

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, September 12, 2019
Commencing at 6:01 p.m.

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

MARGARITA GUTIERREZ
MIGUEL ORTIZ, (Arrived at 6:11 p.m.)
DAVID W. PRESSEY
ROSIO PENA, Alternate No. 1, (Arrived at 6:25 p.m.)
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman
JOSEPH D. BONACCI, Chairman

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

LIBERO MAROTTA
JOHN MEDINA

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant 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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Roberto Rodriguez

SHERRI ORENBERG-RUGGIERI, ESQ.,
Attorney for Applicant, Satinderjit Kaur

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Jianzhong Xu

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Manuel Pereiras

100

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

3 Please take notice that on Thursday,
4 September 12, 2019, at six p.m., a Regular
5 Meeting is scheduled for the Union City Zoning
6 Board of Adjustment, to be held in the Municipal
7 Chamber, located on the Second Floor, 3715
8 Palisade Avenue, Union City, New Jersey.

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

11 Notice of this meeting setting forth the
12 time, date, location, 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 City Hall, and has been
16 made available to the public in the Office of
17 Municipal Clerk.

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

20

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

23

24 THE SECRETARY: Thank you.

25

1 **ROLL CALL:**

2

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

5 Joseph Bonacci?

6 CHAIRMAN BONACCI: Here.

7 THE SECRETARY: Victor Grullon?

8 VICE CHAIRMAN GRULLON: Here.

9 THE SECRETARY: Libero Marotta?

10 Is absent.

11 Margarita Gutierrez?

12 MS. GUTIERREZ: Here.

13 THE SECRETARY: Miguel Ortiz?

14 Is absent.

15 David Pressey?

16 MR. PRESSEY: Here.

17 THE SECRETARY: John Medina?

18 Is absent.

19 Rosio Pena?

20 Is absent.

21 Geraldine Perez?

22 MS. PEREZ: Here.

23 THE SECRETARY: Raymond Cetinich?

24 MR. CETINICH: Here.

25 THE SECRETARY: Mindry Watley?

1 MS. WATLEY: Here.

2 THE SECRETARY: Let the record indicate we
3 have one, two, three, four, five, six, seven
4 members present.

5 We have a full quorum for tonight's
6 meeting.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on July 11, 2019

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5 THE SECRETARY: All right.

6 Approval of previous meeting minutes from
7 July 11, 2019.

8 Can I have a motion?

9 VICE CHAIRMAN GRULLON: Motion.

10 THE SECRETARY: Motion by Mr. Grullon.

11 MS. GUTIERREZ: Second.

12 THE SECRETARY: Second by Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Bonacci?

15 CHAIRMAN BONACCI: Yes.

16 THE SECRETARY: 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. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Mr. Cetinich?

25 MR. CETINICH: Yes.

1 THE SECRETARY: Ms. Watley?

2 MS. WATLEY: Yes.

3 THE SECRETARY: Seven in favor.

4 Motion carries.

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

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3 THE SECRETARY: All right.

4 We are going to change --

5 Oh, no. We are going to hearings and
6 application, number one.

7 Maria Montalvo, 523 48th Street.

8 Mr. Paneque, please?

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

10 Here you go.

11 Thank you, sir.

12 Members, Mr. Chairman, ladies and gentlemen
13 of the Board, I've been provided with a letter of
14 the law office of Lopez Noris, with a date of
15 September 12th, in which Mr. Lopez is requesting
16 that the application that he had filed with
17 respect to the applicant Maria Elena Montalvo,
18 523 48th Street, be withdrawn.

19 THE SECRETARY: Thank you, Mr. Paneque.

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1 **Satinderjit Kaur - 628 36th Street:**

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

5 We are going to call Satinderjit Kaur, 628
6 36th Street.

7 Mr. Francis Linnus?

8 He's not here?

9 MR. GIDICH: Yes. Yeah. I'm the
10 architect, Zachary Gidich.

11 MS. DILLON: Just if you can come forward?

12 THE SECRETARY: Do you want to wait for --
13 for the attorney?

14 MS. ORENBERG-RUGGIERI: Oh, I didn't --

15 MR. GIDICH: I'm sure his lawyer is --

16 MS. ORENBERG-RUGGIERI: -- (Indiscernible)
17 -- the lawyer.

18 THE SECRETARY: Please.

19 MR. GIDICH: -- is present. Yeah.

20 MS. ORENBERG-RUGGIERI: (Indiscernible).
21 Yes. Francis P. Linnus.

22 MS. DILLON: I'm sorry. You can't speak
23 from there.

24 MR. PANEQUE: Step up to the microphone,
25 ma'am.

1 MS. DILLON: Right here in front of this
2 microphone, and if you could state your name, for
3 the record?

4 MS. ORENBURG-RUGGIERI: Hi.

5 Sherri Orenberg, O-R-E-N-B-E-R-G, and then
6 hyphen, Ruggieri, R-U-G-G-I-E-R-I.

7 MS. DILLON: And spell Sherri for me.

8 MS. ORENBURG-RUGGIERI: S-H-E-R-R-I.

9 MS. DILLON: Thank you.

10 MS. ORENBURG-RUGGIERI: And I'm with the
11 law firm Francis P. Linnus.

12 And it's a good thing they heard, because I
13 missed it.

14 And we represent Satinderjit Kaur. It's --

15 MR. PANEQUE: Ms. Orenberg, just one
16 second, please.

17 Before you proceed, we have to establish
18 jurisdiction.

19 Okay.

20 So, I've been provided, I'm assuming by --
21 by you or -- or somebody else, that there's a --
22 on this application with the following documents:

23 I've been provided with an Affidavit of
24 Service indicating that notice was sent out to
25 all property owners within the 200 foot radius.

1 Said Affidavit is signed by a Carol Scanzo Piltz
2 and it's dated September 6, 2019. Affidavit
3 indicates that notices were mailed out on August
4 22nd of 2019, with respect to the application
5 that's tonight before this Board.

6 I've also been provided with an Affidavit
7 of Publication from The Jersey Journal, with a
8 date of publication of August 28, 2019, in which
9 the notice for tonight's meeting indicating that
10 the applicant is coming before this Board at a
11 meeting to be held on September 12 at six p.m. at
12 3715 Palisade Avenue, Second Floor Chambers,
13 Union City. And it's with respect to the
14 property and the variances that are being sought
15 by the applicant.

16 I've also been provided with the list that
17 was provided by the Union City Tax Assessor's
18 Office. Said list was dated August 1st, 2019.
19 And it relates to the property located at 628 36th
20 Street, with a Block 260.01, Lot 12.

21 And I'm going to do something to give my
22 age away, I'm going to put on my glasses because
23 I'm trying to force my vision.

24 MS. ORENBERG-RUGGIERI: It's hold me like
25 this.

1 MR. PANEQUE: Yes. My arms don't reach.

2 Okay. Now, we're much better here.

3 All right. I've also been provided with a
4 copy of the notice that went out to all property
5 owners within the 200 foot radius, from the law
6 firm of Francis P. Linnus, attorney for the
7 applicant, as well as the certified mail
8 receipts.

9 I note, for the record, that those
10 certified mail receipts have a postmark date of
11 August 22nd, 2019, and the certified mail green
12 cards that have come back to date.

13 Based on the documentation that has been
14 provided by the applicant's attorney, this Board
15 has jurisdiction to proceed and hear this matter.

16 Thank you, Ms. Orenberg, now you can
17 proceed.

18 MS. ORENBERG-RUGGIERI: Okay.

19 So, are we presenting our application
20 tonight?

21 CHAIRMAN BONACCI: So, we recently spoke
22 before the meeting that several of our members
23 are on a limited timeframe tonight. So, we're
24 going to look to adjourn this until October, so
25 that we can hear the full testimony and give it

1 the time that it needs, so that we can come to
2 the decision that we need to make at that time.

3 MS. ORENBERG-RUGGIERI: And I've spoke to
4 my clients and we're agreeable. Absolutely.

5 CHAIRMAN BONACCI: And you guys are okay
6 with waiving the time constraints?

7 MS. ORENBERG-RUGGIERI: We'll waive the
8 time constraints.

9 And I just wanted to make sure, hopefully,
10 no new notice will be required.

11 MR. PANEQUE: No. There will be no new
12 notice required, nor any need for publication.
13 The matter is going to be carried to the October
14 meeting.

15 Mr. Vallejo what date is that?

16 THE SECRETARY: The 10th.

17 MR. PANEQUE: So, going to be carried to
18 October 10th; same time, six p.m., same location,
19 no notice required, no publication required.

20 Okay?

21 MS. ORENBERG-RUGGIERI: Okay.

22 Very good.

23 CHAIRMAN BONACCI: Thank you.

24 MS. ORENBERG-RUGGIERI: Thank you.

25 MR. PANEQUE: Thank you.

1 MS. ORENBERG-RUGGIERI: See you on the
2 10th.

3 VICE CHAIRMAN GRULLON: Thank you.

4 THE SECRETARY: Can I have a motion --

5 MS. GUTIERREZ: All right.

6 THE SECRETARY: -- to adjourn --

7 MS. GUTIERREZ: Thank you.

8 THE SECRETARY: -- this application for --

9 VICE CHAIRMAN GRULLON: Motion.

10 THE SECRETARY: -- October 10, 2019? No
11 new notice required.

12 VICE CHAIRMAN GRULLON: Motion.

13 THE SECRETARY: Motion by Mr. Grullon.

14 MS. GUTIERREZ: Second.

15

16 (Whereupon, Miguel Ortiz arrived at 6:11
17 p.m.)

18

19 THE SECRETARY: Second by Ms. Gutierrez.

20 Roll call on the motion to adjourn this
21 application.

22 Mr. Bonacci?

23 CHAIRMAN BONACCI: Yes.

24 MR. ORTIZ: Good evening.

25 THE SECRETARY: Mr. Grullon?

1 VICE CHAIRMAN GRULLON: Yes.

2 THE SECRETARY: Ms. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Pressey?

5 MR. PRESSEY: Yes.

6 THE SECRETARY: Ms. Perez?

7 MS. PEREZ: Yes.

8 THE SECRETARY: Mr. Cetinich?

9 MR. CETINICH: Yes.

10 THE SECRETARY: Ms. Watley?

11 MS. WATLEY: Yes.

12 THE SECRETARY: Seven in favor.

13 Motion carries.

14 Thank you.

15 Let the record show that Mr. Ortiz has
16 joined the meeting.

17 Thank you.

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1 **Roberto Rodriguez - 1711 Manhattan Avenue:**

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3 THE SECRETARY: All right.

4 We are -- okay.

5 We are going to -- I mentioned to you

6 before, change a little bit the order of

7 tonight's agenda, we are going to Roberto

8 Rodriguez, 1711 Manhattan Avenue.

9 Mr. Alonso, please?

10 MR. ALONSO: Good evening.

11 For the record, Alvaro Alonso, Alonso

12 Navarette, on behalf of the applicant.

13 I'm providing my proof of publication and

14 notices to counsel for jurisdictional purposes.

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

16 Let the record reflect the following:

17 I've been provided by Mr. Alonso with an

18 Affidavit, which is signed by Mr. Alonso,

19 indicating that notice of tonight's hearing was

20 provided on August 31st, 2019, with respect to the

21 property at 1711 Manhattan Avenue in the City of

22 Union City.

23 I've also been provided with the Affidavit

24 from The Jersey Journal, which indicates that

25 said notice of tonight's hearing was published in

1 The Jersey Journal on August 31st, 2019.

2 I've also been provided with a copy of the
3 notice that went out. Said notice indicates that
4 on tonight's night at six p.m., at this location,
5 the application with respect to 1711 Manhattan
6 Avenue will be heard by this Board.

7 I've also been provided with a copy of the
8 certified list of all property owners within the
9 200 foot radius promulgated by the Union City Tax
10 Assessor's Office. And said list is dated August
11 8, 2019.

12 And I've been provided with the certified
13 mail receipts, with a postmark date of August
14 31st, 2019.

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

19 CHAIRMAN BONACCI: Mr. Alonso, as we spoke
20 earlier, same as the last applicant, we're on a
21 time constraint. We're looking to see if we can
22 move this over for October?

23 MR. ALONSO: Yeah, that's fine. I had
24 spoke to my client, who was here earlier, and he
25 consents.

1 CHAIRMAN BONACCI: Okay.

2 And you guys are also okay with waiving the
3 time constraints?

4 MR. ALONSO: That's correct.

5 CHAIRMAN BONACCI: Okay.

6 And we'll hear this in a positive fashion
7 come October.

8 MR. ALONSO: Very good.

9 CHAIRMAN BONACCI: Thanks.

10 MR. ALONSO: What's the date?

11 THE SECRETARY: October 10.

12 CHAIRMAN BONACCI: Ten.

13 MR. ALONSO: Ten.

14 Thank you.

15 THE SECRETARY: Can I have a motion to
16 adjourn this application?

17 CHAIRMAN BONACCI: Make a motion.

18 THE SECRETARY: Motion by Mr. Bonacci.

19 Seconded by Ms. Gutierrez.

20 Roll call on the motion to adjourn this
21 application for October 10, 2019.

22 Mr. Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Mr. Bonacci?

25 CHAIRMAN BONACCI: 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. Perez?

8 MS. PEREZ: Yes.

9 THE SECRETARY: Mr. Cetinich?

10 MR. CETINICH: Yes.

11 THE SECRETARY: Seven in favor.

12 Motion carries.

13 Thank you, Mr. Alonso.

14 No new notice required.

15 MR. ALONSO: Thank you.

16 THE SECRETARY: Don't go. Don't go. Stay
17 there.

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

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

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3 THE SECRETARY: All right.

4 Next application on tonight's agenda is a
5 continuation from the previous meeting on July
6 11, 2019.

7 1015 West Street, LLC, 601 11th Street.

8 Mr. Alonso, please?

9 The application is on the --

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

12 MR. PANEQUE: Ready?

13 THE SECRETARY: Go ahead, Mr. Alonso,
14 please.

15 MR. ALONSO: Okay.

16 Good evening, members of the Board.

17 Again, Alvaro Alonso, Alonso Navarette, on
18 behalf of the applicant.

19 The Board may recall that we presented our
20 application on July 11th. At that time, Mr.
21 Valella testified with respect to the existing
22 conditions of the property and how we wish to
23 make modifications.

24 If you will recall, we indicated that there
25 were three commercial units on the ground floor

1 and one residential unit on the ground floor, and
2 there were four units upstairs.

3 There were three units in the basement that
4 we wanted to legalize. They've been preexisting
5 as far as we know. And we wanted to consolidate
6 them and go from three units to two units.

7 At that time, the Board had introduced a
8 memo from Mr. Martinetti, which indicated that
9 the property was originally four units and
10 commercial. The interpretation at the time was
11 that it was only one commercial unit and four
12 units.

13 So, we concluded the presentation also with
14 Mr. Pessolano, who testified as our planner. And
15 at that time, the Board had asked us to try to
16 find documentation to prove the existence of the
17 commercial units that are there, which are three,
18 plus the fifth unit, which is on the ground
19 floor.

20 So, between the documentation that my
21 client had in his possession, as well as a
22 response to our OPRA request from the Building
23 Department, we received the following documents:

24 And I believe we marked up to A-4 in the
25 past. So, I'll start with A-5.

1 MR. PANEQUE: Okay.

2 Mr. Alonso, just -- just to make a point of
3 clarification on the record, I've been advised by
4 our Secretary that when this matter was
5 presented, our Chairman, Mr. Bonacci, was not
6 present. So, he did not hear --

7 CHAIRMAN BONACCI: That was July.

8 MR. PANEQUE: July 11th.

9 CHAIRMAN BONACCI: July. Yeah. I wasn't
10 here in July.

11 MR. PANEQUE: He did not participate in
12 that meeting, therefore he is not going to be
13 able to vote tonight on this application.

14 MR. ALONSO: Okay.

15 MR. PANEQUE: Unless we put off the vote,
16 and then he can read the transcript.

17 So, we do have enough members.

18 THE SECRETARY: Yes.

19 MR. PANEQUE: But it's your call.

20 THE SECRETARY: We have seven members.

21 MR. ALONSO: Oh, we have -- we have seven
22 members.

23 MR. PANEQUE: We have.

24 MR. ALONSO: Yeah.

25 MR. PANEQUE: It's just I just want to make

1 | that clear so --

2 | MR. ALONSO: I appreciate that.

3 | Thank you.

4 | So, with that said -- I mean, he can
5 | participate.

6 | MR. PANEQUE: Oh, he --

7 | MR. ALONSO: Yeah.

8 | MR. PANEQUE: He will --

9 | MR. ALONSO: Absolutely.

10 | MR. PANEQUE: -- participate.

11 | MR. ALONSO: Yes.

12 | MR. PANEQUE: He's just not going to vote
13 | because he didn't listen to the first part of
14 | your presentation.

15 | MR. ALONSO: Very well.

16 | So, A-5 is going to be a memo from Martin
17 | Martinetti, which is dated September 28, 2007.

18 |

19 | (Whereupon, Memo from Martin Martinetti,
20 | dated 9/28/07 was received and marked as Exhibit
21 | A-5.)

22 |

23 | MR. ALONSO: It says the property had a
24 | commercial use with retail apartments. The only
25 | corporation to own was Rafenia Corporation, or

1 Allied Corp., use consists of a grocery store,
2 beauty salon, candy store and daycare.

3 So, that's -- there was four commercial
4 uses back in 2007.

5 I'm going to provide you with everything as
6 one package.

7 Then, A-6 is the -- is a CO that was issued
8 by the City for the grocery store, which is dated
9 January 24th, 2019.

10 MS. DILLON: I'm sorry. Can I have that
11 date again?

12 MR. ALONSO: January 24, 2019.

13 MS. DILLON: Okay.

14

15 (Whereupon, CO for Grocery Store dated
16 1/24/19 was received and marked as Exhibit A-6.)

17

18 MR. ALONSO: A-7 is the CO issued June 24,
19 2019 for the retail store.

20

21 (Whereupon, CO for Retail Store dated
22 6/24/19 was received and marked as Exhibit A-7.)

23

24 MR. ALONSO: A-8 is the CO issued on
25 January 8, 2007 for the daycare center. And

1 | those are the three commercial units.

2 |

3 | (Whereupon, CO for Daycare Center dated
4 | 1/8/07 was received and marked as Exhibit A-8.)

5 |

6 | MR. ALONSO: And now, there's a -- a fourth
7 | CO that I have, and the fourth CO is for a beauty
8 | salon.

9 | So, I'm going to mark this as a package, as
10 | A-9.

11 | So, you have a CO from June 7th, 1999 as a
12 | beauty salon.

13 | And then, there was an application, which
14 | was received by the Building Department on
15 | December 11th, 2000. It's an application for
16 | zoning determination to convert the beauty salon
17 | to a studio apartment.

18 | Then, the third document in A-9 is that
19 | same application, which is marked approved by the
20 | Building Department.

21 | And then, the fourth document is a letter
22 | dated February 1, 2001, from Mr. Thomas Tormey,
23 | Acting Construction Official from the Building
24 | Department, where it says that this is to confirm
25 | that your application for zoning determination

1 has been approved. You must contact the Building
2 Department to set up an inspection.

3 So, as of 2001, that ground floor apartment
4 was existing.

5 And I'll provide this to your attorney as
6 part of the evidence.

7
8 (Whereupon, Package containing CO dated
9 6/7/99 as a Beauty Salon, a Zoning Determination
10 Application received by Building Department on
11 12/11/00, Zoning Determination Application
12 Approval, and Letter dated 2/1/01 from Building
13 Department was received and marked as Exhibit
14 A-9.)

15
16 (Whereupon, there was a pause in the
17 proceedings while documents were reviewed.)

18 MR. PANEQUE: Okay.

19 MR. ALONSO: Okay.

20 So, the -- any issues, I believe regarding
21 the ground floor, first floor and upstairs, in
22 terms of the existing uses, which is the five
23 apartments and the three commercial uses,
24 hopefully you're satisfied with these documents.

25 So, the only issue before the Board now is

1 the consolidation of the three existing
2 apartments from the basement, to conform to two
3 apartments. And that's the testimony that was
4 provided by Mr. Valella.

5 And if the Board has any questions with
6 respect to that, we could go ahead and -- and
7 answer them at this time.

8 CHAIRMAN BONACCI: Okay. Real quick. So
9 the --

10 MS. DILLON: Let me swear him in.

11 CHAIRMAN BONACCI: Oh, yeah. Sure. Sure.
12 Sorry.

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

16 MR. VALELLA: I do.

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

19 MR. VALELLA: Sure.

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

21 And my professional offices are at 5809
22 Madison Street in West New York, New Jersey.

23 CHAIRMAN BONACCI: Okay.

24 So, my question first is about the basement
25 apartments.

1 MR. VALELLA: Yes.

2 CHAIRMAN BONACCI: So, you guys said
3 something about consolidating the basement
4 apartment count. So, instead of being three
5 basement apartments, you would consolidate that
6 to two.

7 MR. VALELLA: Yes.

8 CHAIRMAN BONACCI: Okay.

9 And since you have that in front of you,
10 what would be the square footage of the -- the
11 basement apartments?

12 And then, specifically, the bedrooms in the
13 basement apartments?

14 MR. VALELLA: Sure. Be happy to.

15 So, originally, or as exists, there are
16 three apartments down there. We were not happy
17 with the sizes of them. And we recommended to
18 consolidate to two.

19 As it now is proposed, apartment number six
20 is 957 square feet. It is a two bedroom
21 apartment, with a seven foot three inch ceiling.

22 And apartment number seven is 920 square
23 feet. Again -- again, same ceiling height and
24 that is a two bedroom apartment.

25 You can see the -- the sizes on the

1 dwelling in unit apartment count; 957 and 920 are
2 six and seven.

3 CHAIRMAN BONACCI: And the -- and the
4 bedrooms?

5 MR. VALELLA: Two bedrooms apiece.

6 CHAIRMAN BONACCI: Okay.

7 And the square footage of the bedrooms?

8

9 (Whereupon, Rosio Pena arrived at 6:25
10 p.m.)

11

12 MR. VALELLA: The bedrooms are eight foot
13 six inches by 15 feet, and 12 foot two by ten.
14 So, square footage is about 120, and probably
15 Larry is much better at math than me, 15 times
16 eight.

17 THE SECRETARY: Mr. Alonso, allow me one
18 second.

19 Let the record indicate that Rosio Pena
20 joined the meeting.

21 Thank you.

22 MR. VALELLA: And apartment number seven is
23 15 feet by nine, and 15 by nine. So, they're
24 very generous sizes.

25 CHAIRMAN BONACCI: Okay.

1 And what would, now, the total unit count
2 be, for residential?

3 MR. VALELLA: So, the total now would be
4 six --

5 MR. ALONSO: Seven.

6 MR. VALELLA: -- seven units.

7 I apologize.

8 Five are existing; one on the ground, four
9 above, and then the two that are proposed in the
10 basement.

11 MR. ALONSO: I'm better than you -- than
12 you in math, too.

13 But I just want to -- I forgot to -- to
14 provide these two documents.

15 A-10 is a letter dated April 12th, 1999,
16 from Alex Velazquez, the Division Inspector from
17 the Building Department.

18
19 (Whereupon, Letter dated 4/12/99, from Alex
20 Velazquez, the Division Inspector for the
21 Building Department was received and marked as
22 Exhibit A-10.)

23

24 MR. ALONSO: And A-11 is a letter dated
25 November 16, 1999 from Carlos Valadesuso, also

1 from the Building Department.

2

3 (Whereupon, Letter dated 11/16/99 from
4 Carlos Valadesuso, Building Department was
5 received and marked as Exhibit A-11.)

6

7 MR. ALONSO: A-10 is with respect to the
8 basement apartment.

9 And A-11 is with respect to apartment B3,
10 which is the third basement apartment, just
11 indicating that they must be brought up to Code.

12 And that's just being offered as proof that
13 the City has acknowledged that they've been
14 existing, but for some reason, they have
15 indicated that they're not legal units. So,
16 that's why we're here, just to legalize and
17 consolidate and get our permits and to renovate
18 them.

19 CHAIRMAN BONACCI: And how many commercial
20 units did you say?

21 MR. ALONSO: There's a total of three, with
22 Certificate of Occupancies that we've provided.

23 CHAIRMAN BONACCI: And you would keep it
24 like that.

25 MR. ALONSO: That's correct.

1 CHAIRMAN BONACCI: So, you'd have three
2 commercial and seven residential units.

3 MR. ALONSO: Correct.

4 CHAIRMAN BONACCI: Okay.

5 MR. ALONSO: And again, by way of
6 background, my client purchased this property
7 about six years ago. He bought it through a
8 foreclosure. The units are in bad disrepair.
9 They really need to be fixed up. And he's taking
10 this opportunity to bring everything up to Code
11 and to consolidate and make them better units for
12 the residents.

13 CHAIRMAN BONACCI: You guys did a really
14 nice job of getting the records from the Building
15 Department.

16 Were you able to get any tax records?

17 MR. ALONSO: No, because I wasn't asked to
18 -- there are other records that I had provided.
19 Let me see what those exhibits were. I don't
20 recall off the top of my head.

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

23 MR. ALONSO: A-1 was the Rent Registration
24 Statement, which reflected actually all eight
25 units as being registered with the Rent Control

1 Board.

2 A-2 was the Department of Community Affairs
3 Certificate of Registration. And I can't -- it
4 looks like eight units it's registered as.

5 A-3, again, was also the -- the Inspection
6 Report from the DCA, with eight units.

7 And I thought that there was an A-4, but
8 maybe that was a planning -- that was -- the
9 planning exhibit was A-4 (sic).

10 So, it's always been registered as eight
11 units, with all the other agencies. For some
12 reason, the Building Department doesn't recognize
13 them and that's why we're trying to just legalize
14 them so we can get our permits.

15 CHAIRMAN BONACCI: Okay.

16 My other issue, and then I'll open it up
17 for the other Board members, is that it's a mixed
18 use building and it's not permitted in this zone,
19 and it's a low density residential zone. So, the
20 count is pretty high for 11th Street, a low
21 density residential zone.

22 Would there be a possibility that you guys
23 could bring down the count?

24 MR. VALELLA: Well, we're already bringing
25 down the count. We're eliminating one dwelling

1 unit as we speak.

2 CHAIRMAN BONACCI: It's one.

3 MR. VALELLA: Right.

4 CHAIRMAN BONACCI: I mean, 11th Street is
5 very densely populated, as it is.

6 MR. ALONSO: Right. The -- the testimony
7 at the last hearing was it's actually two
8 buildings.

9 CHAIRMAN BONACCI: Okay.

10 MR. ALONSO: It's a corner building. And
11 then --

12 CHAIRMAN BONACCI: Right.

13 MR. ALONSO: -- there's a building next
14 door to it. So, it's actually spread out over --
15 over two properties.

16 CHAIRMAN BONACCI: Okay.

17 So, if we've got two properties, how many
18 units are going to be on property number one?

19 And then, how many units on property number
20 two?

21 MR. VALELLA: Property number one would be
22 the front corner. And that has four and one,
23 five dwelling units. And then -- existing, five
24 dwelling units. And in the rear, there are none
25 above. Now, in the basement, we're proposing one

1 and one.

2 So, there would be six in the front
3 property and one in the rear property.

4 CHAIRMAN BONACCI: So, that accounts for
5 property one and property two.

6 MR. VALELLA: Yes, sir.

7 CHAIRMAN BONACCI: Okay.

8 And then, my last issue is with the parking
9 requirements. You need two for each two bedroom
10 unit, which means you would need how many?

11 MR. VALELLA: We have -- 24 is the
12 required.

13 CHAIRMAN BONACCI: And how many do you guys
14 propose?

15 MR. VALELLA: There are no -- there is no
16 parking on the property.

17 CHAIRMAN BONACCI: Okay.

18 So, out of 24, we don't get any.

19 All right. I don't have any more
20 questions.

21 MR. ALONSO: Correct.

22 Yeah. These -- these are all existing
23 conditions.

24 CHAIRMAN BONACCI: I understand.

25 MR. ALONSO: Mr. Pessolano testified as to

1 -- as to the proofs, any of the negative
2 criteria, would have already been met by the fact
3 that it's already been preexisting for many
4 years.

5 CHAIRMAN BONACCI: Other members of the
6 Board?

7 Questions?

8 Nobody?

9 VICE CHAIRMAN GRULLON: Mr. Alonso, the
10 records that you obtained from Building
11 Department, for what day are they?

12 MR. ALONSO: The date of the documents or
13 the date that I received them?

14 VICE CHAIRMAN GRULLON: No. The date of
15 the documents.

16 MR. ALONSO: They --

17 VICE CHAIRMAN GRULLON: I just want to
18 know, the preexisting condition, when -- when did
19 it start?

20 MR. ALONSO: Well, the documents I have
21 provided to -- to Mr. Paneque, some of them date
22 as far back as 1999, is the documentation that we
23 have.

24 The legal -- the legalization of the one
25 studio apartment on the ground floor was started

1 in 1999, and ultimately, it was approved in 2001.

2 The Certificate of Occupancies were all
3 through this year, except for one that was -- was
4 older. But they -- they kind of spread out.

5 And also, the basement apartment
6 documentation was also from 1999.

7 VICE CHAIRMAN GRULLON: Mr. Valella, did
8 you get an opportunity to -- to visit the site?

9 MR. VALELLA: Yes. We visited the site.

10 VICE CHAIRMAN GRULLON: And did you -- what
11 was your opinion? Can you tell more or less the
12 construction of the dwelling units there, if
13 there are any new units there?

14 MR. VALELLA: Well, it's hard. It's a
15 minimum of 20 years. I would probably say more
16 like 30 that they've been there.

17 CHAIRMAN BONACCI: Would you be able to
18 testify as to any of the safety standards?

19 MR. VALELLA: Yeah, the units -- I mean,
20 your Building Department does a fantastic job
21 when it comes to that, when we renovate an
22 apartment. This would not be any exception,
23 would not be an exception.

24 You know, you'd get a fire suppression
25 system that isn't there now. You'd get

1 inspected, all the electrical would be inspected
2 and the wiring. All the bedroom windows would be
3 compliant with a fireman's access, which is a
4 huge plus. The fire ratings would be upgraded to
5 -- to separate the units, in case of a fire.

6 So, you know, it's a -- would be a dramatic
7 improvement, should we get through and are able
8 to renovate these units, dramatic.

9 CHAIRMAN BONACCI: I'm just going to open
10 it up to members of the public.

11 MS. DILLON: Mr. Price, please raise your
12 right hand.

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

15 MR. PRICE: I do.

16 MS. DILLON: Name and address, please, for
17 the record.

18 MR. PRICE: Larry Price, 1006 Palisade
19 Avenue.

20 First, a question.

21 Combine the two lots, what's the square
22 footage of the lots?

23 MR. VALELLA: The total lot area is 3,097
24 square feet.

25 MR. PRICE: Okay. Okay.

1 So, it's slightly larger than --

2 MR. VALELLA: Thirty one hundred.

3 MR. PRICE: -- one lot, but not much.

4 MR. VALELLA: Not much.

5 MR. PRICE: Okay.

6 I'd like to return to the Department memo
7 from the Building Department said, we had one
8 commercial space and four, that's what's on the
9 records. Now, as I understand Mr. Alonso's
10 testimony, one of the additional apartments came
11 from the conversion of part of that commercial
12 space, into an apartment on the ground floor.

13 MR. VALELLA: Yes.

14 MR. PRICE: Do you --

15 Okay.

16 There was documentation from the Building
17 Department, was there any documentation from --
18 you know, that's a conversion of a use -- you
19 know, from a permit -- from a, whatever. And
20 only this Board can do it, the Building
21 Department cannot do that.

22 Was there any documentation --

23 MR. ALONSO: Which -- which part are you
24 talking about?

25 MR. PRICE: You convert part of a

1 commercial space, existing, which we will assume
2 went back to beyond 1974, so it's a preexisting
3 nonconforming use. You commit that -- you -- you
4 convert that to a residential use. That's
5 apartment number five.

6 MR. ALONSO: Okay.

7 MR. PRICE: Is it --

8 MR. ALONSO: That's back in 1999.

9 MR. PRICE: Fine.

10 MR. ALONSO: All right.

11 MR. PRICE: So what?

12 MR. ALONSO: There's -- under the theory of
13 estoppel, we're -- we're entitled to rely upon
14 that.

15 You mean, you can't -- there's -- any
16 statute of limitations to challenge that has
17 expired. It's a legal unit. The City has -- has
18 acknowledged it.

19 MR. PRICE: I beg your pardon.

20 MR. ALONSO: So --

21 MR. PRICE: We have already gone to court
22 on that --

23 MR. ALONSO: So --

24 MR. PRICE: -- Mr. Alonso --

25 MR. ALONSO: You and I have not. So, if

1 | there's any issue with respect to that unit, I
2 | believe that that's already been satisfied --

3 | MR. PRICE: But --

4 | MR. ALONSO: -- with the documents that --

5 | MR. PRICE: Well --

6 | MR. ALONSO: -- I presented.

7 | MR. PRICE: But I'm saying to this Board
8 | is, there was a conversion, and only this Board
9 | can approve that conversion; the Building
10 | Department cannot.

11 | If you have documentation from the Building
12 | Department that in 19 -- 2000, whatever, it was
13 | converted, so part of the application tonight is
14 | that you have to approve that, that -- that
15 | conversion from commercial to residential.

16 | MR. ALONSO: No. That -- that's not --
17 | well, that's not true. I mean, the Board can, if
18 | they want to -- you know, cover their bases,
19 | include that in a resolution. But our position
20 | is that it's legal. It's a legal unit.

21 | The memo that you had cited from Mr.
22 | Martinetti from this year, indicates commercial.
23 | It doesn't say how many -- it didn't say a
24 | commercial, one commercial, it said it's
25 | commercial and there's four residential units.

1 For whatever reason, he put four residential
2 units, but I took objection with the commercial
3 and that's why the -- the Board had asked me to
4 get the documentation, to try to explain away.

5 Now, Mr. Martinetti should have been here
6 to -- to testify and bring all the records, but
7 all we have is his memo. So, we don't know why
8 he wrote the memo the way he did. We don't even
9 know if he wrote it, 'cause he signed it or at
10 least -- I don't even know if he signed it, no,
11 he didn't. His initials on it, but we don't even
12 know if he wrote it.

13 But it is what it is. In 1999, there was
14 an -- a zoning determination application was
15 submitted and it was approved, and inspections
16 were conducted. And it's been a legal unit ever
17 since.

18 MR. PRICE: Again, I return to my
19 statement, only this Board can approve a change;
20 the Building Department cannot.

21 Now, attached, normally, to Mr.
22 Martinetti's memo is the usual paperwork showing
23 that -- how he arrived at the one commercial and
24 -- and the four residential. Is that -- usually,
25 it's the --

1 MR. PANEQUE: It usually is.

2 MR. PRICE: It's the tax record from --

3 MR. PANEQUE: Yeah.

4 MR. PRICE: -- 1972.

5 MR. PANEQUE: Usually, we do have that
6 attachment, Mr. Price, but in this case, it was
7 not provided.

8 MR. PRICE: Okay.

9 MR. PANEQUE: So, all we have is the memo
10 from Mr. Martinetti, indicating that as per his
11 records, the Construction Department recognizes
12 this property as four units and commercial.

13 Now, on the commercial aspect, the question
14 was, how many commercial units were there? But
15 commercial is subject to being divided --

16 MR. PRICE: Yeah. I --

17 MR. PANEQUE: -- at any time without really
18 coming before this Board.

19 The -- the units, the residential units is
20 what this Board has the authority to either
21 approve or deny.

22 Okay?

23 So, Mr. Alonso's argument is that in 1999,
24 the application that was made to the Construction
25 Department to convert the commercial portion, or

1 a part of the commercial portion into a unit was
2 approved by --

3 MR. PRICE: A residential unit.

4 MR. PANEQUE: Into a residential unit, was
5 approved by the Construction Department, the
6 Building Department. And there's records to that
7 effect.

8 You are correct when you indicate that the
9 case law is quite clear that the Building
10 Department does not have said authority.

11 Okay?

12 The problem is that no one has challenged
13 that unit. Okay. No one has taken a challenge
14 and has come forward, either in court or before
15 this Board, to say that that fifth unit, which
16 was purportedly legalized through the Building
17 Department's actions, is illegal. Okay.

18 So, we're going to go off the memo from Mr.
19 Martinetti. And this Board, if it makes a
20 determination to approve this application, will
21 have to also make a determination that -- as to
22 the number of units that they're approving.

23 So, the application that we have before
24 this Board is to end -- to end with a product
25 that will consist of seven units, the five that

1 are there plus the two in the basement, and three
2 commercial.

3 Okay.

4 And is that your application?

5 MR. ALONSO: That's the application.

6 MR. PANEQUE: Okay.

7 So, if this Board deems fit to approve that
8 application, the issue that you raise, that the
9 Building Department never had authority to
10 legalize this unit, will become void because by
11 the fact that we're going to legalize it --

12 MR. PRICE: Yes.

13 MR. PANEQUE: -- tonight.

14 MR. PRICE: Yes. That's what you have to
15 do. Okay. I --

16 MR. ALONSO: Well, I -- I object to his
17 conclusion that that's what you have to do. As I
18 indicated earlier, if you -- you will indicate if
19 there's an approval that it would be seven units.

20 MR. PANEQUE: Correct.

21 MR. ALONSO: I don't believe that you would
22 make a determination as to the legality of that
23 fifth unit, but it would be seven units.

24 MR. PANEQUE: It would be all encompassing.

25 MR. ALONSO: Correct.

1 MR. PRICE: Okay.

2 My closing comment, I have to echo Mr.
3 Bonacci's remark, being this is a slightly larger
4 than normal building lot, but not much. It's
5 3,097 square feet, 25 by a hundred; 2500 square
6 feet's normal. So it's slightly larger.

7 But we're putting -- they're putting a lot
8 of -- they're cramming a lot of stuff into the
9 five pound bag.

10 You're talking -- they want seven
11 residential units and three commercial; ten
12 units. Normally, it would be three units or
13 whatever. They -- they want ten, which is a lot.

14 They're increase -- you're increasing the
15 parking requirement by at least six. Of course,
16 no parking is provided.

17 It's -- you know, it's frankly just too
18 much for too small -- with too little in the way
19 of -- you know -- you know, site services, like
20 parking. So, it is not a good application.

21 Thank you.

22 MR. ALONSO: Well, I -- I would just object
23 to the characterization of what the application
24 is. We're not cramming anything into the
25 building. It's already existing. It's been

1 | existent. It's been in operation. There's never
2 | been any problems with the site. There's never
3 | been any complaints with the site. There's never
4 | been any issues with the site, as it existed for
5 | many years.

6 | What we're doing is, at this point, is
7 | legalizing it, to bring those units in the
8 | basement up to Code, as I indicated. This was a
9 | foreclosed piece of property. It had been under
10 | receivership and Ray Bulin was the receiver,
11 | who's in charge of the property.

12 | Given the condition and the condition that
13 | the tenants were living in, my client decided to
14 | -- you know, it's time to bring it up to Code.
15 | And that's all we're doing.

16 | So, we're not cramming anything. It's all
17 | preexisting.

18 | MR. PANEQUE: Mr. Alonso, the basement
19 | presently has three units.

20 | MR. ALONSO: Correct.

21 | MR. PANEQUE: The three units are vacant.

22 | MR. ALONSO: I believe they're vacant and
23 | my -- what my client did, was once he was alerted
24 | by the Building Department that they were
25 | possibly illegal units, he decided to get the

1 tenants out of there, obviously for safety
2 reasons, because we know a lot of times the
3 issues come up with those types of units.

4 And at that time, once they were vacated,
5 he felt that it was in everyone's best interest
6 to bring them up to Code.

7 MR. PANEQUE: Okay.

8 MR. ALONSO: And one of the things to do
9 was to consolidate them and make them two nicer
10 units, as opposed to three smaller units.

11 MR. PANEQUE: But that consolidation
12 undertaking has not taken place.

13 MR. ALONSO: No.

14 MR. PANEQUE: So, we have a vacant
15 basement, with the existing three units, which
16 were illegal.

17 MR. ALONSO: Correct.

18 MR. PANEQUE: Okay.

19 And your client is proposing to legalize
20 the units, bring them up to Code, make them two,
21 thereby creating a better living environment for
22 those two units that are going to be remaining,
23 and a safer environment.

24 Correct?

25 MR. ALONSO: Correct. And --

1 MR. PANEQUE: Now --

2 MR. ALONSO: And I do want to add, though,
3 even though the Building Department has indicated
4 to my client that they're illegal, they did issue
5 those two memos that I had provided to you, as
6 Exhibits 10 and 11, --

7 MR. PANEQUE: Um hum.

8 MR. ALONSO: -- indicating that they
9 acknowledge that the units are there, you just
10 have to bring them up to Code. Typically, you
11 would get a notice of violation for having an
12 illegal apartment, and telling us to have them
13 vacated.

14 So, that's not what those memos are saying.
15 They're just saying just bring them up to Code.

16 MR. PANEQUE: Now, the rest of the
17 building, the four units upstairs, they're
18 occupied?

19 MR. ALONSO: They are.

20 MR. PANEQUE: And the fifth unit, where the
21 commercial space --

22 MR. ALONSO: Is --

23 MR. PANEQUE: -- that's occupied also.

24 MR. ALONSO: That's occupied also.

25 MR. PANEQUE: And the three commercial

1 spaces are occupied.

2 MR. ALONSO: They're occupied, with the
3 tenants that I provided the COs.

4 MR. PANEQUE: The COs.

5 Now, you said that there's two structures
6 here, the structure in the front and the
7 structure in the rear.

8 MR. ALONSO: Correct.

9 MR. PANEQUE: The structure in the rear
10 only has the one commercial space.

11 MR. ALONSO: Correct. And I believe --

12 MR. PANEQUE: Which is the --

13 MR. ALONSO: -- that's the daycare.

14 MR. PANEQUE: -- daycare?

15 MR. ALONSO: Yes.

16 MR. PANEQUE: And then, everything that
17 we're talking about is taking place in the
18 structure in the front.

19 MR. VALELLA: No.

20 MR. ALONSO: No.

21 MR. VALELLA: No. The -- one of the two
22 units, the basement units, is under the daycare.

23 MR. PANEQUE: So, then the basement goes
24 through both structures?

25 MR. VALELLA: Yes.

1 MR. PANEQUE: Okay.

2 That wasn't clear, at least -- let's see if
3 that's clear in the --

4 So, technically, even though you're saying
5 it's two structures, they share a basement?

6 MR. VALELLA: They share -- yes. It must
7 have been added to, at some point. It -- they --
8 it's co -- it's united.

9 MR. PANEQUE: Okay.

10 CHAIRMAN BONACCI: Mr. Valella, are you
11 saying that the apartments, the basement
12 apartments, they're underneath the daycare?

13 MR. VALELLA: Yes. One is underneath the
14 daycare, one is underneath the front structure.

15 CHAIRMAN BONACCI: Okay.

16 How do you get down there?

17 MR. VALELLA: You have access from the
18 street, from West. You come down, there's some
19 basement stairs at street level, and they give
20 access to both dwelling units. There's also a
21 cellar access -- exit from the front unit, number
22 six, out to 11th Street.

23 CHAIRMAN BONACCI: And it doesn't interfere
24 with the operations of the daycare?

25 MR. VALELLA: No. No, it doesn't.

1 CHAIRMAN BONACCI: Mr. Alonso, real quick.
2 So, with the memos that you were able to
3 find, were you able to find anything from the
4 Building Department that recognized this site as
5 ten units?

6 MR. ALONSO: As ten units?

7 CHAIRMAN BONACCI: Yeah.

8 MR. ALONSO: You mean -- well, how do you
9 get ten units?

10 CHAIRMAN BONACCI: So, you guys are going
11 to have seven residential.

12 MR. ALONSO: Correct.

13 CHAIRMAN BONACCI: Three commercial.

14 MR. ALONSO: Right. Well, there was eight
15 residential and three commercial.

16 CHAIRMAN BONACCI: Okay.

17 MR. ALONSO: And at one point, there was --

18 CHAIRMAN BONACCI: So, now it's ten units.

19 MR. ALONSO: -- seven --

20 CHAIRMAN BONACCI: Right.

21 MR. ALONSO: -- and four. So, it was 11.

22 CHAIRMAN BONACCI: Okay.

23 So, does that -- is there anything from the
24 Building Department that recognized it as 11?

25 MR. ALONSO: Well, yeah. The memos that I

1 provided indicate that three commercial units,
2 and five definitely.

3 CHAIRMAN BONACCI: Three and five is eight.
4 Okay.

5 MR. ALONSO: Correct.

6 In terms of the basement, there's those
7 memos from 1999, which acknowledge that they're
8 there.

9 CHAIRMAN BONACCI: That they existed.

10 MR. ALONSO: They just need to bring them
11 up to Code. They don't say that they're illegal
12 units.

13 CHAIRMAN BONACCI: They just said --

14 MR. ALONSO: Which is --

15 CHAIRMAN BONACCI: -- fix them up.

16 MR. ALONSO: Just fix them up, which is the
17 curious part to me.

18 CHAIRMAN BONACCI: I'm going to make a
19 suggestion, and I don't think that you're going
20 to like it very much, but this might be one of
21 those ones where Mr. Grullon and I might have to
22 visit the site, see how everything works out,
23 that entrance and -- you know, egress and stuff
24 from the basement apartments --

25 MR. VALELLA: Um hum.

1 CHAIRMAN BONACCI: -- with the daycare
2 above it.

3 I think we wouldn't be doing our due
4 diligence if we didn't kind of take a look at it
5 a little bit further.

6 MR. ALONSO: Okay.

7 I -- I have no objection to a site visit.
8 And I think the attorney will tell you that
9 you're all welcome to go, but if you have four
10 members or more at the same time, it constitutes
11 a quorum, and then, you have to actually notice
12 for that --

13 CHAIRMAN BONACCI: And the other --

14 MR. ALONSO: -- visit.

15 CHAIRMAN BONACCI: And the other request
16 would be, if you can get any of those tax records
17 to show what was getting taxed at what time, and
18 how many units, and stuff like that.

19 MR. ALONSO: Okay.

20 CHAIRMAN BONACCI: Because that would be
21 really helpful.

22 What do you guys think about that?

23 MR. ALONSO: So, what I'll do is, I guess,
24 through your attorney, we can coordinate a site
25 visit.

1 CHAIRMAN BONACCI: Yeah. What do you think
2 of that?

3 Because that -- that sounds weird to
4 getting in and out of that basement apartment.

5 MR. PANEQUE: Yeah. No, I mean, it -- it's
6 --

7 CHAIRMAN BONACCI: Doesn't even sound like
8 it's a door.

9 MR. PANEQUE: I think it's a good
10 suggestion if you go and do a site visit.

11 CHAIRMAN BONACCI: Okay.

12 MR. PANEQUE: Just do it separately,
13 because as Mr. Alonso indicated --

14 CHAIRMAN BONACCI: We don't want a quorum.
15 Yeah.

16 MR. PANEQUE: You don't want to create a
17 situation where you have a quorum of members.

18 CHAIRMAN BONACCI: Okay.

19 MR. PANEQUE: And it doesn't really need to
20 be coordinated through my office, Mr. Alonso.

21 MR. ALONSO: Anybody.

22 MR. PANEQUE: Yeah.

23 CHAIRMAN BONACCI: Just go take a look.

24 MR. PANEQUE: Just go take a look. The
25 daycare, I'm assuming, it's -- it's functioning

1 and open during the day.

2 MR. ALONSO: Right. I'm assuming they want
3 to get down into the basement, also. And --

4 MR. PANEQUE: Yes.

5 MR. ALONSO: -- just make sure it's not
6 locked.

7 MR. PANEQUE: Does the daycare have access
8 to the basement?

9 MR. VALELLA: No. The -- the daycare, if
10 you can see the pictures, you have the pictures
11 from my -- you can see the entrance to the
12 daycare, it comes directly from the street. And
13 if you're looking at the picture on the right,
14 then there is the railing. And that's the
15 entrance to the basement.

16 So, they're completely separate. There's
17 no interference. That's -- and you'll see it
18 when you go.

19 CHAIRMAN BONACCI: Okay.

20 And then, the other request would be, if
21 you guys can pull up any kind of tax records. I
22 know that might be hard, but --

23 MR. ALONSO: Yeah. And a number of years
24 ago, they changed --

25 CHAIRMAN BONACCI: -- the way they do

1 stuff.

2 MR. ALONSO: -- the way they report it, so
3 that they don't put the number of units anymore.

4 CHAIRMAN BONACCI: Yeah. Just so that we
5 get a better understanding of -- you know, what
6 took place there, when, and --

7 MR. ALONSO: Okay.

8 CHAIRMAN BONACCI: -- how many things were
9 going on at once.

10 MR. VALELLA: Very good.

11 CHAIRMAN BONACCI: So, we'll make a motion
12 to adjourn it to the next meeting, with the
13 request of the tax records and the site visit
14 that we'll be making --

15 MR. ALONSO: You know what?

16 CHAIRMAN BONACCI: -- as well.

17 MR. ALONSO: And I just want to clean up
18 one -- one issue with Mr. Pessolano, with respect
19 to his testimony on -- on the variances that
20 we're requesting.

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

23 MR. PESSOLANO: Hello.

24 MS. DILLON: Please raise your right hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. PESSOLANO: I do.

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

5 MR. PESSOLANO: Michael J. Pessolano,
6 licensed professional planner in the State of New
7 Jersey.

8 License still in good standing.

9 MR. ALONSO: Mr. Pessolano, at the last
10 hearing, you testified with respect to the proofs
11 for a D-1 use variance.

12 MR. PESSOLANO: Correct.

13 MR. ALONSO: And then there was some
14 questions as to whether or not it's a D-2 or a
15 D-1.

16 We noticed for a D-2 use variance and the
17 application was requesting a D-2 variance. We
18 also received a memo from Mr. Spatz confirming
19 that it was a --

20 MR. PESSOLANO: I reviewed --

21 MR. ALONSO: -- D-2 variance.

22 MR. PESSOLANO: -- that memo. Yup.

23 MR. ALONSO: So, my question to you is, in
24 terms of the proofs, were the proofs sufficient
25 in order to justify the D-2 variance, even though

1 | you provided also for a D-1, which is a much
2 | stricter standard?

3 | MR. PESSOLANO: Yes. D-2 proofs require
4 | similar tracking with D-1, but it's a lesser
5 | standard. So, D-1 being a stronger case, we -- I
6 | believe I provided sufficient proofs on July 11th
7 | to cover the D-1 aspects as to site suitability,
8 | special reasons, and the negative criteria, as
9 | well as the Medici proof.

10 | So, the D-2 standard is usually advanced by
11 | elements of improvement. And we heard testimony
12 | tonight that there would indeed be more spacious
13 | apartments, where more crowded conditions exist
14 | today, greater attention to safety details, which
15 | is certainly a plus in an urban environment.

16 | So, I think it meets the D-2 proofs quite
17 | handily because of my prior testimony and the
18 | enhanced evidence about improved safety.

19 | MR. ALONSO: Okay.

20 | And the D-2 is just an expansion of a
21 | preexisting nonconforming use.

22 | Thank you, Mr. Pessolano.

23 | MR. PESSOLANO: You're welcome.

24 | MR. PRICE: By the way.

25 | Question?

1 MS. DILLON: Stand up please.

2 MR. PANEQUE: Yes. Stand up, Mr. Price.

3 MR. PRICE: Yeah.

4 You said that there were elements of
5 community improvement here. What are those
6 elements?

7 MR. PESSOLANO: The improvement is improved
8 living conditions for the occupants of the two
9 units, that would otherwise be in smaller spaces.
10 And the increased window size, the fire rating,
11 the fire suppression. Those specific elements --

12 MR. PRICE: Okay.

13 MR. PESSOLANO: -- are what I heard
14 tonight.

15 MR. PRICE: Okay.

16 But legally, we're going from one
17 commercial and four residential units to three
18 commercial and seven units.

19 MR. PANEQUE: I -- Mr. Price, I'm going to
20 correct you on that. The memo from Mr.
21 Martinetti indicates four residential and
22 commercial.

23 The number of commercial units is not
24 specified. So --

25 MR. PRICE: Okay.

1 MR. PANEQUE: Commercial could be either
2 one, two or three. We know that there are three
3 commercial spaces at that location. And there
4 probably has been several commercial spaces
5 throughout, for a very long time.

6 MR. PRICE: Okay. Okay.

7 I'll focus on the -- which -- the
8 residential unit.

9 We're going from four to seven.

10 MR. ALONSO: Five to seven.

11 MR. PRICE: Mr. Alonso, please do not
12 interrupt. I give you that courtesy, please give
13 me the same courtesy.

14 MR. ALONSO: Okay.

15 MR. PRICE: Okay? These are recorded
16 proceedings, and it screws up the transcript when
17 you just casually interrupt.

18 MR. ALONSO: It does not screw up the
19 transcript, the transcript is whatever it is.
20 I'm not interrupting you, I'm not talking over
21 you. We're each talking clearly and
22 independently of each other, so the transcript is
23 not screwed up.

24 CHAIRMAN BONACCI: It's okay.

25 Go ahead, Mr. Price.

1 MR. PRICE: Okay. You're going from four
2 residential units to seven. That's the
3 application.

4 Now, the improvement that you're talking
5 about is in the -- what are existing apartments,
6 but they're illegal apartments.

7 Now, your burden, it would seem to me, is
8 to prove that there's a community improvement
9 from going from four to seven.

10 MR. PESSOLANO: Well, let me speak to that,
11 if I may?

12 MR. PRICE: Okay.

13 MR. PESSOLANO: There is a basis for that
14 conclusion at a community level, as well.

15 The 2019 Master Plan Reexamination Report,
16 goal number two, speaks directly to preserving
17 existing housing stock, particularly for middle
18 income, working class folks. I believe these
19 units fit squarely into that category. To
20 eliminate those would be a disservice to the
21 community by taking away perfectly good housing
22 stock, that is in an appropriate location and has
23 been there for decades, apparently.

24 So, I see community benefit for -- toward
25 furtherance of the Master Plan goal, very

1 specifically.

2 MR. PRICE: When the Reexamination Report
3 says the preservation of housing stock, isn't it
4 implied that they mean preservation of legal
5 housing stock?

6 MR. PESSOLANO: That may be so, Mr. Price.
7 I think it's mincing words.

8 Our objective here is to make them legal.
9 That's the nature of the application, to make it
10 whole, to make it more consistent with what is
11 expected in legal terms.

12 So, we're not proposing new units. We're
13 seeking to enhance the legitimacy of existing
14 units.

15 So, I think I --

16 MR. PRICE: Existing illegal units.

17 MR. PESSOLANO: Speaking to your interests,
18 indirectly.

19 MR. PRICE: Okay. Okay.

20 Very good.

21 Thank you.

22 MR. PESSOLANO: You're welcome.

23 Thank you.

24 CHAIRMAN BONACCI: Closed to the public.

25 And with that, I'll make a motion to

1 adjourn this to October.

2 MR. PANEQUE: Before the motion is heard,
3 Mr. Alonso, the request is to adjourn this matter
4 for a site visit.

5 Do you waive the statutory requirements in
6 which this Board can act?

7 MR. ALONSO: Yes. To the next hearing
8 date, yes.

9 MR. PANEQUE: Thank you.

10 CHAIRMAN BONACCI: Thanks.

11 MR. PANEQUE: All right.

12 Motion on the floor?

13 THE SECRETARY: Motion on the table to
14 adjourn this application by Mr. Bonacci for
15 October 10, 2019.

16 Can I have a second?

17 Second by Mr. Ortiz.

18 Roll call on the motion.

19 Mr. Bonacci?

20 CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Mr. Grullon?

22 VICE CHAIRMAN GRULLON: Yes.

23 THE SECRETARY: Ms. Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Mr. Pressey?

1 MR. PRESSEY: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Ms. Pena?

5 MS. PENA: Yes.

6 THE SECRETARY: Ms. Perez?

7 MS. PEREZ: Yes.

8 THE SECRETARY: Seven in favor.

9 Motion carries.

10 MR. ALONSO: Thank you.

11 Have a good evening.

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

14 * * *

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

2

3 THE SECRETARY: All right.

4 We are going to the next application on
5 tonight's agenda.

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

8 THE SECRETARY: Next application on
9 tonight's agenda, Ezy Corporation, 714 25th Street
10 A/K/A 2500 Adams Place.

11 Mr. Sarsano, please?

12 A CITIZEN: How many proceedings are there
13 tonight?

14 CHAIRMAN BONACCI: There's -- there's an
15 agenda here. You could take a copy.

16 A CITIZEN: Okay.

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

19 MR. SARSANO: May I proceed?

20 CHAIRMAN BONACCI: Let's pick up.

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

23 THE SECRETARY: Go ahead, Mr. Sarsano.

24 MR. PANEQUE: Mr. Sarsano, you have your
25 jurisdictional proofs?

1 MR. SARSANO: I do.

2 MR. PANEQUE: Thank you, sir.

3 MR. SARSANO: You're welcome.

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

6 MR. PANEQUE: Let the record reflect that
7 I've been provided by Mr. Sarsano with the
8 following documentation:

9 I have an Affidavit of Service indicating
10 that notice of tonight's hearing was sent out to
11 all property owners within the 200 foot radius on
12 the 30th of August. That Affidavit is signed by a
13 Constance Savino (phonetic).

14 I also have the Affidavit of Publication
15 from The Jersey Journal. Said Affidavit
16 indicates that notice of tonight's hearing, with
17 respect to the property at 714 25th Street was
18 published in The Jersey Journal, on August 30th of
19 this year, giving notice of tonight's hearing at
20 this location, for the property in question.

21 I have a copy of the notice that was sent
22 out to all property owners within the 200 foot
23 radius, as well as the tax list promulgated by
24 the Tax Assessor of Union City, with a date of
25 August 8, 2019, with respect to the property at

1 -- property is noted as 2500 Adams Place. Said
2 property also has an A/K/A which is the same
3 address as put place on the record before, which
4 is 714 25th Street.

5 I've also been provided with the certified
6 mail receipts, which have a postmark date of
7 August 30th, 2019, as well as the green cards and
8 envelopes that have come back to date.

9 Based on the documentation that has been
10 provided, this Board has jurisdiction to proceed
11 and hear this matter.

12 MR. SARSANO: Okay.

13 Thank you, Mr. Paneque.

14 Good evening, Mr. Chairman, members of the
15 Board, counsel.

16 My name is Anthony Sarsano and I represent
17 the applicant in this matter.

18 Essentially, what we'd like to do is to
19 legalize a rear dwelling on a piece of property.

20 I have three witnesses. I'd like to call
21 the first one, if I may?

22 Mr. Eshaghoff?

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

25 MS. DILLON: Sir, please raise your right

1 hand.

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

4 MR. ESHAGHOFF: I do.

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

7 MR. ESHAGHOFF: Raymond Eshaghoff,
8 E-S-H-A-G-H --

9 MS. DILLON: I'm sorry. E --

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

11 MS. DILLON: And you said your first name
12 is Raymond?

13 MR. ESHAGHOFF: Correct.

14 MS. DILLON: Thank you.

15 MR. SARSANO: May I proceed?

16 MR. PANEQUE: Yes, Mr. Sarsano.

17 MR. SARSANO: Okay.

18 Thank you.

19 MR. PANEQUE: Thank you.

20 MR. SARSANO: Mr. Eshaghoff, you are the
21 owner of the premises in question.

22 MR. ESHAGHOFF: The owner is Ezy Capital.
23 I'm -- and I'm a member of the LLC.

24 MR. SARSANO: Okay.

25 How long has Ezy owned this property?

1 MR. ESHAGHOFF: Since the 1990s.

2 MR. SARSANO: Okay.

3 Now, were you in charge of running this --
4 this building, or was your dad in charge of it?

5 MR. ESHAGHOFF: No. My father was in
6 charge of running it.

7 MR. SARSANO: Okay.

8 During the period that your father was in
9 charge of running the building, did he make
10 applications to certify how many units were in
11 that building?

12 MR. ESHAGHOFF: No.

13 MR. SARSANO: Okay.

14 Did he apply for a mortgage with respect to
15 this?

16 MR. ESHAGHOFF: Yes.

17 MR. SARSANO: Okay.

18 Is that a certification from your late
19 father?

20 MR. ESHAGHOFF: Yes.

21 MR. SARSANO: Okay.

22 And he indicated that there are seven units
23 in that building?

24 MR. ESHAGHOFF: Correct.

25 There were seven units in this building

1 | since he purchased the building.

2 | MR. SARSANO: When was that?

3 | MR. ESHAGHOFF: In early 1990s.

4 | MR. SARSANO: Okay.

5 | MR. ESHAGHOFF: Prior to that, because when
6 | he took over, there were already seven
7 | residential units in there.

8 | MR. SARSANO: Okay.

9 | You know that for a fact?

10 | MR. ESHAGHOFF: Yes.

11 | MR. SARSANO: Okay.

12 | MR. ESHAGHOFF: Because I visited the
13 | building with him.

14 | MR. SARSANO: All right.

15 | And your father applied for a mortgage and
16 | received a mortgage indicating that there were
17 | seven --

18 | MR. PANEQUE: Um hum.

19 | MR. SARSANO: -- residential units in
20 | there?

21 | MR. ESHAGHOFF: Correct.

22 | In -- in 2003, when he applied to Emigrant
23 | Funding, there was a certification he signed that
24 | there was three -- seven residential units in
25 | there.

1 MR. PANEQUE: Um hum.

2 MR. SARSANO: Can I, Mr. Paneque?

3 MR. PANEQUE: Yes, Mr. Sarsano. You're
4 going --

5 MR. SARSANO: A-1.

6 MR. PANEQUE: -- to have that marked as A-
7 1?

8 MR. SARSANO: Yes.

9 MR. PANEQUE: All right.

10 And will you please, Mr. Sarsano, for the
11 record, state what you are marking as Exhibit --

12 MR. SARSANO: Yes.

13 MR. PANEQUE: -- A-1?

14 MR. SARSANO: A --

15 MR. PANEQUE: Yes. It will be marked and
16 then just describe it so that it stays on the
17 record.

18

19 (Whereupon, Certification of Seven Units
20 and Mortgage Approval from Emigrant Funding
21 Corporation was received and marked as Exhibit
22 A-1.)

23

24 MR. SARSANO: A-1 is a Certification from
25 Mr. Eshaghoff's father, indicating that there

1 | were, in fact, seven units on the premises. And
2 | it encompasses a mortgage approval by Emigrant
3 | Savings, indicating that there were, in fact,
4 | seven residential units on the premises at that
5 | time. The dates are --

6 | MR. PANEQUE: Yes. It's noted, for the
7 | edification of the Board, that these are
8 | documents with respect to a mortgage that was
9 | taken out on this property, dating back at least
10 | to 1999, where there's a rent roll provided in
11 | which said rent roll indicates that there are
12 | seven units at the location in question.

13 | The -- there is a letter, also, from
14 | Emigrant Funding Corp., in relation to a mortgage
15 | that was taken out on this property.

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

18 | MR. PANEQUE: The letter in itself does not
19 | say that there's seven units, but I'm -- you see
20 | it?

21 | Where is that?

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

24 | MR. SARSANO: I know I have it somewhere.
25 | Just take a quick look here. It's right over

1 here. The last paragraph.

2 MR. PANEQUE: Okay. All the way at the
3 end.

4 Okay.

5 I do note that the letter from September
6 12, 2003, as Mr. Sarsano indicated, shows that
7 the property consists of a three story, non-
8 elevator building, containing six apartments and
9 a single one story building, containing one
10 apartment. The -- the six unit is classified as
11 building one and the one apartment is classified
12 as building two.

13 Thank you, Mr. Sarsano.

14 MR. SARSANO: You're welcome.

15 In addition to that, I have the Tax
16 Assessor letter indicating that there are seven
17 units being assessed on the premises. I'd like
18 to offer it, as well.

19 MR. PANEQUE: That's going to be A-2?

20 MR. SARSANO: Yes.

21

22 (Whereupon, Tax Assessment Record was
23 received and marked as Exhibit A-2.)

24

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. PANEQUE: You may proceed, Mr. Sarsano.

3 MR. SARSANO: Now, with respect to that
4 rear building, is that occupied now?

5 MR. ESHAGHOFF: Yes. It's been occupied by
6 the same tenant for the past, I'm going to say
7 more than 15 years.

8 MR. SARSANO: Residential --

9 MR. ESHAGHOFF: Yes.

10 MR. SARSANO: -- tenant?

11 I don't have anything further of this
12 witness.

13 CHAIRMAN BONACCI: Do you have any other
14 testimony?

15 MR. SARSANO: Not of this witness.

16 CHAIRMAN BONACCI: Okay.

17 MR. SARSANO: I have other witnesses.

18 CHAIRMAN BONACCI: You want to bring up
19 your other --

20 MR. SARSANO: If you like.

21 CHAIRMAN BONACCI: If anybody has to make
22 testimony, but that might be enough for us.

23 MR. SARSANO: That might be enough?

24 CHAIRMAN BONACCI: Yeah.

25 MR. SARSANO: Yeah. I have an architect

1 and a planner to detail --

2 MR. PANEQUE: I think we should hear from
3 the --

4 CHAIRMAN BONACCI: Okay.

5 MR. PANEQUE: -- architect as to what's
6 existing there.

7 MR. SARSANO: I -- I try --

8 MR. PANEQUE: As since this is a --

9 CHAIRMAN BONACCI: Let's get the architect.

10 MR. PANEQUE: -- use variance.

11 You have a planner also --

12 MR. SARSANO: I do.

13 MR. PANEQUE: -- Mr. Sarsano?

14 Okay. If you could bring him up.

15 MR. SARSANO: I just want to preserve the
16 record.

17 MR. PANEQUE: Go ahead.

18 MR. SARSANO: Mr. Feld?

19 MS. DILLON: Just right there, Mr. Feld.

20 Mr. Feld, please raise your right hand.

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

23 MR. FELD: I do.

24 MS. DILLON: Please state your name and
25 spell it for the record.

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

2 MS. DILLON: Thank you.

3 MR. SARSANO: Mr. Feld, were you asked to
4 draft plans on behalf of the applicant here?

5 MR. FELD: Yes.

6 MR. SARSANO: Would you briefly, briefly
7 give us an overview of what these plans entail?

8 MR. FELD: So, this property contains two
9 structures, one on the corner of 25th Street and
10 Adams Place, is a three story, six unit dwelling
11 units. And in the rear, there's a one story
12 structure with one dwelling unit in that
13 building. So, there's seven units presently on
14 this site.

15 MR. SARSANO: With respect to the rear
16 dwelling?

17 MR. FELD: So, yeah, the rear dwelling has
18 a living room, three -- two bedrooms, a kitchen
19 and bathroom and a mechanical room.

20 MR. SARSANO: I take it there's no physical
21 changes proposed?

22 MR. FELD: No. This is an existing
23 condition. It seem to be like it's been like
24 that for over 30 years, this use of this
25 structure.

1 MR. SARSANO: Okay.

2 Thank you.

3 I have nothing further of this witness.

4 MR. PANEQUE: Mr. Feld, have you been to
5 the property?

6 MR. FELD: Yes.

7 MR. PANEQUE: And you've been inside the
8 rear structure?

9 MR. FELD: Yes.

10 MR. PANEQUE: And that's why you're basing
11 the statement that you've made on the record
12 that, based on your observation of the existing
13 condition, it appears that it has been there for
14 over 30 years.

15 MR. FELD: Yes.

16 MR. PANEQUE: Okay.

17 Can you just, if you can for the
18 edification of this Board, elaborate on what led
19 you to that conclusion? Was it the baseboards,
20 the fixtures, the cabinets?

21 MR. FELD: The -- the --

22 MR. PANEQUE: Just so that this Board
23 knows.

24 MR. FELD: The -- the construction of the
25 kitchen and the bathroom and the fact that it --

1 | some of it needs -- the -- of that era. That's
2 | what I saw.

3 | MR. PANEQUE: Okay.

4 | Thank you, sir.

5 | MR. SARSANO: I have nothing further.

6 | I'm presuming the Board accepted Mr. Feld
7 | as an expert.

8 | CHAIRMAN BONACCI: Absolutely.

9 | MR. SARSANO: Thank you.

10 | MR. PANEQUE: Yes.

11 | CHAIRMAN BONACCI: If we have any
12 | questions, we'll just save them until the end.

13 | We'll hear the testimonies --

14 | MR. SARSANO: Okay.

15 | CHAIRMAN BONACCI: -- first.

16 | MR. FELD: Thank you.

17 | MR. SARSANO: Mr. Planner?

18 | MR. PESSOLANO: Thank you, Mr. Attorney.

19 | MS. DILLON: Mr. Pessolano was previously
20 | sworn.

21 | MR. SARSANO: Were you asked to draft a
22 | memo, with respect to the application which is
23 | currently before the Board?

24 | MR. PESSOLANO: I performed a planning
25 | analysis to speak to the relief that's required,

1 yes.

2 MR. SARSANO: Would you elaborate with
3 respect to that?

4 MR. PESSOLANO: I also reviewed Mr. Spatz's
5 memo identifying this application as needing two
6 forms of D relief. One is the D-2 relief for
7 expansion of a preexisting nonconforming use.
8 The other form of relief I think is more of a
9 technical one, but still I concur it's
10 applicable, where we have two principal
11 structures on one lot.

12 So, with the testimony that was just
13 presented, by both witnesses, obviously, it
14 matches what I had concluded that longstanding in
15 the community have been the seven units in -- in
16 two structures.

17 In conducting my site visit, as I always
18 do, I observed that from the -- the sidewalk
19 perspective, you could easily perceive that there
20 are two lots associated with these two buildings.
21 Nothing on the ground that indicates that there's
22 a mushing together of -- of too many buildings on
23 one lot.

24 The -- the division of lot lines in -- in
25 this particular location verifies that the lot

1 | plotting -- platting pattern really is not
2 | disturbed by the -- the two structures because it
3 | looks like they each sit on their own property.
4 | There's even a -- a separation between the front
5 | building and the -- the rear building, it's a one
6 | story building.

7 | So, quickly and concisely, the -- the more
8 | important proof here I think is the D-2 analysis,
9 | where the expansion, since the rear apartment was
10 | never embraced as a legal unit, that is the first
11 | element of housekeeping that I think should be
12 | dealt with.

13 | I believe that the positive criteria are
14 | satisfied in this situation because it still
15 | remains a particularly suitable location. It's a
16 | residential area and this is -- this additional
17 | building houses but one unit.

18 | So, we're not talking about an overdone
19 | situation in any way.

20 | But certainly, by virtue of the condition
21 | that property owner inherited, and has been there
22 | for who knows how many years prior to that,
23 | inheriting of the property condition, the
24 | apartment in the rear building exists, along with
25 | the six that stood -- stand on the ground still.

1 Purpose A of the Municipal Land Use Law,
2 under the special reasons category, is advanced
3 by continuing to provide reasonable housing
4 resource in a community where very desirable to
5 live, in proximity to Manhattan metropolitan
6 area.

7 And Purpose G is also advanced which speaks
8 to providing appropriate uses in appropriate
9 locations.

10 Again, to me, there's no ignoring that it's
11 there. It is what it is, right or wrong. It --
12 it is there and the condition of it.

13 To my understanding, I'm not aware of any
14 indication that the residential occupancy in the
15 second building has produced any kind of negative
16 problem. I'm not aware of any kind of issue, at
17 all, that would raise any concern to a
18 substantial nature, when it comes to the negative
19 criteria.

20 In other words, impacting the neighborhood,
21 no substantial detriment. The housing stands on
22 its own, provides for itself, everything but
23 parking. But none of the houses anywhere near
24 provide their own parking either. So, that, too,
25 is an existing ongoing condition that the

1 community works with as best it can.

2 Goal number one of the Master Plan of 2019
3 speaks to protecting and preserving established
4 residential character. We're going from same to
5 same. So that goal is -- is fully advanced by
6 this application.

7 Goal number two, which is to preserve
8 existing housing units for moderate income
9 working families is also squarely advanced by
10 retaining this existing unit, that has shown no
11 element of negativity to my awareness.

12 And so, I believe that -- that the D-2
13 variance could be granted in good conscience,
14 consistent with case law.

15 The D-1 variance tracks with similar
16 reasoning. The same purposes of the Municipal
17 Land Use Law are advanced.

18 In -- in addition, Purpose M, which is to
19 promote the efficient use of land, we have a
20 desirable residential community and focus for
21 this application. And to not use this existing
22 space, that has long been used for residential,
23 to remove that residential use, I think, is a
24 step down for the community, when housing is very
25 valuable resource.

1 And again, it has shown no element of
2 detriment to the neighborhood or the community at
3 large, because it has been longstanding. It
4 certainly does not undermine the purpose or
5 intent of the Master Plan or the zoning
6 regulation.

7 So all of the criteria required for the D-1
8 and D-2 proofs, I believe, are squarely met by
9 this application.

10 MR. SARSANO: Thank you.

11 Nothing further.

12 CHAIRMAN BONACCI: No more testimony?

13 MR. SARSANO: No.

14 CHAIRMAN BONACCI: Okay.

15 Just want to point out what seems to be an
16 error here on the Building Department's memo,
17 with regards to the address of the site.

18 Mr. Grullon?

19 VICE CHAIRMAN GRULLON: Mr. Chairman, if I
20 may?

21 CHAIRMAN BONACCI: Yeah.

22 MR. PANEQUE: It's got two addresses?

23 VICE CHAIRMAN GRULLON: Yeah.

24 CHAIRMAN BONACCI: Yeah.

25 VICE CHAIRMAN GRULLON: But the Building

1 Department and the tax assessment notice, they
2 both show this building as 2500 Adams.

3 CHAIRMAN BONACCI: 2506.

4 VICE CHAIRMAN GRULLON: And on the site
5 plans, you're mentioning the building as 2506
6 Adams.

7 Which is the correct address?

8 MR. SARSANO: Okay.

9 VICE CHAIRMAN GRULLON: And again, would
10 that -- would that be the notices that were sent
11 to the residents? Just want to know if they are
12 in compliance with -- with the application.

13 MR. PANEQUE: Yeah. The property address
14 is 714 25th Street.

15 Mr. Vallejo?

16 THE SECRETARY: Yes, sir.

17 MR. PANEQUE: Can I have the notice packet?

18 The notices went out, my recollection is
19 that they went out for that address, 714 25th
20 Street.

21 MR. SARSANO: They did.

22 MR. PANEQUE: They did? Okay.

23 I will clarify that for the Board, but
24 notices are --

25 (Whereupon, there was a pause in the

1 proceedings.)

2 CHAIRMAN BONACCI: Good.

3 MR. PANEQUE: Notices are for 714 25th
4 Street; 714 25th Street is the predominant address
5 for that building, as the -- the majority of the
6 building actually faces on 25th Street; 2500 Adam
7 is a secondary address, due to its nature of
8 being on the corner.

9 So, the fact that there's a typo, which has
10 the property as 2506, on the plans, is really not
11 a --

12 CHAIRMAN BONACCI: Okay.

13 MR. PANEQUE: -- problem with respect to
14 the application.

15 And the notices that were sent out --

16 VICE CHAIRMAN GRULLON: Okay.

17 MR. PANEQUE: -- are proper.

18 CHAIRMAN BONACCI: Okay.

19 MR. PANEQUE: Okay?

20 CHAIRMAN BONACCI: Want to open it up to
21 members of the public.

22 Any questions, members of the public?

23 Okay.

24 Closed to members of the public.

25 MR. PANEQUE: Okay.

1 Just one point I want to bring up and that
2 is that, as part of the application that's being
3 requested, this Board will also have to approve
4 not only the D-2, but the fact that there are two
5 principal structures on one site, on one lot.

6 Okay?

7 So, that will be part of -- if this Board
8 seems -- deem to approve this, that will be part
9 of the approval.

10 MR. SANSANO: I understand.

11 CHAIRMAN BONACCI: Okay.

12 Being that you provided testimony of this
13 site being what it is for the past 30 years, or
14 maybe more, and the documentation that you were
15 able to provide with the mortgage and
16 documentation that indicted the seven units in
17 the tax records, also I don't want to forget you
18 had testimony of the intention to modernize the
19 site, which I'm assuming you're going to make it
20 safer and more livable environment, we will grant
21 the D-2.

22 I'd make a motion to grant the D-2
23 variance, and to also indicate that, for the
24 record, it's two structures on the one site, 714
25 25th Street.

1 Is that correct?

2 MR. PANEQUE: Yes.

3 CHAIRMAN BONACCI: Okay.

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

6 Second by -- seconded by Ms. Gutierrez.

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

9 Mr. Bonacci?

10 CHAIRMAN BONACCI: Yes.

11 THE SECRETARY: Mr. Grullon?

12 VICE CHAIRMAN GRULLON: Yes.

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: Seven in favor.

24 Motion carries.

25 Thank you.

1 MR. SARSANO: Thank you very much.

2 MS. GUTIERREZ: Thank you.

3 THE SECRETARY: We are going to take five
4 minute break.

5 Thank you.

6 Off the record.

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8 (Whereupon, the Board recessed from 7:21
9 p.m. to 7:39 p.m.)

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1 **The Residences at New York Avenue, LLC -**

2 **1211 New York Avenue:**

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

6 Next application on tonight's agenda, The
7 Resident of New York Avenue, LLC, 1211 New York
8 Avenue.

9 Mr. Mulkay, please?

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

12 Alain Mulkay, on behalf of the applicant.

13 We've submitted -- although we were here
14 last month, we've revised the plans. We made the
15 house -- we set the houses back, at the direction
16 of the Board the last time. We provided
17 significant setback. We provided lighting. We
18 showed the width of the street as it turns out,
19 and you'll hear testimony the next time that that
20 street, Tournade, is actually wider than probably
21 six or seven existing streets currently in town.
22 It's not as narrow as it appears at first blush.

23 But we've submitted new notices, or we
24 renoticed, because there was some issue with the
25 previous notice. I ask that the Board acquire --

1 acknowledge receipt of the notices and
2 acknowledge jurisdiction, based on the new notice
3 that we've submitted.

4 MR. PANEQUE: Yes.

5 Thank you. Mr. Mulkay.

6 For the record, I've been provided by Mr.
7 Mulkay with an Affidavit of Service indicating
8 that notice of tonight's hearing, with respect to
9 the property in question, was sent to all
10 property owners within the 200 foot radius on
11 August 28, 2019.

12 I've also been provided with the copy of
13 the notice that went out, with a date of August
14 19, as well as an Affidavit from The Jersey
15 Journal, which shows that the notice was
16 published on August (sic) the 3rd, 2019.

17 I also have the Tax Assessor's tax list,
18 with a date of August 8, 2019. And the certified
19 mail slips, receipts, with a date of August 28th,
20 stamped by the post office, as well as the green
21 cards that have come back and the envelopes that
22 have come back to date.

23 Based on the documentation provided by Mr.
24 Mulkay, this court --

25 Strike that.

1 -- this Board has jurisdiction to proceed
2 and hear this matter.

3 Mr. Mulkay, it's my understanding that this
4 matter is going to be adjourned this evening?

5 MR. MULKAY: That's correct. My
6 understanding is that we're going to be heard on
7 October 10th and that we'll be first on the
8 agenda. As I explained to the Chairman, two of
9 my experts who are available today have other
10 conflicts on that day and they need to get out of
11 here by seven o'clock the latest.

12 MR. PANEQUE: Okay.

13 MR. MULKAY: So, with that, we request --
14 we agree -- we have no problem with the
15 adjournment.

16 MR. PANEQUE: Thank you.

17 And you waive all jurisdictional statutory
18 requirements --

19 MR. MULKAY: We do.

20 MR. PANEQUE: -- with time?

21 Thank you.

22 Is there a motion on the floor to adjourn
23 this matter to --

24 CHAIRMAN BONACCI: I'll make a motion --

25 MR. PANEQUE: -- the October 10th meeting?

1 CHAIRMAN BONACCI: -- to adjourn it to next
2 month.

3 THE SECRETARY: Motion by Mr. --

4 VICE CHAIRMAN GRULLON: Second.

5 THE SECRETARY: -- Bonacci.

6 VICE CHAIRMAN GRULLON: I second.

7 THE SECRETARY: Seconded by Mr. Pressey to
8 adjourn this application for October 10, 2019; no
9 new notice required.

10 Roll call on the motion.

11 Mr. Bonacci?

12 CHAIRMAN BONACCI: Yes.

13 THE SECRETARY: Mr. Grullon?

14 VICE CHAIRMAN GRULLON: Yes.

15 THE SECRETARY: Ms. Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: Yes.

19 THE SECRETARY: Mr. Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Ms. Pena?

22 MS. PENA: Yes.

23 THE SECRETARY: Ms. Perez?

24 MS. PEREZ: Yes.

25 THE SECRETARY: Seven in favor.

1 Motion carries.

2 Thank you.

3 MR. MULKAY: Thank you.

4 MR. PANEQUE: Have a good night.

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

7 MR. ARENCIBIA: Good evening, everyone.

8 MR. PRESSEY: Good night.

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

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1 **Jianzhong Xu - 2108-2110 New York Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Jianzhong Xu, 2108-2110 New
5 York Avenue.

6 Ms. Pereiras, please?

7 MR. PANEQUE: Thank you.

8 For the record --

9 MS. DILLON: I'm sorry.

10 MR. PANEQUE: -- I've been provided by Ms.
11 Pereiras with the following documentation:

12 I have a certification as to publication
13 and service indicating that notice of tonight's
14 hearing was sent out on August 30th, 2019 to all
15 property owners within the 200 foot radius.

16 I also have an Affidavit from The Jersey
17 Journal, which indicates that notice of tonight's
18 hearing was published in the paper on August 31st,
19 2019.

20 I have a set of the certified mail
21 receipts, with a postmark date of August 30th, as
22 well as the taxes promulgated by the Tax
23 Assessor's Office, with a date of August 26,
24 2019, and the green cards that have come back, to
25 date.

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

4 MS. PEREIRAS: Thank you very much.

5 Good evening, counsel, Mr. Chairman,
6 members of the Board.

7 May it please the Board, Bianca Pereiras,
8 on behalf of the applicant, for property located
9 at 2108-2110 New York Avenue, Block 112, Lot 3.

10 We have a small application before the
11 Board this evening. Existing on site right now,
12 we have a mixed use structure. There is a
13 commercial story on the ground floor, with a
14 residential unit above.

15 The application before the Board is to
16 convert that commercial to residential.

17 We have one expert to testify before the
18 Board, and that is our architect, Mr. Manuel
19 Pereiras.

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

23 MR. PEREIRAS: I do.

24 Manny Pereiras, P-E-R-E-I-R-A-S, with
25 Pereiras Architects Ubiquitous, 1116 Summit

1 Avenue, Union City.

2 MS. DILLON: Thank you.

3 MR. PEREIRAS: Thank you.

4 MS. PEREIRAS: And for purposes of the
5 record, if the Board could accept Mr. Pereiras as
6 an expert in the field of architecture?

7 CHAIRMAN BONACCI: We accept your
8 qualifications.

9 MR. PEREIRAS: Thank you.

10 CHAIRMAN BONACCI: Thanks for being here.

11 MR. PEREIRAS: Hello, everyone.

12 MS. PEREIRAS: Mr. Pereiras, are you
13 familiar with the property at 2108-2110 New York
14 Avenue?

15 MR. PEREIRAS: I am.

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

18 MR. PEREIRAS: I have and I have a copy of
19 those drawings on the easel to my right.

20 MS. PEREIRAS: And would you kindly walk us
21 through the application?

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

23 We're on New York Avenue, on the east side,
24 between 21st and 22nd Street. We have a very
25 simple application for you today.

1 We have an existing building. It's two
2 stories in height. There was a doctor's office
3 on the ground floor. It was commercial. Now,
4 we're converting that into residential.

5 Very simple process. We have -- and now,
6 it's going back to the actual use where it should
7 be, which is residential. So, we're going to a
8 two family house, apartment above, apartment
9 below.

10 The existing house has a -- is conforming
11 in front yard setback, because of the prevailing
12 setback. It's conforming in rear yard. It's
13 conforming in lot coverage. It's conforming on
14 lot area. It's conforming in every way, except
15 for two actually.

16 One is the side yard setbacks, and these
17 are preexisting conditions. We're only a few
18 inches away on one side, four inches to be exact,
19 and on the opposite side, we're at two foot ten
20 inches. So, we have a preexisting nonconformance
21 for -- for the side yard.

22 And then, we have also a parking variance.

23 However, we're actually making that a
24 better situation because the requirements for
25 parking on a commercial space are greater than

1 the requirements from a -- from a residential.
2 So, we're reducing the requirement of parking on
3 our site. So, we're making the condition
4 significantly better by making it residential.

5 Now, these are the existing conditions.
6 I'm not going to go too much into that.

7 I'm going to go straight to the proposed
8 conditions.

9 What we have is a basement, which is an
10 open area with a home office along the back. And
11 then, this is the unit that we're legalizing.

12 When you walk into the apartment, you enter
13 into the new living room area. You have a
14 bedroom, a bedroom, and what we're calling a den
15 service. For purpose of this Board, you could
16 consider it a bedroom as well. So, it's a three
17 bedroom on the ground floor. The kitchen along
18 the back. And we're utilizing a lot of the
19 existing conditions of the building.

20 Like I said before, this is only a two
21 family, so a lot of the -- the construction
22 aspects that I go into a lot and as far as fire
23 safety don't apply to this. However, we're going
24 to make this into a safe great unit, simple two
25 family.

1 And I could talk a little bit more, but I
2 think that covers it.

3 CHAIRMAN BONACCI: Do you guys -- are you
4 looking for any variances, C variance, bulk
5 variance?

6 MR. PEREIRAS: Yes. We have C variances
7 and C variances only, two of them.

8 One for side yard setback, and that's a
9 preexisting nonconformance. And the other one is
10 parking, which is also preexisting and we're
11 reducing that nonconformity.

12 CHAIRMAN BONACCI: Okay.

13 I don't have any more questions for you
14 guys on this application.

15 Members of the Board?

16 VICE CHAIRMAN GRULLON: Mr. Pereira, the
17 parking requirement with existing condition, do
18 you know what that is?

19 MR. PEREIRAS: So, the office -- I'll tell
20 you.

21 The office space is -- it's 1,152 square
22 feet, which would mean that we would have four
23 parking spaces required for that unit; whereas
24 now that we're converting it into a three
25 bedroom, we're only required two parking spaces

1 as per our Ordinance. So, we're reducing it by
2 two, actually.

3 So, the entire parking load, prior to this
4 application, was six, because there was an
5 apartment above that had two, and the commercial,
6 which was four. And now, the parking requirement
7 is four. So, we reduced, in theory, we reduced
8 the amounts of cars in the street by two cars.

9 CHAIRMAN BONACCI: Members of the Board?

10 Open to the public.

11 Members of the public?

12 Closed to the public.

13 Okay.

14 I just want to point out a few items that I
15 see here on Mr. Spatz's memo.

16 So, this is going to be a two family
17 dwelling, which is already permitted in the R
18 zone. So, the site plan approval is not
19 required.

20 MS. PEREIRAS: Correct.

21 CHAIRMAN BONACCI: Right?

22 Okay.

23 You guys already provided testimony on the
24 parking.

25 You already provided testimony on the

1 preexisting conditions.

2 And then, in the findings, you guys are
3 pretty much conforming on just about everything.

4 Also, according to the tax records, this
5 was originally a two resi -- it was originally
6 two residential units. So, really, nothing's
7 changing because you guys said that it's going
8 from commercial to residential.

9 MR. PEREIRAS: Correct.

10 CHAIRMAN BONACCI: Which may have happened
11 at some point.

12 MR. PEREIRAS: It was built originally as a
13 two family house. It was converted to office, at
14 some point in its history.

15 CHAIRMAN BONACCI: Right.

16 MR. PEREIRAS: And now, we're going back to
17 its original use.

18 CHAIRMAN BONACCI: And if you could just
19 provide any sort of testimony on the fire safety
20 standards, that it's safe?

21 MR. PEREIRAS: I -- I'd be happy to. It's
22 not what my normal kind of --

23 CHAIRMAN BONACCI: Right.

24 MR. PEREIRAS: -- spiel is because
25 normally, we're talking about an R-2, which is a

1 three family structure. The requirements are
2 greater. This is an R-5, which is a two family
3 house. So, the requirements are a little bit
4 different.

5 But there is a smoke alarm system in the
6 house. It's going to be hard wired so that
7 you're going to have it connected. If one smoke
8 alarm goes off, the other ones go off, so that
9 the house is alerted.

10 And normal safety features are applied.
11 For example, finishes are what's called Class C,
12 so they're not combustible and they're simple
13 things that meet all Code requirements of today,
14 which is for this in particular, it's the
15 International Building Code 2016, New Jersey
16 Edition, Residential. Actually, New Jersey --
17 International Residential Code, not Building
18 Code. So, --

19 CHAIRMAN BONACCI: Okay. It's --

20 MR. PEREIRAS: -- it will be compliant.

21 CHAIRMAN BONACCI: It fits the --

22 MR. PEREIRAS: It's going to be safe.

23 CHAIRMAN BONACCI: -- description of --

24 MR. PEREIRAS: It's going to get --

25 CHAIRMAN BONACCI: -- low density.

1 MR. PEREIRAS: Yup.

2 CHAIRMAN BONACCI: Okay.

3 With that, I would make a motion to approve
4 this application.

5 THE SECRETARY: Motion on the table to
6 approve this application by Mr. Bonacci.

7 Seconded by Ms. Gutierrez.

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

10 Mr. Bonacci?

11 CHAIRMAN BONACCI: Yes.

12 THE SECRETARY: Mr. Gullon?

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: Ms. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Seven in favor.

25 Motion carries.

1 MR. PEREIRAS: And -- and if I --

2 MS. PEREIRAS: Thank you all.

3 MR. PEREIRAS: -- may make a -- like a
4 quick statement afterwards?

5 If the Resolution could state that it's a
6 three bedroom? We're having that issue with the
7 Building Department right now. We -- we need a
8 little bit of specificity. So --

9 CHAIRMAN BONACCI: Two three bedrooms?

10 MR. PEREIRAS: That it's a three bedroom
11 unit that we're legalizing.

12 CHAIRMAN BONACCI: Okay.

13 MR. PEREIRAS: Okay?

14 CHAIRMAN BONACCI: So, the two units. One
15 is a three bedroom. And what about the other
16 one?

17 MR. PEREIRAS: I'm not sure what the
18 existing one was. Let's see.

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

21 MR. PEREIRAS: It's also a three bedroom.

22 CHAIRMAN BONACCI: So, two three bedrooms.

23 MR. PEREIRAS: Yes.

24 CHAIRMAN BONACCI: Can we just mark that,
25 that they're three bedroom apartments?

1 THE SECRETARY: Three bedrooms apartment.

2 How many?

3 MR. SPATZ: Two.

4 CHAIRMAN BONACCI: Two.

5 MR. PEREIRAS: Two three bedroom
6 apartments.

7 THE SECRETARY: Two three?

8 MR. SPATZ: Um hum.

9 MR. PEREIRAS: Thank you, Board.

10 MS. PEREIRAS: Thank you all very much.

11 MR. PEREIRAS: Thank you, everyone.

12 MS. PEREIRAS: Have a good night.

13 MR. PEREIRAS: Good night, everyone.

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1 **RESOLUTIONS:**

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

6

7 THE SECRETARY: No, one second.

8 All right.

9 We are going to adopt Resolutions.

10 We are going to go to the Resolution number
11 1.

12 To appoint Attorney for the Zoning Board of
13 Adjustment retroactive on July 1st, 2019 through
14 June 30, 2020.

15 Can I have a motion?

16 CHAIRMAN BONACCI: Motion.

17 MS. GUTIERREZ: Second.

18 THE SECRETARY: Motion by Mr. Pressey.

19 MS. GUTIERREZ: Second.

20 THE SECRETARY: Seconded by Ms. Gutierrez.

21 MS. DILLON: Is this supposed to say '19 or
22 '20?

23 THE SECRETARY: Roll -- roll call on the
24 motion.

25 MR. PANEQUE: Mr. Vallejo, just to clarify.

1 On the agenda, it reads July 2018 through
2 June 30, 2019. It should be --

3 THE SECRETARY: Yeah. That's what I -- I
4 mentioned the correction on --

5 MR. PANEQUE: Okay.

6 THE SECRETARY: -- on my readings.

7 MR. PANEQUE: Okay.

8 THE SECRETARY: That appointment is for
9 retroactive to July 1st, 2019, through June 30,
10 2020.

11 MS. DILLON: Okay.

12 Thank you.

13 MS. GUTIERREZ: Um hum.

14 THE SECRETARY: You're welcome.

15 All right. Roll call on the motion.

16 I'm sorry. Let's go.

17 There's a motion on the table to approve
18 this -- this Resolution by Mr. Pressey.

19 Seconded by Ms. Gutierrez.

20 Roll call on the motion.

21 Mr. Bonacci?

22 CHAIRMAN BONACCI: Yes.

23 THE SECRETARY: Mr. Gullon?

24 VICE CHAIRMAN GRULLON: Yes.

25 THE SECRETARY: Ms. Gutierrez?

1 MS. GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Pressey?

3 MR. PRESSEY: Yes.

4 THE SECRETARY: Mr. Ortiz?

5 MR. ORTIZ: Yes.

6 THE SECRETARY: Ms. Pena?

7 MS. PENA: Yes.

8 THE SECRETARY: Ms. Perez?

9 MS. PEREZ: Yes.

10 THE SECRETARY: Seven in favor.

11 Motion carries.

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1 **RESOLUTIONS :**

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3 (2) 310 4th Street, LLC, 308-310 4th Street,
4 Block 14, Lots 27, 28. Proposed addition and
5 alteration to existing building and garage
6 structure to become three stories, five units
7 building. Applicant is seeking for a one year
8 extension. The Resolution was memorialized on
9 March 9, 2017. **Approved**

10 (3) Sip Inka, LLC - 717-719 Street (sic) and
11 718-720 31st Street, Block 171, Lots 13, 14, 33
12 and 34. Resolution was memorialized January 15,
13 2015. Applicants are seeking a one (1) year
14 extension. The first extension was memorialized
15 on February 16, 2017. The second extension was
16 memorialized on July 12, 2018. Applicants are
17 seeking a third extension for one year. **Approved**

18

19 THE SECRETARY: We are going to go to
20 Resolution 2 and 3.

21 And just -- in this -- at the next
22 Resolution, Mr. Bonacci have to abstain --

23 CHAIRMAN BONACCI: Abstain.

24 THE SECRETARY: -- in participating,
25 because you was absent at the previous meeting.

1 CHAIRMAN BONACCI: Um hum.

2 THE SECRETARY: Resolution number 2.

3 310 4th Street, LLC, 308-310 4th Street.

4 Resolution number 3.

5 Sip Inka, LLC, 717-719 Street (sic) and

6 718-720 31st Street.

7 Can I have a motion to --

8 VICE CHAIRMAN GRULLON: Motion.

9 THE SECRETARY: -- to approve this
10 Resolution?

11 Motion by --

12 MS. GUTIERREZ: Second.

13 THE SECRETARY: -- Mr. Grullon.

14 MS. GUTIERREZ: Second.

15 THE SECRETARY: Seconded by Ms. Gutierrez.

16 Roll call on the motion to -- to adopt
17 these Resolutions.

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 One second, please.

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

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1 **ADJOURNMENT:**

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

6 Motion by Mr. Pressey.

7 Seconded by Ms. Gutierrez.

8 All in favor?

9

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

11

12 THE SECRETARY: The ayes have it.

13 Thank you.

14 Have a good night.

15 Let the record show that the meeting has
16 ended and good night, everyone.

17

18 (Whereupon, the proceedings were concluded
19 at 7:55 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, September 12, 2019
10 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon