this was settled. My neighbors came upon me
15 with petitions, and there's not just us, there's
16 a whole bunch of us.

17 Most of us, in the case of Joan (phonetic),
18 she was born in her building. We're all
19 concerned about that block, Union City at large.
20 I, personally, just have a huge issue with
21 gentrification. I ran from New York, I ran from
22 Jersey City. I'm now in Union City. What's
23 going to happen?

24 I mean, I'm not saying that business is not
25 entitled to make money. This is, but you need to

1 | have an interest in your community, a spiritual
2 | interest.

3 | For example, they said that there were
4 | squatters. According to Ms. Sovale (phonetic),
5 | my neighbor said that she spoke to someone who
6 | said there's squatters there. My other neighbor
7 | said the same thing.

8 | That's dangerous for anyone on the block,
9 | and even for themselves. They light up a place,
10 | we have a fire, we have incredible issues. So,
11 | my problem, sir, is that if, indeed, this is a
12 | property owner that has an interest, why is it
13 | that after speaking to a neighbor and saying,
14 | admitting someone, that there's squatters -- last
15 | night, I came home from work and I took a picture
16 | of an iron gate, it's wide open. Why's that? If
17 | you know there's squatters, you should have an
18 | interest in your property and the community.
19 | What you do is you put a -- a chain or a lock or
20 | something, and maybe put a sign that says words
21 | to the effect, prosecutors will be prosecuted to
22 | the extent of the law, et cetera. You show good
23 | will.

24 | It's not the case. Looks run down.

25 | Anyway, I'm not a politician, but I live in

1 | this community, now going on 30 years, and I make
2 | it my home. And if my neighbors reach out to me
3 | and say, let's get together as a body -- by the
4 | way, four of them couldn't come but they're --
5 | they said speak for us, the next time we'll be
6 | here.

7 | And that's the gist of what I wanted to
8 | say. I'd like that that property be taken care
9 | of and if there was an agreement, that was
10 | already done, wasn't it? Let's stay to it, let's
11 | stick to it. I think it was agreed upon between
12 | the neighbors and the owners.

13 | That's my two cents.

14 | MR. PANEQUE: Thank you, Mr. Gomez.

15 | VICE CHAIRMAN GRULLON: Thank you, Mr.
16 | Gomez.

17 | MS. GUTIERREZ: Thank you.

18 | MR. GOMEZ: Thank you.

19 | VICE CHAIRMAN GRULLON: Any other member of
20 | the public want to step forward?

21 | No one else?

22 | Closed to the public.

23 | Mr. Ascolese, as -- as we heard the
24 | residents, one of the concerns, and I know
25 | usually it's covered by Building Department, that

1 they inspect the property and make sure that the
2 lot is properly -- you know, closed and is not
3 dangerous to the community.

4 But, please, try to speak to the owner and
5 -- and try to take more precautions to secure the
6 lot and hear the concern from the neighbors.

7 MR. ASCOLESE: Absolutely.

8 VICE CHAIRMAN GRULLON: With that, I would
9 grant the extension of one year until March of
10 2020.

11 MR. PANEQUE: Okay.

12 There's a motion to approve the extension.

13 VICE CHAIRMAN GRULLON: Motion to approve
14 the extension.

15 MS. GUTIERREZ: I'm second.

16 THE SECRETARY: Motion to approve the
17 extension by Mr. Grullon.

18 VICE CHAIRMAN GRULLON: Thank you.

19 MR. ASCOLESE: Thank you.

20 THE SECRETARY: Seconded by --

21 MS. GUTIERREZ: Thank you.

22 THE SECRETARY: -- Ms. Gutierrez.

23 MR. SPATZ: One year?

24 MR. PANEQUE: Yeah. Just so that we're
25 clear, Mr. Ascolese, your letter that you

1 addressed --

2 MR. ASCOLESE: Counsel for the Building
3 Department.

4 MR. PANEQUE: It was at -- that's what it
5 was to?

6 MR. ASCOLESE: Yeah.

7 MR. PANEQUE: All right.

8 MR. ASCOLESE: Chasan Lamparello.

9 MR. PANEQUE: Yeah.

10 MR. ASCOLESE: Yeah.

11 MR. PANEQUE: And then, there's another
12 letter addressed to Mr. Vallejo. It clearly
13 states that you're asking a one year extension.

14 MR. ASCOLESE: Correct.

15 MR. PANEQUE: Correct?

16 MR. ASCOLESE: Yup.

17 MR. PANEQUE: Now, your notice, as it was
18 brought out by members of the audience, notice
19 for two years. It's not a two year extension.

20 MR. ASCOLESE: One year.

21 MR. PANEQUE: It's a one year extension.
22 It would carry you through the anniversary date
23 of March 2020.

24 So, this Board has a motion to approve an
25 extension up to March of 2020 only.

1 Okay?

2 MS. GUTIERREZ: Um hum.

3 MR. ASCOLESE: Thank you.

4 THE SECRETARY: Motion on the table by Mr.
5 Grullon.

6 Seconded by Ms. Gutierrez, to approve the
7 extension.

8 Roll call on the motion.

9 Mr. Grullon?

10 VICE CHAIRMAN GRULLON: Yes.

11 THE SECRETARY: Ms. Gutierrez?

12 MS. GUTIERREZ: Yes.

13 THE SECRETARY: Mr. Pressey?

14 MR. PRESSEY: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Ms. Pena?

18 MS. PENA: Yes.

19 THE SECRETARY: Ms. Perez?

20 MS. PEREZ: Yes.

21 THE SECRETARY: Mr. Cetinich?

22 MR. CETINICH: Yes.

23 THE SECRETARY: Seven in favor.

24 Motion carries.

25 MR. PANEQUE: Thank you, sir.

1 MR. ASCOLESE: Thank you.

2 THE SECRETARY: Thank you.

3 MR. PANEQUE: Have a good night.

4 A VOICE: Thank you.

5 MR. PANEQUE: Good night.

6 VICE CHAIRMAN GRULLON: Thank you.

7 Good night.

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

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3 THE SECRETARY: Item number 2 on tonight's
4 agenda, Maria E. Montalvo, 523 48th Street.

5 Mr. Diaz, please?

6 I'm sorry. Mr. Lopez?

7 Apologize.

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

10 This project was heard and finalized back
11 in March. At the time, the one issue that was
12 raised by the Chairman of the meeting was that he
13 -- he wanted some sort of confirmation that this
14 particular unit had been legalized previously,
15 and that it was a legal unit.

16 This is a very minor, very, very minor
17 variance. It's only 170 square feet total. But
18 that's the one issue that Mr. Bonacci raised.

19 I have not been able to find a resolution
20 addressing this particular unit. However, review
21 of Building Department records indicate that they
22 had issued building permits for the unit.

23 Unfortunately, Mr. Vallejo does not have a
24 resolution and the Building Department's file
25 does not contain a resolution, either.

1 I was trying to get an updated memorandum
2 from Mr. Martinetti. Unfortunately, he had a
3 death in the family and has been out of the
4 office substantially this week. So, I have been
5 -- I'm unable to get -- certainly, there's no
6 resolution that I will be able to provide to the
7 Board. Perhaps, an updated memorandum from the
8 Building Department would suffice to satisfy what
9 Mr. Bonacci had requested. But I don't have that
10 today.

11 So, I would respectfully request that we
12 carry the matter to the next hearing, and
13 hopefully, I can get that resolution -- that
14 memorandum for my client.

15 There's nothing to present.

16 VICE CHAIRMAN GRULLON: Sure. Yes.

17 MR. LOPEZ: We had -- we had closed the
18 presentation.

19 MS. GUTIERREZ: Um hum.

20 VICE CHAIRMAN GRULLON: I see.

21 Mr. Lopez, you're asking to be carried to
22 the next meeting.

23 MR. LOPEZ: To the next meeting, which I
24 guess would be September.

25 MR. PANEQUE: Mr. Lopez, does your client

1 waive the statutory time limits?

2 MR. LOPEZ: Absolutely. It's a waiver of
3 statutory time limits for decision -- for the
4 decision by the Board.

5 MR. PANEQUE: Thank you.

6 Is there a motion?

7 VICE CHAIRMAN GRULLON: When is our next
8 meeting?

9 MR. PANEQUE: The next meeting would be
10 September.

11 Right, Mr. Vallejo?

12 MR. SPATZ: Right. Right.

13 THE SECRETARY: September 12.

14 MS. GUTIERREZ: September 12.

15 MR. SPATZ: Right.

16 VICE CHAIRMAN GRULLON: All right.

17 I make a motion to carry this application
18 to our next meeting, September 12.

19 THE SECRETARY: Motion to adjourn this
20 application for September 12 by Mr. Grullon.

21 MS. GUTIERREZ: Second.

22 THE SECRETARY: Second by Ms. Gutierrez.

23 Roll call on -- on the motion.

24 Mr. Grullon?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: Ms. Gutierrez?

2 MS. GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Pressey?

4 MR. PRESSEY: Yes.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: Ms. Pena?

8 MS. PENA: Yes.

9 THE SECRETARY: Ms. Perez?

10 MS. PEREZ: Yes.

11 THE SECRETARY: Mr. Cetinich?

12 MR. CETINICH: Yes.

13 THE SECRETARY: Seven in favor.

14 Motion carries.

15 MR. LOPEZ: Thank you Board Members.

16 THE SECRETARY: Thank you.

17 MR. PANEQUE: Have a good night.

18 MS. GUTIERREZ: You're welcome.

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

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

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3 THE SECRETARY: Next application on
4 tonight's agenda, 1015 West Street, LLC.

5 Mr. Alonso, please?

6 MR. ALONSO: Good evening.

7 MS. GUTIERREZ: Good evening.

8 MR. ALONSO: For the record, Alvaro Alonso,
9 from the firm Alonso Navarette on behalf of the
10 applicant.

11 Notice of this matter was provided back --
12 oops -- in April. We hadn't commenced the
13 application because our planner was not available
14 that evening. So, all the testimony is going to
15 be presented this evening, so anybody who's here
16 can obviously vote. You don't have to worry
17 about the record from -- from the past.

18 By way of background, my client purchased
19 the property about six, seven years ago. At the
20 time that he purchased the property, he purchased
21 it in a foreclosure, it was under a receivership.
22 And Mr. Bulin (phonetic) was managing the
23 property.

24 There were eight total units. There were
25 three units in the basement and there were five

1 units upstairs.

2 The three units in the basement were in a
3 bad state of repair, probably because it was in
4 foreclosure and it wasn't rented out.

5 My client chose not to rent those
6 apartments at that time, because he wanted to
7 raise enough money in order to make the proper
8 renovations.

9 About a year, year and a half ago, he went
10 to the Building Department to obtain permits to
11 renovate those three apartments in the basement.
12 That's when he was told that those three
13 apartments are not legal.

14 And we're here now in order to -- to
15 legalize those units.

16 Before I have Mr. Orestes Valella, our
17 architect, testify, I have some exhibits that I
18 premarked.

19 And I apologize, I -- I marked them as of
20 April 11th, which is the date that we were
21 supposed to have presented.

22 MS. DILLON: I'll change it.

23 MR. ALONSO: So, if we could change those
24 to today's date. And once we do that, then we
25 can review them quickly, just to give you a

1 little bit of history --

2 MR. PANEQUE: Just make that a seven.

3 MR. ALONSO: -- on this property.

4 That's true.

5 MS. DILLON: Okay. Can we --

6 MR. PANEQUE: Identify them.

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

9
10 (Whereupon, Rent Registration, Dated
11 4/15/1991, was received and marked as
12 Exhibit A-1.)

13
14 (Whereupon, Department of Community Affairs
15 Document Packet was received and marked as
16 Exhibit A-2.)

17
18 (Whereupon, Inspection Dated 2013 was
19 received and marked as Exhibit A-3.)

20

21 MR. PANEQUE: Do you have an extra set over
22 there?

23 MR. ALONSO: No. I just have the one set
24 for the --

25 MS. DILLON: Okay.

1 MR. ALONSO: -- for the Board.

2 MS. DILLON: Here you go. Can you --

3 MR. ALONSO: Yeah, that -- that's for the
4 Board.

5 MR. PANEQUE: If you can just identify them
6 for --

7 MR. ALONSO: Yes.

8 MR. PANEQUE: -- the record?

9 MR. ALONSO: A-1 is a Rent Registration
10 Statement from the Rent Board, which was dated
11 April 15, 1991.

12 And again, my client purchased the property
13 about six, seven years ago. So, these are
14 documents that we obtained through the records
15 from the City.

16 So, as of 1991, those three apartments were
17 registered with Rent Control. And -- and they
18 were -- they were being rented out.

19 A-2 is a series of documents from the
20 Department of Community Affairs with a
21 Certificate of Registration. So, it was
22 registration -- it was registered with the State
23 as eight units. I have them from January 16,
24 1996, 2003, 2005, 2010 and 2012.

25 A-3 is an inspection, which was performed

1 back in 2013, approximately when my client
2 purchased the property, and it indicates a number
3 of violations that were issued -- you know,
4 throughout the building, which is typical in
5 order to obtain the green cards.

6 I do have another document that was
7 provided to me today, and I could mark this as
8 A-4.

9 And I'll provide this to the Board.

10

11 (Whereupon, Document, Fees Paid to State
12 was received and marked as Exhibit A-4.)

13

14 MR. ALONSO: Which is essentially the --
15 the fees that were paid to the -- to the State
16 with respect to the -- to the green card, which
17 is the current one.

18 So, since at least 1996, it's been
19 registered with the State of New Jersey as eight
20 units, and has been inspected on a regular basis.

21 With that bit of a background, we can see
22 that those units at least existed and have been
23 recognized in some capacity.

24 But I want Mr. Valella now to review the
25 plans, so I need to have him sworn in.

1 MS. DILLON: Yes.

2 Please raise your right hand.

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

5 MR. VALELLA: I do.

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

8 MR. VALELLA: Sure, be happy to.

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

10 I'm a registered architect in the State of
11 New York and the State of New Jersey. And my
12 professional offices are at 5809 Madison Street
13 in West New York.

14 MS. DILLON: Thank you.

15 VICE CHAIRMAN GRULLON: We accept your
16 qualifications, Mr. Valella.

17 MR. VALELLA: Thank you.

18 Thank you very much.

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

20 Mr. Valella, I briefly went over the
21 history of this property, in terms --

22 MR. VALELLA: Yes.

23 MR. ALONSO: -- of the three units in the
24 basement.

25 So, I'm just going to ask you to review the

1 plans with the Board and how --

2 MR. VALELLA: Sure.

3 MR. ALONSO: -- it is that we're looking to
4 legalize them.

5 MR. VALELLA: Be happy to.

6 This property is actually a corner
7 property. It is Lot 18 on Block 46. It's on the
8 corner of West and 11th Street. It's a mixed use
9 building, with commercial on the ground floor and
10 existing apartments above. And the three
11 dwelling units in question at the basement level.

12 The units -- there are presently three
13 units and once we reviewed them, we found that
14 one of the units was really -- was not going to
15 be able to be Code complaint.

16 So, we recommended that we eliminate one of
17 the units and go from eight dwelling units to
18 seven.

19 So, in effect, the three units in the -- in
20 the basement, we'd like to consolidate into two
21 units. Units six and eight would be
22 consolidated.

23 The -- unit number six has two bedrooms
24 that have no windows. And there really are -- is
25 no possibility for that to -- to be remedied.

1 So, we recommended that we turn that apartment
2 into -- those two apartments into one.

3 The proposal -- so, that's a little
4 confusing but -- and that you can see on the
5 existing conditions, which is item number four.

6 Item number five shows the proposed layout
7 of the new dwelling units. And you can see that
8 apartment number six would now be a two bedroom,
9 957 square foot apartment. It has a seven foot
10 three ceiling. Now, the bedrooms have windows
11 leading out to the street, a kitchen, bathrooms,
12 it has two bathrooms. So, it's the beneficiary
13 of a -- of a non -- of a problem that's not
14 fixable, which is apartment number six, which was
15 497 square feet, a two bedroom. We'd -- we'd
16 never be able to satisfy Code with respect to
17 emergency egress window requirements.

18 So, we -- we are recommending that those
19 two apartments be consolidated into one 920 --
20 957 square foot apartment.

21 The -- the second apartment in question,
22 which would be number seven, will remain as is.
23 That apartment is 920 square feet and has a
24 ceiling height of seven foot three. Again, it's
25 a two bedroom apartment and those units -- those

1 bedrooms do have access to windows. So, that is
2 okay with me. We left that as is.

3 But for the purposes of this proposal,
4 counsel mentioned eight dwelling units, but we'd
5 like to reduce the number down to seven in this
6 -- with this proposal.

7 The rest of the building is existing. The
8 -- the conditions are documented on the next
9 page, but there's no work being proposed, there's
10 no work that is being requested. So, I'm not
11 even going to take up your time with that, but
12 that's there as well.

13 MR. ALONSO: Essentially, it's an internal
14 renovation, in the basement of those -- from
15 three units to two units.

16 MR. VALELLA: Yes. It's an internal
17 repair, up -- bringing it up to Code. It would
18 be very good from an architectural standpoint, if
19 you should approve it, because the -- they do
20 need -- they do need a little tender loving care.
21 I'm sure we would be asked to put in a sprinkler
22 system, fire rate and bring the electrical system
23 up to Code, in addition to, which is a very
24 important item, is eliminating an apartment that
25 doesn't have windows and creating a 900 plus

1 dwelling unit, which is much more -- a healthier
2 environment.

3 MR. ALONSO: And I have no further
4 questions of the architect, with respect to
5 existing conditions.

6 If the Board has any questions at this
7 time, we would entertain them.

8 VICE CHAIRMAN GRULLON: Do you have another
9 witness?

10 MR. ALONSO: I do have a planner.

11 VICE CHAIRMAN GRULLON: Sure. We'd like to
12 hear from the other witness.

13 MR. ALONSO: Very good.

14 VICE CHAIRMAN GRULLON: Then we open it --

15 MR. ALONSO: Michael?

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

18 MS. DILLON: Please raise your right hand.

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

21 MR. PESSOLANO: I do.

22 MS. DILLON: If you could please state your
23 name and spell it for the record?

24 MR. PESSOLANO: Yes.

25 Michael J. Pessolano, that's P as in Peter,

1 E-S-S-O-L-A-N-O. Licensed professional planner
2 in the State of New Jersey.

3 MR. ALONSO: Mr. Chairman, Mr. Pessolano
4 has been before this Board.

5 VICE CHAIRMAN GRULLON: Oh, yes. We accept
6 your qualification.

7 MR. PESSOLANO: I'd be happy to reiterate
8 my qualifications.

9 VICE CHAIRMAN GRULLON: No, no.

10 MR. PESSOLANO: I think there's some new
11 members, but thank you for recognizing me.

12 This application, I think, is a good one
13 because it represents bringing a nonconforming
14 situation more into conformity. We need use
15 relief, obviously, to have two apartments in the
16 -- the basement area and the parking is
17 nonexistent. So, 22 parking spaces are required
18 for the combined commercial and residential uses
19 on this property.

20 So, and there's also dimensional relief
21 that pertains to existing conditions with the
22 building and the lot. None of that is being
23 changed. It's just interior changes.

24 So, to provide your understanding of the
25 setting, this exhibit, prepared by my colleague,

1 John McDonough, which I reviewed with him, he's
2 also a licensed professional planner, provides
3 for some context.

4 So, if everybody has a copy. What are we
5 calling this? Exhibit --

6 MS. DILLON: This will be A-5.

7

8 (Whereupon, Planning Exhibit was received
9 and marked as Exhibit A-5.)

10

11 MR. PESSOLANO: A-5?

12 Thank you.

13 A-5, with today's date, is seven page map
14 and -- I'm sorry -- six page map and photo
15 exhibit.

16 On first page, the tax parcel is shown in
17 the center of the image, with a solid yellow
18 line.

19 Page two provides increasing detail,
20 superimposing that tax parcel line over the
21 aerial image. Still not really capturing the
22 essence of what this property is.

23 Now, page three represents a diagram of the
24 land use for the subject property and the
25 surrounding area.

1 This particular property is a mixed use,
2 set within a block that's largely residential.
3 As you can see, the yellow pattern, the brownish
4 pattern indicates high density, multi-family
5 occupancy. There is a park directly across the
6 street, on the corner. But generally,
7 residential in character, but for the existing
8 commercial uses on the ground floor of the
9 subject property.

10 The zoning is shown on page four, which
11 certainly explains why this is sitting in a
12 residential area. It's residentially zoned. So,
13 fully within the R zoning district.

14 Page five of the exhibit shows the rear
15 portion of the -- the subject structure, the one
16 story portion which houses a childcare facility.

17 And then, finally sheet six shows a front
18 view of the property taken from the intersection,
19 thanks to Google Earth.

20 So, this provides the -- the setting for
21 everyone's understanding of what the -- the issue
22 -- what -- what the planning setting is for --
23 for this analysis.

24 And the analysis is fairly straightforward
25 and simple. Usually, when we're looking at use

1 relief, we're looking forward into the future,
2 trying to forecast is this a particularly
3 suitable site. It turns out that eight units, as
4 Mr. Alonso alluded to with the inspection
5 records, had been here. Eight dwelling units had
6 been here and have been inspected by the State.
7 So, it has stood the test of time. We now know
8 it to be an okay fit for this particular
9 location.

10 We're reducing the density by one unit, so
11 larger units in this basement area, I think,
12 represent something that's certainly in the
13 interests of the occupants, but in the public
14 interest as well, because it makes for less
15 opportunity for mischief within the -- the
16 dwelling units in the basement here.

17 By mischief, I mean mishaps with regard to
18 safety. So, with the units being brought up to
19 Code, I think it -- it squarely addresses the
20 positive criteria, particularly related to
21 promoting the general welfare with safe, sound,
22 decent housing.

23 It also represents some tracking with the
24 -- the City's interest in encouraging a variety
25 of housing types, as indicated in the Master

1 Plan, and reaffirmed in the Master Plan
2 Reexamination Report, dated 2019, which I did
3 look at as part of this analysis.

4 So, the site is actually taxed as a mixed
5 use development. The town -- the City already
6 recognizes it's there as a mixed configuration.
7 The space for the two units are -- that are being
8 retrofitted, if you will, condensing three down
9 into two, are fairly roomy and provide nice
10 privacy and comfortable living arrangements, with
11 access to the street, so safety responders can
12 easily gain access to these units, is -- is the
13 reason I mention that.

14 Adaptive reuse is the way it works best in
15 -- in already fully developed settings. So, this
16 is adaptive reuse at work here, for a good
17 reason. Again, to eliminate an overcrowded
18 situation, in my opinion, that was not safe due
19 to improper egress and provide for all the -- the
20 Code bells and whistles that you would expect for
21 every dwelling unit that -- that is created.

22 So, all of what I've said promote the four
23 purposes of the Municipal Land Use Law with this
24 application; promoting the general welfare, which
25 is Purpose A, providing for a variety of uses in

1 appropriate locations, which is Purpose G. In
2 other words, variety of housing types in this
3 context. Purpose I, desirable visual
4 environment. It's an attractive building, nicely
5 kept up. We're not changing that. We're working
6 on the inside. And Purpose M, which is to
7 promote the efficient use of land.

8 So, repurposing -- not repurposing,
9 rearranging the space in the basement satisfies
10 that aspect of it.

11 As far as public impacts go, I mentioned
12 the convenient access to the public street.
13 There was no parking before and no parking
14 proposed. It's no net change, as regarding the
15 parking. So, I -- I see no measurable detriment
16 to the public or the zone plan from going from
17 same to same, basically, as far as the parking
18 supply goes. It all seems to work without the
19 parking.

20 The units, as I said, will comply with
21 applicable Fire and Building Codes. And the
22 parking relief that we're requesting is certainly
23 justifiable with the ready -- readily available
24 public transit network and the ability to walk to
25 a considerable number of establishments around

1 the area.

2 The relief relates to a specific piece of
3 property here, which is an unusual configuration
4 of mixed use in an all residential block.

5 Granting the relief -- in my opinion, it would
6 not be tantamount to a rezoning. This is a very
7 unusual situation in a discreet, -- discreet
8 location and certainly wouldn't erode the
9 integrity of the residential zone that it's
10 situated in.

11 So, based on all of what I've said, I find
12 that the -- the application warrants approval.
13 But that's just my opinion.

14 MR. ALONSO: Now --

15 MR. PESSOLANO: But I stand ready for your
16 questions.

17 MR. ALONSO: Now, Mr. Pessolano, and just
18 to be clear, our notices indicated that we're
19 requesting a D-2 variance, for the expansion of
20 the preexisting nonconforming use.

21 Is that correct?

22 MR. PESSOLANO: I believe it's a D-1 use
23 variance for a use that's not permitted.

24 MR. ALONSO: Okay.

25 MR. PESSOLANO: Since we are not adding

1 units. That would be a D-2, but consolidating
2 and legalizing something that's really been there
3 before, I -- I provided the proofs for a D-1
4 analysis.

5 MR. ALONSO: Okay.

6 And also, in terms of the -- the bulk
7 requirements, they're all also listed on the --
8 on the notice and nothing's changing.

9 MR. PESSOLANO: Nothing will be seen on the
10 outside, except the coming and going of
11 contractors to -- to do the work.

12 MR. ALONSO: I have no further questions.

13 VICE CHAIRMAN GRULLON: Mr. Pessolano,
14 thank you.

15 MR. PESSOLANO: You're welcome.

16 VICE CHAIRMAN GRULLON: Can you go over the
17 list of the variances that you're requesting?

18 MR. PESSOLANO: Yes.

19 The list is fairly straightforward, but let
20 me detail this.

21 We're talking about, in terms of the bulk
22 relief. We need a use variance, we need a
23 parking variance. But you're talking about the
24 existing lot and building --

25 VICE CHAIRMAN GRULLON: Lot. Yes.

1 MR. PESSOLANO: -- configurations that are
2 not --

3 VICE CHAIRMAN GRULLON: The --

4 MR. PESSOLANO: -- being changed?

5 VICE CHAIRMAN GRULLON: -- side yard. Yes.

6 MR. PESSOLANO: Okay.

7 In terms of lot area, 5,000 square feet is
8 required. The lot currently contains 3,097
9 square feet.

10 The lot width required in this zone is 50
11 feet. We have only 30.96 feet.

12 Lot depth is complaint at over 100 feet,
13 which is the minimum requirement.

14 The front yard is set to the prevailing
15 setback. We have buildings fronting on -- on the
16 street providing for zero setback. This property
17 is at 3.8 feet, where ten feet would be required,
18 if a setback is provided.

19 The side yard is required at two feet. We
20 have .8 feet. Combined side yards total six feet
21 and 0.8 feet are provided.

22 The rear yard is 25 percent of lot depth.
23 We have rear yard of zero feet.

24 Building coverage required at 60 percent;
25 93 percent is the total that exists on the site.

1 Lot coverage is limited to 85 percent, 100
2 percent coverage exists.

3 The number of stories complies at three.

4 The maximum height complies under 40 feet.

5 And that's the summary of the -- the bulk
6 deficiencies.

7 VICE CHAIRMAN GRULLON: By reducing the one
8 apartment and bringing it from eight to seven, is
9 that changing any of the variance on the table,
10 or that's already calculated there?

11 MR. ALONSO: No, that's already there.

12 VICE CHAIRMAN GRULLON: Okay. The 24
13 parking required is on seven.

14 Is that --

15 Mr. Spatz?

16 MR. SPATZ: Yes.

17 VICE CHAIRMAN GRULLON: The 24 --

18 MR. PESSOLANO: It's actually 22 spaces,
19 according to our calculations. Twenty -- do you
20 have 24, David?

21 VICE CHAIRMAN GRULLON: The parking
22 requirement for the seven units.

23 MR. SPATZ: The -- the site plan did not
24 indicate the bedroom mix of the existing units.
25 So, we weren't able to confirm and calculate

1 | that, but --

2 | MR. VALELLA: They're all two bedroom.

3 | MR. SPATZ: Yeah. So, I don't have my
4 | Ordinance with me.

5 | MR. PESSOLANO: We calculated seven
6 | apartments at two bedrooms, totaling 14 units.

7 | MR. SPATZ: Right.

8 | MR. PESSOLANO: The daycare one per
9 | employee, plus one is a total of five spaces.
10 | And the commercial use, one per 300, for 794
11 | square feet is 2.6 spaces.

12 | So, that's how we got to the 22.

13 | VICE CHAIRMAN GRULLON: And is that all
14 | preexisting condition?

15 | MR. ALONSO: That's correct.

16 | MR. PESSOLANO: Preexisting.

17 | And just so you know, there's a case, the
18 | Ric-Cic case that dealt with slightly -- well,
19 | largely a different situation, but the
20 | commonality is that a restaurant on a pier burned
21 | down. That restaurant had no parking on the
22 | pier. Obviously, it was on a pier. So, there
23 | was no parking physically possible.

24 | This situation, there's no parking here
25 | now, or physically possible to add. So, I would

1 say consistent with that ruling, to require
2 parking now would -- would not be a match for --
3 for that case law.

4 VICE CHAIRMAN GRULLON: I don't have any
5 more question.

6 Any -- any member of the public?

7 I'm sorry. Any member of the Board?

8 No question for Mr. --

9 Any other witness?

10 MR. ALONSO: I have no further witnesses.

11 VICE CHAIRMAN GRULLON: No further witness?

12 At this time, we're going to open it up to
13 the public for the planner.

14 Mr. Price?

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

16 MR. PESSOLANO: Mr. Price, --

17 MS. DILLON: -- raise your --

18 MR. PESSOLANO: -- how are you?

19 MS. DILLON: -- right hand.

20 MR. PRICE: Very good.

21 MR. PESSOLANO: Okay.

22 MS. DILLON: Do you affirm the testimony
23 you're about to give this Board is the whole
24 truth?

25 MR. PRICE: I do.

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

3 MR. PRICE: Larry Price, 1006 Palisade
4 Avenue.

5 MS. DILLON: Thank you so much.

6 MR. PRICE: Did we get the usual memo from
7 the Building Department regard --

8 What does it describe the property as?

9 VICE CHAIRMAN GRULLON: The Building
10 Department described the property as four units;
11 residential, plus one commercial.

12 MR. PRICE: Plus one commercial.

13 VICE CHAIRMAN GRULLON: Yes.

14 MR. PRICE: So, legally, we're going from
15 four residential to seven. And we're going from
16 one commercial unit to three.

17 VICE CHAIRMAN GRULLON: I'm sorry.

18 Let me -- let me read the memo from the
19 Building Department.

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

22 VICE CHAIRMAN GRULLON: They don't clearly
23 mark that as one, because we have --

24 Mr. Spatz?

25 MR. SPATZ: Yes.

1 VICE CHAIRMAN GRULLON: In the memorandum
2 from you, stating that it's just one commercial.

3 MR. SPATZ: Right. But it doesn't say
4 whether the commercial took up the same square
5 footage as existing, and that it had been
6 subdivided into other spaces.

7 So, the commercial space may have been --
8 you know, the same amount of commercial space as
9 currently exists, but in one establishment versus
10 the three that are there now.

11 MR. ALONSO: Right.

12 MR. SPATZ: So, I didn't have that
13 information.

14 MR. ALONSO: And I think, for -- for
15 clarification, I mean, the Building Department
16 has never indicated that the existing commercial
17 units are illegal.

18 My client received violations for the
19 basement apartments, which we're in Municipal
20 Court for. That's pending an outcome here. But
21 there's no violations for any of the commercial
22 units.

23 MR. SPATZ: Right. Yeah, we weren't
24 indicating that in our memo. I think it was
25 basically -- we looked at it as going from four

1 units to the seven units.

2 MR. PANEQUE: Mr. Alonso, does your client
3 or do any of your experts are able to tell where
4 the fifth unit is that has come into play here,
5 because the Building Department is showing four
6 residential. Now, your whole application was
7 legalizing the two units in the basement. So,
8 we're going from -- there's three now. So, if we
9 -- if we set aside those three units, we still
10 have five in the rest of the building.

11 MR. ALONSO: That's -- that's correct.

12 And again, the violations that were issued,
13 I don't -- I didn't receive that memo.

14 MR. PANEQUE: Yeah.

15 MR. ALONSO: So, otherwise, I would have
16 been prepared to address it. But the -- the
17 violations issued were for the basement
18 apartments, not for any of the units upstairs.

19 MR. PANEQUE: Okay.

20 MR. ALONSO: So, Mr. Valella, can you
21 testify as to where the five units are upstairs?

22 MR. VALELLA: Sure. Be happy to.

23 MS. DILLON: Just right in front of the
24 microphone.

25 Thank you.

1 MR. VALELLA: Yes.

2 As I had explained to you, on this page, I
3 described what we are discussing with the
4 basement.

5 The second page, which I did not go into --

6 MR. ALONSO: And -- and I just want to add
7 that it says that the property was originally a
8 four unit and commercial. It doesn't say that
9 it's currently four units and commercial, it says
10 was originally. And again --

11 MR. PANEQUE: They -- they --

12 MR. ALONSO: -- the fact that they have
13 inspected it, they've issued violations only for
14 the basement apartments, to me, indicates that
15 they have no issue with the units upstairs,
16 commercial or residential.

17 MR. PANEQUE: The Building Department
18 memos, okay, the reno is in that fashion, and as
19 far as they are told that's what the Building
20 Department recognizes as the legal units. So,
21 they're recognizing four legal units.

22 The problem with -- that I see in the
23 presentation is that you're coming in, only
24 talking about the basement, which is those three.
25 So, setting aside those three, we have five

1 upstairs. We don't know which one of those five
2 apartments --

3 MR. ALONSO: Correct.

4 And the presentation was made as such
5 simply because the only violations issued were
6 for the basement apartments, nothing upstairs.

7 MR. PANEQUE: So, they may have not
8 inspected upstairs.

9 MR. ALONSO: That's possible. I don't
10 know.

11 MR. VALELLA: Should I proceed?

12 MR. PANEQUE: Yes, Mr. Valella.

13 MR. VALELLA: Okay.

14 On the ground floor, we have three
15 commercial units. There is a 546 square foot
16 unit on the corner. There is a 248 square foot
17 commercial unit adjacent to it. And these are
18 off of 11th Street. And then, there is the
19 daycare in the rear, which is commercial unit
20 number three, which is 1,238.

21 In between those three, there is apartment,
22 which we call apartment number one, which is a
23 two bedroom, 445 square foot dwelling.

24 Then, on the second and third floor, there
25 are two units per, and we call those units two

1 and four, and three and five. And these are two
2 bedroom apartments. They're 641 and 638 square
3 feet respectively.

4 MR. ALONSO: Right. And I noticed for a
5 D-5 variance, density variance, because your
6 Ordinance has been interpreted to interpret the
7 density in terms of the size of the unit. And
8 since we do have the undersized units upstairs, I
9 just threw it in because we're looking at the
10 application as a whole, so --

11 VICE CHAIRMAN GRULLON: As, you can see,
12 Mr. Alonso, Building Department, they only
13 recognize four units, plus commercial. And in
14 your presentation, you're only looking to reduce
15 the three units in the basement to two units
16 because you still have an illegal unit on the --
17 on the upper floor.

18 MR. ALONSO: Well, again, I don't know if
19 it's an illegal unit because we haven't been
20 violated for it.

21 But if I can just have a minute to talk to
22 my client?

23 VICE CHAIRMAN GRULLON: Sure.

24 MS. DILLON: Off the record?

25 MR. PANEQUE: Off the record.

1 VICE CHAIRMAN GRULLON: Off the record.

2 THE SECRETARY: Five minute break.

3 (Whereupon, the Board recessed from 6:59
4 p.m. to 7:04 p.m.)

5 MS. DILLON: Whenever you're ready.

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

8 THE SECRETARY: Ready?

9 MR. PANEQUE: Yes.

10 THE SECRETARY: Mr. Alonso?

11 MR. ALONSO: Yes.

12 THE SECRETARY: Back on record.

13 Mr. Alonso, please?

14 MR. ALONSO: Okay. We just had a
15 conversation with our professionals and -- and my
16 client.

17 We were not aware of the issue with the
18 fifth unit. However, given the size of the unit
19 and where it's located, we believe it may be
20 better to eliminate that unit, to -- so we don't
21 have to address it, because otherwise we have to
22 adjourn it, go to the Building Department. They
23 are not going to say that it's legal. Have to
24 come back. And I think we'll probably have a
25 problem getting that legalized anyway.

1 So, we're going to eliminate that fifth
2 unit. We'll -- we need to talk to the commercial
3 spaces to see who wants to take it. And if not,
4 we'll just leave it as a storage -- you know, for
5 -- for the building. But it will not be a
6 residential unit.

7 And then we'll just continue with Mr.
8 Valella's presentation with respect to going from
9 the three units to the two units in the basement,
10 as testified.

11 MR. PANEQUE: Okay.

12 MR. CETINICH: Who lives there now?

13 MR. PANEQUE: Any questions from the Board
14 members?

15 MR. CETINICH: Who lives there now?

16 MR. ALONSO: Well, there's a tenant there,
17 so we'll have to vacate the tenant.

18 MR. CETINICH: Okay.

19 VICE CHAIRMAN GRULLON: Mr. Alonso, but we
20 have another concern, which is the memo from
21 Building Department --

22 MR. ALONSO: Um hum.

23 VICE CHAIRMAN GRULLON: -- that state that
24 it's only one commercial unit.

25 We would like to -- to see proof that there

1 are -- that they approved more units, more
2 commercial units than one.

3 MR. ALONSO: Okay.

4 VICE CHAIRMAN GRULLON: Just one listed as
5 -- as of now. Maybe we're going to have to refer
6 to the 1973 Master Plan, just to see what was
7 inspected at that time.

8 MR. ALONSO: Okay.

9 MR. PANEQUE: Do you have the --

10 VICE CHAIRMAN GRULLON: Yeah.

11 MR. PANEQUE: -- 1973 tax assessment?

12 MR. ALONSO: I don't.

13 MR. PANEQUE: No?

14 Okay.

15 Do you have any idea when that daycare
16 center was established?

17 MR. ALONSO: No.

18 Again, my -- my client purchased the
19 property in -- about six, seven years ago.

20 MR. PANEQUE: Okay.

21 MR. ALONSO: That was all preexisting. So,
22 we'll have to start investigating with the
23 tenants, see if they have any documentation, if
24 they went to the Zoning Board, if it was there
25 before. But we'll have to do some investigation.

1 We didn't know that that was an issue so we'll --
2 we'll look at it.

3 MR. PANEQUE: If I may suggest that the
4 matter be carried to the next meeting and that
5 the revised plans be submitted, along with the
6 proofs as to the -- the way the two commercial --
7 well, we know that one commercial was there --

8 MR. ALONSO: Um hum.

9 MR. PANEQUE: -- which is probably the one
10 in the corner where the store is.

11 MR. ALONSO: Correct.

12 MS. GUTIERREZ: Um hum.

13 MR. PANEQUE: The question becomes, how did
14 the daycare center come into existence? How
15 long, under what circumstances?

16 MR. ALONSO: Okay.

17 MR. PANEQUE: Okay.

18 Any other questions?

19 MS. GUTIERREZ: Um hum.

20 MR. PRESSEY: Yes. About vacating the
21 tenant that's already there.

22 MR. ALONSO: Well, unfortunately, if it's
23 deemed to be an illegal unit, by law, we have to.

24 MS. GUTIERREZ: And do you --

25 MR. ALONSO: So --

1 MS. GUTIERREZ: And do you know how -- for
2 long they've been in there. You don't know?

3 MR. ALONSO: I don't.

4 MS. GUTIERREZ: No.

5 MR. ALONSO: I don't only because, again,
6 it's -- we're just finding out today that the
7 Building Department's indicating that it's --
8 it's not a legal unit.

9 MS. GUTIERREZ: Yeah.

10 MR. PANEQUE: There's a procedure, Mr.
11 Pressey, for removing a tenant from an apartment
12 that's been deemed illegal, where the tenant has
13 to be paid relocation assistance. So the tenant
14 is not completely made whole, but they are
15 compensated six times to the rent that they used
16 to pay.

17 So, I'm sure Mr. Alonso will take the
18 proper steps to do it the legal way.

19 MR. ALONSO: Yeah, and again, I'm not --

20 MR. PANEQUE: You're not committing --

21 MR. ALONSO: I'm not --

22 MR. PANEQUE: -- at this time.

23 MR. ALONSO: -- I'm not accepting that it's
24 an illegal apartment. But for purposes of trying
25 to move this application forward --

1 MS. GUTIERREZ: Um hum.

2 MR. ALONSO: -- we would be willing to
3 eliminate that apartment.

4 MR. PANEQUE: Understood.

5 All right.

6 So, then the -- the request at this time is
7 to carry the matter, no further notices, to the
8 September meeting, with new plans to be submitted
9 at least ten days prior to the meeting. And you
10 would be ready to put forth the evidence
11 necessary for this Board, with respect to how the
12 second commercial establishment came into
13 existence.

14 MR. ALONSO: Yes.

15 MR. PESSOLANO: Respectfully, may Mr. Price
16 finish cross examining me, to -- I don't know if
17 you have other questions.

18 MR. PRICE: I did. Other arguments,
19 actually, but you're going to be back in
20 September.

21 MR. PESSOLANO: Well, that's what I -- I'm
22 trying to sort out.

23 MR. ALONSO: Well, I don't -- I don't know
24 if he needs to be back, because the proofs would
25 be the same.

1 MR. PANEQUE: Yeah. All right.

2 Mr. Price, if you want to ask the questions
3 now?

4 MR. PRICE: Speak now --

5 MR. PANEQUE: Yeah.

6 MR. PRICE: -- or hold your speak.

7 Okay.

8 You have indicated that you think that what
9 you're requesting is a D-1 use variance.

10 Correct?

11 MR. PESSOLANO: Yes.

12 MR. PRICE: Okay.

13 Why? The -- we have a memo that, since
14 1974, that it was four residential apart -- and a
15 commercial, which is say a mixed use use.

16 So, the use already exists at this site,
17 somewhat different form, but it exists and has
18 existed for five decades.

19 So, why do you need a D-1 use variance to
20 introduce the -- the use? It's already there.

21 MR. PESSOLANO: The use I'm speaking of is
22 a hybrid use of three commercial spaces, seven
23 apartments, which is not a permitted use in the
24 district.

25 MR. PRICE: But neither is four and one.

1 MR. PESSOLANO: That's true.

2 MR. PRICE: So --

3 MR. PESSOLANO: But we are not expanding
4 anything in this context. So, it -- it leaves it
5 between -- betwixt and between a D-1 and a D-2,
6 but I have to be conservative for the benefit of
7 the record to say that it meets the proofs for
8 D-1, which would subsume a D-2 analysis --

9 MR. PRICE: Well, it --

10 MR. PESSOLANO: -- within it.

11 MR. PRICE: It might.

12 MR. PESSOLANO: In my opinion.

13 MR. PRICE: What I'm suggesting to you is
14 that, in fact, because it is already a mixed use,
15 and you're expanding from one commercial to three
16 commercial, from four residential to whatever the
17 number will be, six or seven, the -- excuse me --
18 that this is an expansion of a preexisting
19 nonconforming use, and you need a D-2 variance,
20 not a D-1. Because that use, the non-permitted
21 use already exists at this site.

22 MR. PESSOLANO: My -- my testimony is --

23 MR. ALONSO: And I would -- and I would
24 agree with Mr. Price, and that's the notice that
25 was sent. So, and I believe you -- you indicated

1 | that the proofs that you submitted satisfies the
2 | D-2 criteria.

3 | MR. PESSOLANO: Yes.

4 | MR. ALONSO: Yes.

5 | MR. PRICE: Well, the basic -- okay.

6 | That's -- this is the -- the net bottom line.

7 | The requirement for D-2 use variance is
8 | that this be a benefit to the community. That's
9 | the Burbridge decision. That's the Urban
10 | decision. Okay?

11 | What's the advantage to Union City of
12 | putting two more basement -- you know, putting
13 | two basement apartments in this building?

14 | MR. PESSOLANO: Let me take your first part
15 | first, which is the -- the evidence -- the proofs
16 | for a D-1 and a D-2 are equally needing to
17 | benefit the community, not just the property
18 | owner.

19 | So, when I speak to the -- to that element,
20 | I testified that promoting the general welfare,
21 | purpose of zoning, is advanced by this
22 | application because of the improvement on the
23 | existing condition.

24 | So that is --

25 | MR. PRICE: But the existing --

1 MR. PESSOLANO: -- the public benefit in a
2 nutshell.

3 MR. PRICE: But the existing condition --

4 MR. PESSOLANO: You can apply it to a D-1
5 or a D-2.

6 MR. PRICE: But the existing commission
7 (sic) -- condition is, in fact, illegal. So, you
8 have to expand the use in order to provide for
9 those two addition, and that requires a benefit
10 to the community. And I don't see any benefit to
11 the community from two apartments in a basement.

12 MR. PESSOLANO: Well, let -- let me, just
13 also speak about the Burbidge case, which you
14 mentioned.

15 That deals with a visual improvement being
16 a special reason for granting a D-2 variance.

17 MR. PRICE: Yes, --

18 MR. PESSOLANO: We have no change to the --
19 the visual situation. It is what it is today, as
20 it would be if approved and occupied tomorrow.

21 So, I'm not seeing where that fits into
22 your analysis, but again, you need public
23 benefit, whether you're evaluating a D-2, or a
24 D-1. The Board needs to find public benefit for
25 either of those variance tests.

1 MR. PRICE: We're -- for the benefit of the
2 Board, we're referring to a case which is one of
3 the seminal cases in case law, which is the --

4 MR. ALONSO: Well, this is --

5 MR. PRICE: -- Burbridge --

6 MR. ALONSO: This is question time. I
7 think Mr. Paneque could advise the Board as to
8 the legal ramification of the --

9 MR. PRICE: Well --

10 MR. ALONSO: -- case law.

11 MR. PRICE: -- it's question and whatever.

12 MR. ALONSO: No, it's questions. It's not
13 comment.

14 MR. PRICE: Comment.

15 MR. ALONSO: No, it's questions.

16 MR. PRICE: I have to comment. Okay. Can
17 I comment?

18 MR. ALONSO: No. It's questions.

19 MR. PANEQUE: Are you done with your
20 questioning, Mr. Price?

21 MR. PRICE: No, I can ask my -- I can make
22 my comments in the form of a question, if you
23 want but --

24 MR. PANEQUE: If you --

25 MR. PRICE: Okay.

1 Burbbridge involved a junkyard in a
2 residential neighborhood.

3 MR. PESSOLANO: Um hum.

4 MR. PRICE: Okay.

5 Our Supreme Court said move the junkyard
6 from the front of the -- to the back, and you can
7 expand it, but in return, you have to put up
8 shrubbery, you have to hide the junkyard.

9 He said, there is a visual improvement, as
10 you called it. There's a community benefit from
11 hiding the junkyard. Yes, you do expand it, but
12 you hide the dog, whatever.

13 Okay.

14 Where's the benefit of two basement
15 apartments in Union City, in this site?

16 MR. PESSOLANO: The benefit is to provide
17 for additional housing resources, in a desirable
18 community which the Master Plan expounds on --

19 MS. DILLON: Can you just --

20 MR. PESSOLANO: -- extensively.

21 MS. DILLON: -- keep your voice up, Mr.
22 Pessolano, please?

23 MR. PESSOLANO: Yes.

24 We have a -- a desirable residential
25 community. And providing housing in a location

1 | that's adequately served with public transit
2 | fulfills an ongoing need to -- to house people
3 | who want to live here.

4 | It's not the biggest reason in the world,
5 | but it -- it moves the needle towards the
6 | positive, in my opinion.

7 | MR. PRICE: Thank you.

8 | Thank you.

9 | MS. GUTIERREZ: Thank you.

10 | VICE CHAIRMAN GRULLON: Thank you, Mr.
11 | Price.

12 | MR. ALONSO: Mr. Pessolano, the proofs that
13 | were submitted to the Board today is that these
14 | -- the three units in the basement have been in
15 | existence for at least 30 years, probably longer.
16 | That's just the documentation we were able to
17 | come up with.

18 | Mr. Valella testified that one of the units
19 | is inadequate; it's not a safe condition, doesn't
20 | meet the -- the safety codes --

21 | MR. PESSOLANO: Yes.

22 | MR. ALONSO: -- and Construction Codes.
23 | So, is bringing these units up to Code, units
24 | that have been servicing the community for over
25 | 30 years. Is that a reason to justify the D-2?

1 MR. PESSOLANO: I believe I testified to
2 that very point.

3 A D-2 would be justified by that level of
4 improvement. It's not limited to visual
5 improvement, when we talk about a D-2 evaluation.

6 MR. ALONSO: Thank you.

7 VICE CHAIRMAN GRULLON: Thank you.

8 Any other member of the public need to step
9 forward?

10 A VOICE: Mr. Alonso, can I --

11 MR. ALONSO: That's my client.

12 VICE CHAIRMAN GRULLON: Okay.

13 At this time --

14 MS. PEREZ: Just a question.

15 When we revisit this, if we're going to be
16 revisiting it, how many apartments are going to
17 ultimately be there?

18 MR. ALONSO: Well, we're going to -- I'm
19 going to confirm with the Building Department as
20 to the memo.

21 And if I could just get a copy of the memo,
22 when -- when --

23 Thank you.

24 I'm going to review this with -- with the
25 Building Department as to how they came up with

1 | this and what it actually means.

2 | If their records indicate that it's a legal
3 | four, then we'll address it that way. And most
4 | likely we'll come back eliminating that fifth
5 | unit.

6 | If they were incorrect and it -- and it is
7 | what I indicate, that says originally four units,
8 | and maybe they have to approve just a fifth unit,
9 | based on the other documents that I have, then
10 | maybe we'll leave it there. So, that's up in the
11 | air.

12 | And in terms of the commercial units, we
13 | believe that what's shown on the plans is what's
14 | legal. It's obviously open and obvious,
15 | obviously they got permits to -- and we have a
16 | daycare, which you have a daycare, you need to
17 | have a CO to go to the State to get licensed.

18 | MS. GUTIERREZ: Um hum.

19 | MR. ALONSO: So, I can't imagine that there
20 | isn't documentation out there to justify that.
21 | But I'll bring that to the Board, because the
22 | Board has requested it.

23 | VICE CHAIRMAN GRULLON: Thank you.

24 | Any other questions?

25 | Okay.

1 Closed to the public.

2 At this time, I'm going to make my motion
3 to carry this application to the next meeting in
4 September 12, with the condition to --

5 MR. PANEQUE: September 12th.

6 VICE CHAIRMAN GRULLON: -- resubmit --

7 MR. PANEQUE: Okay.

8 VICE CHAIRMAN GRULLON: -- plans.

9 MR. PANEQUE: Mr. Alonso, does your client
10 waive the statutory time limits?

11 MR. ALONSO: Yes, we do.

12 MR. PANEQUE: Thank you.

13 THE SECRETARY: Motion to adjourn this
14 application for September 12, 2019, by Mr.
15 Grullon.

16 MS. GUTIERREZ: Second it.

17 THE SECRETARY: Seconded by Ms. Gutierrez.

18 Roll call on the motion to adjourn this
19 application.

20 Mr. Grullon?

21 VICE CHAIRMAN GRULLON: Yes.

22 THE SECRETARY: Ms. Gutierrez?

23 MS. GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Pressey?

25 MR. PRESSEY: 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: Excuse me.

8 Mr. Cetinich?

9 MR. CETINICH: Yes.

10 THE SECRETARY: Seven in favor.

11 Motion carries.

12 MR. ALONSO: Thank you very much.

13 MR. PESSOLANO: Thank you.

14 VICE CHAIRMAN GRULLON: Thank you.

15 MS. GUTIERREZ: Thank you.

16 MR. PANEQUE: Good night, David.

17 Feel better.

18 (Whereupon, David Spatz left the meeting at

19 7:18 p.m.)

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

22 * * *

23

24

25

1 **Ezy Corp. - 714 25th Street AKA 2500 Adams Place:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, Ezy Corporation, 714 25th
5 Street.

6 Mr. Sarsano, please?

7 MR. PANEQUE: Thank you, sir.

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

10 MR. PANEQUE: Do you have the returns?

11 MR. SARSANO: I'm sorry?

12 MR. PANEQUE: Do you have the return cards?

13 MR. SARSANO: Return cards?

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

16 MR. SARSANO: The green ones.

17 MR. PANEQUE: Yeah. The return receipts.

18 MR. SARSANO: I don't have them with me.

19 MR. PANEQUE: Who has them?

20 MR. SARSANO: I can get them if you --

21 MR. PANEQUE: Okay.

22 MR. SARSANO: -- need them tonight.

23 MR. PANEQUE: Well, all right, --

24 MR. SARSANO: I --

25 MR. PANEQUE: -- let me just go through and

1 | see.

2 | All right. Let me go through this and then
3 | I'll -- I'll see.

4 | All right.

5 | For the record, I've been provided by Mr.
6 | Sarsano with the following documentation:

7 | Been provided with a copy of the notice of
8 | the hearing for tonight's meeting, with respect
9 | to the property at 714 25th Street, indicating
10 | that notice of the hearing will be held tonight
11 | at six p.m. at this location.

12 | I've been provided with an Affidavit of
13 | Service, indicating that all property owners
14 | within the 200 foot radius of 714 25th Street were
15 | sent notices via certified mail.

16 | I've been provided with a list from the Tax
17 | Assessor's Office, with a date of June 21st, 2019,
18 | consisting of four pages, with respect to the
19 | property located at 2500 Adams Street?

20 | MR. SARSANO: It's a --

21 | MR. PANEQUE: It has a --

22 | MR. SARSANO: -- corner property.

23 | MR. PANEQUE: It's a corner property?

24 | MR. SARSANO: Yeah.

25 | MR. PANEQUE: Okay.

1 So, just for the record, this property has
2 a dual address, 714 25th Street and 2500 Adams
3 Place. The property has the Block 144.01, Lot
4 18.

5 I've also been provided with an Affidavit
6 of Publication from The Jersey Journal, in which
7 it indicates that notice of tonight's hearing was
8 published in The Jersey Journal on June 29, 2019.

9 I've also been provided with the certified
10 mail receipts, with a postmark stamp date of June
11 27, 2019.

12 Mr. Sarsano, the only request I'm going to
13 make is that, when you have a chance, if you
14 could just drop off to Mr. Vallejo the certified
15 return receipts.

16 MR. SARSANO: I'll do it on -- I'll do it
17 on Monday.

18 MR. PANEQUE: Okay.

19 MR. SARSANO: If that's okay?

20 MR. PANEQUE: Thank you, sir.

21 MR. SARSANO: You're welcome.

22 MR. PANEQUE: Based on the documentation
23 provided, this Board has jurisdiction to proceed
24 and hear the matter.

25 MR. SARSANO: Thank you.

1 May we proceed now?

2 MR. PANEQUE: Yes.

3 VICE CHAIRMAN GRULLON: Thank you.

4 MR. SARSANO: Thank you very much.

5 This application will entail two witnesses.

6 One is our expert, Mr. Feld, the architect. And

7 the second is the owner himself. I want to give

8 you the history of this -- of this building in a

9 little bit detail.

10 Mr. Feld, would you please --

11 MS. DILLON: Right in front of the

12 microphone, Mr. Feld.

13 Please raise your right hand.

14 Do you affirm the testimony you're about to

15 give this Board is the whole truth?

16 MR. FELD: I do.

17 MS. DILLON: Please state your name and

18 spell it for the record.

19 MR. FELD: Alan Feld, A-L-A-N, F-E-L-D.

20 MS. DILLON: Thank you.

21 MR. SARSANO: Can I get a stipulation as to

22 Mr. Feld's qualifications?

23 VICE CHAIRMAN GRULLON: Oh, yes. Mr. --

24 Mr. Feld's been in front of us on many occasions.

25 MR. SARSANO: Okay.

1 Thank you very much.

2 VICE CHAIRMAN GRULLON: And we welcome
3 back.

4 MR. FELD: Thank you very much.

5 MR. SARSANO: Mr. Feld, were you asked to
6 draft plans for property located at 714 25th
7 Street?

8 MR. FELD: Yes.

9 MR. SARSANO: Okay.

10 Would you explain the physical structure of
11 this building?

12 MR. FELD: This property is on the corner
13 of 25th Street and Adams Place. It's a 25 by a
14 hundred lot. There's a three story building on
15 the corner. And in that building, there are six
16 dwelling units.

17 And to the rear of the property, which
18 faces on Adams Street, is another structure,
19 separate structure, which is 25 feet by 31 feet.
20 And in there is the dwelling unit in -- in
21 question about this project.

22 MR. SARSANO: Okay.

23 Would you explain, could you give details
24 with respect to the plans themselves, in terms of
25 the bedrooms, et cetera?

1 MR. FELD: So, again, this is a separate
2 building at the rear. It's a masonry building,
3 at the rear of the property.

4 It's about 875 square feet. There's a
5 living room, two bedrooms and a kitchen, and a
6 study, and a mechanical room existing in -- in
7 the space now.

8 MR. SARSANO: With respect to the six
9 units, those are all residential, if you know?

10 MR. FELD: Yes. There are six dwelling
11 units. Six two bedroom dwelling units. There
12 are two on a floor. There's a center hallway,
13 with one unit on each side of the staircase.

14 MR. SARSANO: Is there a tenant, if you
15 know, living in the back unit? The --

16 MR. FELD: Yes.

17 MR. SARSANO: -- seventh unit?

18 MR. FELD: Yes, there is.

19 MR. SARSANO: Do you have any idea how long
20 that tenant has been?

21 MR. FELD: No, I don't know.

22 MR. SARSANO: Okay.

23 With respect to the architect, I don't have
24 anything further.

25 VICE CHAIRMAN GRULLON: Are the -- the unit

1 in question is the unit in the back? That's that
2 unit?

3 And you're not proposing to do any
4 modification to the unit?

5 MR. FELD: No. It's an existing. People
6 are living there so --

7 MR. SARSANO: You're not making any
8 structural --

9 MR. FELD: We're not --

10 MR. SARSANO: -- changes.

11 MR. FELD: -- adding to it. We're not
12 changing the structure at all. No.

13 VICE CHAIRMAN GRULLON: Okay.

14 Mr. Sarsano, did you submit any proof are
15 they been paying taxes for more than six units?
16 Because the memo from Building Department say
17 that only six units are in that -- in that lot.
18 So, they only recognize the first six units.

19 MR. SARSANO: Sure. We've been paying
20 taxes for six units. It's assessed as a six.

21 VICE CHAIRMAN GRULLON: Okay.

22 Could you bring the owner, just to see how
23 --

24 MR. SARSANO: Sure. Sure.

25 VICE CHAIRMAN GRULLON: -- how long they

1 have that unit there? When did he acquire this
2 property?

3 MR. SARSANO: I'll be happy to go through
4 it with him.

5 Thank you.

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

8 MS. DILLON: Please raise your right hand.

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

11 MR. ESHAGHOFF: I do.

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

14 MR. ESHAGHOFF: Raymond Eshaghoff.

15 MR. SARSANO: Mr. --

16 MS. DILLON: Spell your last name.

17 MR. ESHAGHOFF: E-S-H-A-G-H-O-F-F.

18 MS. DILLON: I'm sorry.

19 E-S-H --

20 MR. ESHAGHOFF: A-G-H-O-F-F.

21 MS. DILLON: Thank you.

22 MR. SARSANO: Mr. Eshaghoff, how long has
23 this property been in your family?

24 MR. ESHAGHOFF: Since the 1990s.

25 MR. SARSANO: Okay.

1 Now, initially, did you own the property or
2 did your family -- a family member?

3 MR. ESHAGHOFF: My father has owned this
4 property since it was purchased, and he
5 personally managed it since day one, until he was
6 92, when he passed away last year.

7 MR. SARSANO: To the best of your
8 knowledge, has it always been used as a
9 residential with six units in the front, and that
10 unit in the back?

11 MR. ESHAGHOFF: Yes. Since my father
12 purchased the unit, the building has always had
13 that unit as a residential unit in the back. And
14 I remember a conversation with the prior owners
15 that have indicated that for decades, that unit
16 has been occupied as an -- as an apartment.

17 MR. SARSANO: Okay.

18 And this is an above ground unit, is it
19 not?

20 MR. ESHAGHOFF: It's fully above ground,
21 nothing -- no -- no parts of the apartment are
22 below ground.

23 MR. SARSANO: Okay.

24 I take it your father was the person who
25 was personally responsible, involved in this

1 building.

2 Is that correct?

3 MR. ESHAGHOFF: Correct.

4 MR. SARSANO: Okay.

5 And after your -- your father died, did he?

6 MR. ESHAGHOFF: Last year.

7 MR. SARSANO: Okay.

8 After your father died, did it come to your
9 attention that back unit was not one that was
10 legal.

11 MR. ESHAGHOFF: Correct. We attempted to
12 obtain a CCO and we -- and despite the fact that
13 the State has been inspecting the building as a
14 seven unit building, they told us they don't have
15 this as a -- as a legal unit, so we approached
16 and tried to legalize it.

17 MR. SARSANO: Okay.

18 I have no further questions.

19 VICE CHAIRMAN GRULLON: Did you say that
20 the State has inspected as a seven unit building?

21 MR. ESHAGHOFF: Yeah.

22 MR. SARSANO: The building for the State is
23 recognized as six units. That's what the
24 notification says. Right? It's registered as a
25 six.

1 MR. PANEQUE: They wouldn't expect (sic) --
2 Strike that.

3 They would not inspect this unit because
4 the unit is detached from the main building.

5 MR. SARSANO: I mean --

6 MR. PANEQUE: So, DCA would not inspect a
7 unit --

8 MR. SARSANO: Okay.

9 MR. PANEQUE: -- that's detached, unless
10 that unit that's detached contained three or more
11 units.

12 MR. SARSANO: Okay.

13 Well, I -- I just wanted to make it clear
14 that the DCA registration does, in fact, say six.

15 MR. PANEQUE: Six. And that's the six for
16 the -- the main building.

17 MR. SARSANO: That's correct.

18 MR. PANEQUE: Yeah.

19 My thought on this is that this was
20 originally the garage to the building. And at
21 one point, it was converted to residential.

22 The question is, and you haven't had any
23 testimony from your expert, as to how long that
24 has been in existence as a residential unit,
25 because it doesn't appear to be -- you know,

1 | there's no mention of it on the 1973 tax
2 | assessment whatsoever.

3 | The 1973 tax assessment clearly refers to
4 | six residential units, and only has that -- no
5 | mention at all, which coincides with the fact
6 | that if it was a garage for the building, they
7 | wouldn't have mentioned it in -- in the
8 | assessment.

9 | MR. SARSANO: Okay.

10 | That might be but I'll --

11 | MR. PANEQUE: Okay.

12 | MR. SARSANO: I'll question with respect to
13 | whether there's any knowledge of it being used as
14 | a garage.

15 | MR. PANEQUE: Okay.

16 | Well, they've only owned this since the
17 | '90s.

18 | MR. ESHAGHOFF: May I -- may I just --

19 | MR. PANEQUE: Yes.

20 | MR. ESHAGHOFF: -- respond to that?

21 | In my opinion, and if you look at the
22 | pictures, there's no way that that was once a
23 | garage, because the length of the unit is on the
24 | street side. If it was a garage, you would have
25 | to enter from that little alleyway, which is

1 | about ten feet long. And there's no way to enter
2 | a car into that -- that structure, if it was a
3 | garage.

4 | MR. PANEQUE: A two door car garage
5 | wouldn't enter right from the front?

6 | MR. ESHAGHOFF: I don't believe it's wide
7 | enough for a garage.

8 | MR. PANEQUE: It's -- it's 25 feet.

9 | MR. ESHAGHOFF: Twenty-five feet wide?

10 | MR. PANEQUE: Yes.

11 | MR. ESHAGHOFF: Okay.

12 | MR. PANEQUE: It's more than wide. Yeah.
13 | And it -- it is occupying the entire 25 feet
14 | width of the property. So, it only -- logic
15 | dictates, based on the assessment that was done,
16 | that it was six residential units. They never
17 | counted that in 1973 as being a residential unit.
18 | That tells me that it was something else, that
19 | didn't need to be accounted for.

20 | MR. ESHAGHOFF: It was something else.
21 | That's for sure.

22 | MR. PANEQUE: Yeah. Could have very well
23 | been -- you know, it was there. You know, but we
24 | haven't heard any testimony from the architect
25 | based on expert testimony as to how long that

1 structure has been there.

2 MR. SARSANO: Well, I'll call my --

3 MR. PANEQUE: If you want to call him back
4 up?

5 MR. SARSANO: Yeah, I would.

6 MR. PANEQUE: Yeah.

7 MR. SARSANO: Mr. -- Mr. Feld?

8 VICE CHAIRMAN GRULLON: I have a question
9 for the owner.

10 Do you have that unit rented now?

11 MR. ESHAGHOFF: Yes. It's been rented
12 since my father purchased it.

13 VICE CHAIRMAN GRULLON: Okay.

14 Do you have any proof -- you know, that can
15 -- shows that the unit is being occupied as a
16 residence?

17 MR. ESHAGHOFF: Do I have any proof with
18 me? No, there are leases that I can produce
19 going back decades.

20 VICE CHAIRMAN GRULLON: Okay.

21 MR. ESHAGHOFF: The -- the architect has
22 inspected it. He can testify to the fact that it
23 is occupied.

24 VICE CHAIRMAN GRULLON: Yeah, Mr. Feld, can
25 you come up?

1 MR. SARSANO: Mr. Feld?

2 MS. DILLON: No, no. You -- you can keep
3 that on for now.

4 Just right in front of the microphone, Mr.
5 Feld.

6 MR. SARSANO: Mr. Feld, you were listening
7 to the question posed by Mr. Paneque.

8 MR. FELD: Yes.

9 MR. SARSANO: Okay.

10 Would you be able to respond to that, sir?

11 MR. FELD: Yeah, so, from my observation of
12 the building, I don't think this ever was a
13 garage, in particular, because the masonry on the
14 front matches the masonry on the sides, around
15 the entire building. It's the same masonry work.

16 So, it wasn't like the front was filled in
17 where there might have been two doors, overhead
18 doors, which you might -- think it might have
19 been. But it's not the case.

20 I mean, those window openings are original.
21 The door opening is original. So, it's all part
22 of the original structure.

23 What the use was for -- is remains unknown,
24 I suspect. I don't know. But I don't think it
25 ever was a garage. There's no evidence of a curb

1 cut or the sidewalk being changed.

2 And as far as the age of the building, it's
3 got to be over 50 years, maybe 80 years old, from
4 again, the look of the masonry.

5 MR. PANEQUE: Mr. Feld, you had an
6 opportunity to go inside the apartment?

7 MR. FELD: Yes.

8 MR. PANEQUE: Okay.

9 And, in fact, your plan shows the structure
10 inside the apartment.

11 MR. FELD: That's the existing --

12 MR. PANEQUE: All right.

13 MR. FELD: -- condition.

14 MR. PANEQUE: Are you able to tell this
15 Board, based on your opinion as an expert, how
16 old the existing apartment looks? Frames, doors,
17 fixtures?

18 MR. FELD: I would say old.

19 MR. PANEQUE: Kitchen?

20 MR. FELD: I would say nothing is new in
21 that -- in that --

22 MR. PANEQUE: Okay.

23 MR. FELD: -- building.

24 MR. PANEQUE: Thirty years?

25 Forty years?

1 MR. FELD: At least 30, 40 years.

2 MR. PANEQUE: Okay.

3 MR. FELD: Yes.

4 MR. PANEQUE: Thank you.

5 MR. SARSANO: I have no further questions.

6 VICE CHAIRMAN GRULLON: No, I don't have
7 any other question, do you?

8 Do you guys have any question?

9 Any member of the Board?

10 MR. PANEQUE: Open it to the public.

11 VICE CHAIRMAN GRULLON: At this time, I
12 want to open to the public.

13 Anyone from the public?

14 Mr. Price?

15 MR. PRICE: This is not a question, but
16 it's a comment.

17 I think there is a legal problem here.

18 This is a separate building. It's been
19 determined detached from the main building in the
20 front. You're not legalizing an apartment,
21 you're legalizing a building.

22 And the -- the Land Development Ordinance
23 of Union City requires that there only be one
24 principal use on a site. And this would be a
25 second principal use.

1 And the -- and that's -- they would have to
2 seek permission from this Board to do that. And
3 the real problem is that the notice on June 29th
4 only mentions side yard variance and a parking
5 variance, nothing about -- you know, requiring a
6 -- what --

7 And that -- that requirement that a second
8 use -- second principal use be put in -- you
9 know, is the reason -- is -- you know, we got a
10 building. Maybe it was a garage, maybe it was
11 something else, but that requirement forces the
12 applicant to address exactly what that building
13 was.

14 So, I don't think -- I don't think they
15 have the proper notice here.

16 I question whether the Board even has
17 jurisdiction.

18 MR. PANEQUE: Thank you, Mr. Price.

19 Anything else?

20 MR. PRICE: That's it.

21 MR. PANEQUE: Mr. Sarsano?

22 MR. SARSANO: Nothing further at this
23 point.

24 MR. PANEQUE: Okay.

25 Do you want to respond to --

1 MR. SARSANO: No.

2 MR. PANEQUE: -- because I tend to agree
3 with Mr. Price's interpretation of the notice.
4 The notice should have indicated to the public
5 that you're applying for two principal uses on
6 one lot, which is not permitted by our Ordinance,
7 and the -- the seventh unit.

8 MR. SARSANO: Um hum.

9 MR. PANEQUE: Okay?

10 Now, that being said, before this Board
11 makes a decision, you do have an opportunity to
12 request that the matter be adjourned, so that you
13 can renote, because your plans are not going to
14 change.

15 MR. SARSANO: Um hum.

16 MR. PANEQUE: Okay?

17 But you may want to reconsider, talk to
18 your client.

19 MR. SARSANO: I think it will be a good
20 idea.

21 Yes. I -- I agree. We'd like to adjourn
22 and renote in a manner which would be more
23 relevant, consistent with the --

24 MR. PANEQUE: Okay.

25 So, just to be clear, the notice has to be

1 specific as to requesting a variance from this
2 Board, with respect to two principal structures
3 on one lot, which is a deviation from a Zoning
4 Ordinance.

5 MR. SARSANO: Okay.

6 MR. PANEQUE: Okay?

7 A legalization of the unit, the residential
8 unit.

9 Now, Mr. Price, this would be going from
10 six to seven, so it would be an expansion of a
11 nonconforming use.

12 MR. PRICE: That's correct.

13 MR. PANEQUE: Okay. So, you're looking at
14 a D-2.

15 MR. SARSANO: Okay.

16 MR. PANEQUE: Okay?

17 And then, any bulk variances that would be
18 necessary.

19 MR. SARSANO: That will be necessary.

20 MR. PANEQUE: Okay.

21 Now, the request is to adjourn, Mr.
22 Sarsano?

23 MR. SARSANO: It is. To give me an
24 opportunity to renote in a fashion which is
25 probably more consistent with what should be

1 done.

2 MR. PANEQUE: Okay.

3 And the expert should be prepared to come
4 in and testify as to the specific findings inside
5 the unit, which will lead this Board to make a
6 determination that the unit has existed for 30,
7 40 years.

8 MR. SARSANO: Okay.

9 MR. PANEQUE: We're looking at things, such
10 as fixtures, size of door frames, floor boards,
11 flooring, framing around the windows. Those are
12 all tell-tale signs of when the -- the unit might
13 have been built. And pictures would really help.

14 MR. SARSANO: All right.

15 VICE CHAIRMAN GRULLON: And also, if any
16 documentation that the units were -- been for --
17 rented.

18 MR. SARSANO: Okay. We can do that.

19 MR. PANEQUE: Okay.

20 MR. SARSANO: Okay. So, we ask that it be
21 carried.

22 MR. PANEQUE: It's up to the Chairman.

23 VICE CHAIRMAN GRULLON: Yes, with those
24 condition that -- to renotece.

25 MR. PANEQUE: Yes.

1 VICE CHAIRMAN GRULLON: Will make a motion
2 to carry this application to the next meeting.

3 THE SECRETARY: Motion to carry this
4 application for September 12, 2019 by Mr.
5 Grullon.

6 Seconded by Ms. Gutierrez.

7 Roll call on the motion to adjourn this
8 application for September 12, 2019, new notice
9 required.

10 Mr. Grullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Ms. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Pressey?

15 MR. PRESSEY: 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: Mr. Cetinich?

23 MR. CETINICH: Yes.

24 THE SECRETARY: Seven in favor.

25 Motion carries.

1 Thank you, Mr. Sarsano.

2 MR. SARSANO: Thank you very much.

3 MR. ESHAGHOFF: Thank you.

4 MS. GUTIERREZ: Thank you.

5 MR. PANEQUE: Thank you.

6 THE SECRETARY: We are going to change the
7 -- little bit the order.

8 MS. GUTIERREZ: Okay.

9 THE SECRETARY: Five -- number five going
10 to be the last one.

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

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1 **Sip Inka, LLC -**

2 **717-719 Street (sic) and 718-720 31st Street:**

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

6 We are going to call Sip Inka, LLC, 717-719
7 Street (sic), 718-720 31st Street.

8 Ms. Pereiras, please?

9 MS. PEREIRAS: Thank you.

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

12 MS. PEREIRAS: Good evening, Mr. Chairman,
13 counsel, members of the Board.

14 May it please the Board, Bianca Pereiras,
15 on behalf of Sip Inka, LLC.

16 The matter -- the reason I'm before this
17 Board this evening is that we have been unable to
18 secure permits to this point. So, we are asking
19 for one final one year extension.

20 As you know, this is the project to
21 construct a hotel on 31st and 32nd Street.

22 MS. GUTIERREZ: Um hum.

23 MS. PEREIRAS: We've been working with
24 Wyndham TRYP, and they are very specific and very
25 particular as to their requirements. We're

1 actually working with their interior designers,
2 in conjunction with our architects. So, it's
3 been a very lengthy, difficult process. We are
4 almost there. We should be ready to submit
5 within the next month or so, but we are
6 requesting a final one year extension.

7 VICE CHAIRMAN GRULLON: Ms. Pereiras, the
8 delays been caused by the property --

9 MS. PEREIRAS: The delays have been on our
10 end. We've been working with Wyndham. Their
11 requirements for room sizes, room specifications
12 are very different than what we had originally
13 proposed. So, we've been working with them to
14 finalize.

15 Again, they have their own interior
16 designer that works with our architect, as far as
17 even little things, color and all that stuff has
18 already come into play, even before we've
19 submitted for permits. So, that's been most of
20 the delay.

21 VICE CHAIRMAN GRULLON: And you understand
22 this is going to be the fourth extension.

23 MS. PEREIRAS: It would be our third
24 extension.

25 VICE CHAIRMAN GRULLON: Third extension?

1 MS. PEREIRAS: Yes.

2 VICE CHAIRMAN GRULLON: Third -- third and
3 final.

4 MS. PEREIRAS: We understand it's third and
5 final.

6 VICE CHAIRMAN GRULLON: Do you guys have
7 any questions, member of the Board?

8 No?

9 Let me open it to the public --

10 MS. PEREIRAS: Of course.

11 VICE CHAIRMAN GRULLON: -- just to see if
12 the public has any questions regarding to the
13 request for one year extension --

14 MR. PRICE: Yeah.

15 VICE CHAIRMAN GRULLON: -- of this.

16 MR. PRICE: Larry Price.

17 I would just point out -- you know, legally
18 you can't -- it's always -- the starting point
19 for the extension is always the date of the
20 original Resolution, which was in January of
21 2015.

22 So, this request is really -- the third
23 extension will expire in January of 2020, not in
24 July of 2020.

25 MR. PANEQUE: Correct.

1 MS. GUTIERREZ: Um hum.

2 MS. PEREIRAS: My understanding was that we
3 were good until June. Because of the Permit
4 Extension Act, we were extended until June of
5 2015, or 2016. I apologize. And so, we should
6 be good until June of 2020 -- 2019 -- 2020.

7 MR. PANEQUE: The original extension was
8 carried because of the Permit Extension Act?

9 MS. PEREIRAS: No. We had -- we had
10 received an extension, and we actually received
11 it prematurely because the Permit Extension Act
12 still allowed us to go forward until June. So,
13 if I remember correctly, and I'll look through my
14 notes, we came in February, a little earlier than
15 we should have.

16 So, the way the Resolution was drafted, we
17 were given until June of the following year,
18 because our permits were still good. It had not
19 tolled, the time had not tolled. It started
20 tolling and our first permit approval was good
21 until June.

22 MR. PANEQUE: Okay.

23 MR. PRICE: Let me ask a --

24 The Extension Act ended for Hudson County
25 on December 31st, 2016. You got the approval in

1 2015, so the -- you were within the two year
2 period. So, the Extension Act had -- should have
3 had no bearing.

4 MS. PEREIRAS: Hold on.

5 Well, it did. It allowed us to go until
6 June.

7 Let me just refresh my own memory on this
8 one.

9 The Permit Extension Act extended it until
10 June of 2017 for Hudson County.

11 MR. PRICE: Wait a minute.

12 No, 136 --

13 MS. PEREIRAS: Our approvals would have
14 been valid until January of 2017. The Permit
15 Extension Act allowed certain projects in Hudson
16 County, of course, to proceed for an additional
17 six months, until June.

18 So, our approval, our original approval,
19 expired in June of 2017.

20 MR. PRICE: Extension period.

21 I'm reading -- by the way, this is N.J.S.A.
22 40:55D-136-3. These are definitions.

23 Super Storm Sandy impacted extension
24 period, means the period beginning January 1,
25 2016 and continuing through December 31st, 2016.

1 It all died at the end of two -- that's --
2 that's Hudson County.

3 MS. PEREIRAS: Um hum.

4 MR. PRICE: Super Storm impacted counties,
5 mean Atlantic, Bergen, Cape May, Hudson, as
6 identified -- whatever, so on.

7 So, and Super San -- ended in 2016.

8 MS. PEREIRAS: Any approvals -- any
9 approvals obtained from January 1st, 2007 to June
10 30th, 2016 would continue to run until December
11 31st, 2016.

12 So, on December 31st, 2016, when the
13 extension period ended, any approvals would be
14 valid for the time that would have remained, but
15 not for more than six months.

16 So, if we still had time remaining on our
17 approvals when the Permit Extension Act came into
18 play, we would have an additional six months,
19 maximum, which we were able to obtain until --

20 MR. PRICE: That's why you hire a lawyer.

21 It's -- you know, sounds like -- you know,
22 the original -- you got an extra six months.

23 Okay.

24 MR. PANEQUE: She would carry through June
25 of next year for her third extension.

1 MR. PRICE: June of 20 --

2 MR. PANEQUE: And that's because --

3 MS. PEREIRAS: 2020.

4 MR. PANEQUE: -- she still had that six
5 month window left on -- when the Extension ended.

6 MR. PRICE: From the sounds of it. Yeah.
7 I'm not reading that here, but yeah. But you
8 know, okay.

9 VICE CHAIRMAN GRULLON: Ms. Pereiras, your
10 request for the second extension was on June
11 2018?

12 MS. PEREIRAS: Yes, it was.

13 VICE CHAIRMAN GRULLON: Because I can see
14 that this extension was memorialized on June --
15 on July 12, 2018.

16 MS. PEREIRAS: Yes.

17 VICE CHAIRMAN GRULLON: Now you're
18 requesting for a one year extension to cover for
19 this -- you know, period of time.

20 MS. PEREIRAS: Yes.

21 VICE CHAIRMAN GRULLON: Any other question,
22 Mr. Price?

23 MR. PRICE: No.

24 VICE CHAIRMAN GRULLON: You're good?

25 Any other member of the public?

1 Closed to the public the questions.

2 I make a motion to grant this extension for
3 one year.

4 MS. PEREIRAS: Thank you very much.

5 VICE CHAIRMAN GRULLON: Thank you.

6 THE SECRETARY: Motion on the table to
7 grant the extension by Mr. Grullon.

8 Seconded by Ms. Gutierrez.

9 Roll call on the motion.

10 Mr. Grullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 MS. GUTIERREZ: Um hum.

13 THE SECRETARY: Ms. Gutierrez?

14 MS. GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Pressey?

16 MR. PRESSEY: Yes.

17 THE SECRETARY: Mr. Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: Ms. Pena?

20 MS. PENA: Yes.

21 THE SECRETARY: Ms. Perez?

22 MS. PEREZ: Yes.

23 THE SECRETARY: Mr. Cetinich?

24 MR. CETINICH: Yes.

25 THE SECRETARY: Seven in favor.

1 Motion carries.

2 MS. PEREIRAS: Thank you all very much.

3 MS. GUTIERREZ: You're welcome.

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1 **134 35th Street, LLC - 134 35th Street:**

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3 THE SECRETARY: Going to the next item on
4 the agenda, 134 35th Street, LLC, 134 35th Street.

5 Ms. Pereiras, please?

6 MS. PEREIRAS: Again, Bianca Pereiras, on
7 behalf of the applicant.

8 The reason for our appearance this evening
9 is that unfortunately on our drawings, when we
10 first submitted to the Board, we had a typo.
11 Back in September, this Board heard two identical
12 applications for two three families. One on 134
13 35th Street and the other one on 136 35th Street.

14 Unfortunately, on the drawings, we reversed
15 the mailing address. Everything remains the
16 same, but we are asking this Board to allow us to
17 modify that. I believe we submitted revised
18 drawings to the Board, showing the correct
19 address. We're at the point, we're dealing with
20 the Building Department, and they have also asked
21 us to correct it.

22 So, we are looking for a revised
23 Resolution.

24 VICE CHAIRMAN GRULLON: Oh, the lot numbers
25 were correct --

1 MS. PEREIRAS: The lot --

2 VICE CHAIRMAN GRULLON: -- on the
3 application?

4 MS. PEREIRAS: -- numbers were correct. We
5 reversed the mailing address.

6 VICE CHAIRMAN GRULLON: Just the mailing
7 address.

8 MR. PANEQUE: Ms. Pereiras, just so that
9 we're clear.

10 MS. PEREIRAS: Yes.

11 MR. PANEQUE: The property known as 134
12 35th Street is Lot 8.

13 MS. PEREIRAS: That's correct.

14 MR. PANEQUE: Okay.

15 And then, the property known as 136 35th
16 Street is Lot 7.

17 MS. PEREIRAS: That is correct, counsel.

18 MR. PANEQUE: And so that there's no
19 confusion, when this application was presented,
20 134 35th Street was in your plans shown as Lot 7.

21 MS. PEREIRAS: Yes.

22 MR. PANEQUE: And 136 35th Street, in your
23 plans, was shown as Lot 8.

24 MS. PEREIRAS: Yes.

25 MR. PANEQUE: When this was presented to

1 the Building Department, they picked up on the
2 typographical error.

3 MS. PEREIRAS: Correct.

4 MR. PANEQUE: And they brought it to your
5 attention and said it had to be corrected.

6 MS. PEREIRAS: Yes.

7 MR. PANEQUE: Okay.

8 Board members, Mr. Chairman, ladies and
9 gentlemen, clearly, I've gone through the plans
10 and the typo is basically one of a simple nature,
11 in that they inverted the lot numbers, being that
12 the two lots were side-by-side; 134 was right
13 next to 136.

14 The applicant was requested to come back
15 before the Board so that this Board would provide
16 for a revised Resolution correcting this error.
17 Okay.

18 The applicant -- my legal opinion is that
19 it's such a simple error of a typographical
20 nature, that there is no need to publish.

21 And, in fact, I advised the applicant to
22 come in, so that this Board can approve, if it
23 deems fit, the correction so that the Building
24 Department can issue the correct permits.

25 Mr. Vice Chairman, if you see it any other

1 way, it's -- it's your Board, but we have, in the
2 past, corrective resolutions with typographical
3 errors.

4 The reason, and I want to be clear on the
5 record, why my legal opinion is that the --
6 there's no need to publish and give legal notice
7 in the newspaper and sent to all property owners
8 is that nothing is being changed on the plans, in
9 any sense whatsoever.

10 The only change is on paper, going from one
11 lot number to another. And the two properties
12 are side-by-side, and the entire project remains
13 identical to what was presented.

14 Am I correct, --

15 MS. PEREIRAS: That is --

16 MR. PANEQUE: -- Ms. Pereiras?

17 MS. PEREIRAS: -- correct, counsel.

18 MR. PANEQUE: Okay.

19 VICE CHAIRMAN GRULLON: And the plans are
20 identical. They are the same, it's not, that one
21 body to the other.

22 MS. PEREIRAS: No. Identical.

23 MR. PANEQUE: The two houses mirror each
24 other.

25 MS. PEREIRAS: They -- they do mirror each

1 other.

2 MR. PANEQUE: Yes.

3 MS. GUTIERREZ: Um hum.

4 VICE CHAIRMAN GRULLON: Do you have any
5 question?

6 Have any question?

7 MR. PANEQUE: Open to the public.

8 VICE CHAIRMAN GRULLON: Open to the public.

9 No question from the public.

10 Since it was just a type of error in the
11 Resolutions, I don't see any detriment by -- you
12 know, granting these changes in the Resolutions.

13 I make a motion to grant the changes.

14 MS. DILLON: Tomas, is this being done in
15 one vote?

16 MR. PANEQUE: Yeah.

17 MS. DILLON: Just clarify it.

18 MR. PANEQUE: Let's clarify that. There's
19 two matters that are in the agenda.

20 VICE CHAIRMAN GRULLON: Okay.

21 MR. PANEQUE: And is -- is your motion to
22 approve both at the same time?

23 THE SECRETARY: No. Let's do it
24 individually.

25 VICE CHAIRMAN GRULLON: Oh, no. Let's do

1 one at a time.

2 MR. PANEQUE: Mr. Vallejo?

3 THE SECRETARY: One at a time.

4 MR. PANEQUE: Okay. So, let's do number
5 seven.

6 VICE CHAIRMAN GRULLON: Is just to correct
7 -- to clarify the correction of the 134 35th
8 Street, Lot number 7, to be corrected on the
9 Resolution.

10 I make a motion to grant the correction.

11 MR. PANEQUE: To Lot number 8.

12 VICE CHAIRMAN GRULLON: To Lot number 8.

13 MR. PANEQUE: Yes.

14 THE SECRETARY: Motion -- motion to approve
15 this amendment by Mr. Grullon.

16 Seconded by Mr. Ortiz.

17 Roll call on the motion.

18 Mr. Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Ms. Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Pressey?

23 MR. PRESSEY: 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: Mr. Cetinich?

6 MR. CETINICH: Yes.

7 THE SECRETARY: Seven in favor.

8 Motion carries.

9 MS. PEREIRAS: Thank you very much.

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1 **134 35th Street, LLC - 136 35th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 134 35th Street, LLC, 134 35th
5 Street. Oh, 136 35th?

6 MS. PEREIRAS: Yes.

7 Again, Bianca Pereiras on behalf of the
8 applicant.

9 This is identical. This is the lot next
10 door.

11 This would be specifically for 136 and
12 we're asking to make the Corrective Resolution
13 addressing lots -- or changing Lot 7 -- Lot 8 to
14 Lot 7.

15 I apologize.

16 MR. PANEQUE: All right.

17 So, that we're clear, 136 35th Street, the
18 correct lot number is 7.

19 MS. PEREIRAS: Yes.

20 MR. PANEQUE: Okay.

21 VICE CHAIRMAN GRULLON: Okay.

22 I make a motion to grant this correction on
23 the Resolution for 136 35th Street to be Lot
24 number 7.

25 THE SECRETARY: Motion to grant --

1 MS. GUTIERREZ: I second.
2 THE SECRETARY: -- by Mr. Grullon.
3 Seconded by Ms. Gutierrez.
4 Roll call on the motion.
5 Mr. Grullon?
6 VICE CHAIRMAN GRULLON: Yes.
7 THE SECRETARY: Ms. Gutierrez?
8 MS. GUTIERREZ: Yes.
9 THE SECRETARY: Mr. Pressey?
10 MR. PRESSEY: Yes.
11 THE SECRETARY: Mr. Ortiz?
12 MR. ORTIZ: Yes.
13 THE SECRETARY: Ms. Pena?
14 MS. PENA: Yes.
15 THE SECRETARY: Ms. Perez?
16 MS. PEREZ: Yes.
17 THE SECRETARY: Mr. Cetinich?
18 MR. CETINICH: Yes.
19 THE SECRETARY: Seven in favor.
20 Motion carries.
21 MS. PEREIRAS: Thank you --
22 THE SECRETARY: Thank you.
23 MS. PEREIRAS: -- all very much.
24 MS. GUTIERREZ: Thank you.
25 MS. PEREIRAS: Have a great summer.

1 I will see you in September.

2 MS. GUTIERREZ: Thank you.

3 You, too.

4

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

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1 **The Residences at New York Avenue, LLC -**
2 **1211 New York Avenue:**

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4 THE SECRETARY: All right.

5 We are going to the last application on
6 tonight's agenda.

7 The Residences of New York Avenue, LLC,
8 1211 New York Avenue.

9 Mr. Mulkay, please?

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

12 MR. PANEQUE: For the record, I've been
13 provided by Mr. Mulkay with the following
14 documentation:

15 I have an Affidavit of Service, which
16 indicates that on June 26, notice of the hearing
17 with respect to the property located at 1211 New
18 York Avenue, was sent to all property owners
19 within the 200 foot radius.

20 I have been provided with a copy of the
21 notice. Said notice indicates that on tonight's
22 date, at six o'clock, at this -- at this address,
23 this application, with respect to 1211 New York
24 Avenue, will be heard by the Board.

25 I've also been provided with copy --

1 Strike that.

2 -- the original Affidavit of Publication
3 from The Jersey Journal, indicating that notice
4 was published on June 28, 2019.

5 And I've also been provided with a tax list
6 from the Tax Assessor with respect to the
7 property at 1211 New York Avenue, and all
8 property owners within the 200 foot radius,
9 consisting of five pages, with a date of June 12,
10 2019.

11 I've also been provided with the certified
12 mail receipts, with a postmark date of June 26,
13 as well as the green cards that have come back to
14 date.

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

18 Thank you, Mr. Mulkay.

19 MR. MULKAY: Good evening, Mr. Chairman,
20 members of the Board.

21 Alain Mulkay, M-U-L-K-A-Y, from Mulkay and
22 Rendo, on behalf of the applicant.

23 This is an application for a subdivision
24 and for approvals, site plan approvals, to
25 construct, subdivide a lot into six individual

1 | lots, with three families on each of the lots.

2 | We have three experts here tonight.

3 | Mr. Albert Arencibia is our first expert,
4 | architect, has been recognized by this Board
5 | previously as an expert. And I would ask that
6 | you so recognize him tonight.

7 | MR. ARENCIBIA: Good evening.

8 | MS. DILLON: Please raise --

9 | VICE CHAIRMAN GRULLON: We accept his
10 | qualifications.

11 | MS. DILLON: -- you right hand.

12 | Do you affirm --

13 | MR. ARENCIBIA: Good to see you all, again.

14 | MS. DILLON: -- the testimony you're about
15 | to give this Board is the whole truth?

16 | MR. ARENCIBIA: I do.

17 | MS. DILLON: Please just state your name
18 | for the record.

19 | MR. ARENCIBIA: Albert Arencibia.

20 | MS. DILLON: Thank you.

21 | VICE CHAIRMAN GRULLON: Mr. Arencibia has
22 | been in front -- in front of our Board on many
23 | occasion. We are glad to have you here.

24 | MR. ARENCIBIA: Thank you very much. Good
25 | to be back.

1 MR. MULKAY: Mr. Arencibia, can you explain
2 to the Board what the project entails, what the
3 subdivisions are and what --

4 MR. ARENCIBIA: Yes.

5 MR. MULKAY: -- the proposal is to each of
6 the dwellings?

7 MR. ARENCIBIA: Yes.

8 First, let me just clarify a couple of
9 things.

10 Basically, the application is 1211 New York
11 Avenue, because basically, this is a really large
12 parcel of land. There's -- there's like four
13 structures on this -- on the site itself. Mechan
14 -- a garage, a couple of other small uses, but
15 it's all basically industrial, commercial in
16 nature.

17 The reason why we call it 12 New York
18 Avenue is because basically there are existing
19 six lots right now, and they're all under the
20 same direction of 1211 New York Avenue. However,
21 the way -- since this parcel's so large, this
22 parcel actually -- one of the -- one of the
23 parcel -- one of lots that we're going to have,
24 we're actually going to -- the one we're going to
25 actually keep basically the same, without

1 changing the size of that lot, is the one
2 actually on 1211 New York Avenue.

3 What happens is the remainder of the area
4 is -- fronts a -- an alley, or it's called
5 Tournade Place, so therefore, on Tournade Place,
6 there's existing already five subdivided lots, of
7 different sizes. So part of the application is
8 going to be to actually resubdivide those five
9 lots into somewhat equal lots and construct one
10 three family on each one of those lots. And
11 also, on New York Avenue lot, we're going to keep
12 again that existing size of that lot and propose
13 to put a new three family on that location.

14 So, while it's 1211 New York Avenue, it
15 also includes some lots that we're going to have,
16 we're going to create on Tournade Place. I just
17 wanted to clarify that for -- for the members of
18 the Board.

19 As a result of this, we basically have two
20 different zones that we're in. The lots that
21 face Tournade Place are in the R low density
22 residential. And the lot that faces New York is
23 in the CN neighborhood commercial.

24 So, we have a couple of different zoning
25 tables that we have to deal with because we have

1 one's in a neighborhood commercial, one's in low
2 density residential, but the planner will be able
3 to speak a little bit further about that.

4 But in essence, what we're proposing on
5 doing is to subdivide the lots.

6 If we go to sheet T-101, you can clearly
7 see on the top of the page there, you see the --
8 the large open space that says Lot 22, 23, 24,
9 25, 26. You see, it says a one story brick
10 building along the southern edge of that, a brick
11 garage and a brick storage building.

12 So, this basically -- those are only
13 structures on the site itself.

14 So, as you could see, the lots there, they
15 range from 39 foot three, the other ones are 25
16 foot. And then, the Lot number 2, which fronts
17 New York Avenue, that's one lot that's 32 by a
18 hundred.

19 So, on the proposed application, the
20 subdivision, if you look below there, this is the
21 proposed subdivision where we're planning.

22 Again, the lot on New York Avenue is going
23 to stay the 32 by 100. So, that stays same as it
24 was, and that will still maintain Lot 2.

25 And then, we -- we reworked the areas of

1 the lots along Tournade Place in order to make
2 them equal. So, they're all basically 27 foot
3 ten, with the exception of the left most lot,
4 because if you notice on the -- on that site,
5 that lot on the left skews a little bit further
6 out so it's a little different size than the
7 other one.

8 So, the other four lots will be the same
9 size, 27 foot ten by a hundred feet. And the
10 first lot, because of the skewed angle of the
11 site itself, will be a little bit wider in the
12 front, 31 foot seven and one inch wider in the --
13 at the rear.

14 So, that's pretty much it as far as the
15 subdivision.

16 On that -- on that layout on the -- on the
17 south of that plan, you can see the location, the
18 new three family dwellings we're proposing and a
19 new three family dwelling we're proposing on New
20 York Avenue.

21 In order to kind of get an idea of what the
22 site was like, if you go to the next sheet T-102,
23 you could basically see there, on the left hand
24 side, the bird's eye view. You see the large
25 open space. You see the three structures on the

1 larger rectangular area. And you see, basically,
2 on New York Avenue, you see that green -- green
3 landscaped area. That's going to be the
4 additional site.

5 The pictures on -- on this page here are
6 basically pictures showing you the adjacent
7 structures on Palisades Avenue. You could see
8 you have a five story building, three story
9 buildings, four story buildings. And please note
10 that the buildings are -- some are setback and a
11 lot of them are also just zero lot line right in
12 front of the building itself.

13 So, there's a lot of different uses and
14 structures heights, and also setbacks along that
15 street. So, there is really no uniformity on New
16 York Avenue for that.

17 Now, if you go to the next sheet, T-103,
18 here, again, we have the bird's eye view. And we
19 show again where the new three families would be.
20 And we sort of show where --

21 Is everybody -- everybody with me?

22 MR. PRESSEY: Um hum.

23 MS. GUTIERREZ: Yes.

24 MR. ARENCIBIA: We show, basically, where
25 we're going to propose the three families, along

1 Tournade Place.

2 And basically, the design is going to be --
3 it's going to be fairly similar to the three
4 families that we typically see in the area where
5 you have a car parked on the apron in the front
6 of the building. But in these -- in these units,
7 what we're going to have is going to have parking
8 within the ground floor.

9 So, you will have a garage, you're going to
10 enter on the ground floor. And inside the
11 garage, you'll be able to have -- you have
12 parking for five parking spaces and you have one
13 at the apron. So you'll have six parking spaces
14 per three family which basically complies with
15 the requirements of the parking.

16 And again, the pictures on this sheet are
17 basically some of the -- the structures on -- if
18 you look at the -- the top view, that's basically
19 the -- the house along the corner, off of New
20 York Avenue. The second picture in the middle
21 there, the structure to your left is basically
22 that one story brick building that we're going to
23 take down on our site. You'll also see the
24 fenced off area that's part of our site. And
25 that's another building, the red and blue, that's

1 another building that's adjacent to our
2 structure.

3 So, basically, it shows you an idea of a --
4 you know, basically, the site is built up along
5 Tournade Place, pretty much right onto the actual
6 street. And you have different types of
7 structures there; residential structures, you
8 also have garages off of Tournade Place.

9 So, you have a mixed use of buildings along
10 there, as well, too, mostly residential in
11 nature.

12 So, if we go to sheet A-100, here you
13 basically see the first floor configuration of
14 the parking. You see, along the right hand side,
15 you're going to have a stair leading -- going up
16 to the units above there. You're going to have a
17 large open garage door in front. To the left is
18 going to be a spot in front for a car, vehicle
19 car. And then, as you come into the parking area
20 there, you're going to have two tandem parking
21 spaces along the rear. And you're going to have
22 one compact parking spaces in the front.

23 So, in essence, each of the three families
24 will get two spots, so the tandems will be
25 assigned to each one of the units. So -- so the

1 compact space in the front and the one in the --
2 in the rear will be going to one unit, and the
3 two -- each of the two tandem spaces in the rear
4 will be going to the other units, as well.

5 As far as the site's concerned, we
6 basically, roughly, have a two foot setback along
7 one side. We're going to have mulch along that
8 side. We're going to have lawn area along the
9 other side.

10 And on the left side, we're proposing on
11 having a door, leading from the parking area, to
12 like a refuge storage area, so that people can
13 come down and throw their garbage out there. And
14 there's a concrete sidewalk, you can bring the
15 garbage out to the street.

16 Along the side of the building, we're
17 proposing on putting electrical meters, a gas
18 meter. And basically, within the garage itself,
19 that's where we're going to have the water meters
20 and sprinklers.

21 So, it's compact. It's a compact parking
22 area, keeps the parking out of the street, which
23 is one of -- one of the benefits in this area.

24 One of the things that's nice to know, too,
25 since we're setting back the building, the ground

1 floor is set back 15 feet, so the parking space
2 in front is 15 foot deep. But one -- one of the
3 good things about it is that you're basically
4 opening up more space for that street. So, as
5 before, the property, the buildings were right
6 against the property line, this gives you a lot
7 of relief to that -- to that narrow street that
8 you have there and providing sort of a setback
9 throughout the area for the five homes that
10 you're going to have in there.

11 Again, the configuration on the parking for
12 the ground floor are -- are the same for all of
13 those units there.

14 Now, if you go to the next sheet, A-101,
15 there, you basically see the -- the first
16 residential floor. It's going to be a flat.
17 It's going to be everything on one level. It's
18 going to be three bedroom, two bath, with a
19 living room, open living room/dining area. So,
20 basically very standard, very similar to what you
21 see in a lot of the -- in three families that you
22 see.

23 The rear setback that we have is five foot
24 one in the rear. And then, we have again ten
25 foot to the front of the building itself. And

1 the -- the sides are three foot eight along the
2 sides.

3 So, you have a lot of -- lot of space
4 between units. You have two feet and three feet,
5 so you have over five feet in between each of the
6 homes. So, it's nice, gives nice light and air
7 between each of the units themselves. We do have
8 a five foot setback at the rear of the property,
9 as well, too.

10 So, there's plenty of space around the area
11 to give light and air to the neighbors in the
12 area.

13 Now, if you continue, after you take the
14 stairs up to the first floor, if you continue,
15 there's a door in front of you. You continue up
16 those stairs and you end up in the hallway
17 upstairs. There's a door ahead of you that leads
18 to the rear of the unit on -- at the back of the
19 building. That leads to the living room area,
20 kitchen area, the dining area for that one unit.

21 The second and third floor are bi-level.
22 So, therefore, the rear unit is going to have the
23 living area on the ground floor, or on the second
24 floor, I should say, and you take the stairs up
25 to the bedroom floor above. Again, same thing.

1 So, you're going to have both living room, dining
2 room, kitchen areas for the rear unit on the
3 second floor, and you're going to have -- excuse
4 me -- the third floor, and you're going to have
5 the same thing on the front of the building:
6 again, living room, dining room, bed -- kitchen
7 on the third floor of the -- of the building.

8 You go up an interior stair and you end up
9 where we show on sheet A-103, one stair leads you
10 up. You see the two bedrooms and a bathroom
11 between, with closets. And then, you continue
12 into the front unit is a master bedroom in front,
13 with a master bath.

14 Again, the rear unit, you go up the stairs,
15 again the same configuration. Two bedrooms, you
16 continue to the rear, that's where you have your
17 master bedroom and your master bath.

18 So -- so, there's duplexes in the third and
19 fourth floor. And the second floor is a single
20 flat.

21 Now, when we go to sheet A-104, this is the
22 lot that faces New York Avenue. This a little
23 different configuration, similar but -- but
24 different.

25 Over here, what we have is we have two

1 parking spaces on the front of the building. And
2 we also have an access entrance into the building
3 for -- for -- of the cars. We have four
4 additional cars, three in a diagonal, and one at
5 the very rear of the -- of the building here.

6 You have access into the building from the
7 garage and you also have access into the building
8 from a side door, from the front of the building
9 itself, leads you into a lobby area, which you
10 have access. In this -- in this three family,
11 you actually have an elevator in here we put. So
12 you're basically going to take an elevator up to
13 each of the units. So, each unit will have a
14 direct access to the elevator, so they'll be
15 locked into the elevator, they'll be locked out.
16 So, you open the elevator door and you get into
17 your own unit. That goes for each of the units.

18 Again, the three -- they are three bedroom
19 units. These units are all flats, so there's no
20 duplexes here. So, you're going to have living
21 room, dining room area in the front, two
22 bedrooms, in -- in -- along the middle of the
23 building itself, the master bedroom toward the
24 rear.

25 And what we did is we created a nice little

1 outdoor balcony off of the rear of the master
2 bedroom. We kind of tucked it in within the
3 actual confines of the footprint of the building
4 itself, so it doesn't project out beyond.

5 So, it's a -- it's a nice little feature to
6 have. So, it's -- it's a nice -- it's more of an
7 upscale kind of look. We wanted these units a
8 little bit facing New York Avenue, have a little
9 more presence. So, we thought we'd do something
10 a little bit nicer for this unit.

11 The building, of course, has two means of
12 egress. You have the stairs in front. You have
13 access from the lobby and you also have the
14 stairs at the rear that you basically can take
15 out in case of an emergency. You can go out the
16 rear, and there's a walkway that takes you out to
17 the front of the building.

18 Along the rear, under the stairs to the
19 back, we also have the -- the garbage and the
20 recycling there. And -- and the -- and in the
21 garage area itself, on the floor, you also have
22 the sprinkler, the meters, and so forth and so
23 on.

24 We do have an additional landscaped area
25 along the front of the building in order to

1 soften up, sort of, the façade.

2 So, it's a nice layout. Very similar,
3 again, to what we've seen in Union City, many,
4 many years. Nice size rooms, bedrooms. The
5 units have their own laundry facilities, they
6 have their own mechanicals. So, they're fairly
7 -- fairly self-sufficient.

8 Now, if we go to sheet A-200, here you get
9 to see basically what the elevation of the -- the
10 buildings look like.

11 We were trying to do something interesting
12 and have a little more color to the street, kind
13 of like bringing it up, sort of similar to one of
14 the homes that were there, like seemed really
15 colorful. So, we tried to maintain sort of that
16 same look.

17 So, we're going to have the finished CMU
18 along the bottom of the building itself, a nice
19 finish for the -- for the actual block work
20 itself. Proposing on having a red brick along
21 the perimeter, the entrance of the building
22 itself, really to accentuate it.

23 And sort of like a metal panels, like a
24 sliding metal panels across the main part of the
25 building, along the front, wrapping around, with

1 a nice little canopy that we're proposing on
2 having a nice feel on top, with sort of like some
3 modern brackets -- you know, to kind of cut --
4 you know, cut -- create a nice modern look to
5 that.

6 As you wrap around the sides of that
7 building itself, you're going to have fiber
8 reinforced siding along the three sides, on your
9 three upper levels. And then, you're going to
10 have your -- your face finished CMU wall along
11 the rear, as well.

12 If you look at the proposed elevation
13 southeast, number three, you see again we have
14 the same block along the bottom, the fiber cement
15 siding. And what we're going to have that --
16 those two windows above. Those are basically set
17 in areas because of the fact that we wanted to
18 have some -- some nice sized windows there, so we
19 set in those windows, and we accent a little
20 different color of siding there, to -- to kind of
21 create more of a visual interest into the
22 building itself.

23 Along the bottom, you can actually see the
24 rear elevation of the building. And as you could
25 see here, the -- along the bottom, we basically

1 going to have two louvers. Those are basically
2 going to be mechanical ventilations for the
3 garage. Along the first floor, that's basically
4 going to be the master bedroom.

5 And then, what you see on the -- on the
6 third floor is you see the big, tall windows.
7 And it's going to be a balcony, is going to have
8 a Juliet balcony, because in that -- in that
9 unit, the rear, that is actually living room.
10 So, we're proposing on putting a nice big living
11 room type window there, almost like a Juliet
12 balcony, so they open up. And then, upstairs,
13 we're going to have the bedroom windows for the
14 master bedroom upstairs.

15 So, now, on sheet 201-A, you basically see
16 the elevation for the building that's fronting
17 New York Avenue. It's consistent with the other
18 buildings that we've seen before on the -- the
19 other side street. The difference is, on the
20 other ones, you actually had a stairs in the
21 front that led you up to the door in the front of
22 the building. This is a little different
23 configuration. Remember, the parking is a little
24 bit different. So, you have two cars parked in
25 the front here, so what you do is you had a paved

1 area that you actually walk in through the
2 entrance, by -- by the garage, and then you --
3 there's a side door that leads you into the
4 lobby. So, you don't see the actual building
5 lobby, but however, you have nice windows there
6 so there will be plenty of illumination and
7 clarity to actually see the building.

8 One of the things to note, again, on the
9 elevation three, the bottom one on the left hand
10 side, there, you could see the -- the recessed
11 balconies, the open balcony on the rear. But
12 again, you see that it's within the actual
13 confines of the building itself. So, it kind of
14 is a very interesting look because it breaks up
15 that -- that little mass of that corner of the
16 building.

17 Again, the detailing's going to be the
18 same, with the red brick along the front. The
19 dark metal panels, with the accented brackets,
20 and canopy at the very top of the building
21 itself.

22 And that's pretty much it, as far as the
23 actual architecture of the -- of the building.

24 Again, we have a planner, so he'll be
25 speaking as far as all the zoning issues that

1 will come up.

2 We also have a civil engineer that will be
3 discussing the site improvements that we'll be
4 doing on the site. Also be talking a little bit
5 about the parking and access and circulation
6 within the building itself as well, so --

7 VICE CHAIRMAN GRULLON: Thank you.

8 Thank you, Mr. Arencibia.

9 Do you have another witness?

10 MR. MULKAY: We do. Do you have any
11 questions for the architect?

12 VICE CHAIRMAN GRULLON: We're going to
13 leave them for the end.

14 MR. MULKAY: For the end?

15 VICE CHAIRMAN GRULLON: Yes.

16 MR. MULKAY: Okay.

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

19 MS. DILLON: Sir, please raise your right
20 hand.

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

23 MR. KHAN: Yes, I do.

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

1 MR. KHAN: Adnan Khan, A-D-N-A-N, K-H-A-N.

2 MS. DILLON: Thank you.

3 MR. MULKAY: Mr. Khan, you've testified
4 before this Board.

5 MR. KHAN: Actually, this is my first time.

6 MR. MULKAY: This is your first time.

7 MR. KHAN: Yes.

8 MR. MULKAY: Can you explain to the Board
9 your professional credentials, please?

10 MR. KHAN: Sure.

11 I have a Bachelors degree in civil
12 engineering, Masters in construction management.
13 I have worked almost 30 years of experience doing
14 this kind of work. I'm a professional engineer
15 in four states, including New Jersey. Certified
16 municipal engineer in New Jersey. Testified over
17 hundreds of boards throughout New Jersey and
18 Pennsylvania, and accepted as an expert witness
19 in Superior Court.

20 VICE CHAIRMAN GRULLON: Thank you.

21 We accept your qualification.

22 Thank you.

23 MR. KHAN: Thank you.

24 MR. MULKAY: Your office prepared the
25 engineering plans that were submitted to the

1 Board.

2 MR. KHAN: Yes. We did.

3 MR. MULKAY: Can you explain to the Board
4 what the proposed subdivision is and how the
5 buildings will lay out on the site?

6 MR. KHAN: As Mr. Arencibia mentioned, like
7 the property is going to be subdivided into six
8 lots. And there are like a -- it's a three
9 family structures on each lot with the side
10 setbacks.

11 I'm looking at sheet C-01, which depicts
12 the setbacks for each house. It's 3.85 minimum
13 and two feet on the -- one side, 3.85, the other
14 side is two feet minimum, and which pretty much
15 translates to all the lots.

16 The parking -- we also proposing curb cuts
17 for each house, for the garage, entrance and exit
18 from the garages.

19 And then, if you go to sheet C-02, which
20 depicts the utility improvements that are going
21 to be happening for this subdivision.

22 Currently, there is no storm water
23 management on the property where the existing
24 structures are there.

25 MR. MULKAY: And -- and as it currently

1 exists, it's just basically a brick concrete pad
2 on most of the property.

3 MR. KHAN: That's correct.

4 MR. MULKAY: Correct?

5 MR. KHAN: Yes.

6 MR. MULKAY: Causes significant runoff to
7 the property.

8 MR. KHAN: Exactly.

9 MR. MULKAY: Correct?

10 MR. KHAN: Undetained runoff onto the
11 streets.

12 MR. MULKAY: Okay.

13 MR. KHAN: What we are proposing is we are
14 increasing the impervious coverage slightly,
15 overall impervious coverage on the lot. So, as
16 per the North Hudson Sewage Authority stormwater
17 regulations, based on the size of this
18 development, they want -- they require to reduce
19 the runoff from the proposed condition, proposed
20 development, the -- to what's currently runoff
21 from the site.

22 So, which means we have to, whatever, let's
23 say if there's a hundred gallons per --
24 (indiscernible) -- is running off from the site,
25 we have to reduce that flow for a two year storm,

1 | ten year and a hundred year storm.

2 | So, based on our design, we are proposing
3 | underground pipe system, which will be laid under
4 | the garage pavement, garage floor. It varies
5 | from a size from 12 inches to 24 inches. And the
6 | reason it varies from -- I mean, for each house
7 | it's the same size, but it varies from 12 inches
8 | to 24 inches, because of the inwards that they're
9 | going to be tied into onto the street.

10 | And the reduction in the proposed flows
11 | will be like for a two year storm, we're reducing
12 | 58 percent from the existing. For a ten year
13 | storm, it's 54 percent. And for a hundred year
14 | storm, approximately 24 percent.

15 | So, we are reducing the storm or the
16 | discharge from the property considerably. And
17 | again, those -- those discharge requirements also
18 | are the DEP requirements for a major development,
19 | which includes much bigger development than this.

20 | So, in essence, it will be a significant
21 | improvement on the property, as far as the runoff
22 | is concerned, comparing the existing conditions
23 | versus proposed.

24 | Also proposed are new utility lines;
25 | electric, sewer -- electric, water, gas for each

1 house. The house facing on, let's see, Tournade
2 -- Tournade Street will have all the utilities
3 from that street, as well as the house that is
4 looking at New York Avenue will be tapped into
5 the utilities that exist on New York Avenue.

6 We did -- the proximate size of the
7 detention basin is approximately 3,000 gallons
8 per unit. So, which is again, considering the
9 size of the lot, it's pretty significant storage
10 that's going to be stored and slowly discharged
11 into the municipal system.

12 We're also proposing considerable
13 landscaping. It's a combination of evergreen and
14 deciduous trees.

15 They are proposed towards the back of the
16 houses for screening purposes from the adjacent
17 properties, as well as the shade trees along New
18 York Avenue and Tournade Place are also proposed,
19 as per the Ordinance requirement.

20 And the rest of the details are -- I mean,
21 the rest of the sheets are the construction
22 detail sheets that comply with the City
23 requirements.

24 MR. MULKAY: In your opinion, if this
25 proposed -- if the proposal is approved, will

1 | this site, as subdivided, be adequate for the
2 | proposal?

3 | MR. KHAN: Absolutely, yes.

4 | MR. MULKAY: And is this an improvement
5 | from what currently exists there?

6 | MR. KHAN: Absolutely.

7 | MR. MULKAY: And is it more appropriate to
8 | the -- to the neighborhood, the character of the
9 | neighborhood, than what exists over -- what
10 | currently exists there?

11 | MR. KHAN: That's correct.

12 | MR. MULKAY: Okay.

13 | VICE CHAIRMAN GRULLON: Thank you.

14 | We're going to -- we're going to wait for
15 | all the questions to the end.

16 | MR. KHAN: Thank you.

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

19 |

20 | (Whereupon, Planning Exhibit, Seven Pages,
21 | was received and marked as Exhibit A-1.)

22 |

23 | MS. DILLON: Mr. Pessolano was previously
24 | sworn.

25 | MR. PESSOLANO: And I assure you, I am

1 still Mr. Pessolano, at this late hour.

2 Good evening, again.

3 So, qualified; I did visit the site,
4 reviewed the application materials, looked at the
5 Master Plan materials, zoning that governs the
6 site, and performed a planning analysis, which
7 like the prior application, includes review of
8 planning exhibit that was prepared by my
9 colleague, Mr. John McDonough, licensed
10 professional planner, so let me just address
11 that.

12 Now, what number exhibit shall I --

13 MS. DILLON: That is --

14 MR. PESSOLANO: -- use?

15 MS. DILLON: I marked it as A-1.

16 MR. PESSOLANO: Thank you.

17 A-1, bearing today's date, is a seven page
18 map and photo exhibit. And you can see the
19 existing breakdown of the -- the parcels Mr.
20 Arencibia described in detail, outlined on sheet
21 one in yellow.

22 And then, moving on quickly to page two, we
23 can see the -- that same configuration
24 superimposed on the aerial image.

25 This is where it's quite clear that the

1 site itself is not a match for the neighborhood;
2 industrial in nature, random buildings and pretty
3 much in a state of disorder, per my site
4 inspection, as well. So, not contributing to the
5 well being in the neighborhood in the least in
6 its current state.

7 Onto sheet three, this shows land use
8 distribution around the property; largely
9 residential character surrounding. We have an
10 auto service use to the west, across New York
11 Avenue. New York Avenue itself, by the way, is a
12 commercial corridor. Yet, in this particular
13 setting, particularly on -- on our side of the
14 block, it has remained largely residential, plus
15 the vacant piece that is part of the subject
16 property. Diagonally across New York Avenue is a
17 grocery store.

18 Moving on to the zoning map on sheet four
19 of Exhibit A-1, you can see the shifting of the
20 -- the zoning from the front of our site, on New
21 York Avenue, towards the rear portion, which is
22 zoned for the uses that we're proposing.

23 So, we need a use variance for the three
24 family home that's proposed on the red box that's
25 shown in the commercial neighborhood, the CN

1 district. It's one of our items of requested
2 zoning relief. The use of three family per lot
3 is permitted in the R zone.

4 Sheet five is a ground photo that shows the
5 vacant lot between two existing residential
6 structures from New York Avenue.

7 And sheet six shows the poor condition of
8 the site, barbed wire and all, that is from a by
9 gone era and the site is certainly unattractive,
10 underutilized, and not a match for the quality of
11 the community of Union City, from my view.

12 Sheet seven shows the dwelling structure,
13 colorful structure that Mr. Arencibia referred to
14 on the west end of the subject property.

15 So this said forms our consideration
16 tonight for the relief that's requested. Again,
17 a use variance is necessary for the single three
18 family dwelling proposed on Lot 2.01, which is in
19 the CN district.

20 Residential use is allowed there, but on
21 upper floors above commercial. This is purely
22 residential from bottom to top.

23 We also request height relief, 42.333 feet
24 is our proposed height to the roof of each of the
25 residential buildings; 40 feet is the requirement

1 in the R district.

2 And a limit of three stories. We are
3 proposing four stories in total; three
4 residential levels over a parking garage.

5 And we also request building coverage
6 relief, slightly over, as Mr. Khan indicated,
7 63.48 percent -- I think actually Albert
8 indicated that -- 63.48 percent versus 60 percent
9 requirement.

10 That -- this -- this applies to the lots in
11 the R zone.

12 The use relief can be viewed as follows and
13 considered on the basis of -- of the following
14 proofs:

15 The three family use, in my opinion,
16 sustains the -- the four part Medici analysis for
17 use relief. And for the first part, dealing with
18 special reasons, this is clearly an effort of
19 revitalization. Certainly, any new development
20 would do that, but we have a site in its entirety
21 that's in disrepair and the -- the blending of
22 this site with housing to the remainder of the
23 site, which is purely housing, makes good
24 planning sense, in my opinion.

25 We're offering new housing stock, which, we

1 -- and this, again, is on this the New York
2 Avenue fronting lot that I'm speaking to.

3 We are offering new housing stock, which we
4 -- response to the planning goal for a variety of
5 -- of new housing types. We have efficient land
6 use here. Redevelopment of vacant land in the
7 urban core is a goal of the State plan, actually.

8 Aesthetics will be greatly improved. The
9 redevelopment we are proposing drastically
10 improving the appearance of -- of this vacant
11 site. Sort of the missing tooth, if you will,
12 along the street frontage of New York Avenue.

13 As to site suitability, I find that
14 residential development is compatible with the
15 adjacent land uses, which are, they themselves,
16 residential. Again, cited in a commercial zone,
17 but organically it has evolved into a largely a
18 residential street segment on this side of the
19 block.

20 The site has direct association with the
21 five parcels on Tournade, where that were
22 resident -- all residential use is permitted, as
23 I indicated before. So that makes, in my view,
24 the site suitable.

25 Regarding any public impacts, the use and

1 associated site layout are designed to function
2 safely and efficiently and they will not
3 substantially be out of character with the area.
4 In fact, I think it would be a unifying effect
5 with the project overall. This parcel,
6 nonconforming as it is, blending in and
7 integrating this three family housing form into
8 this particular part of the city really nicely.

9 I believe that the granted relief is not
10 anything close to a rezoning. This is a discreet
11 site, a small part of the overall zone, and would
12 not erode the integrity of the CN zone, in my
13 opinion.

14 As to the -- the bulk relief enumerated, I
15 believe that all of them are justified under the
16 flexible C analysis, C standing for bulk relief
17 in the statute. And there are two types. One is
18 a hardship, the other is where the benefits of
19 the project outweigh the detriments.

20 And this is what the second -- the latter
21 is what I'm speaking to here. All of the bulk
22 relief, I think, readily qualifies under the
23 flexible C balancing test as a better zoning
24 alternative.

25 The benefits that I mention in the use part

1 | carry forward into this, as the site is an
2 | integrated development site. The -- the -- this
3 | is really very much positive redevelopment of
4 | poor -- looking at a poorly utilized site. All
5 | of the bulk relief that I mentioned is certainly
6 | not extreme and indeed necessary to effectuate
7 | this overall beneficial project.

8 | Speaking to any detriments, the rear
9 | setback does actually track with the Master
10 | Plan's recommendation for the R zone, which is a
11 | five foot distance. I think I -- I don't think I
12 | mentioned that at the outset. We do need rear
13 | setback relief, as well, on all of the six lots.
14 | I'm sorry, all of the five lots in the R zone.

15 | The building coverage also tracks with the
16 | -- the 2019 Master Plan Reexamination Report
17 | recommendation for the R zone, which is 80
18 | percent coverage. We're -- again, we're
19 | proposing 63 percent, which is just above the
20 | current limit of -- excuse me -- 60 percent.

21 | The building height, I find, is de minimis
22 | relief, only 2.33 feet above the -- the required
23 | 40 foot limit. Kind of hard to distinguish from
24 | the street level to -- to look at that and even
25 | perceive that it's a deviation. But nonetheless,

1 we -- we need the relief, but it is de minimis,
2 in my opinion. And certainly appropriate part of
3 the height equation is to accommodate all of the
4 parking that's needed for three new families on
5 each lot.

6 The entire project is self-sufficient as to
7 the parking and substantially conforming to all
8 other zoning parameters. The application, I
9 think, is -- is suitable for approval. In
10 conclusion, it's a significant investment into
11 this area, it will add value to the neighborhood.
12 The scale and intensity of the project is modest.
13 It's -- the relief sought is not significant.

14 Community has expressed itself, through
15 planning process, that it prefers a more
16 diminutive type of new housing, and I think this
17 form of three family homes on individual lots
18 tracks with that recently articulated community
19 preference.

20 So, all relief, in my opinion, satisfies
21 the statutory criteria for the grant of it, and I
22 submit to you that approval is warranted.

23 Thank you.

24 MR. MULKAY: You would agree with me that
25 this particular lot, the size of the lot, is

1 unique.

2 Correct?

3 MR. PESSOLANO: Yes.

4 MR. MULKAY: And you would --

5 MR. PESSOLANO: Specific piece of property.

6 MR. MULKAY: -- agree with me that the
7 layout of the lot is unique, that there probably
8 isn't two lots the same as this one in all of
9 Union City.

10 Would you agree with that?

11 MR. PESSOLANO: I would agree. Yes.

12 MR. MULKAY: Okay.

13 And the layout of the lot, even though one
14 section in the subdivision, the new lot that
15 we're creating, is in the CN zone, that lot is
16 particularly suited for a three family home.

17 MR. PESSOLANO: It is, indeed.

18 MR. MULKAY: And it -- and it conforms with
19 the adjoining properties on New York Avenue,
20 particularly on this west side --

21 MR. PESSOLANO: Yes.

22 MR. MULKAY: -- of New York Avenue.

23 Correct?

24 MR. PESSOLANO: Absolutely.

25 MR. MULKAY: All right.

1 I have nothing -- nothing else.

2 MR. PANEQUE: Mr. Mulkay, ladies and
3 gentlemen of the Board, I've been requested for a
4 two minute break.

5 MR. MULKAY: Okay. Sure. Of course.

6 MR. PANEQUE: Okay?

7 So, we're just going to take a couple of
8 minutes break, so that the Board can stretch its
9 feet and legs.

10 Thank you.

11

12 (Whereupon, Mindry Watley left at the
13 meeting 8:41 p.m.)

14

15 (Whereupon, the Board recessed from 8:41
16 p.m. to 8:49 p.m.)

17

18 THE SECRETARY: Back in record, please.

19 Mr. Mulkay, please?

20 VICE CHAIRMAN GRULLON: Back on the record.

21 MR. MULKAY: Yup.

22 You are up, Michael. I think --

23 VICE CHAIRMAN GRULLON: Are you --

24 MR. MULKAY: We're done.

25 VICE CHAIRMAN GRULLON: You have any other

1 witness?

2 MR. MULKAY: That's it. We don't have --

3 VICE CHAIRMAN GRULLON: That's it?

4 MR. MULKAY: -- any other witnesses, unless
5 the Board wants to hear from somebody else.

6 VICE CHAIRMAN GRULLON: No, no, no.

7 MS. GUTIERREZ: No.

8 MR. PESSOLANO: Would you want me to repeat
9 what I said?

10 I didn't think so.

11 VICE CHAIRMAN GRULLON: Mr. Mulkay, you're
12 proposing to subdivide six -- industrial lot into
13 a sixth lot. In that zone, you think that it's
14 going to be beneficial for the area. And the
15 area is also in need of improvement. That's
16 something that -- in that area needs improvement.

17 MS. GUTIERREZ: Um hum.

18 VICE CHAIRMAN GRULLON: Could you bring
19 back the engineer? Can he -- you know, give us
20 an idea how wide that street -- that Tournade
21 Street? Because we have --

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

24 MR. KHAN: As far as the width of Tournade
25 Place, we don't have a fixed width, according to

1 the survey performed. It says like it's variable
2 width.

3 VICE CHAIRMAN GRULLON: It's very narrow
4 street.

5 MR. KHAN: It's variable. Like it changes
6 in different sections of the property, or the
7 area.

8 VICE CHAIRMAN GRULLON: Yes.

9 MR. KHAN: It changes the width. Yeah.

10 VICE CHAIRMAN GRULLON: Sure. And I mean,
11 like we know the street.

12 MR. MULKAY: Right.

13 VICE CHAIRMAN GRULLON: We live in Union
14 City.

15 MR. MULKAY: Correct.

16 VICE CHAIRMAN GRULLON: We know that
17 street.

18 MS. GUTIERREZ: Um hum.

19 VICE CHAIRMAN GRULLON: In some area, it
20 doesn't even have sidewalks.

21 MR. MULKAY: Correct.

22 VICE CHAIRMAN GRULLON: And the street --

23 MR. MULKAY: Correct.

24 VICE CHAIRMAN GRULLON: -- I don't see --

25 MR. MULKAY: If -- if I may, Mr. Chairman?

1 VICE CHAIRMAN GRULLON: Sure.

2 MR. MULKAY: If we go to the picture, if we
3 go to the plan --

4 MR. KHAN: The architecture.

5 MR. MULKAY: -- the architect's is the one
6 that has the pictures?

7 MR. KHAN: Yeah.

8 MR. ARENCIBIA: I -- I could just say, it's
9 roughly between 16 to 18 feet.

10 MR. MULKAY: The width of the street.

11 MR. ARENCIBIA: That's what it varies in
12 the street.

13 But you can see that right now, that street
14 is being utilized by structures along the --

15 MR. MULKAY: Correct.

16 MR. ARENCIBIA: -- right across the --

17 MR. MULKAY: If you go to T -- T-3, the
18 picture --

19 MR. ARENCIBIA: T-103.

20 MR. MULKAY: T-103.

21 MR. ARENCIBIA: There's a building right
22 across, basically we're going to be building some
23 of the homes here. And they have a direct
24 access, double wide access door right off the
25 Tournade Street, so they're able to access that,

1 so --

2 MR. MULKAY: And --

3 MR. ARENCIBIA: I'm sure they have to do it
4 carefully, because it is narrow, but they're able
5 to maneuver into it.

6 MR. MULKAY: And --

7 VICE CHAIRMAN GRULLON: What is the
8 proposed front yard -- you know, setbacks that
9 you're proposing?

10 MR. ARENCIBIA: For the building -- for the
11 buildings themselves, the -- the ground floor is
12 15 feet.

13 MR. MULKAY: So -- so, Mr. -- if I can just
14 make it explain --

15 Mr. Arencibia, what currently exists there,
16 on that picture, in T -- T-103, in the view
17 number three, it shows that the wall on the
18 existing property goes right up to the property
19 line.

20 Correct?

21 MR. ARENCIBIA: Yes.

22 MR. MULKAY: And then there's a -- there's
23 a big door, big fence, driveway door where trucks
24 used to come in and out for the industrial
25 complex.

1 Correct?

2 MR. ARENCIBIA: Adjacent to that. Correct.

3 MR. MULKAY: Okay.

4 And that's up to the property line.

5 MR. ARENCIBIA: That's correct.

6 MR. MULKAY: And what we're proposing now
7 is we're setting the building back 15 feet back.

8 MR. ARENCIBIA: Fifteen feet on the ground
9 floor, ten feet on the upper floors.

10 MR. MULKAY: Right.

11 MR. ARENCIBIA: So, the ground floor, it
12 will help both maneuvering for our sites, and it
13 will also help even the adjacent neighbors across
14 the street from us to maneuver into their spots
15 easier.

16 VICE CHAIRMAN GRULLON: Your proposed
17 setback, you're proposing to have parking there.

18 MR. ARENCIBIA: One parking.

19 MR. MULKAY: One parking spot on that -- on
20 that -- on that setback on one side --

21 MR. ARENCIBIA: Only one.

22 MR. MULKAY: -- of each lot, will be one
23 car.

24 VICE CHAIRMAN GRULLON: So, one or two?

25 MR. MULKAY: One car.

1 MR. ARENCIBIA: One.

2 MR. MULKAY: The only property that will
3 have two is the one on New York Avenue, which has
4 plenty of width, obviously.

5 MR. ARENCIBIA: Correct.

6 MR. MULKAY: But -- but on Tournade, it's
7 only going to be one car.

8 VICE CHAIRMAN GRULLON: Could you go over
9 the setback again on the --

10 MR. ARENCIBIA: Sure.

11 VICE CHAIRMAN GRULLON: -- on the Tournade
12 Street?

13 MR. ARENCIBIA: Sure.

14 And on the -- I'm going to refer you to --
15 on sheet A-100.

16 Basically, we're going to have, just so you
17 know, basically, the lots are going to be 27 foot
18 ten wide. Okay? So, you're going to have,
19 basically, a three foot eight sidewalk, along one
20 side. Then, you're going to have your parking
21 spot is going to be eight foot wide. So, it's
22 going to be 11 -- 11 foot and change there. So
23 -- so it's going to be -- going to have -- now
24 you have 16 feet and then, you're going to have
25 four feet, say, for your stairs. So, you're

1 going to have, basically, 12 feet in front of
2 each one of the homes that will be able to be
3 open space, because there will be no cars parked
4 in that; 12 foot wide at 15 foot deep.

5 MR. MULKAY: So, in other words, the park
6 -- the radius to come in and out of the property,
7 you're going to have a 12 foot wide radius to
8 come in and out of the property.

9 MR. ARENCIBIA: Correct.

10 MR. MULKAY: Even when the car is parked
11 there.

12 MR. ARENCIBIA: Correct.

13 MR. MULKAY: But if the car's not parked
14 there, then you have over 20 feet.

15 MR. ARENCIBIA: Correct.

16 VICE CHAIRMAN GRULLON: And your stair is
17 going to the property line.

18 MR. ARENCIBIA: Excuse me?

19 VICE CHAIRMAN GRULLON: The stairs?

20 MR. ARENCIBIA: The stairs go to the
21 property. Yes. I excluded that.

22 MR. MULKAY: Correct.

23 MR. ARENCIBIA: I excluded that so you
24 still have 12 feet of clear space, that you can
25 actually use to maneuver.

1 So, we got 12 foot --

2 VICE CHAIRMAN GRULLON: For the car, but
3 for pedestrian to walk by, you're building the
4 stairs to the property line.

5 MR. ARENCIBIA: Well, the stairs is
6 actually, I would say is about two feet from the
7 property line. Not quite at the property line.

8 MR. MULKAY: Correct.

9 But -- but the existing structure that's
10 there now, the wall that's there now is to the
11 property line.

12 VICE CHAIRMAN GRULLON: Yes. But that's
13 not permitted -- not permitted use as an
14 industrial site.

15 MR. MULKAY: Correct.

16 VICE CHAIRMAN GRULLON: That we be happy to
17 see it removed.

18 MR. MULKAY: Correct.

19 VICE CHAIRMAN GRULLON: You know, like I
20 know the Master Plan permits in a hundred by 25
21 lot, a three family. But in my opinion, that
22 will not apply to every neighborhood in Union
23 City, because that neighborhood, in particular,
24 that street, super-narrow. And if we're going to
25 put a fire truck through that street, will not

1 fit.

2 Would you agree to that?

3 MR. MULKAY: Correct. But are we
4 sprinklering the buildings?

5 MR. ARENCIBIA: Yes.

6 MR. MULKAY: The buildings are all going to
7 be sprinkled to address that issue.

8 MR. ARENCIBIA: But you can get a fire
9 truck up and -- up and down that street.

10 MR. MULKAY: Correct.

11 VICE CHAIRMAN GRULLON: I mean, I -- I
12 drive through that street -- you know, constantly
13 and even in a car, it's narrow.

14 MR. ARENCIBIA: No, no --

15 MR. MULKAY: But --

16 VICE CHAIRMAN GRULLON: It's pretty narrow
17 the street.

18 MR. ARENCIBIA: It's narrow but you can
19 get -- a fire truck will definitely fit up in --

20 MR. MULKAY: So your typical lane of
21 traffic is 12 feet. It's three to 16 into 18
22 feet, which is more than adequate to fit a truck.
23 Your average traffic lane is 12 feet wide.

24 MR. ARENCIBIA: Yeah.

25 MR. MULKAY: So, this is wider than your

1 traffic --

2 So, you could fit a truck -- you could fit
3 a fire truck there. It's not as wide as a
4 typical street, but you definitely would be able
5 to fit a fire truck through that street.

6 And there -- there's -- if you go to the
7 pictures, there's existing homes on that street
8 already that go to the property line. We're
9 setting them back.

10 VICE CHAIRMAN GRULLON: I'm concerned with
11 safety for the -- for the proposed three family.
12 And -- and I believe building three families on
13 those -- on that -- in that street would be --
14 you know, a problem with safety.

15 You know, like -- let's see, I have other
16 questions here written down, let me just get to
17 it.

18 I don't have any -- we don't have any
19 issues with the -- with the lot on New York
20 Avenue. But that -- the one on -- on Tournade
21 Avenue seem to be, I will say, too much for that
22 -- for that area there.

23 And especially building duplex houses
24 there, maybe it's more than apartment, we -- we
25 -- a bigger front -- you know, setback. And you

1 don't project the stairwell all the way -- only
2 two feet for sidewalks.

3 We're looking to see improvement in the
4 area. It's not going to improve -- you know, by
5 much, because you're -- again, you're building to
6 the property line.

7 MR. MULKAY: Well, we're -- we're not.
8 We're -- we're having a 15 foot setback. On each
9 of the houses, we're setting them back 15 feet.
10 It's going to make it much better for the
11 driveway that's directly across the street to be
12 able to exit. So, we're -- we're making a --
13 it's a much better improvement, both because
14 there were trucks that coming in and out of the
15 industrial and I know it's nonconforming, but
16 that's the whole idea of redeveloping it. And
17 we'll have a much -- and we have a much further
18 back -- all the properties are set back. The
19 only thing that comes up to within two feet of
20 the property line is the stairs, which are three
21 feet wide.

22 Correct?

23 MR. ARENCIBIA: Correct. Um hum.

24 VICE CHAIRMAN GRULLON: And I -- I know,
25 another -- another issue with that area there is

1 parking. I know you're providing parking, but
2 sometime when it goes to tandem parking,
3 typically what I see in that throughout the city
4 is for this tandem parking, they end up parking
5 in the street, instead of asking somebody to move
6 their car for them to get out.

7 MR. MULKAY: Well, on Tournade, on this
8 street, there's no parking on the street. It's
9 all off-street parking.

10 VICE CHAIRMAN GRULLON: Yeah.

11 MR. MULKAY: And we're providing --

12 VICE CHAIRMAN GRULLON: That whole -- that
13 whole area is --

14 MR. MULKAY: -- while it's tandem, I -- I
15 believe that we're providing tandem for each
16 unit. So, each house is going to have their own
17 tandem spaces. So, we're -- we're meeting the
18 parking requirement.

19 MR. KHAN: Again, if anybody tries to even
20 park on that street, like then you would be just
21 blocking the street. There will be no traffic
22 anymore.

23 MR. MULKAY: Right.

24 MR. KHAN: Because there is no room,
25 literally, to park the cars there.

1 MS. PEREZ: But there's currently not
2 anybody living there to park.

3 Right?

4 Is that -- isn't that the case -- in that
5 whole area we're talking about, the six
6 buildings, nobody is in need of a parking spot
7 there right now.

8 MR. MULKAY: Well --

9 MR. ARENCIBIA: Yeah, but we're --

10 MS. PEREZ: I think that's what he's
11 saying. I'm just clarifying.

12 MR. ARENCIBIA: Yeah. But we're complying
13 with the parking requirement. I mean, we -- we
14 can't -- I mean, the street is what it is. You
15 know, it's -- I mean, we set back the buildings,
16 in order so we'd have parking in front. We also
17 have a space in front that's 12 foot wide, so you
18 can actually -- if someone wants to make a
19 delivery, say, a pizza guy comes to come in, he's
20 got a spot. He can go in there. Bring up his
21 pizza, whatever. Be able to come downstairs and
22 pull his car out right away.

23 So, we do have -- that does -- that gives
24 flexibility for things like that. And we do have
25 parking for all of the units. So, I -- I don't

1 --

2 VICE CHAIRMAN GRULLON: On the --

3 MR. ARENCIBIA: -- I don't see that would
4 be the case.

5 VICE CHAIRMAN GRULLON: On the proposed
6 building on New York Avenue, you're complying
7 with your parking requirement. They'll --
8 they'll -- you know, parking.

9 Right now, the issue that we have is the
10 tandem parking. Even though that you provided
11 six parking, you have in -- for each unit, two
12 tandem parking. It's going to be an issue there,
13 in that area particularly, because it's very
14 crowded. There's no parking at all. And we want
15 to see --

16 MR. ARENCIBIA: But why would that be an
17 issue? I don't -- I don't -- why would that be
18 an issue? I don't -- I don't understand. It's
19 no different than any regular two family that we
20 do that they park in tandem, when it's like a --
21 even a two family, you have one inside the garage
22 and one outside on the apron. That's no
23 different than what we're proposing here.

24 I don't know why that would be different
25 here.

1 VICE CHAIRMAN GRULLON: I just want to
2 continue with the Board members, and then if you
3 have any questions for the engineer, planner, or
4 the -- or the architect? And -- and then we open
5 up to the public.

6 MR. ARENCIBIA: I mean, I'm sorry. I mean,
7 I just -- this is --

8 VICE CHAIRMAN GRULLON: I want --

9 MR. ARENCIBIA: This is typical of like all
10 the two --

11 VICE CHAIRMAN GRULLON: Yes, yes.

12 MR. ARENCIBIA: -- families that --

13 VICE CHAIRMAN GRULLON: I see --

14 MR. ARENCIBIA: -- we have and there's no
15 difference.

16 VICE CHAIRMAN GRULLON: I've seen that
17 typically. And it's allowed by the Master Plan.
18 But what I'm saying is that this -- this
19 particular neighborhood is very unique because of
20 that narrow street. That super-narrow street,
21 which I don't believe a fire truck would fit
22 through there. I never seen a fire truck through
23 that street.

24 MR. ARENCIBIA: Well --

25 VICE CHAIRMAN GRULLON: And I hope we don't

1 | ever have to see it there.

2 | MR. MULKAY: Right.

3 | VICE CHAIRMAN GRULLON: We don't want to
4 | see that sprinkle system fail, and we depend on
5 | the fire trucks to -- to -- (indiscernible) -- a
6 | fire and -- and -- or we don't have a way to get
7 | into the street.

8 | MR. KHAN: Actually, we are making things
9 | even better than what current, let's say, God
10 | forbid, if something happens now. I think there
11 | are more restrictions for emergency vehicles to
12 | come on that street, compared to what we are
13 | proposing. It's going to -- actually, right now,
14 | if the fire truck comes from one side, they have
15 | to leave it from the other side. They cannot
16 | back or whatever. But at least this one, because
17 | like a fire truck cannot, but the emergency
18 | vehicles, smaller vehicles, they have a
19 | turnaround that they can get into the empty
20 | space, and they can turnaround, and they can
21 | maneuver.

22 | So, it's probably -- in my opinion, is
23 | going to make things better for smaller vehicles.
24 | And fire truck cannot, of course. They have to
25 | come and they have to leave from the other side.

1 VICE CHAIRMAN GRULLON: And -- and that, if
2 all the tenant has compact cars. If they have
3 small vehicles.

4 MR. MULKAY: Right.

5 MR. ARENCIBIA: Well, no. I mean, we
6 basically have just a compact spot -- spot in the
7 front. The other spots are -- you know, regular
8 size, so --

9 I -- I understand your point, but -- but I
10 know the fire trucks width will definitely be
11 able to go down there. That -- that I know. I'm
12 not Khan's of point. You'll -- yeah, a fire
13 truck will have to enter on one street and then
14 go out the other. But the other vehicles, as
15 emergency, and ambulances like that, they can
16 actually pull into that 12 foot by 18 foot spot
17 that I said in front, you can actually 12 by
18 15 -- you actually be able to, in case of an
19 emergency, be able to go upstairs and be able to
20 help somebody in an emergency.

21 So it's --

22 MR. MULKAY: And help not only the people
23 who are in this development, but people who live
24 across the street, and the houses across the
25 street are to the property line. As it currently

1 exists, even emergency -- if an ambulance comes
2 to the street, it would block the whole street.

3 Correct?

4 MR. KHAN: That's right. Yes.

5 MR. MULKAY: But with this proposed
6 development, the ambulance would be able to pull
7 into one of these empty aprons and go service
8 across the street, and still it would leave the
9 street open.

10 Correct?

11 MR. KHAN: That's correct. Yes.

12 MR. MULKAY: This is actually better than
13 what we currently have.

14 MR. KHAN: Yes.

15 MR. ARENCIBIA: And again, the building's
16 going to be new. It's going to be fire rated,
17 all the walls are going to be fire rated, so
18 forth. They're going to have full fire
19 sprinklers in all the buildings.

20 So, it's going to be -- it's going -- it's
21 going to be -- life safety is going to be up to
22 -- you know, up to our present standards, which
23 is -- are pretty high actually now.

24 VICE CHAIRMAN GRULLON: Any other question
25 from the member of the Board?

1 I'm going to open to the public.

2 Anybody -- anyone want to comment on this
3 application from the public?

4 MR. PRICE: Larry Price, still under oath.

5 I'll make this quick. It's late, so --

6 The building on New York Avenue --

7 MR. ARENCIBIA: Yes.

8 MR. PRICE: -- how -- what's the footprint
9 of that building? How wide is it?

10 MR. ARENCIBIA: The -- the building itself?
11 The new building?

12 MR. PRICE: The building. No, no.

13 MR. ARENCIBIA: The new proposed one?

14 MR. PRICE: No, the new building.

15 MR. ARENCIBIA: Yeah. I think it's roughly
16 the same. It's 23 feet -- 26 foot four.

17 MR. PRICE: Versus the usual 20 feet.

18 MR. ARENCIBIA: Correct.

19 MR. PRICE: That's how you can put tandem
20 -- or not tandem parking, diagonal park --

21 MR. ARENCIBIA: Diagonal parking on the
22 ground floor. Correct.

23 MR. PRICE: Is it four cars inside or
24 three?

25 MR. ARENCIBIA: Four inside, and then one

1 on the -- and two outside.

2 MR. PRICE: Two outside.

3 MR. ARENCIBIA: Two outside.

4 MR. PRICE: Okay. Okay.

5 How about the other buildings? How -- how
6 wide are they?

7 MR. ARENCIBIA: These buildings -- the
8 lots themselves are basically 27 foot ten, and
9 these are 22 foot two wide.

10 MR. PRICE: Okay. So they have an extra
11 two feet over --

12 MR. ARENCIBIA: Correct. That's it.

13 MR. PRICE: Okay.

14 Okay. A couple of comments.

15 One, theoretically -- by the way, this site
16 is basically two blocks from my home, so I'm well
17 acquainted with the site. The -- I like the
18 project.

19 Now, starting with New York Avenue, you
20 have to give a D-1 use variance there.

21 Theoretically, you shouldn't be allowing this
22 kind of building on New York Avenue. But the
23 reality is that the Zoning Ordinance doesn't fit
24 very well on New York Avenue. Between 11th Street
25 and 13th Street, on the west side, there are no

1 commercial uses. It's a commercial zone, but
2 there are no -- it's all residential.

3 On the -- on the east side, between 11th
4 Street and 13th Street, there are two. One small
5 Landromat and grocery store, bodega on the corner
6 of 13th and New York Avenue. It's really not a
7 commercial zone. And if you force them to put a
8 commercial use in there, it would be -- it really
9 wouldn't fit with the neighborhood.

10 So, although legally, you're required to --
11 you know, whatever. The fact is, a commercial
12 use wouldn't fit.

13 The other thing I like about this project
14 is the extra -- you know, the lots are 27 feet
15 wide. That means the buildings, even though the
16 five, whatever, can be 22 feet wide instead of 20
17 feet wide. And the one on New York Avenue is 27
18 feet wide; that makes a -- you know, one of the
19 things I've learned is it makes a big difference
20 when you get just a little more scale. Parking
21 becomes easier. Everything becomes easier, and
22 they have that extra space here.

23 By the way, in terms of access by emergency
24 vehicles, there was a fire in the house --
25 there's only one house, really, per se, on

1 Tournade Lane, and there was a fire there about
2 ten years ago. Fire engines got in there fine.
3 That's not a problem.

4 The one reservation I have about it, that
5 15 foot setback in the front. The normal car is
6 16 to 17 feet long. You park a 17 foot car
7 there, it's going to be two feet out into
8 Tournade Lane, which is not the place you want to
9 do.

10 Tournade Lane, by the way, is not that
11 narrow. Going through in a car, and I walk it,
12 because -- you know, it's convenient. It -- I
13 walk it all -- it's probably, I would estimate,
14 15 feet wide. It's not quite wide enough for two
15 lane -- two way traffic, but it's fine for access
16 for emergency vehicles, and you know, it works.

17 It does not have sidewalks. That's the
18 only -- but that doesn't bother me or anybody
19 else. We just use the street.

20 I think it's a good project.

21 As I say -- you know, it's a little bit
22 bigger and that makes it -- makes it work a lot
23 better.

24 Thank you.

25 MR. ARENCIBIA: Thank you.

1 MS. GUTIERREZ: Thank you.

2 VICE CHAIRMAN GRULLON: Thank you, Mr.
3 Price.

4 MS. GUTIERREZ: Thank you.

5 MR. ARENCIBIA: I agree with everything you
6 said, except one thing.

7 A standard car is not 16 or 17 feet. A --
8 an Expedition is 16 foot eight inches. So, and
9 you all know how big that car is. So, the
10 smaller cars would easily fit in that 15 foot
11 spot, without sticking out to the street.

12 That's -- that's the only -- other than
13 that, I think Mr. Price is -- hit it right on the
14 head.

15 VICE CHAIRMAN GRULLON: That would be
16 hitting the wall. Hitting the wall of the -- of
17 the building. That 15 feet is from the wall of
18 the building to the street.

19 MR. ARENCIBIA: Correct.

20 VICE CHAIRMAN GRULLON: Yeah.

21 MR. ARENCIBIA: And, if need be, we can
22 push it back a little bit. That's not -- that's
23 not in stone. We can -- we -- we can play around
24 with that wall, if that becomes an issue with the
25 Board, we could definitely make some --

1 VICE CHAIRMAN GRULLON: Definitely, we have
2 an issue with -- with the setback, with the front
3 yard setback.

4 Another issue is the tandem parking. I
5 wish you have the same setting that you have in
6 New York Avenue. But I know the -- the lot would
7 not -- you know, allow for that. But the -- as
8 my concern still safety for the -- for the
9 tenants of those -- of those units, and getting
10 emergency vehicles through. Parking in the area.

11 I'm not sure, Mr. Mulkay, do you want to
12 carry the application and give us the opportunity
13 to visit the area?

14 MR. MULKAY: Let me talk to my client, but
15 --

16 If I can just have a minute and speak to my
17 client?

18 VICE CHAIRMAN GRULLON: Sure. Go ahead.
19 Take a minute.

20 MS. DILLON: Off the record?

21 MR. PANEQUE: Off the record.

22 THE SECRETARY: Off the record.

23

24 (Whereupon, the Board recessed from 9:10
25 p.m. to 9:11 p.m.)

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MR. MULKAY: We have no objection,
obviously, to carrying the application to give
you an opportunity to go visit the site.

MS. GUTIERREZ: All right. Um hum.

VICE CHAIRMAN GRULLON: All right. So all
the Board members --

THE SECRETARY: One second. One second.
Let's go back in record.

Right?

MR. MULKAY: I'm sorry.

MS. DILLON: You're back on.

THE SECRETARY: All right.

Go ahead.

MR. MULKAY: We have no objection to -- to
adjourning the application. We request that we
adjourn it to give the Board an opportunity to go
visit the site.

MS. GUTIERREZ: Okay.

VICE CHAIRMAN GRULLON: We will feel better
if we --

MR. MULKAY: Yup. That's fine.

VICE CHAIRMAN GRULLON: -- actually see the
area one more time.

MR. MULKAY: That's fine.

1 VICE CHAIRMAN GRULLON: We know the area.
2 We just want to -- you know, confirm --

3 MR. MULKAY: If there's space.

4 VICE CHAIRMAN GRULLON: -- our concern --
5 our concerns and make sure the building to the
6 property line. I was looking to see more space
7 for sidewalk even. If the others are not
8 providing, I'd like to see something built like
9 -- you know, like -- like it is in a typical
10 neighborhood in Union City, --

11 MR. MULKAY: Right.

12 VICE CHAIRMAN GRULLON: -- not to the
13 property line with -- when the stairwell is going
14 to come down two feet from the -- you know, from
15 the street, actually.

16 MR. MULKAY: Well the --

17 VICE CHAIRMAN GRULLON: And the cars are
18 going to be --

19 MR. MULKAY: Right.

20 The problem is that this whole block
21 doesn't have a sidewalk. The typical property in
22 Union City, the stairs are built to the property
23 line. We're actually setting it back two feet,
24 but I understand.

25 VICE CHAIRMAN GRULLON: Okay.

1 MR. MULKAY: I understand.

2 And as we -- the architect testified
3 before, we could set back that wall to a few feet
4 further back, to give more room for the car
5 leaving the -- the building the way it is, which
6 is building it back in --

7 MS. GUTIERREZ: Um hum.

8 MR. MULKAY: -- so the car could pull in a
9 few feet.

10 VICE CHAIRMAN GRULLON: And before I
11 adjourn, on the back of the property, what --
12 what do you have there?

13 MR. ARENCIBIA: Five feet now.

14 VICE CHAIRMAN GRULLON: Is it residential
15 units in the back? You have residential units?

16 MR. MULKAY: You mean on the other side of
17 the street?

18 VICE CHAIRMAN GRULLON: On the other side?

19 MR. ARENCIBIA: Yes. Yes.

20 MR. MULKAY: Yes.

21 VICE CHAIRMAN GRULLON: Residential units.

22 MR. ARENCIBIA: And -- and the thing is,
23 too, you know, we have also, don't forget, the
24 duplex configuration in the upper floor. So, the
25 living room faces the -- the rear. So that's

1 nice to be give more of a setback from the rear
2 property for that living room area too --

3 VICE CHAIRMAN GRULLON: Then what we're
4 going to do before we do find a recommendation,
5 we're just going to carry it --

6 MR. MULKAY: Okay.

7 VICE CHAIRMAN GRULLON: -- to the next
8 meeting.

9 MR. MULKAY: When -- when is the next
10 meeting?

11 MR. ARENCIBIA: So it will be --

12 MS. GUTIERREZ: September 12.

13 VICE CHAIRMAN GRULLON: September 12.

14 MR. MULKAY: Okay.

15 MR. ARENCIBIA: So, is there anything we
16 should do to be prepared for -- for the next
17 meeting before --

18 VICE CHAIRMAN GRULLON: If you can work
19 with the setback, especially from the front.

20 MR. ARENCIBIA: Um hum.

21 VICE CHAIRMAN GRULLON: Maybe you can
22 reduce the -- the duplex and take some of the
23 space in the back of the building but that's --
24 it's up to you.

25 You just want to -- we want to see more

1 space in front of the building.

2 MR. ARENCIBIA: Okay. Understood.

3 All right.

4 MS. GUTIERREZ: Um hum.

5 THE SECRETARY: May I have a motion, then,
6 to --

7 VICE CHAIRMAN GRULLON: I motion to carry
8 the application.

9 THE SECRETARY: -- to carry to September 12
10 by Mr. Grullon.

11 MS. GUTIERREZ: I'm second.

12 THE SECRETARY: Seconded by Ms. Gutierrez.

13 MR. PANEQUE: Before we take a vote, Mr.
14 Mulkay, does your client waive the statutory time
15 limits in which this Board can act?

16 MR. MULKAY: They do.

17 MR. PANEQUE: Thank you.

18 THE SECRETARY: All right.

19 Motion on the table to adjourn this
20 application for September 12, 2019 by Mr.
21 Grullon.

22 Seconded by Ms. Gutierrez.

23 Roll call on the motion.

24 Mr. Grullon?

25 VICE CHAIRMAN GRULLON: Yes.

1 THE SECRETARY: Ms. Gutierrez?
2 MS. GUTIERREZ: Yes.
3 THE SECRETARY: Mr. Pressey?
4 MR. PRESSEY: Yes.
5 THE SECRETARY: Mr. Ortiz?
6 MR. ORTIZ: Yes.
7 THE SECRETARY: Ms. Pena?
8 MS. PENA: Yes.
9 THE SECRETARY: Ms. Perez?
10 MS. PEREZ: Yes.
11 THE SECRETARY: Mr. Cetinich?
12 MR. CETINICH: Yes.
13 THE SECRETARY: Seven in favor.
14 Motion carries.
15 Stay with me.
16 Stay with me.
17 MR. ARENCIBIA: Good evening, everybody.
18 Good to see you all again.
19 MS. GUTIERREZ: Good night.
20 Good night.
21 MR. MULKAY: Have a nice August.
22 MS. GUTIERREZ: Thank you.
23 Same to you.

24 * * *
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1 **RESOLUTIONS:**

2

3 (1) 1117 Summer Ave., LLC - 1117-19 Summit
4 Ave., Block 56, Lots 1, 2. Legalization of an
5 existing basement apartment, to go from a 12
6 family to a 14 family. DENIED

7 (2) Daisy Valenciano, 538 36th Street.

8 Applicant proposes the adaptive reuse of an
9 existing house into commercial space used for
10 retail and offices for a business. Applicant
11 proposes a rear addition. DENIED

12

13 THE SECRETARY: We are going to Resolutions
14 now.

15 We have two Resolutions.

16 Resolution number 1.

17 1117 Summer Avenue, LLC, 1117-19 Summit
18 Avenue.

19 This application was denied at the previous
20 meeting.

21 Resolution number 2.

22 Daisy Valenciano, 538 36th Street.

23 This application was denied at the previous
24 meeting.

25 Can I have a motion to adopt these

1 Resolution?

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

3 THE SECRETARY: Motion by Ms. Gutierrez.

4 Any second the motion?

5 Who is that, David?

6 MR. PRESSEY: Yeah, that's me, all right.

7 THE SECRETARY: Second by --

8 I'm sorry, David. You was absent.

9 MR. PRESSEY: I was absent?

10 THE SECRETARY: You was absent.

11 MS. PEREZ: I second.

12 THE SECRETARY: Second by Ms. Perez.

13 Roll call on the motion.

14 Mr. Grullon?

15 VICE CHAIRMAN GRULLON: I was absent at the
16 meeting, but I read -- the meeting -- but I read
17 the minutes.

18 THE SECRETARY: You was --

19 VICE CHAIRMAN GRULLON: Can I vote on this?

20 THE SECRETARY: You was present?

21 VICE CHAIRMAN GRULLON: No, I was absent in
22 the last meeting.

23 THE SECRETARY: No, forget it then.

24 MS. GUTIERREZ: Mr. Pressey, I think he
25 read --

1 THE SECRETARY: Okay. Let's -- let's go
2 back again to --

3 Motion on the table to adopt these
4 Resolution by Ms. Gutierrez.

5 Seconded by Ms. Perez.

6 Roll call on the motion.

7 Ms. Gutierrez?

8 MS. GUTIERREZ: Yes.

9 THE SECRETARY: Mr. Ortiz?

10 MR. ORTIZ: I was not at the previous
11 meeting.

12 THE SECRETARY: All right. You abstain,
13 then.

14 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: Mr. Grullon? You abstain?

21 VICE CHAIRMAN GRULLON: Abstain. Yes.

22 THE SECRETARY: Four in favor, two
23 abstained.

24 Motion carries.

25 * * *

CORRECTIVE RESOLUTIONS:

(1) 134 35th Street, LLC, 134 35th Street, Block 202, Lot 7. Applicant seeks relief to allow the construction of a new three family. Resolution was memorialized on October 11, 2018. The architectural drawings reversed the mailing address. The Resolution to be corrected to reflect 134 35th Street should be Block 212, Lot 8.

(2) 134 35th Street, LLC, 136 35th Street, Block 202, Lot 8. Applicant seeks relief to allow the construction of a new three family. Resolution was memorialized on October 11, 2018. The architectural drawings reversed the mailing address. The Resolution to be corrected to reflect 136 35th Street should be Block 212, Lot 7.

THE SECRETARY: Now, we are going to go to Corrective Resolutions.

We have two on tonight's agenda.

Number one.

134 36th -- 35th Street, LLC, 134 35th Street.

1 Number two.

2 134 35th Street, LLC, 136 35th Street.

3 This Corrective -- Corrective Resolution
4 was approved today.

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

7 VICE CHAIRMAN GRULLON: Motion.

8 THE SECRETARY: Motion by Mr. Grullon.

9 MS. GUTIERREZ: Second.

10 THE SECRETARY: Seconded by Ms. Gutierrez.

11 Roll call on the motion.

12 Mr. Grullon?

13 VICE CHAIRMAN GRULLON: Yes.

14 THE SECRETARY: Ms. Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Pressey?

17 MR. PRESSEY: Yes.

18 THE SECRETARY: Mr. Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Ms. Pena?

21 MS. PENA: Yes.

22 THE SECRETARY: Mrs. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Mr. Cetinich?

25 MR. CETINICH: Yes.

1 THE SECRETARY: Seven in favor.

2 Motion carries.

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1 **ADJOURNMENT:**

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

6 Motion by Ms. Perez.

7 Seconded by Mr. Ortiz.

8 MR. PRESEY: Yes.

9 THE SECRETARY: All in favor?

10

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

12

13 THE SECRETARY: The ayes have it.

14 Let the record indicate that the -- that
15 the meeting has ended.

16 Thank you and good night, everyone.

17

18 (Whereupon, the proceedings were concluded
19 at 9:18 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, July 11, 2019 and
10 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon